

ALBANIEN (83)

(21)

{PRIVATE "TYPE=PICT;ALT=Great Seal logo"}

U.S. Department of State

Albania Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

{PRIVATE
le"}

"TYPE=PICT;ALT=Blue

Bar

ru-

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 Law on Major Constitutional Provisions serves in the place of a constitution. (A parliamentary commission is authorized to begin work on a new constitution, but the principal opposition party has been reluctant to join the process.) The Socialist Party (PS) and its allies won 111 out of 155 parliamentary seats in June multiparty elections that observers deemed acceptable and satisfactory under the circumstances. The elections followed a 5-month period of chaos and anarchy in the country. Fatos Nano, the Socialist Party chairman, formed a new Government in July. The judiciary was unable to function for much of the year.

Local police units reporting to the Ministry of the Interior are principally responsible for internal security. The police disappeared from the streets in many cities, especially in the south. Security forces were able to keep some control in Tirana for all except a few days of the unrest, but in the rest of the country they totally lost, and in many places still do not exercise, control and authority.

The Albanian national intelligence service (SHIK) is responsible for both external and domestic intelligence gathering and counterintelligence functions. SHIK'S internal responsibilities in support of law enforcement agencies include gathering information on government corruption and anticonstitutional activities. A public perception arose before and during the violence in February and March that SHIK was firmly under the control of then-President Berisha and that he and the Democratic Party were using SHIK for their own political ends. SHIK personnel, particularly in the south, suffered beatings and harassment and in several cases were brutally murdered. At year's end SHIK was functioning but at an extremely limited level. The new Government plans to restructure the intelligence organization. Police reportedly committed some human rights abuses.

Albanians suffered severely due to the collapse of a number of pyramid schemes in which many citizens placed large sums of money. This precipitated a political and social crisis, since many citizens had sustained themselves on the "interest" payments received from such schemes. The ensuing violence and instability undermined economic growth, reversed improvements in infrastructure, and led to growing inflation and increased unemployment. The agricultural sector employs about 60 percent of the workforce. Remittances from Albanians working abroad and foreign assistance are major sources of income. Considerable income is also believed to derive from numerous criminal activities. Following formation of the new Government in July, efforts to restore order and confidence in the economy led to a modest recovery. The Government has committed itself to meeting the international financial community's demands that pyramid schemes be clearly outlawed and that the remaining pyramid schemes be audited and, if insolvent, liquidated to repay depositors partially. However, measurable results have been slow in coming.

The country's human rights record deteriorated sharply around the time of the state of emergency from March 2 until July 24, reflecting the country's general breakdown of governmental authority and civil society. Depen-

ding on the specific time and the government in power, accusations were made that police, SHIK, and unofficial paramilitary groups committed killings and beatings. Given the breakdown of order, however, there is very little, if any, firm evidence to substantiate these accusations, although the Government acknowledges that police may have killed some persons in custody. However, there were numerous casualties as a result of the chaos and anarchy. According to unofficial estimates over 2,000 persons were killed and many more wounded during the first 6 months of 1997. Moreover, a much lower but continuous level of killings and injuries continued throughout the year. Most deaths were due to accidents, whether from firearms or grenades, as armories were looted. Many intentional deaths, however, resulted from acts of revenge, from traditional blood feuds, or from fighting among rival criminal groups. Some deaths also reportedly resulted from insurgent attacks on the police or SHIK. Poor prison and pretrial detention conditions continued; however, the escape of all prisoners in March enabled the Government to try to rebuild and reconstruct the facilities to meet international standards. Two prisons were repaired and are functioning again. A partial amnesty program attracted some prisoners to return to jail in exchange for reduced sentences.

The judicial system, which was inefficient and subject to corruption and executive pressure in normal times, was undermined by the chaos and unable to function in many places. Many of the courts were vandalized or burned down. Some judges were intimidated by the fact that criminals they had sentenced were freed. There are still numerous complaints about unqualified and unprofessional judges. Members of the opposition say that the Government infringed on their privacy rights. The antigencide (lustration) law -- which could bar potential candidates -- was amended twice, once prior to the June elections, to allow additional groups and individuals to run for office despite their role in the former Communist regime, and again in August, to further lessen its impact.

The Government is working with the Greek government to assure continuing improved conditions for the ethnic Greek minority. The two Governments ratified and put into force a seasonal worker agreement and the Greek Government has increased its bilateral assistance programs.

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 reports of political killings by government officials, but the Government acknowledged that police may have killed some persons in custody.

Numerous casualties resulted from the chaos and anarchy. According to unofficial estimates, over 2,000 persons were killed and many more were wounded during the first 6 months of the year. Moreover, a much lower but continuous level of killings and injuries continued throughout the year. Most deaths were due to accidents, as armories were looted; however, many instances of targeted killings occurred as well. Many intentional deaths resulted from acts of revenge, from traditional blood feuds, or from fighting among rival criminal groups. Some deaths also reportedly resulted from insurgent attacks on the police or SHIK. An estimated 30 or more police were killed and dozens wounded during the worst violence in March and April. In September inside the parliament building socialist party M.P. Gafur Mazreku shot democratic party M.P. Azem Hajdari four times. Hajdari survived and is recovering from the wounds. The two had previously been engaged in a physical altercation over "lack of respect" for each others' opinions.

