

## **2011 Human Rights Report - Albania (May 24, 2012)**

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## **EXECUTIVE SUMMARY**

The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. On May 8, the country held nationwide local elections, which the Organization for Security and Cooperation in Europe (OSCE) characterized as competitive and transparent, but nevertheless highly polarized, due to mistrust between political parties in government and in the opposition. Security forces reported to civilian authorities.

Corruption in all branches of government, and particularly within the court system, remained a serious problem. A highly polarized electoral environment characterized by incidents of fraud and controversial ballot counting undermined the right of citizens to change their government freely. Police beating and other mistreatment of suspects during detention and interrogation, sometimes to elicit confessions, were also significant problems.

Other human rights problems included some cases of physical mistreatment in police detention centers, domestic violence and discrimination against women, child abuse, and discrimination on the basis of ethnic minority status and sexual orientation and gender identity. Cases of trafficking in persons continued to be reported.

The government did not always take steps to prosecute officials who committed abuses. Many government officials enjoyed immunity from prosecution, and those with powerful business interests often were able to avoid prosecution. Some lower-level officials were punished for abuses, but police impunity for physical abuse persisted.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

During the year there was one incident in which government security forces killed four persons. On January 21, Republican Guards shot at protestors during a violent opposition demonstration at the Prime Ministry. Four protestors were killed during the demonstration. The prosecutor general opened an investigation into the killings. The investigation proceeded slowly. As of year's end, no Republican Guards or government officials had been indicted for their roles in the shooting deaths.

On January 25, the Parliamentary Assembly of the Council of Europe (COE) passed a resolution calling on the international community and government, together with authorities in Serbia and Kosovo, to "undertake measures" to answer COE rapporteur Dick Marty's allegations that the Kosovo Liberation Army (KLA) and affiliates participated in the detention in Albania of civilian "prisoners of war" from Kosovo, who were held under inhumane conditions and subsequently believed to have been killed between July 1999 and mid-2000. A number of the persons killed allegedly were held at temporary locations at Bicaq, Burrel, Rripe, and Fushe-Kruje, and had organs removed at the time of their killings; their organs were trafficked out of Albania for medical use abroad.

The EU Rule of Law Mission in Kosovo (EULEX) War Crimes Unit maintained an open investigation into the Marty allegations. On November 11, lead investigator Clint Williamson met with Albanian officials to begin laying the groundwork for a planned three-year investigation. The government publicly expressed its willingness to cooperate with the investigation into the alleged crimes. The investigation was ongoing at year's end.

During the year there were continuing reports of societal killings, including both generational “blood feud” and revenge killings. Such killings sometimes involved criminal gangs. According to the Interior Ministry, there were five blood feud-related killings during the year. Blood feud cases are tried by district courts. The law punishes premeditated murder, when committed for revenge or a blood feud, with 20 years’ or life imprisonment.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such actions; however, police and prison guards sometimes beat and abused suspects and detainees.

During the violent political protest organized by the opposition on January 21 at which Republican Guards shot and killed four persons, protesters provoked and assaulted some police officers. Some of the police officers retaliated and severely beat protestors; dozens of police and protestors were injured.

There were no reported incidents of rape or other sexual abuse during arrest and detention or during institutional confinement.

The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. The majority of the complaints involved unjustified stops by police, detention past legal deadlines, failure to make citizens aware of their rights when detained, and poor conditions of detention centers. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. The AHRG reported that abuse was more likely to occur in pretrial detention rather than prison facilities. Roma, Balkan-Egyptians, and members of marginalized communities, especially transgender and gay or lesbian individuals, were particularly vulnerable to police abuse. Police sometimes used threats and violence to extract confessions.

#### **Prison and Detention Center Conditions**

Prison conditions varied widely between prison facilities dating from the communist period and those opened after 1991. The facilities dating from the communist period had inadequate sanitation, ventilation, lighting, health care, and access to potable water. Access to modern medical care was not always available in prisons. Some facilities lacked the appropriate infrastructure and were overcrowded. Infrastructure conditions in some of the police detention facilities were very troubling. The Ombudsman’s Office found corruption to be a serious problem in the country’s detention centers. Prisons opened after 1991 generally met international standards.

