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Albania

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Albania is a republic with a multiparty parliament, a Prime Minister, Ilir Meta, and a President, Rexhep Meidani, elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party (SP) and its allies won 121 of 155 parliamentary seats in 1997 general elections held after a 5-month period of chaos and anarchy due to the collapse of pyramid schemes. Observers deemed the elections to be acceptable and satisfactory under the circumstances. Local elections were held in October and, despite some procedural shortcomings and some irregularities, were conducted in a tense but generally peaceful atmosphere and were judged by the Organization for Security and Cooperation in Europe (OSCE) to have showed "significant progress" toward meeting international standards. The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, inexperienced and untrained personnel, and widespread corruption weaken the judiciary's ability to function independently and efficiently.

Local police units that report to the Minister of Public Order are responsible principally for internal security. One of the most serious problems involving public order and internal security is the fact that the police officers largely are untrained and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behavior and corruption remained a major impediment to the development of an effective, civilian police force. The Ministry also has a small force of well-trained and effective police officers organized into special forces units to combat organized crime. The Government further consolidated public order throughout the country during the year, building on the progress that had been made in the previous year; however, serious problems remain in the area of policing. The police are affected by, and are sometimes part of, the country's widespread corruption. The National Intelligence Service (SHIK) is responsible for both internal and external intelligence gathering and counterintelligence. The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit; this was done as a precautionary measure during the October local elections. The police committed human rights abuses.

Albania is a poor country in transition from central economic planning to a free market system, and many questions related to privatization, property ownership claims, and the appropriate regulation of business remain unresolved. More than 20 percent of the rural population lives under the official poverty line; in urban areas the figure is 11 percent. Overall, 17 percent of the country's population lives below the official poverty line. The country continued to experience slow but stable economic progress. Inflation was negligible during the year. The gross domestic product (GDP) grew by about 7 percent to an estimated \$3.8 billion (532 billion lek). The official unemployment rate was 17.5 percent, a slight decrease from the 18 percent of the previous year. 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 is thought to be derived from various organized and semiorganized criminal activities. A variety of other unreported, noncriminal gray and black market 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 generally respected the human rights of its citizens in some areas; however, numerous, serious problems remained. The opposition Democratic Party (DP) alleged that the Government was responsible for the killing of one of its members during the year. Police killed a DP demonstrator when a crowd of DP members attacked the police station and other public buildings in Tropoja. The police beat and otherwise abused suspects and prisoners. The DP often credibly 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 police at times arbitrarily arrested and detained persons, and prolonged pretrial detention is a problem. The judiciary is inefficient, and subject to corruption. Executive pressure on the judiciary remains, but decreased slightly. There were complaints of unqualified and unprofessional judges and credible accounts of judges who were intimidated or bribed by powerful criminals. The Government occasionally infringed on citizens' privacy rights. Government respect for freedom of speech and of the press improved slightly; however, police at times beat and detained journalists, and academic freedom was constrained. Violence and discrimination against women and child abuse were serious problems. The Government took some steps to improve the treatment of ethnic minorities; however, societal discrimination against religious and ethnic minorities, particularly against Roma, persisted. Child labor was a problem. Vigilante action, mostly related to traditional blood feuds, resulted in many killings. Trafficking in women and children was a serious 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 DP that its members were harassed, beaten, and sometimes killed by government agents.

In May a DP activist in Vlore was killed by unidentified persons immediately following a party rally. The DP claimed that government agents were responsible; however, the Government claimed it was a revenge killing by criminals. The Albanian Helsinki Committee expressed concern over the killing and appealed to government authorities to make all efforts to solve the case. There were no reports concerning a governmental response in this case.

In November police killed a DP demonstrator when a crowd of DP members attacked the police station, courthouse, and other public buildings in Tropoja.