Authorities arrested former president Ramiz Alia on February 1, 1996, and charged him with the internment and imprisonment in concentration camps of thousands of citizens during the Communist regime. After Alia entered pretrial detention, the prosecutor added other charges: ordering the killing of people who attempted to

leave the country; ordering troops and police to fire on the people who toppled the Hoxha monument in Tirana; ordering the arming of military students who subsequently killed some civilians; and ordering the shootings on April 2, 1991, in Shkodra that left four dead. The investigation was still ongoing at the start of the year. Alia, however, went free along with all the other prisoners in March when all the prisons were abandoned. He was subsequently rumored to have fled to France and to be living there with his son. After apparently living in various European cities with relatives, Alia returned to Albania December 21. On October 20 a Tirana court dismissed charges of genocide and crimes against humanity against Alia. Similar charges against two former Interior Ministers, Simon Stefani and Hekuran Isai, and against former General Prosecutor Qemal Lame, also were dropped.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Law on Fundamental Human Rights and Freedoms stipulates that "no one can be subject to torture, punishment, or cruel and brutal treatment." The Penal Code makes the use of torture a crime punishable by up to 10 years in prison. In sporadic cases police beat journalists, political party representatives, students, and others during the unrest in the first half of the year and after the June elections.

There were sporadic reports that police used physical force against demonstrators in February. During the June election campaign there was considerable praise for the police force's efforts to handle difficult situations in a tense and unstable atmosphere. The police used great restraint many times when demonstrators against the pyramid schemes as well as those in political rallies took to the streets and main squares in great numbers.

The overwhelming majority of police have little or no professional training. In January a training course on human rights and freedoms was conducted for some police in Denmark. Other police training courses ceased when authorities lost control of the security situation. International teams have been assessing the reconstituted police force's needs and plan training and other assistance efforts. In July the Western European Union (WEU) organized a seminar for members of the public order police and later extended its mandate to assist police development and reorganization.

The Interior Ministry opened an office in 1996 to deal with citizens' complaints and questions about police behavior and the office continued operating in 1997. Ministry officials have met since August with representatives from the Albanian Center for the Documentation of Human Rights to coordinate on a curriculum for seminars to train police officers in fundamental human rights principles and for correct behavior with the public. The Center published a book on human rights to help educate police supervisors, and the WEU is producing elementary level leaflets on human rights for use by rank and file police officers.

The Interior Ministry has an Internal Affairs Office to monitor police performance and to uncover corruption. Accusations of corruption among public officials have been raised during each of the three governments.

At the beginning of the year 1,209 persons were imprisoned, but they were all released by armed groups that stormed the prisons in mid-March during the worst of the chaos. All of the prisons were either severely damaged or totally destroyed. As of September there were 310 inmates. A total of 5 women of the 35 previously in custody were back in jail; no minors were held. Some 80 prisoners, mostly those convicted of lesser crimes, returned voluntarily when then-President Berisha in April offered to reduce their sentences by one-third under an amnesty law. The Nano Government extended this amnesty offer until January 15, 1998. The remainder of those in prison were arrested after the original amnesty offer expired in April. President Berisha pardoned

other prisoners in March, if they had less than 2 years to serve, and also pardoned Socialist Party Chairman and current Prime Minister Fatos Nano on March 14.

Past prison conditions failed to meet minimum international standards, but with the total destruction or serious damage to all seven prison facilities when demonstrators attacked them from March 13 to March 15, the Government is rebuilding facilities to meet those standards. The destruction negated all improvements made in 1996. By September only two jails were functioning in Tirana and one in Lushnja, where reconstruction is well underway or complete. Other facilities under reconstruction were expected to be ready by year's end. Authorities plan to open two new prisons in Lezha and Vaqarri in early 1998. The prison at Vaqarri is to include a vocational training school. The European Union is providing much of the funding for these projects.

Women currently have their own prison with dormitory sleeping facilities and an open-air community atmosphere. Some training and education classes are available. Plans include a separate prison for minors at the new Lezha facility, where violent prisoners will be kept separate from those sentenced for lesser offenses.

Family members may visit prisoners four times per month after sentencing, but only twice a month when in detention, with an opportunity for additional visits with the consent of the prosecutor's office. Personnel from nongovernmental organizations (NGO's) as well as journalists can obtain unlimited visitation rights, but must first secure permission from the General Director of Prisons. Some NGO's complained at the start of the year that they could not get permission to visit detainees. The International Committee of the Red Cross started negotiating with the Nano Government in August for an agreement on visiting detention centers. The Red Cross signed agreements in October with the Ministers of Interior and Justice for visitation rights to see detainees in accordance with its standards. The visits took place without problems.

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 be immediately informed both of the charges against them and of their rights. If detained by the police, a prosecutor must be notified immediately. Within 48 hours from the arrest or detention a court must decide, in the presence of the prosecutor, of the suspect, and of the suspect's lawyer, as to the security measures to be taken. 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 the accused may not appear for the hearing. Alternatively, a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe the accused may leave the country or is a danger to society.

The Penal Procedures Code requires completing 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.

Pretrial detention conditions remained deficient at the start of the year, but the Government has begun building or renovating structures to address those needs. Plans for one building in Tirana under renovation envision a capacity for 334 detainees.

