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Albania

REPUBLIC OF ALBANIA

Head of State	Bamir Topi (replaced Alfred Moisiu in July)
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)	32/28 per 1,000
Adult literacy	98.7 per cent

Public confidence in the judicial system remained low. The Prosecutor General was dismissed in November, on questionable legal grounds. Conditions of many remand and convicted prisoners continued to be harsh, as a result of overcrowding and poor hygiene and medical care. There were reports that a number of detainees had been ill-treated by police while in custody or in remand detention. The trafficking of women and children for forced prostitution or other forms of exploitation continued, though was reportedly declining.

Background

Despite economic progress, poverty and unemployment levels remained high. This, together with poor health and educational services in rural areas, led to continued urban migration, resulting in homelessness and unlawful settlements.

Legal, constitutional or institutional developments

In April, Parliament adopted amendments to the Military Criminal Code revoking all provisions allowing for the death penalty, which was abolished for ordinary crimes in 2000.

In September, Albania ratified the International Convention for the Protection of All Persons from Enforced Disappearance. In November it ratified the Optional Protocols to the UN Children's Convention on the sale of children, child prostitution and child pornography; and on children in armed conflicts.

Violence against women

Domestic violence

A government study published in November found that up to a third of women had experienced domestic violence, with occurrences apparently on the increase. Domestic violence was not specifically prohibited in the Criminal Code, and few cases reached the courts, unless they resulted in death or serious injury.

In June a civil law, On Measures against Violence in Family Relations, entered into force, which aims to prevent such violence and provide victims with effective protection. In July a Tirana court issued the first emergency protection order under the new provisions. In November a special unit dealing with domestic violence and the protection of minors was established within the Tirana police force.

Trafficking

In February, Albania ratified the Council of Europe's Convention on Action against Trafficking in Human Beings. According to police sources, the trafficking of women and children decreased sharply in 2007, with 13 reported cases in which the victims were women and seven cases involving children. However, NGOs apparently suspected that considerably more cases went unreported. Eight men were convicted of trafficking women and two other men were convicted of trafficking children.

- In January the Serious Crimes Court sentenced Fatos Kapllani and Arben Osmani to 16 and 15 years' imprisonment respectively for trafficking children to Greece and forcing them to work as prostitutes or beggars.
- In June, two men from Lushnja were arrested and charged with trafficking a 16-year-old girl to Greece where she was forced to work as a prostitute.

Witness protection remained problematic and victims were often reluctant to report their traffickers to the police for fear of reprisals. Employees at the Department for the Protection of Witnesses at the Ministry of the Interior received training on witness protection and in April the government approved standards for the treatment of victims. Nonetheless, in November, police reportedly initiated proceedings against a

17-year-old girl for "failing to report a crime" after she refused to identify the people who had trafficked her to Italy for forced prostitution at the age of 14.

Prison conditions

In September the European Committee for the Prevention of Torture (CPT) published its report on its March 2006 visit to Albania. Remand facilities in Durrës and Fier police stations and cells at two police stations in Tirana were visited. The report criticized "deplorable conditions" in Durrës, Fier and the holding cells at one Tirana police station, and inadequate health care.

The transfer of responsibility for remand prisoners from the Ministry of the Interior to the Ministry of Justice was completed in June and those held at police stations were moved to prisons. Although conditions were better, the

accommodation of remand prisoners placed further strains on already overcrowded facilities. The building of two new prisons and a remand centre was not completed during 2007.

The total prisoner population stood at 4,638 in October, 1,172 above capacity. As a result, a number of remand prisoners were returned to, or remained in, police stations, in breach of the law.

In September, 16 detainees were reportedly being held at Tirana police headquarters in four cells designed to hold only one person each. Prisoners with mental illnesses were often held with other prisoners because of lack of space in Tirana prison hospital. Work on the construction of a hospital for mentally ill prisoners in Durrës began in August.

- In November the Albanian Helsinki Committee criticized conditions at Vlorë remand prison, where

92 detainees were being held in cells with a capacity of only 46. They included five minors aged between 14 and 17 years, who were held in cells with adults, in breach of the law.

Torture and other ill-treatment

Amendments to Article 86 of the Criminal Code concerning Torture and other degrading or inhuman treatment were introduced in February. These adopted the definition of torture set out in the UN Convention against Torture. However, the failure to fully revise the Criminal and Criminal Procedure Codes meant that police officers, if prosecuted for ill-treatment or torture, were more likely to be charged with lesser offences. No police officers were known to have been convicted of torture or ill-treatment in 2007.

The CPT reported that in March 2006 it received a number of allegations from detainees claiming they had been subjected to “deliberate physical ill-treatment whilst in police custody, in particular, during police questioning.” Additionally, a number of remand prisoners at Durrës police station alleged that members of the facility’s special intervention force had handcuffed them, placed helmets on their heads and beaten them about the head with hard objects.

- In August a journalist reported witnessing several police officers brutally punch and kick an acquaintance of his, Ilir Nastimi, at a police station in Tirana Student City.
- While commissioners from the Ombudsperson’s office were inspecting conditions at Vlorë remand prison in November, they heard that a detainee, Ilirian Malaj, had the same day been beaten by prison guards after protesting about a cell search. Ilirian Malaj had visible injuries, later documented by a medical forensic examination; his account was supported by other detainees. The Ombudsperson called for an investigation on charges of torture against four named guards.

Housing

Over 45,000 families were registered as homeless; among the most vulnerable groups affected were some 340 people who had been orphaned as children. In violation of domestic law, the state had failed to provide them with

adequate housing when they reached adulthood and completed secondary school. Many of them were living in dilapidated school residence halls, sharing a single room with several others, without security of tenure.

Amnesty International visits/report

- Amnesty International delegates visited Albania in April and November.
- Albania: “No place to call home” – Adult orphans and the right to housing (EUR 11/005/2007)