At the end of November, there were 4,779 detainees in prisons and detention centers, including 94 female prisoners and 123 juveniles. There were no reports that authorities held minors together with adults. Men and women were held in separate facilities, and pretrial detainees were held separately from convicted prisoners.

Prisoners and detainees have the right to meet relatives, and meetings can occur up to four times per month for adults and up to eight times for juveniles. Prisoners and detainees are free to exercise their religion, and some facilities have special places for religious services. Prisoners and detainees are permitted to submit complaints to the ombudsman. Every penal installation has a mailbox in which prisoners and detainees are entitled to submit complaints without censorship.

The ombudsman reported that this service was functional. The ombudsman position remained vacant from March 2010 until December 22, 2011, severely hampering the ability of the Ombudsman's Office to carry out many of its duties.

Prisoners and detainees are also entitled under the law to submit complaints to judicial and administrative authorities. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations, although the results were not always easily accessible to the general public.

The government allowed local and international human rights groups, the media, International Committee of the Red Cross, as well as international bodies such as the Council of Europe's Committee for the Prevention of Torture, to monitor prison conditions.

#### **d. Arbitrary Arrest or Detention**

The law and constitution prohibit arbitrary arrest and detention; however, there were some reports that police occasionally arbitrarily arrested and detained persons.

#### **Role of the Police and Security Apparatus**

Local police units report to the Ministry of Interior and are the main force responsible for internal security. The Republican Guard protects high-level state officials and residences. The armed forces are mainly responsible for protecting the independence, sovereignty, and territorial integrity of the country, with some additional tasks assisting the population in times of peace, crisis, or war. The State Intelligence Service gathers information and carries out foreign intelligence and counterintelligence activities aimed at protecting the state's integrity, independence, and constitutional order.

Civilian authorities maintained effective control over the police, Republican Guard, armed forces, and state intelligence services. The government has mechanisms to investigate and punish abuse and corruption, but there were reports of unpunished abuse and corruption within state security agencies. In some instances police impunity was a problem. Despite improvements in law enforcement training and management, police did not consistently respect the rights of citizens and were not fully accountable to the rule of law. Police forces participated in internationally coordinated training on detainee rights. Visual aids outlining detainee rights and police responsibilities were posted in several police stations and detention facilities. Police launched a new database tracking tool that improved accountability for detainees.

Police officers did not enforce the law equally, and an individual's political or criminal connections often influenced enforcement of laws. Low salaries contributed to continued corruption and unprofessional behavior, which remained impediments to the development of an effective police force.

During the year the Ombudsman's Office processed complaints against police officers mainly on arrest and detention problems. The Ombudsman's Office received and made inquiries into 2,029 complaints during the year.

#### **Arrest Procedures and Treatment While in Detention**

The constitution requires that a judge or prosecutor issue a warrant for a suspect's arrest based on sufficient evidence. There were no reports of secret arrests. The prosecutor may release the suspect or petition the court within 48 hours to hold the individual further. A court must decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to the police. In practice prosecutors requested and courts

routinely ordered detention in many criminal cases. However, courts routinely denied prosecutors' requests for detention of well-connected, high-profile defendants. The constitution requires that authorities inform detained persons immediately of the charges against them and of their rights. Police sometimes failed to do so. Under the law, police must immediately inform the prosecutor of an arrest. There is not an effective system for handling the monetary aspect of bail. Instead, courts often order suspects to report to police or prosecutors on a weekly basis. Courts must provide indigent defendants with free legal counsel. This right was respected in practice and defendants were generally informed of this right.

Many suspects are ordered to remain under house arrest, often at their own request, because they receive credit for serving this time if they are convicted. House arrest is not effectively monitored, and suspects can freely move outside without being detected by authorities.

Arbitrary Arrest: Arbitrary detentions or false arrests occurred infrequently.