The government does not employ exile as a form of punishment or political control.

e. Denial of Fair Public Trial

The Law on Major Constitutional Provisions provides for an independent judiciary, but with the breakdown of society, the judiciary was unable to function in many places as courts were burned and some judges fled their posts. Fifteen out of 36 district courts were totally destroyed along with an unknown amount of records, papers, and other legal materials. A few courts continued to operate to some extent, although they were inhibited by the chaos, the inability of police to enforce court decisions, and the lack of prisons. Some cases were sent to Tirana courts for adjudication. By year's end all courts had reopened.

The judiciary was previously hampered by political pressures, insufficient resources, inexperience, patronage, and corruption. Numerous complaints remained about unqualified and unprofessional judges, but the government is seeking to improve and professionalize the judiciary. The Justice Ministry's administrative role in the judicial budget process potentially constrains the judiciary's independence.

The judicial system comprises district courts, six courts of appeal, and the Court of Cassation. Each of these courts is divided into three jurisdictions: criminal, civil, and military. The Court of Cassation hears appeals from the court of appeals, while the separate Constitutional Court reviews those cases requiring interpretation of constitutional legislation or acts.

The President heads the High Council of Justice which appoints and dismisses all other judges. The Council's membership was increased from 9 to 13 in 1997. In addition to the President, the Justice Minister, head of the Cassation Court, and the Prosecutor General, the Council now consists of three judges, chosen by other judges, two prosecutors, selected by other prosecutors, and four independent, well-known, and respected lawyers whom parliament names. The new composition of the Council gives the judicial branch significantly more independence from the executive than in the past.

According to its internal statute, the High Council of Justice has broad powers to fire, demote, transfer, or otherwise discipline district and appeals court judges for incompetence, commission of a serious crime, or for questionable morality. Judges were previously not called before the Council to testify in their own behalf, but in the past there have been no cases in which dismissed judges have complained either through the press or directly to the courts. Some administrative staff from the Cassation Court who were removed did complain and were later reinstated. After it started meeting again in September, the High Council of Justice dismissed three judges and relocated a number of others as disciplinary measures. The three removed from the bench appeared before the Council during the proceedings against them. In December Parliament passed a law "On the Organization of Justice," which gives judges the right to appeal their dismissals to the Cassation Court, and the President signed the new law in January 1998.

Parliament has the authority to approve and dismiss the 9 judges of the Constitutional Court and the 11 members of the Court of Cassation. These judges may be dismissed only for mental incompetence or conviction of a serious crime. Constitutional Court justices serve maximum 9-year terms, rotating in three new justices every 3 years. Cassation Court judges are elected for 7 years.

Criticism continues about the appointment of judges who only completed a 6-month training course. The long-awaited magistrates' school, a government-subsidized and European-funded institution aimed at assuring the professional training of judges and prosecutors, began classes in mid-October with 20 students, who were selected competitively from 150 applicants. The school is expected to address the inadequate educational preparation of judges and help increase the level of professionalism among those who sit on the bench. Once in full operation, the training program will include mandatory initial training of candidates for the magistrature as well as a program of continuing education.

Parliament appoints prosecutors on the recommendation of the President, and they also serve at the pleasure of the High Council of Justice, except for the prosecutor general and deputy prosecutor general, who serve for 7

years and can only be removed for mental incompetence or after being found guilty of a crime. After a new prosecutor general was appointed on August 14 and the Council was reorganized, it fired the prosecutor from the Elbasani district for violating procedures and for releasing violent criminals after the police arrested them. These criminals subsequently killed one and wounded two others in a shoot-out in Elbasani's main square. Some prosecutors and judges resigned after the Socialist Party's victory in June and the change of government in July.

Parliament approves the courts' budget and allocates to each a set amount at the start of the year. Each court then determines how to spend the money. The Justice Ministry provides and approves administrative and support personnel, but the Ministry stresses that it has no involvement with judicial budget decisions. The courts, however, have continued to argue that this administrative role can be used to constrain the judiciary's independence.

The efforts of the Council of Europe and NGO's to work with the Government to print and distribute the penal codes and laws throughout the country were undermined by the unrest and damage to the courts early in the year. Most foreign consultants and advisors were evacuated in mid-March and were slow to return, although some offices remained open with local staff. With the destruction of many courts and public buildings and records in towns around the country, it will take a long time to resume functioning fully.

At year's end, all courts were in session, but few cases came before them due to lack of investigation by local prosecutors' offices. The prosecutors are hampered, in turn, by the failure of police to provide sufficient facts and evidence for the prosecutors to take the cases to court.

The Law on Fundamental Human Rights and Freedoms provides for the right to a fair and speedy trial. It also mandates public trials, except in cases where the interests of public order, morality, national security, the private lives of the parties involved, or justice require restrictions. If convicted, the accused has the right to appeal the decision within 5 days to the court of appeals and again to the Court of Cassation, which renders the final verdict. The law does not specify any time period within which the court of appeals or the Court of Cassation must hear appeals.

There were no reports of political prisoners.

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. Parties opposed to then-President Berisha and the Democratic Party, particularly at the beginning of the year, made a number of allegations of government-sanctioned tampering with correspondence, wiretapping, or interference with telephone service. Although such complaints are less prominent about the Nano Government, which only came into office in July, members of the present opposition believe that the same type of invasion of privacy is occurring targeted against them.