The public prosecutor in Gjoakastra investigated the cases of Kastriot Brega and Bardhyul Balliu, who died while in police custody and found insufficient evidence to justify prosecuting the officers involved. In 1999 the DP claimed that over 21 members, supporters, local government officials, and former national party officials were killed during 1997-99. The DP claimed that at least three of its members were killed during 1998: The chairman of the local branch of the Democratic Party of Kish-Arra village of Shkoder, the deputy chairman of the polling station in the Gjinar commune of the Elbasan district, and the chairman of the DP branch of Boric village in Malesia e Madhe. The DP accused the Government of failing to investigate these crimes, noting that no suspects were tried for the murders. The Democrats asked for the creation of an independent investigatory group that would oversee the investigation of these crimes (which the DP considers to be political). The Government did not create such a group but an investigation was continuing at year's end.

The Council of Europe continued to express concern over the Government's lack of progress in investigating the 1998 assassination of senior DP Member Azem Hajdari. A police investigation was launched in December 1999 and some progress was reported, but the case had not been resolved as of year's end.

The country continued to experience high levels of violent crime. Many killings occurred throughout the country as the result of individual or clan vigilante actions sometimes connected to traditional "blood feuds," or in conflicts involving various criminal gangs.

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

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

The Constitution 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 the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuses of detainees, and all stations were overcrowded.

There were a number of reports of police violence. Four DP activists from the Lezhe region were pulled over and beaten by masked special police forces on a road north of Tirana in March. In April the daily Gazeta Shqiptare reported a number of police abuse cases in Elbasan, Lushnja, and Fieri, where more than 20 persons were taken into custody and subjected to beatings and maltreatment. In May the daily Albania reported the serious maltreatment of a number of persons arrested on charges of theft of public property. While police generally handled the DP demonstrations following the October elections in a restrained manner, there were instances where police beat and mistreated DP supporters (see Section 2.b.).

In November Amnesty International (AI) reported that police arrested DP supporter Besnik Papa and held him at a police station in Tirana, where allegedly he was beaten so severely that he required hospital treatment.

Several credible sources cited the police station at Elbasan as a source of a number of physical abuse cases. There are at least five cases of abuse pending against police officers; however, none of these cases had been prosecuted successfully by year's end.

Police at times beat journalists (see Section 2.a.).

There were no reports of investigation nor action taken against police who beat multiple persons in the towns of Spotalte and Cerrick in 1999.

There were no reports of investigation nor action taken in the December 1998 case in which Besnik Jak, the leader of the Tirana University student hunger strike, was beaten while in police custody, nor in the 1999 case of Besim Biberaj, who suffered multiple broken bones as a result of beatings while in custody at a Tirana police

station.

Police receive some training and equipment, but there is a continuing need for further training and for improving investigative skills. Foreign governments continued police training programs that aimed at improving technical expertise, operational procedures, and respect for human rights, but the overall performance of law enforcement remained weak. In preparation for the October local elections, training was provided to police on how to deal with election security and how to respond to the needs of election observers. According to the Ministry of Public Order, more than 1,300 policemen received some training during the year, and 116 policemen received training abroad.

Police corruption remains widespread. Sources in the Ministry of Public Order stated that more than 190 police officers were fired from their jobs during the year because of incompetence, lack of discipline, or violations of the law.

Prison conditions remained poor and most prisons are overcrowded; however, efforts were made to improve the situation during the year. While the Government financed most improvements, it also has received international assistance. During the year, construction began on a new prison in Peqin, financed by the Italian government, which will house 250 to 300 inmates.

Overcrowding in prisons resulted in poor living conditions. In addition, because of overcrowding, prisoners are also held in prisons in Greece and Italy. According to Greek Ministry of Justice sources, more than 3,500 Albanians are in pre-detention centers and more than 1,500 are serving sentences in Greece, 120 of whom are juveniles. Over 1,500 prisoners are serving sentences in Italian prisons. Juveniles sometimes share cells with adults as a result of the shortage of cell space. Women are held separately from men.

The country has no juvenile justice system. Children's cases go before judges who have not received any education in juvenile justice, and juveniles live in detention facilities with adults. Over 100 children are serving sentences in adult prisons. In September an 8-year school for juveniles who are serving prison terms was opened. This is the first school of its kind in the country. Family visitation is allowed in prisons.