Pretrial Detention: At the end of November, there were 1,901 persons in pretrial detention centers and 2,878 convicted persons in prisons. Thus, pretrial detainees constituted 39.7 percent of the total prisoner population. The law requires completion of most pretrial investigations within three months; however, a prosecutor may extend this period to two years or longer. The law provides that the maximum pretrial detention should not exceed three years; there were no reports that authorities violated this limit during the year. However, lengthy pretrial detentions often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. Under the law, a judge cannot hold an attorney in contempt of court to prevent such delaying actions by attorneys.

Limited material resources, lack of space, poor court calendar management, insufficient staff, and failure of attorneys and witnesses to appear prevented the court system from adjudicating cases in a timely fashion.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. In addition, court hearings are often closed to the public. Court security officers routinely refuse entry to hearings and routinely call the presiding judge in each case to ask if the person seeking admission may attend the hearing. Some agencies routinely disregard court orders. The politicization of appointments to the High and Constitutional Courts threatened to undermine the independence and integrity of these courts. On September 9, a remotely detonated bomb killed district court Judge Skerdilajd Konomi in Vlore. The investigation into his death was ongoing at year's end.

#### **Trial Procedures**

The law provides that defendants are presumed innocent until convicted. The court system does not provide for jury trials. Defendants have the right to consult with an attorney, and to have one provided at public expense if they cannot afford one. Defendants have the right to confront witnesses against them, and present witness and evidence in their defense. Defendants have the right to appeal.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Regional Human Rights Court Decisions**

Citizens could appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the ECHR after they had exhausted all possibilities for appeal in the country's court system.

## **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for human rights violations; however, courts were susceptible to corruption, inefficiency, intimidation, and political tampering. Many court hearings were held in judges' offices, which contributed to a lack of professionalism and opportunities for corruption. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law.

## **Property Restitution**

A large number of conflicting claims for private and religious property confiscated during the communist era remained unresolved. A 2010 European Parliament study found a lack of human resources, constant turnover within the Office for the Restitution of Property (ORP), failure to implement existing legislation, and allegations of corruption hampered efforts to restore property to rightful owners.

## **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice; however, there were reports that the government and businesses influenced and pressured the media.

Freedom of Speech: In general individuals could criticize the government publicly or privately without reprisal, although there were some exceptions. There were reports that some government employees were required to attend government rallies during the election campaign.

Freedom of Press: The independent media were active and largely unrestrained, although there were cases of direct and indirect political pressure on the media, including threats against journalists. At times political pressure and lack of funding constrained the independent print media, and journalists reported that they practiced self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence. The government controlled the editorial line of the public Albanian Radio and Television, which operated a national television channel and a national radio station and, by law, received 50 percent of its budget from the government. While private stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses. Business owners also freely used media outlets to gain favor and promote their interests with both major parties.

Violence and Harassment: There were incidents of violence against members of the broadcast media during the year, and journalists were subject to pressure from political and business actors. On January 21, police personnel beat journalist Ened Janina, political editor of the daily newspaper *Shekulli*, while he was covering a political demonstration in Tirana. According to Janina, a prosecutor initiated an investigation and received Janina's testimony shortly after the protest, but he was never summoned again to testify. The same day, reporter Fatos Mahmutaj was grazed by a bullet that killed a man standing on the media riser. Mahmutaj claimed on several television shows that the bullet wounding him and killing another man came from Republican Guard soldiers. Mahmutaj reportedly received several death threats after his public statements and left the country days after the protest. In the spring, Mahmutaj was granted political asylum in Belgium.

Reporter Artan Hoxha aired footage of the January 21 protest that allegedly showed how one of the protestors died. Hoxha stated that four days after the broadcast, unknown men handed his 10-year-old son at home an envelope that contained three bullets.

There were no reports of any specific government action to preserve media safety or to ensure the individuals who attacked journalists were prosecuted.

Censorship or Content Restrictions: Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to political and commercial pressures. Many journalists complained that their lack of employment contracts frequently hindered their ability to report objectively and encouraged them to practice self-censorship. Broadcasters and publishers complained that the government distributed its advertising based on favorable reporting rather than viewership or readership.

Libel Laws/National Security: The law punishes libel with a prison sentence of up to two years and a fine. In November two parliamentarians filed libel cases against reporters. Both cases were ongoing at year's end.