Parliament twice revised the anti-genocide and lustration laws, narrowing the list of those required to undergo scrutiny for past crimes under the Hoxha and Alia Communist regimes, which could render them ineligible to run for public office until 2002. No candidates were banned, after appeals, from running in the June parliamentary elections, even though some were not decided until the last minute, and ballots had to be revised at that point.

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. Although journalists complain about lack of freedom of the press, they are free to write, uncensored and unverified, virtually anything they wish. There was a period of a month and a half under the state of emergency when no newspapers except the Democratic Party paper were published and another period before the elections in June when, especially in the south, the democrats had difficulties distributing their newspaper. Each party during the time it has been in opposition complained about their lack of exposure on the state-run electronic media, but there was no censorship of content.

In September Parliament passed a well-received law that provided for broad press freedom. However, the law is extremely vague and had not yet been implemented by year's end.

During the unrest and the June election campaign, journalists complained of the difficulties in reporting stories (such as having cameras and equipment stolen and being attacked by criminal gangs), and political parties raised the problems and dangers of campaigning and distributing respective party newspapers in different parts of the country.

Little sense of journalistic responsibility or professional integrity exists. Sensationalism is frequently the norm in the print media. Many criticisms, accusations, and fabrications are still printed in the party-oriented newspapers without substantiation, but also without reprisal.

The press remains willing and able to criticize whichever government is in power and continued to do so during the three governments in 1997. The notable exception was in the first 6 weeks of the state of emergency when the government imposed censorship. No newspapers appeared for a month and a half except the Democratic Party paper Rilindja Demokratike. Access to newspapers in different parts of the country was limited, even after the immediate crisis, as carriers were threatened and the national roads blocked by well-armed groups.

Political parties, independent trade unions, and various societies and groups publish their own newspapers, some of which have only limited appeal and distribution. Dependence on outside sources for revenues may lead to pressures which limit the independence of reporting. Taxes on publications, in addition to rising printing costs, make it difficult for independent media to be economically viable without subsidies or loans from their patrons, e.g., political parties, social organizations, or private businesses. Journalists accused former President Berisha and the Meksi government of using excessive taxation as a deliberate means to cripple the independent and opposition press. The Nano Government had by September also refused to lower taxes, and journalists are concerned that taxes will go up even more as the new administration continues to pursue all potential revenue sources to offset the government's deficit. In November newspapers went on strike for lower taxes and other government subsidies, and the Government promised to meet many of their demands.

However, at any one time an estimated 200 different publications are available, including daily and weekly papers, magazines, newsletters, and pamphlets. Three Greek minority newspapers are published in southern Albania.

Koha Jone, a mildly sensationalist, independent daily newspaper with the largest circulation, took a strong anti-Berisha/Democratic Party line early in the year. Koha Jone and other then-opposition papers accused the Meksi government and Berisha of systematic harassment. The Koha Jone office was ransacked and burned by unknown persons in the early morning of March 3, the first night of the state of emergency. Pro-Democratic Party forces were widely assumed to be responsible, but Koha Jone never produced any evidence to support this theory. Koha Jone's editor left the paper in May and started his own new newspaper, The Independent, continuing his previous editorial approach. The Independent has since ceased publication, and its former editor is now the Prime Minister's press spokesperson.

Journalists seem uncertain about their relations with the Nano Government, but some reporters think the Government is exercising indirect pressure on the press by appointing a number of journalists to government jobs. Owner and director of Koha Jone, Nikoll Lesi, an independent Member of Parliament and a member of the Media Commission, complained in September about the higher taxes and higher costs of running a newspaper in a Koha Jone article.

Reporters regularly claim harassment from police and threats from unknown individuals, and particularly during the first half of the year, a number of beating and harassment incidents occurred involving journalists from both sides of the political spectrum.

State-run radio and television provide the bulk of domestic programming, and the Nano Government has increased the number of members of the State Executive Committee of Radio and Television. The stated intention of this expansion is to help redress imbalance and political bias as well as access to the media. The Democratic Party, now in opposition, complained about a lack of equal access, just as the Socialists had previously complained when the Democratic Party was in power. In August former parliamentary speaker PJETER Arbnori started a hunger strike to emphasize the need for equal access. His hunger strike lasted 20 days until a compromise between the Democratic Party and the Socialist Party was reached on the media law providing for equitable access for all the parties.

Most municipalities offer international programs received via satellite. Home satellite dishes abound and most citizens, even in remote villages, have access to international broadcasts. In May Parliament passed a law authorizing private commercial broadcasting licenses that is expected to take effect in 1998. The law is liberal as far as ease in obtaining a license, but apparently is unsatisfactory to some because it may limit the number of licenses available. The Government plans to control the procedures through the establishment of a National Committee.

There are 12 unlicensed private television stations and 10 private radio stations. The number keeps increasing. These stations are currently unregulated. There is no official state foreign language broadcasting. Widely received and listened to are stations from Italy, Greece, and the Former Yugoslav Republic of Macedonia. The Voice of America (VOA) and the BBC are also popular. As of September, the VOA is broadcast on the FM band from a private radio station in Vlora.