The Government cooperated with the International Committee of the Red Cross and with other nongovernmental organizations (NGO's). There were no reports of refusal to permit access for prison inspections by either domestic or international groups.

d. Arbitrary Arrest, Detention, or Exile

Article 27 paragraph 1 of the Constitution forbids arbitrary arrest and detention. However, police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after 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 imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not known widely and police often fail to inform suspects of it. As a result of a lack of resources, access to legal information remains difficult for citizens, including legal professionals and, sometimes, judges.

There have been numerous cases in which persons have been unlawfully detained longer than the Penal Code's 48 hour limit. For example, two persons, Hysen and Valbona Ymeri, were detained in Lushnja, but their paperwork was not sent to the prosecutor's office until 6 days later.

International organizations claim that prostitutes and trafficked women have been kept in detention for more than 2 days without charges being brought against them (see Section 6.f.).

In September 1999, a DP newspaper alleged that three persons from the northern city of Kukes were held in police custody for more than 16 months without trial. No further information on this case was available at year's end.

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. Delayed investigations also are a serious problem, and many persons are detained for periods that exceed the time limits set by law.

There were no clear cases of detainees being held for strictly political reasons. However, the DP continued to claim that the Chairman of the Legality Party (the Monarchists), Ekrem Spahia, and 12 supporters were being tried unfairly for participation in the events of September 14, 1998, which followed the assassination of the DP parliamentarian, Azem Hajdari, by unknown persons (see Section 1.a.). Spahia and the others were released during the year; however, their trials still were pending at year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently. Corruption remains a serious and widespread problem, especially with the growth of organized crime, and judges are subjected to both bribery attempts and intimidation. In May the High Council of Justice removed two judges from Tirana for disciplinary violations. International legal experts commented that the judges' removal was characterized by greater respect for due process and legal procedures than past similar instances.

Many court buildings were destroyed in the civil unrest in 1997, and although all have reopened, important records and legal materials were lost permanently. Long case backlogs are typical. The removal of court budgets from the control of the Ministry of Justice to a separate, independent body, the Judicial Budget Office, and the establishment of a school for magistrates in 1999 were useful steps towards strengthening the independence of the judiciary. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office. All other board members are judges.

The judicial system is composed of district courts of the first instance, military courts, six courts of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court 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 Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, six judges (chosen by sitting judges), two prosecutors (selected by the prosecutors), and four independent lawyers named by the Parliament.

The President of the Republic nominates the President and Vice President of the Supreme Court, and the Parliament elects all of the Supreme Court's justices. The President selects four of the nine members of the Constitutional Court; 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 Supreme Court. According to the law, dismissal only may be ordered after conviction for a serious crime or for mental incompetence. There were no new developments in the 1999 appeal of the former Chief Judge of the Supreme Court, who was dismissed from his position 3 years before the expiration of his mandate.

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

Under the 1998 Constitution, the President appoints the prosecutor general with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the prosecutor general. The prosecutor general restructured his office in December 1999 into divisions that focus on specific crimes.

Parliament approves the courts' budgets and allocates funds. Each court may decide how to spend the money allocated to it. The Ministry of Justice provides and approves administrative personnel. The Ministry of Justice also supervises bailiffs' offices.

Due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Public opinion holds the judiciary, in particular, responsible for the Government's failure to stop criminal activity. Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cites the failures of the other as the reason criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts.

The Constitution provides that all citizens enjoy 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 mandate restrictions. 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.

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 for the privacy of correspondence; however, the Government sometimes infringed on these rights. During the year, a number of persons complained to the Albanian Helsinki Committee that police, during their weapons collection campaign, did not use proper legal procedures to conduct house searches. Citizens also complained to the Committee that many of these searches were conducted late at night without any

authorization. At least one individual complained to the Ombudsman that he was not adequately compensated for some land taken for public use. The Ombudsman referred the case to the Constitutional Court. There were no reports of wiretapping by Government authorities during the year.

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; however, police at times beat journalists. The media are active and unrestrained but have developed little sense of journalistic responsibility or professional integrity. With few exceptions, the print media lacks a mature, trained professional staff.

Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations, and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting.