In 2009 newspaper publisher Mero Baze was sued by appellate court judge Zegjine Sollaku for libel. The Tirana District Court ruled in favor of Baze. However, Baze claimed that in September 2010 the appellate court, without notifying Baze or his lawyer, ruled that he should pay Sollaku 10 million leks (\$91,500) in moral damages and Baze's newspaper company should pay Sollaku 5 million leks (\$45,750). Baze appealed the ruling to the High Court, which reportedly failed to inform Baze about their ruling upholding the lower court decision before initiating collection procedures.

### **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedoms of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Internal migrants must transfer their civil registration to their new community of residence to receive government services and must prove they are legally domiciled through property ownership, a property rental agreement, or utility bills. Many persons could not provide this proof and thus lacked access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly Roma and Balkan-Egyptians. The law does not prohibit their registration, but it was often difficult in practice to complete.

#### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Under the law, there is no time limit for requesting asylum, but the government must make the decision regarding granting asylum within 101 days of the initial request. The government generally complied with this time frame. The government actively cooperated with the UNHCR, which provided assistance to refugees.

Nonrefoulement: In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Protection: The government reported there were no refugees seeking temporary protection during the year.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: On May 8, the country held nationwide elections for mayors and city councils that the OSCE/ODIHR election observation mission characterized as “competitive and transparent” but “highly polarized, with mistrust between political parties in government and

opposition.” The Central Election Commission’s (CEC) decision to overturn initial results in the mayoral contest in Tirana was widely perceived to be partisan and undermined confidence in its independence and impartiality.

Participation of Women and Minorities: The law mandates that women fill 30 percent of appointed and elected positions, and the electoral code provides that 30 percent of candidates should be women. However, not all parties followed the electoral code. There were 23 women elected to the 140-seat parliament in 2009, an increase from nine in the previous parliament. These included the speaker and one woman in the Council of Ministers.

Civil registration requirements and lack of identification among the Roma population made it difficult for many of them to participate in the May 8 elections. Some Roma candidates were elected to local offices. International observers reported attempts to influence illiterate Roma voters. There were no Roma elected to parliament nor serving in ministerial or subministerial positions. Several members of the Greek minority served in parliament and in the executive branch in ministerial and subministerial positions, including as the minister of labor.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption in the executive branch was widespread and pervasive. The education system remained corrupt, and officials sometimes required bribes from students for them to matriculate or pass examinations. Doctors and other medical personnel frequently demanded payment to provide what should have been free government services. As in other sectors, high-profile defendants usually were found not guilty, even in the face of overwhelming evidence. While numerous low and mid-level officials were prosecuted and often convicted for corruption, prosecuting higher level officials remained problematic.

The government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman and the Internal Control Service of the Albanian State Police. However, broad immunity provisions for judges, members of parliament, and other high-level officials prohibit not only prosecution but any use of investigative measures, hindering the government’s ability to prosecute high-level corruption.

The government’s task force against organized crime coordinated anticorruption activities. The prime minister headed the task force, which included several ministers and heads of independent state-owned agencies, such as the public electricity company, and representatives of the police and intelligence organizations.

The joint investigative units to fight economic crime and corruption (JIUs) are multiagency units that investigated and prosecuted public corruption and other financial crimes. The JIUs continued to bring cases in numerous sectors rife with corruption.

The law prohibits government ministers and their close family members from owning a company directly tied to their official responsibilities. Since its inception in 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) has received assets declarations from officials. During the year HIDAA sent 16 cases to prosecutors for further investigation and facilitated the resolution of 210 conflict of interest cases. During the year there were 427 officials who declared

their assets for the first time. During the year HIDAA fined 117 individuals for delaying their submissions and fined them for conflict of interest.

The Ministry of Interior reported that state police investigated 2,065 cases related to corruption and financial crimes during the year, and authorities arrested 266 persons. The courts ruled to confiscate assets in five cases totaling 259,830,519 leks (\$2,377,700) and to sequester assets in 11 cases totaling 757,600,138 leks (\$6,932,780).