University professors continue to complain about the lack of academic freedom. Their complaints include firings and hirings for political reasons and the admission of unqualified students as political favors. Universities were closed during the state of emergency and students were able to finish only part of their spring term. A new fall semester started on October 15. The Government apparently does not plan to extend the Meksi government's decision in 1996 to prohibit foreigners who were not the part of a university-to-university agreement from teaching in the country's universities. During the fall semester, a number of professors and department heads, as well as all university rectors were removed from their posts. The Nano Government stated that these employment changes were designed to remove unqualified and incompetent professors, but those dismissed insist that the firings were undertaken for political reasons.

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, rally organizers must notify police authorities 3 days in advance about the location, time, number of participants, and other details. The chief of police must issue his decision, with explanations for any refusal, no later than 24 hours before the event. The police may refuse the permit in cases when the rally may violate human rights and freedoms; traffic obstruction may be a

problem; there is sufficient evidence that violent or criminal acts may occur; if another rally is planned for the same time; or if a rally would interfere with a national event, e.g., a presidential speech. No advance official permission is now required for meetings held in closed non-public places. The police no longer have the authority to pre-approve speech or slogan content. There were a large number of demonstrations in 1997, both to protest the country's situation and for the election campaigns. Most gatherings went on unauthorized and unchallenged, although police, mainly in Tirana, did try to assert control. A few demonstrations turned violent, with shootings and injuries, but it was unclear in all cases who was responsible.

In early March, the Meksi government banned public gatherings of more than four people and imposed a curfew. The curfew and limit on public gatherings were part of the state of emergency, which the new Parliament lifted July 23 during its first session.

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

The Law on Fundamental Human Rights and Freedoms provides that "freedom of thought, conscience, and religion may not be violated." Citizens may freely change their religion or beliefs and may manifest them alone or in community with others, in public or in private life, and in worship, teaching, practice, and observance. The Government respects these provisions in practice. There is no law to control either violation of religious rights or so-called religious groups which may violate or abuse the rights of others.

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 there is a strong identification 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 Ba'hai 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 Ba'hai organizations. No religious missionaries have suffered any acts of violence or been arrested because they are missionaries.

The government has not yet returned all lands and religious objects under its control that were confiscated under the Communist regime. Some warehouses in which church groups stored food and other basic commodities were seriously damaged and looted during the unrest. Each religion is slowly recovering old properties, but in cases where the sites or buildings were "cultural monuments protected by the state," the transfer of ownership continues to be problematic and slow. All major religious groups continue to complain of this slow pace of property return.

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

There are no restrictions on freedom of movement within the country.

During the period of unrest, citizens either individually or in small groups were not prevented from traveling to Tirana. Rebels in the south set up roadblocks, and people had trouble traveling in that region. The police set up roadblocks around Tirana when rumors indicated that a group was coming from the south to cause trouble in the capital; the group never appeared.

There are generally no restrictions on entry and exit from the country.

Albanian-born citizens abroad are eligible to apply for dual citizenship. With the collapse of the pyramid schemes and the ensuing disorder, an unknown number of Albanians fled to Greece, Italy, and other western countries, with most entering those countries illegally. There are estimates that over 15,000 fled to Italy alone.

Albanians who fled the country during the Communist dictatorship are welcomed back with citizenship restored and without adverse consequences, as are all Albanians who left at any time after the Communist regime fell.

The Government has no formal refugee policy. Transit of refugees without visas is problematic, and organized criminal gangs have turned illegal refugee smuggling, including transporting Albanians illegally into neighboring countries, into a lucrative business. In some cases criminals have taken advantage of the illegals' plight by telling them that they were going to Italy, collecting their money (up to \$500 to 1,000 per head) up front, sailing up the coast to Durres, dropping them off, and returning to Vlora. The most numerous refugees are Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia on their way to Western Europe, usually through the port at Vlora on their way to Italy.

The United Nations High Commissioner for Refugees (UNHCR), in conjunction with the Albanian Red Cross, runs a "care and maintenance" program for those persons whom they consider "vulnerable"--those who arrive and cannot return where they came from, or have failed in their attempts to continue further. The UNHCR office in Tirana assesses refugees and, for those whom they believe should not be returned to the home country, approves grants of money, shelter, and food. The UNHCR also attempts to reunite families whenever possible, mostly in the case of refugees from Kosovo. However, most of the illegal refugees do not come to the UNHCR offices for assistance. Nationalities taking advantage of the UNHCR facilities include Kosovars, Macedonians, Iraqis, Syrians, and Algerians. Chinese, Pakistanis, Sri Lankans, Iraqi Kurds, and Turks tend to avoid the UNHCR. The UNHCR also runs a public information program on radio and television to try to discourage Albanians from going abroad illegally, coordinates with the Albanian office for refugees in the Interior Ministry, and works with the Labor Ministry to promote repatriation of Albanians internally displaced during the crisis. During 1997, people came and went during the unrest; about 30 refugees were under unhcr care at any one time. The Government did not forcibly expel anyone who had a valid claim to refugee status.

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

The Law on Major Constitutional Provisions states that citizens have the right to change their government "by free, general, equal, direct, and secret ballot," and in June citizens elected a government in what international observers considered to be a satisfactory process, given the preceding months of chaos and anarchy.