Attacks on journalists continued--both beatings by the police and attacks by unknown assailants. In March according to the daily Shekulli, a policeman in Korca beat a journalist from the independent radio station ABC. The journalist claimed he was beaten because the policeman considered him to be a spokesman for the opposition. In April while taping a fight between a group of citizens and members of the National Guard, a cameraman and journalists were spotted and beaten by Guard members. In May two journalists from TV ATN 1 were detained illegally by police officers and beaten while in detention.

Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. An estimated 200 publications are available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Five newspapers and two magazines are published in Greek in the south (see Section 5). The difficult economic situation and readers' distrust of the press again resulted in a significant drop in newspaper sales during the year. The total daily circulation of all newspapers dropped from about 65,000 copies to less than 50,000 copies. This came after a drop in 1999 from 75,000 to 65,000 copies. According to a recent survey of the Albanian Media Institute, 60 percent of the persons interviewed believed that media stirred up trouble in the country; only 23 percent said that the media played a positive role. The opening of many new private radio and television stations is another reason for the drastic drop in circulation. According to the same survey, 65 percent of the public prefers to get its news from the private electronic media.

Albanian Radio and Television (RTVSh) is the sole public broadcaster in the country. RTVSh is composed of national television and national radio. National television broadcasts 17 hours a day and covers over 91 percent of the population. Public television broadcasts 2 hours a day via satellite. National radio broadcasts in two channels for 18 hours a day. Its signal covers 90 percent of the country's territory. Broadcasting issues are governed by the National Council of Radio and Television, a 15-member body elected by the Parliament. Radio Gjirokastra broadcasts a 45-minute program for the Greek community in the country every day (see Section 5). The Albanian Media Institute survey found that 58 percent of those questioned believed that regardless of the improvement in the programming of the public television channel, it still is regarded as a mouthpiece for the Government.

Over 75 private television stations and 30 private radio stations operate. The National Council of Radio and Television Broadcasters (NCRT) awarded broadcasting licenses, but several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses. In 1999 the Government established new licensing and oversight procedures to promote a more stable broadcasting environment. The NCRT made licenses available to existing local television broadcasters that were operating previously in an unregulated climate. In December the NCRT licensed 2 national television stations, 45 local television stations, 31 local radio stations, and 1 national radio station. The wide availability of satellite dishes provides citizens with easy access to international programming.

The broadcast media exceed the print media in influence, audience penetration, and caliber of news reporting and public affairs programming. However, political affiliation is pervasive in programming. The OSCE reported that one new nationwide television station, TVArberia, provided for balanced and fair election reporting during the local elections in October. However, the majority of stations were blatantly one-sided in their political coverage.

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.

b. Freedom of Peaceful Assembly and Association

The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and 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, the Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, during DP demonstrations before the October elections, the police beat and mistreated some DP supporters (see Section 1.c.). Police killed a demonstrator in November when a group of DP members attacked the police station, courthouse, and other public buildings in Tropoja. In some cases, individuals claimed that the police or secret

agents of the SHIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies.

The Law on Fundamental Human Rights and Freedoms provides for the right of association, and the Government generally respected this right. 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 otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Such certification is granted routinely.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. According to the 1998 Constitution, there is no official religion and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country.

Religious movements—with the exception of the three de facto recognized religions—can acquire the official status of a legal entity only by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

The Religious Council of the State Secretariat has been replaced by the State Committee on Cults, which is not composed of representatives of religious groups. The Government does not require registration or licensing of religious groups; however, the State Committee on Cults maintains a working knowledge, but not official records, of foreign religious organizations. The chairman of the committee has the status of a deputy minister.

Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, members of the Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (Mormons), and many others freely carry out religious activities. The State recognizes the de facto existence of the Bektashis but they did not have the right to their own representative in the former State Secretariat of Religions. There is no indication of Bektashis' activities being placed under the supervision of the Sunni community.

According to official figures, there are 29 religious schools in the country with some 2,745 students. The State Committee has the right to approve the curricula of religious schools.

The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often failed to return the land surrounding the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered. The Orthodox Church has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping.