Corruption in the judiciary is pervasive. Many judges issue rulings that do not appear to have any basis in law or fact, leading some to believe that the only plausible explanation is corruption or political pressure. Broad immunity enjoyed by judges prohibits prosecutors from investigating corruption allegations until they make a public request to the High Council of Justice to lift the accused judge's immunity, and receive its approval. Few judges have been prosecuted for corruption because most criminal investigations must remain secret, at least initially, in order to be successful.

Despite these obstacles, at least two corruption cases were pending against judges in which ordinary citizens recorded themselves offering a bribe to the judge, then provided the video to prosecutors. In a recent similar case involving video of a prosecutor discussing a bribe, however, the Court of Appeals reversed the conviction, concluding that the recording could not be used unless it was "authorized" by law enforcement.

The law provides public access to government information, but the process for making the information public was often not clear, and officials were sometimes reluctant to release information.

The law requires public officials to release all information and official documents with the exception of classified documents and state secrets. Citizens often faced serious problems in obtaining such information. Most government ministries and agencies posted public information directly on their Web sites. However, businesses and citizens complained of a lack of transparency and the failure to publish regulations or legislation that should be basic public information.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated and responded to their views.

Government Human Rights Bodies: The ombudsman is the main human rights institution for promoting and enforcing human rights. The ombudsman has the authority to monitor judicial proceedings, inspect detention and prison facilities, and initiate cases in which a victim is unwilling or unable to come forward. Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The most common cases included citizen complaints of police abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes. The ombudsman reports to parliament annually. The vacancy in the ombudsman position for nearly the entire year hampered many of the office's activities. Support staff at the ombudsman's office was able to perform some of the ombudsman's functions during the year.

The parliament has a committee on legal issues, public administration, and human rights. However, this committee largely was ineffective on human rights problems and remained constrained in its work by the Socialist Party parliamentary boycott that continued until September.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination on the basis of gender; race; color; ethnicity; language; gender identity; sexual orientation; political, religious, or philosophical beliefs; economic, education, or social situation; pregnancy; parentage; parental responsibility; age; family or marital condition; civil status; residence; health status; genetic predispositions; disability; or affiliation with a particular group. No cases have been presented in court to test enforcement since the law was passed in 2010.

### **Women**

Rape and Domestic Violence: The criminal code penalizes rape, including spousal rape; however, victims rarely reported spousal abuse, and officials did not prosecute spousal rape in practice. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent between the ages of 14 and 18, the term is five to 15 years; and, for rape of a child under the age of 14, the sentence is seven to 15 years.

Domestic violence against women, including spousal abuse, remained a serious problem. During the year police reported cases of domestic violence and the government pressed charges in some cases. The Department of Equal Opportunities at the Ministry of Labor, Social Affairs, and Equal Opportunity covers women's issues, including domestic violence.

The government opened a new shelter for domestic violence victims in Tirana on April 24 that assisted 10 women and 25 children during the year; however, non-governmental organizations (NGOs) complained that the state-run shelter could not accept victims without a court order. NGOs operated 15 shelters in Albania, six in Tirana and nine outside the capital. Police reported they received 2,349 domestic violence-related complaints through their emergency hotline. According to government figures, there were 2,181 cases of domestic violence reported during the year, compared with 1,744 in 2010. There were 1,779 cases involving female victims and 402 cases involving male victims. Police often did not have the training or capacity to deal with domestic violence cases.

Sexual Harassment: The law prohibits sexual harassment; however, officials rarely enforced the law. In many communities women were subjected to societal discrimination as a result of traditional social norms that considered women to be subordinate to men.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Citizens have access to contraception. Under the law, health care is provided to all citizens; however, the quality of and access to care, including obstetric and postpartum care, was not satisfactory, especially in the remote rural areas. This was due mainly to a lack of resources as well as poor local governance and resource management

problems in rural areas. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

Discrimination: The law provides equal rights for men and women under family law and property law, and in the judicial system. Women were not excluded from any occupation in either law or practice, but they were underrepresented at the highest levels of their fields. Although the law mandates equal pay for equal work, the government and employers did not fully implement this provision.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory and/or from a parent. In general parents are required to register the birth of a child in the community where they are registered within 60 days if they are residing in the country or 90 days if they are residing abroad.