In January and February, citizens who lost their savings in failed pyramid schemes took to the streets in protest, demanding that the government compensate them for their losses. Opposition parties, seizing the opportunity that this economic calamity presented, expanded the demands and called for the resignation of the government of Prime Minister Aleksander Meksi and President Sali Berisha, blaming them for the crisis. The demonstrations increased in size and frequency and on February 9 the first death, blamed on a local policeman, occurred in Vlora, prompting a massive funeral procession there February 11 and a subsequent student hunger strike at the university in Vlora. These events, in turn, sparked even more protests. Then-Prime Minister Meksi

and his ministers resigned under pressure March 1. The Parliament declared a state of emergency March 2 and passed legislation designed to deal with the mounting civil disturbances. The next day parliament reelected Sali Berisha President for a second 5-year term. An interim National Reconciliation Government was formed on March 9 following multiparty negotiations, with a limited mandate to restore order and prepare for new parliamentary elections.

Berisha appointed a new prime minister, Bashkim Fino, with the consensus of 10 leading political parties. The same consensus process was used to agree on the naming of the cabinet and in filling some other government positions. Ministers in the new government came from all 10 of these parties. In addition, the Democrats and other right of center parties, along with the newly created left of center Forum for Democracy (a temporary alliance of opposition parties led by former Communist-era political prisoners opposed to Berisha), met in a series of roundtable sessions, signed a number of agreements, and moved toward the ultimate goal of new parliamentary elections. During the period of public disorder, which developed into general anarchy and reached its high point in mid-March throughout the country, the political forces were able to find ways, often only after a series of political debates on a subject, to cope with the situation. The international community, working both bilaterally and multilaterally through the chairman in office of the Organization for Security and Cooperation in Europe's personal representative Dr. Franz Vranitzky, helped the various political forces develop the cooperation and compromises needed to conduct the new parliamentary elections on June 29 and to see their results put into effect.

A number of serious difficulties were encountered and eventually overcome throughout the process, including agreement on a new election law. As in the period preceding past elections, this law determined whether the Parliament would be elected on a majoritarian or proportional basis or, as worked out, on the basis of some compromise between the two. The law also changed the number of deputies to be elected from 140 to 155. The Democratic Party complained about problems campaigning in the south and there were some incidents of violence directed against their candidates and party officials. Other parties' candidates and leaders suffered in isolated incidents as well. Media access was monitored domestically and internationally and was deemed fairly equitable.

A simultaneous referendum on the type of government--parliamentary republic or a monarchy--took place on June 29 as well. The monarchy lost, but monarchists led by claimant to the throne Leka Zogu protested that the Socialists fixed the vote count. One person was killed and four were injured on July 3 when a pro-monarchist demonstration turned violent.

International and domestic observers mounted an intensive monitoring effort covering almost the entire country. They judged the elections to be satisfactory, adequate, and acceptable under the circumstances. There were isolated incidents of violence and some reports of fraud and manipulation, but observers determined these did not significantly affect the final outcome. Voter turnout was 60 to 65 percent. Discrepancies in a few districts were serious enough to require the Government to rerun the parliamentary elections in these areas, and in a couple of more remote regions elections were delayed because not all the materials were delivered in time. The Democrats, who protested that they were not able to campaign freely in the south, initially called for a repeat of the elections in that half of the country. They later accepted the results and their role as an opposition party, but delayed their entry into Parliament and have continued to call the new Parliament a "Kalashnikov Parliament."

The Albanian Helsinki Committee (AHC), International Helsinki Federation, Human Rights Watch/Helsinki, and the Norwegian Helsinki Committee issued a joint public statement declaring that "considering the conditions surrounding the elections," they judged them "in general, as free and fair."

The Socialist Party won 100 seats out of 155 in the Parliament, with another 11 seats going to its allied parties. President Sali Berisha resigned July 23. The new Parliament elected PS Secretary General Rexhep Meidani as president on July 24. PS Chairman Fatos Nano became the new Prime Minister on July 27.

In 1992 Parliament amended the old law on political parties; the amendment prohibits formation of any party or organization with an antinational, chauvinistic, racist, totalitarian, fascist, Stalinist, Enverist or Communist, and/or Marxist-Leninist character, or any political party with an ethnic or religious basis.

The Unity for Human Rights Party, founded by ethnic Greeks, but representing several ethnic minorities, is most popular in the south where the majority of the Greek minority resides. The courts approved in April the organization of one new political party, the Movement for Democracy Party (LPD) which was created by disaffected Democratic Party members. Courts did not approve an application by an "immigration party," citing lack of documentation.

While there are no legal impediments to their participation, women are still underrepresented in politics and government. The major political parties have women's organizations and there are a few women on the parties' leadership committees. As a result of the 1997 elections, there are 10 female M.P.'s, one of whom is deputy speaker of the Parliament. In the Nano Government one minister of state, one minister, and two deputy ministers are women.

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

The Government generally permitted various human rights and related organizations to function freely, although all were severely limited during the first half of the year when it was too dangerous to travel in many parts of the country. The Albanian Helsinki Committee (AHC) played an active role in monitoring the crisis situation and elections. The AHC focuses on the status of minorities, rule of law issues, and the importance of a new constitution. It is still pressing for a new law on the organization of SHIK. Several local NGO's focus on the rights of women and children. The Albanian Human Rights Documentation Center continues to actively prepare human rights educational materials for use in elementary and secondary schools, as well as to train police. Like all local NGO's, the Center's work is hampered by a lack of sufficient funding and equipment. The Society for Democratic Culture works with civic education, monitoring elections, and women's issues.

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, but women and some minority groups complain that, in practice, discrimination continues.