The Albanian Evangelical Alliance, an association of more than 100 Protestant Churches, has complained that it has encountered administrative obstacles to building churches, accessing the media, and receiving exemptions from customs duties. The growing evangelical community continues to seek official recognition and participation in the religious affairs section of the Council of Ministers.

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 leave the country and return, and the Government respects these rights in practice.

A problem that arose as a result of uncontrolled internal migration is local registration and status. As a result of such internal migration, thousands of citizens are denied access to certain basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from attending school. The effects of uncontrolled internal migration became apparent during the October local elections when tens of thousands of inhabitants were registered in more than one place, resulting in many inaccuracies in the voter lists.

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

The Constitution gives foreigners the right of refuge in the country, and a 1998 asylum law includes provisions for the granting of refugee status, in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. The Government accepts the entry of refugees, does not expel those with valid claims to refugee status, and works with the international community to provide housing and support for them. The Government provides for first asylum, but no appeals procedure mechanism was in place at year's end.

The country hosted approximately 4,000 registered refugees during the year. The refugee population overwhelmingly is Kosovar; only 28 refugees identified themselves as coming from outside the borders of the

former Yugoslavia. Humanitarian relief organizations provided social service support for the refugee community and coordinated further assistance through a network of NGO's that provide health care coverage, insurance, and limited training. The Government continued to play a key role in facilitating and coordinating the work of these groups. The vast majority of refugees continued to live with host families. There were approximately 500 registered Kosovar refugees and a small number of other refugees left in the country at year's end.

Organized criminal gangs have made the smuggling of illegal immigrants--Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia--a lucrative business. Italy is the most common destination. The Government has taken a number of measures to stop the flow, but a lack of resources and corruption among law enforcement forces, hinders its efforts. Italian military and border patrol squads operate in various coastal zones in Albania in an effort to stop the flow of illegal immigrants. In September following an incident in which two Italian Guardia di Finanza police were killed while combating traffickers, Parliament enacted a new, stronger law that, if implemented, should make it easier for police to seize the speedboats used primarily for illegal smuggling of persons. It enables the police to confiscate speedboats, on land or water, that are used in illegal activities and those that are unregistered. Individuals who have become stranded in Albania while trying to use this illegal pipeline are eligible for a "care and maintenance" program run by the U.N. High Commissioner for Refugees (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 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.

In October despite procedural shortcomings and some irregularities in a few localities, citizens took part in local elections in a tense but generally peaceful atmosphere that were judged by the OSCE to have shown "significant progress" toward meeting international standards. International monitors considered the second round of voting "less transparent and inclusive" due to the failure to address inaccuracies in the voter lists, invalid ballots, and election complaints. Serious irregularities, including intimidation of election commission members, the destruction of one ballot box, and fraud in three other voting centers were reported in Himara.

The Constitution prohibits the formation of any party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character.

No legal impediments hinder the full participation of women and minorities in government, and the major political parties have women's organizations and have women serving on their central committees; however, women continue to be underrepresented in politics and government. In the Parliament, 10 of 155 members are female (1 of whom serves as deputy prime minister). In the current Government two ministers are female. Ethnic Greeks constitute the largest minority. They are 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. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Society for Democratic Culture, the Albanian Media Institute, the Albanian Institute for Contemporary Studies, and the Women's Center were among the most active domestic NGO's involved in human rights activities. Despite the assistance of international donors, the work of all of these organizations is hampered by a shortage of funds and equipment; the Government cooperated only minimally with these local groups.

A wide variety of international human rights NGO's visited or operated 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.

In February Parliament elected the country's first national People's Advocate (Ombudsman). The Ombudsman's office, with the support of western governments and the OSCE, has already reviewed over 250 cases of alleged human rights abuses. These include citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful governmental dismissal, and land disputes (see Sections 1.c., 1.e., and 1.f.). The Ombudsman's office has had some success in cases, but it still is too early to judge whether it will genuinely be effective.

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 discrimination continues in practice.