According to the Children's Rights Center of Albania (CRCA), children born to internal migrants or those returning from abroad frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school. This was particularly a problem for Romani families, who often married young and failed to register the birth of their children.

Education: The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever occurs first. In practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms, which were prohibitively expensive for many families, particularly Roma and other minorities. Many families also cited these costs as a reason for not sending girls to school.

Child Abuse: Child abuse, including sexual abuse, occurred, although victims rarely reported it.

Child Marriage: The minimum age for marriage is 18. Underage marriages occur infrequently, mostly in rural areas. According to UNICEF statistics, 10 percent of women were married or in union before they were 18 years of age. Some NGOs have reported child marriages occur in rural communities as part of human trafficking schemes. Parents give permission for their girls to marry older foreign men who subsequently traffic them into other countries.

Sexual Exploitation of Children: In some cases children under the age of 18 engaged in prostitution. The penalties for the commercial sexual exploitation of children range from fines to 15 years' imprisonment. The country has a statutory rape law and the minimum age of consensual sex is 14. The penalty for statutory rape of a child under the age of 14 is a prison term of five to 15 years. The law prohibits making or distributing child pornography; penalties are a fine of 1 million leks to 5 million leks (\$9,150 to \$45,750) and a prison sentence of one to five years.

Displaced Children: Displaced and street children remained a problem, particularly Romani children. Street children begged or did petty work; some migrated to neighboring countries, particularly during the summer. These children were at highest risk of trafficking, and some became trafficking victims. Very few child trafficking cases were prosecuted.

Institutionalized Children: There were reports that orphans leaving the custody of the state at adulthood faced significant challenges finding adequate housing and services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's Report on Compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html)

### **Anti-Semitism**

There were reportedly only a few hundred Jews living in the country. There were no reports of anti-Semitic acts.

In September the government recognized Judaism as an official religion.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, employers, schools, health care providers, and providers of other state services sometimes discriminated against such persons. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

Persons with disabilities are not restricted from participating in civic affairs. However in practice resource constraints and lack of infrastructure make it difficult for them to participate fully in many activities. The government has set up social services agencies to protect the rights of persons with disabilities, but the agencies are often unable to implement their programs for lack of funding.

The ombudsman regularly inspects mental health institutions. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

### **National/Racial/Ethnic Minorities**

There were reports of significant societal discrimination against members of the Romani and Balkan-Egyptian communities. Some schools resisted accepting such students, particularly if they appeared to be poor. Local NGOs reported that many schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students. In February two men set fire to a Romani settlement in Tirana, destroying dozens of homes and forcing the entire community to relocate. The men admitted to their crime in a deal that guaranteed a reduced sentence and excluded the Romani victims from seeking damages for the property destruction. In November the Tirana District Court ruled that the arson did not constitute a hate crime because it did not involve the use of "words or writing." The government had not provided the victims with an adequate permanent housing solution at year's end.

The law permits official minority status for national groups and separately for ethnolinguistic groups. The government defined Greeks, Macedonians, and Montenegrins as national groups;

Greeks constituted the largest of these. The law defined Aromanians (Vlachs) and Roma as ethnolinguistic minority groups.

The ethnic Greek minority pursued grievances with the government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders cited the government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones", to utilize Greek in official documents and on public signs in ethnic Greek areas, or to include a higher number of ethnic Greeks in public administration. The government translated election materials into Greek and Macedonian for the May 8 elections.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibited discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals; however, no official claims of discrimination were made, and the government has not had an opportunity to enforce the law.

Despite the law and Albania's formal support for LGBT rights, homophobic attitudes remained. In December 2010 the vice chairman of the Parliamentary Commission for Social Issues and Health stated during a hearing that "homosexuality should be cured with hormonal treatment and psychological consultations." After an appeal by LGBT groups, the commissioner against discrimination sent a letter to the vice chairman on September 30 recommending he avoid discriminatory remarks and clarifying that homosexuality was not a disease. LGBT NGOs reported some discrimination and loss of employment due to sexual orientation. Reports of police harassment of LGBT persons and police brutality against transgender sex workers were verified.