Women

Violence against women and spousal abuse still occur in this traditional male-dominated society, but the breakdown in police controls, coupled with the low level of concern that police showed in such cases in the past, means that most abuse goes unreported. No government-sponsored program protects the rights of women, but one small shelter for abused women is found in Tirana. The shelter consists of a small room that can hold only one or two women for a limited time. The NGO that operates the shelter maintains a hot-line that women and girls can call for advice and counseling. Over 1,500 calls were received since October.

Many men, especially those from the north, still follow the old traditions, known as the kanun, in which the women are considered chattel and treated as such. The concept of marital rape is still foreign to many and is not considered a crime. In 1996 1,901 cases of divorce were recorded in the courts; in the first half of 1997,

Vlachs, who speak Romanian as well as Albanian, or against the Cams, non-Orthodox ethnic Greeks. Both groups live mainly in the south. Roma are also present.

Relations between Albania and Greece continued to improve and in 1997 the two Governments brought into force the 1996 agreement on Albanian seasonal workers in Greece. The government in 1996 opened three new first-year classes in Greek in the southern cities of Saranda, Gjirokastra, and Delvina when the school year started. Classes for the Greek minority are held in villages throughout those districts and two villages in the Permeti district as well. Classes are also available for the Macedonian minority in villages in the districts of Pogradeci and Devolli bordering the FYROM. These classes also ceased when Albania's schools were closed under the state of emergency, but resumed in September.

Schools throughout the country suffered severe damage and looting during the unrest, and the Education Ministry plans new programs and texts (provided free of charge to the Government from Greece and the Former Yugoslav Republic of Macedonia (FYROM) and teacher training (mainly in Greece and the FYROM) for minority education classes. The Greek and FYROM Governments provide texts in their national language for use in these classes. Without their contributions, the minority-language classes would probably be conducted entirely in Albanian using Albanian texts, defeating the purpose of minority-language education. These classes are generally conducted one-third of the time in Albanian. The Government introduced classes in Greek in high schools in areas inhabited by ethnic Greeks. There is a shortage of minority teachers. Many fled during the disturbances, and Education Ministry officials believe that many of these teachers prefer to stay in Greece or the FYROM due to the better wages and work conditions there.

The Education Ministry, in cooperation with the Soros Foundation, plans to build four new schools for minorities and to reconstruct some others.

Section 6 Worker Rights

a. The Right of Association

Workers obtained the right to establish independent trade unions in 1990. The 1993 Labor Code calls for protecting workers' rights through collective bargaining agreements. The Independent Confederation of Trade Unions of Albania (BSPSH), with an estimated 280,000 members, acts as an umbrella organization. A separate Confederation of Trade Unions (KS) also represents a separate group of other unions (i.e., some workers in the school, food, petroleum, postal and telecommunications, and railroad sectors), and estimates its membership at 130,000 to 150,000. A few independent unions are not affiliated with either federation. None of the unions claim any political party affiliation. The private sector normally employs more than 800,000 workers, mostly in agriculture, small shops, enterprises, and restaurants, but very few have formed unions to represent themselves. The BSPSH and KS are attempting to get more accurate numbers on the private sector employment and determine how jointly to strengthen worker rights in all sectors. For example, in September, health workers in both unions signed an agreement to work together on issues and not to act as strike breakers against each other. The government gives the unions no financial assistance.

According to the Law on Major Constitutional Provisions and other legislation, all workers, except members of uniformed military forces, the police, and some court authorities, have the right to strike. The law forbids strikes that are openly declared to be political, or so judged by the courts.

Miners in the south and some employees at the Port of Durres went on strike demanding higher salaries for a couple of days after the 20 percent value added tax went into effect October 1. There were no incidents during the strikes.

even with the unrest, there were 1,116 cases. Women and girls continue to be lured into prostitution rings, especially in Greece and Italy.

Women are not excluded, either by law or practice, from any occupations, but neither do they typically rise to the top of their fields. The Labor Code mandates equal pay for equal work; however, no data are available on how well this is implemented in practice. Women have suffered more from unemployment and discrimination in seeking jobs. Although women enjoy equal access to higher education, they are not accorded full, equal opportunity and treatment with men in their careers. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with Albanian men to Greece and Italy to seek employment.

A number of NGO's are devoted to women's issues. However, seminars, training courses, and counseling for women were on hold during the period of unrest. Groups are now attempting to restart or restructure previous programs. International foundations and NGO's give much-needed financial support to women's NGO's.

Children

The Government's commitment to children's rights and welfare is based on domestic law and international agreements. School attendance is mandatory through the eighth grade (or age 18, whichever comes first). Schools were closed during the state of emergency and reopened in some areas only at the end of April. All schools opened in September, although many suffered from either total destruction or severe damage and looting estimated at \$35 million (5.25 billion Lek).

There was also a problem with squatters in some school buildings as police were unable to remove them, but the squatters left when pupils came back to school.

Child abuse is a little-reported problem, but authorities and NGO's believe it exists. According to numerous reports, organized criminal elements kidnap children, especially young girls, and send them to Italy and elsewhere to work as beggars and prostitutes. Romani children particularly are used as beggars, in full view of the police, who take no action either for the children or against the adults who use them. Child Hope, an NGO funded by the European Union, operates a center for street children.