Women

Violence against women and spousal abuse are serious problems. In the country's traditionally male-dominated society, cultural acceptance and lax police response result in most abuse going unreported. Rape is punishable

by law, as is spousal rape; however, in practice spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment are not well established, and, consequently, such acts often are not considered crimes. No government-sponsored program protects the rights of women. An NGO maintains a shelter in Tirana for abused women, but the facility has the capacity to house only a few victims at a time. The same NGO also operates a hotline that women and girls can call for advice and counseling. The line received thousands of calls during the year. In 1999 the Advice Center for Women and Girls, an NGO, conducted a poll that showed that as many as 64 percent of females claimed to be victims of domestic violence.

Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered and treated as chattel. Also under the kanun, it is acceptable to kidnap young women for brides. This practice continues in some areas of the northeast.

Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work, but no data are available on how well this principle 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.

Trafficking in women and girls for the purpose of prostitution is a serious problem (see Section 6.f.).

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 at least 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first). However, in practice many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. According to recent statistics issued by the Ministry of Public Order and the Commission for Reconciliation of Blood Feuds, more than 2,000 children are endangered by blood feuds involving their families.

Child sexual abuse rarely is reported, but authorities and NGO's believe that it exists. According to the Ministry of Public Order, more than 300 cases of child sexual abuse were reported during the year. According to the Center for the Protection of Children's Rights (CRCA), more than 2,000 children between the ages of 13 and 18 are involved in prostitution rings. According to the same organization, a large number of children (as many as 4,000) work as child prostitutes in Greece, and trafficking in children is a serious problem (see Section 6.f.). Criminals may kidnap children from families or orphanages to be sold to prostitution or pedophilia rings abroad. Within the country, Roma children often work as beggars and the police generally ignore the practice. In Tirana and other cities, it is common to see children selling cigarettes and other items on the street.

People With Disabilities

Widespread poverty, unregulated working conditions, and poor medical care pose significant problems for many 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 this regard.

Religious Minorities

Relations among the various religious groups are generally amicable, and tolerance is widespread. Society largely is secular. Inter-marriage among religious groups is extremely common.

Unlike in the previous year, there were no reports that Orthodox churches were the targets of vandals.

The Archbishop of the Orthodox Church concluded that attacks on church property in the past were a result of vandalism rather than religious repression.

National/Racial/Ethnic Minorities

The Government played a constructive role in maintaining the nation's generally positive record on the treatment of minorities. 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. There also are small groups of Macedonians, Vlachs, and Roma.

Greek-language public elementary schools are common in much of the southern part of the country, where almost all ethnic Greeks live. However, there are no Greek-language high schools. There is a Greek chair at the University of Gjirokastra. The Greek minority association, Omonia, continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of the south. In May a fact-finding mission of the Albanian Helsinki Committee visited the ethnic Greek area of Dropulli. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students. Five newspapers are published in the Greek language in this area, in addition to 15 Greek papers and magazines distributed throughout the southern Albanian region.

Radio Gjirokastra broadcasts a 45-minute program for the Greek community. Every teacher who teaches in the schools of the Greek minority zone receives, in addition to the salary given by the Albanian Government, a substantial monthly compensation of about \$140 (50,000 drachmas) from the Greek Government. Likewise retirees who belong to this community, in addition to the pension received from the Albanian Government, get substantial monthly compensation from the Greek Government.

Classes in the Macedonian language are available to students in the districts of Pogradeci and Devolli, on the border with the former Yugoslav Republic of Macedonia. The Macedonian Government provides texts for these classes free of charge. A considerable number of students from this area study at the universities of Skopje and Bitola. A small group of ethnic Montenegrins and Serbs live in the northern part of the country. A fact-finding mission of the Albanian Helsinki Committee visited the area in April and found that these communities have decreased in number because many of their members emigrated to Montenegro. This minority is not subject to any discrimination. People from this area receive scholarships from the Montenegrin Government for their children to study in Montenegro. No discrimination was reported against the Vlachs, who speak their own Romanian-related language 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 generally are more integrated into the economy than the Arrixhi. Roma are the most neglected minority group. Broadly speaking they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much societal discrimination.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form independent trade unions. The 1993 Labor Code established procedures for the protection of workers' rights through collective bargaining agreements. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership around 118,000) and the Albanian Confederation of Trade Unions (membership around 100,000). Both organizations again experienced a drop in membership during the year. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

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

Unions are free to join and maintain ties with international organizations, and many did so during the year.

b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively. 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 very high level of unemployment. Effective collective bargaining in these circumstances is difficult, and agreements are hard to enforce.

