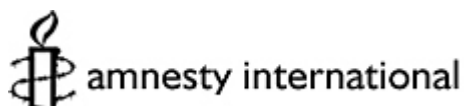


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	86
Land:	Albanien
Kilde:	Amnesty International
Titel:	Annual Report 2009
Udgivet:	28. maj 2009
Optaget på baggrundsmaterialet:	12. juni 2009

Title	Amnesty International Report 2009 - Albania
Publisher	Amnesty International
Country	Albania
Publication Date	28 May 2009
Cite as	Amnesty International, <i>Amnesty International Report 2009 - Albania</i> , 28 May 2009, available at: http://www.unhcr.org/refworld/docid/4a1fae0348.html



Amnesty International Report 2009 - Albania

Head of state: Bamir Topi
Head of government: Sali Berisha
Death penalty: abolitionist for all crimes
Population: 3.2 million
Life expectancy: 76.2 years
Under-5 mortality (m/f): 24/20 per 1,000
Adult literacy: 98.7 per cent

Domestic violence was widespread. The trafficking of women and children for forced prostitution or other forms of exploitation continued. There were incidents of torture and other ill-treatment of detainees in police stations and prisons. Detention conditions for remand and convicted prisoners sometimes amounted to inhuman and degrading treatment. Adult orphans were denied their legal right to adequate housing.

Background

Unemployment levels remained high, despite continued economic progress. More than 18 per cent of the population were estimated to be living below the national poverty line of US\$2 a day. This sector of the population also suffered most acutely from limited access to education, water and health and social care.

Prosecutions for corruption increased, but mainly targeted low-level officials. Public confidence in the judicial system was low.

An investigation was initiated after an explosion in March at a depot where obsolete munitions were being dismantled. The Minister of Defence was dismissed and lost his immunity while several officials from the Ministry of Defence were arrested. The explosion resulted in 26 deaths, over 300 people injured and the destruction or damage of hundreds of houses. It also gave rise to allegations of corruption and irregular arms trading.

Legal, constitutional or institutional developments

In April, constitutional amendments were adopted, including changes to the electoral system. In November, a new electoral code was adopted. Amendments to the criminal code reinforcing protection for children and a law on gender equality aimed at increasing the representation of women in public life were also adopted.

Enforced disappearances

- The trial of four former officers of the National Intelligence Service began in May on charges of the abduction and "torture with serious consequences" of three men in 1995. The fate of one of the victims, Remzi Hoxha, an ethnic Albanian from Macedonia, remained unknown. Ilir Kumbaro, one of the defendants, was being tried in his absence, but in September a man believed by the UK police to be Ilir Kumbaro was arrested in the UK, and Albania sought his extradition. He denied that he was Ilir Kumbaro; British court proceedings to establish his identity and rule on Albania's extradition request had not been concluded by the end of the year.

Violence against women and girls

Domestic violence was widespread, and was believed to affect about one in three women. In the first nine months of 2008 the police registered 612 incidents of domestic violence, although many others were believed to have gone unreported. The authorities took measures to increase protection for victims, the great majority of them women.

Few cases involving domestic violence were criminally prosecuted unless they involved threats to life, or resulted in serious injury or death. Nonetheless, victims increasingly sought protection from their abusers. Between January and September, police reportedly assisted 253 victims in applying to courts for protection orders under civil legislation adopted in 2007. However, courts often did not issue these orders because victims withdrew their complaints or failed to appear in court.

Trafficking in human beings

Women and girls continued to be trafficked for forced prostitution, and children for exploitation as beggars, generally to Greece and Italy. Victim protection remained weak, and police largely relied on the victims themselves to report trafficking. During the year, the Serious Crimes Court tried 30 defendants on charges of trafficking women for sexual exploitation and six defendants charged with trafficking children.

- Allman Kera was sentenced in June to 15 years' imprisonment for trafficking his wife, a minor, to Kosovo where he forced her to work as a prostitute until she escaped and reported him.
- K.D. was charged in November with trafficking a nine-year-old boy to Greece in 2002 and forcing him to work as a beggar. The boy's parents apparently reported him to the police when he failed to send them a monthly sum as agreed.

Torture and other ill-treatment

There were allegations that detainees had been tortured or otherwise ill-treated, usually immediately after arrest and during questioning. In October the Minister of Interior stated that, in the last three years, 128 police officers had been reported by the Internal Inspection Service to the prosecutor for "arbitrary acts" related to the use of violence.

However, very few of these cases went to court. In general, criminal proceedings were begun only if the victim filed a complaint or on the recommendation of the

Ombudsperson. On one occasion, prosecutors and judges did not initiate investigations when a defendant bearing bruises was brought before them at a remand hearing. Prosecutors rarely, if ever, brought charges of torture, preferring to invoke lighter offences such as "arbitrary acts", which in practice are generally punished with fines.

In January, the functions of the national mechanism for the prevention of torture, under the Optional Protocol to the UN Convention against Torture, were entrusted to the Ombudsperson. In the course of unannounced inspections to police stations the Ombudsperson learned of, and made public, several instances of police ill-treatment. Following one such inspection in November, police in the town of Shkoder initiated criminal proceedings against the Ombudsperson, claiming that he had jeopardized an investigation by publicly referring to two judicial police officers and their alleged victim by their initials.

- In November an inquiry was initiated against a judicial police officer in Saranda on charges of "using violence during an investigation". The officer was alleged to have beaten Aristil Glluçaj, aged 18, while interrogating him on 6 November, causing him to lose consciousness. The young man was admitted to hospital the same day.

There were also allegations that detainees had been ill-treated by prison guards. In February the Ministry of Interior's Internal Inspection Service investigated complaints by prisoners at Peqin and Lezhë prisons that guards had ill-treated them. The investigation concluded that the complaints were well-founded and the guards were disciplined.

Prison conditions

Detention conditions amounted in some instances to inhuman and degrading treatment. Medical care was inadequate and prisoners with mental illnesses were generally not separated from other prisoners, and received little or no specialist treatment. Detainees, even after being remanded in custody or convicted, often remained in police stations where conditions were generally very poor. This was due to administrative delays and lack of prison capacity. Nonetheless, there were some improvements in detention conditions, and in legislation relating to prisoners' rights and prison monitoring.

Three new prisons were opened but overcrowding persisted; the national prison population in November stood at 4,666 – some 900 people above capacity. In June, the Ombudsperson concluded that the conditions of up to 120 detainees held in remand cells in the basement of Korça district police station amounted to inhuman and degrading treatment. The station had capacity for only 40 detainees.

In October a new prison was opened in Korça to which remand and convicted prisoners were transferred. In November, the Albanian Helsinki Committee (AHC) criticized conditions at the newly built prison in Fushë-Krujë, in particular damp in the ground floor cells, running water shortages and broken showers. The AHC also criticized the unhygienic conditions in which women were held in Tirana prisons 302 and 313.

Housing rights

The state again failed to implement domestic law which requires that orphans, on completing secondary education or reaching adulthood, should be given priority access to housing. Some 300 adults who were orphaned as children continued to share rooms in dilapidated and inadequate housing – conditions which aggravated their social exclusion. With few qualifications, they were often unemployed or undertook casual labour for low wages, surviving on minimal state assistance. Under Albanian law, registered orphans up to the age of 30 are among the vulnerable groups to be prioritized when social housing is allocated. However, the very limited availability of social housing does not begin to meet the needs of the reportedly 45,000 families registered as homeless.

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