Several NGOs were active in promoting LGBT rights in Albania.

### **Other Societal Violence or Discrimination**

The law prohibits discrimination against persons with HIV/AIDS; however, enforcement at times was lacking. There is a general social stigma against persons with HIV/AIDS, although there were no reports of violence against such individuals during the year.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Workers have the right to form independent unions, conduct legal strikes, and bargain collectively, and they exercised these rights in practice. The law prohibits members of the military and senior government officials from joining unions, and requires that a trade union have at least 20 members to be registered. The law provides the right to strike for all workers except uniformed military, police, indispensable medical and hospital personnel, persons providing air traffic control and prison services, and both essential and nonessential workers in water and electrical utilities. Workers not excluded by their position exercised their right to strike in practice.

The law prohibits antiunion discrimination and provides for reinstatement for workers fired for union activity. In practice, domestic and migrant workers rarely are protected by these laws. Civilian workers in all fields have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. Unions representing public sector employees negotiated directly with the

government. Effective collective bargaining remained difficult, and agreements were hard to enforce. Unions are often associated with political parties, and strikes sometimes became politicized. The law prohibits strikes that courts judge to be political. Miners at the Bulqiza chromium mine initiated a hunger strike in July to demand increased wages, improved working conditions, and a lower retirement age, among other demands. Negotiations between the mine owner, ACR Decometal, and miners' unions repeatedly failed. ACR refused to negotiate with union representatives because it claimed union organizers were instigating the strike for personal and political gain. In an effort to end the strike, ACR requested miners sign individual contracts that would allow ACR to reorganize the miners' union. The company relented in September, and the miners ended the strike on mutually agreed upon terms after nearly three months.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children; however, women and children were trafficked for labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age of employment at 16 years and regulates the amount and type of labor that children under the age of 18 may perform. Children between the ages of 16 and 18 can work in certain specified jobs. While the law provides that the Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing minimum age requirements through the courts, it lacked resources to adequately enforce the law. Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Most labor inspections occurred in shoe and textile factories; some instances of child labor were found during these inspections.

The law criminalizes exploitation of children for labor or forced services, but the government did not enforce the law effectively. According to a CRCA estimate released in 2010, more than 50,000 children under the age of 18 worked at least part time. The CRCA reported that the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, miners, or shoeshine boys. Research suggested that begging started at a young age--as early as four or five years of age. While the criminal code prohibits the exploitation of children for begging, police generally did not enforce this law.

Also see the Department of Labor's *Findings on the Worst Forms of Child*

*Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm)

#### **d. Acceptable Conditions of Work**

The national minimum wage was 20,000 leks (\$183) per month. According to INSTAT, the average wage for government workers in the second quarter of the year was 47,000 leks (\$430) per month. In comparison, the national poverty threshold in 2010 was \$61 per month. The Albanian Institute of Statistics reported that average monthly wages in the public sector had increased 6.6 percent from 2010. The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing the minimum wage. The law establishes a 40-hour workweek; however, individual or collective agreements typically set the actual workweek. The law establishes paid annual holidays, but in practice only employers in the formal labor market guaranteed the right to paid holidays. Many persons worked six days a week. The law requires

payment of overtime and rest periods, but employers did not always observe these provisions in practice. The law limits the maximum hours of work per week to 50, and provides for premium pay for overtime. The government had no standards for a minimum number of rest periods per week and rarely enforced laws related to maximum work hours, limits on overtime, or premium pay for overtime. In practice these laws did not often apply to workers in the informal sector such as domestic employees and migrant workers.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing occupational health and safety standards and regulations. Enforcement was lacking overall. Workplace conditions frequently were very poor and, in some cases, dangerous. Penalties often do not deter violations because law enforcement agencies lack the tools to enforce collection and consequently rarely charge violators.

Some serious industrial accidents resulting in deaths occurred during the year, particularly in the mining sector. Following a prolonged strike and mine inactivity, on October 18, an explosion in the Bulqiza chromium mine killed one miner and injured eight others. A short time later, a landslide in the mine killed a second miner. Wage and occupational safety standards violations occur most frequently in the textile and shoe industries, construction, and mining sectors.