People With Disabilities

Widespread poverty and poor medical care account for a large number of disabled persons. The disabled are eligible for various forms of public assistance, but budgetary constraints limit the amount received. The public care section of the Ministry of Labor, Social Affairs, and Women organized social service administrators throughout the country whose goal is to improve the quality of services to disabled persons and promote their social integration. With the three changes in government during the year, there were no new measures to address the problems of the handicapped. No law mandates accessibility to public buildings for people with disabilities and little has been done on their behalf.

National/Racial/Ethnic Minorities

There are two main minority populations, ethnic Greeks and Macedonians. 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 fled the country during the extensive rioting and unrest in the first half of the year. A few thousand ethnic Macedonians remain as do a small group of ethnic Montenegrins and ethnic Serbs in the north. No discrimination was reported against the

Labor's major problem is rapidly increasing unemployment, a critical problem made worse with the number of enterprises damaged or destroyed during the rioting and chaos in the first half of the year. Union officers estimate that overall unemployment is about 35 percent, with figures reaching as high as 60 to 70 percent in more remote regions. Current retirement pensions in the villages are around \$7 (1,050 Lek) per month and approximately \$20 (3,000 Lek) per month in the cities. The average family may spend \$20-25 (3,000 to 3,750 Lek) per month on bread, which remains the diet staple.

Labor federations are free to maintain ties with international organizations and have worked to increase those ties to get assistance in any form they can. Union officials cited the recovery of workers' money lost in the pyramid scheme collapse as their first priority, along with reestablishment of public order and safety. Unions hoped to meet with Prime Minister Nano and other appropriate government officials to discuss training, employment, rebuilding the industrial sector, salaries, pensions, and other relevant issues. At year's end, the Nano Government had made no comment and taken no actions regarding workers or the unemployed. President Meidani's office sent the BSPSH a questionnaire to fill out and union officials hope to meet with the President after they send it in early in 1998.

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, but unions complain that government officials from none of the three governments in power during the year were willing to sit down with them to discuss outstanding issues. Privatization expanded to include many sectors in 1996, but slowed considerably in 1997 with the year's economic and political instability. The privatization ministry never effectively functioned during the second Meksi government, was disbanded under the national reconciliation government, and was then resuscitated in August under the title of Ministry of Public Economy and Privatization.

Salaries in the state sector are based on a prepared wage scale. Pensions are regulated under a 1993 law on social security, which union officials would like to see amended and updated. There is no official record of salaries in the private sector, but it is widely believed that they are much higher than state sector wages.

In 1996 the BSPSH agreed with the Meksi government to index workers' salaries to inflation every 6 months, starting in January. None of the country's three governments honored this agreement. Union officials say that Prime Minister Nano stated that he expected inflation to hit 50 percent by the end of the year, but nothing in his new government's program dealt with how workers might be compensated for or protected from such increases in inflation.

Parliament passed a law in 1996 establishing free trade zones between Tirana and Durrës and elsewhere. The plan is for the areas to become export processing zones, but the zones still do not function due to the lack of implementing regulations.

c. Prohibition of Forced or Compulsory Labor

The Law on Major Constitutional Provisions and the Labor Code prohibit forced labor, including that performed by children, and there were no cases reported.

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, but children ages 14 to 16 may work in part-time menial jobs during summer vacations.

The Labor Ministry may enforce the minimum age requirement through the courts. In rural areas, children continue to be called on to assist families in farm work. The law prohibits forced or bonded labor involving children, and there is no evidence that it occurs. In Tirana a number of children wander the streets selling cigarettes and chocolates.

e. Acceptable Conditions of Work

The minimum wage for all workers over age 16 is approximately \$30 per month (4,400 Lek), a decline from 1996 due to nearly 50 percent depreciation of the Lek. This is not sufficient to maintain a decent standard of living, especially for workers with a family. In the past, workers tried to find second or part-time jobs to supplement their incomes, or relied on remittances from family members residing abroad or proceeds from the pyramid schemes. Such jobs have become more difficult to find, and unemployment is growing. The law provides for social assistance (income support) and unemployment compensation; however, this is extremely limited, both in the numbers of unemployed who receive such aid and in the amounts that they receive. The average monthly wage for workers in the public sector is approximately \$58 (8,638 Lek), significantly lower than the 1996 average of approximately \$100, again due to the drop in the Lek's value. No data are available for private sector wages, but the average wage is still assumed to be considerably higher than in the public sector.

Working hours are determined by collective and individual bargaining contracts, but the legal maximum limit is 48 hours per week. Many workers normally work 6 days a week; the Council of Ministers must approve exceptions. The Labor Ministry enforces this law whenever possible.

The government sets occupational health and safety standards but has limited funds to make improvements in the remaining state-owned industries, and health and safety are generally very poor. The unions are attempting to include health protection and safety standards in collective bargaining contracts, but even if they successfully negotiate terms, implementation is difficult. The Labor Code spells out obligations of employers and their employees regarding workplace safety. The law, however, does not provide specific protection to workers who choose to leave the workplace for fear of hazardous conditions.

[end of document]

{PRIVATE "TYPE=PICT;ALT=Blue Bar ru-
le"}

{PRIVATE "TYPE=PICT;ALT=Great Seal logo"}

Return to 1997 Human Rights Practices report home page.
Return to DOSFAN home page.

This is an official U.S. Government source for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.