There are no 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; however, trafficking in women for purposes of prostitution is a serious problem (see Section 6.f.). The law also forbids forced or bonded labor by children; however, there were reports that children are trafficked and forced to work abroad as prostitutes or beggars (see Sections 6.d. and 6.f.).

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 the age of 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; however, in rural areas, children continue to assist families in farm work.

The Ministry of Labor may enforce 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 other items on the street. The Government has not yet signed ILO Convention 182.

The law forbids forced or bonded labor by children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The legal minimum wage for all workers over the age of 16 is approximately \$50 (6,380 lek) per month, which is not sufficient to provide a decent standard of living 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 \$100 (13,201 lek) per month.

The difference between the monthly average wage of persons who live in the rural and urban areas is considerable: Persons who work and live in urban areas earn almost 50 percent more than those who live and work in rural areas. Data from the National Institute of Statistics indicated that in rural areas more than 20 percent of persons live under the official poverty line, while in urban areas the figure is 11 percent. Nationwide over 17 percent of the population live under the official poverty line. No data are available for private sector wages, but they are 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 persons 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 a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally are very poor and often dangerous. In 1999 there were five deaths recorded in the construction industry; the victims' families did not receive any financial support from the state social security administration because the workers were not insured. 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.

f. Trafficking in Persons

The law does not criminalize trafficking in persons, although anti-kidnaping laws may be used to prosecute such cases; however, trafficking in women for the purpose of prostitution and trafficking in children are serious problems. While the exact number of Albanian women that are trafficked is unknown, an Albanian NGO estimates that there were about 30,000 working abroad as prostitutes, in Turkey and other countries during the year. The country also is one of the major transit countries for the trafficking of women from Moldova and Romania in particular, and from Bulgaria, Russia, and Ukraine. These women are brought into the country, mainly through Montenegro, then clandestinely transported to neighboring countries such as Italy and Greece. Trafficking in children also is a serious problem. Criminals may kidnap children from families or orphanages to be sold to pedophilia rings abroad.

Police treatment of women trafficked from Albania and third countries remains a problem. There is a lack of appropriate facilities for such women, and trafficked women often are detained in police stations for extended periods of time (see section 1.d).

Trafficked women periodically are arrested and prosecuted for prostitution. The Italian Guardia di Finanza (Fiscal Police), which patrols the Adriatic for traffickers, claims to turn back between five and eight scuffs (rubber boats used by traffickers) each night, although not all of these necessarily involved trafficked women.

The Government has begun to initiate limited law enforcement and legal reforms to combat the problem; however, porous borders, poorly trained and corrupt law enforcement and judiciary officials, legal loopholes, and lack of government will have hampered these efforts. The Prosecutor General's Office confirmed that very few cases against traffickers were presented during the year.

Several NGO's address the problem of trafficking on case-by-case basis; however, given the scope of the trafficking problem and limited resources to address individual reintegration, most victims of trafficking receive little or no assistance. The reintegration of trafficked women to their homes sometimes is problematic. In some cases, women simply are returned to the family members who sold them to traffickers in the first place, or to the same situation from which they were trafficked, which often leads to these women being re-trafficked. In addition victims of trafficking often are forced or deceived into bonded labor and live in violent and abusive conditions, which leaves them with physical and mental scars. As a result, sheltering, counseling, and reintegrating victims is a difficult undertaking.

The International Organization for Migration and the International Catholic Migration Commission have established an inter-agency referral system that enables a group of organizations to jointly provide return and reintegration assistance to women who are victims of trafficking. From January through June, 65 women were returned through the program. This system also provides a framework to assist with temporary shelter and return assistance for trafficking victims from other countries that want to return from Albania to their home countries.

[End.]

