

# ALBANIA 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral parliament (Assembly), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. In 2009 the country held parliamentary elections, which the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) described as marking progress over past elections but not fully realizing OSCE commitments. Security forces reported to civilian authorities.

Pervasive corruption in all branches of government, and particularly within the judicial system, remained a serious problem. The reform agenda, in particular the fight against corruption, effectively stalled as the political parties shifted their attention to the 2013 national elections. Highly partisan state institutions, including the Central Election Commission, undermined citizens' rights to challenge laws directly and to participate fully in their government. The ruling party's steady consolidation of power during this period further eroded public confidence in the independence of the country's institutions. Marginalization and abuse of the Roma and Balkan Egyptian communities were important human rights problems. Police beating and other mistreatment of suspects during detention and interrogation, sometimes to elicit confessions, were also significant problems.

Other human rights problems included domestic violence and discrimination against women, child abuse, and discrimination on the basis of sexual orientation and gender identity. Cases of trafficking in persons continued to be reported.

Government efforts to prosecute officials who committed abuses were sporadic and inconsistent. Many government officials and politicians in general, as well as judges, enjoyed immunity from prosecution, and those with powerful business interests often were able to avoid prosecution. Some lower-level officials were punished for abuses. Some government officials, who were clearly implicated in abuse cases, were removed and given other government positions without any penalty.

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

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

During the year the government cooperated with the European Union Special Investigative Task Force (SITF) investigation into allegations that the Kosovo Liberation Army (KLA) and affiliates participated in the detention in the country of civilian “prisoners of war” from Kosovo, who were held under inhuman 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 reportedly had organs removed at the time of their killings; their organs were trafficked out of the country for medical use abroad. The government publicly expressed its willingness to cooperate with the investigation into these and other alleged crimes. The investigation continued at year’s end.

During the year in connection to the January 2011 killing of four protesters during a demonstration at the prime minister’s office, authorities arrested former Republican Guard Commander Ndre Prendi on a charge of murder, while arresting his driver, Margarit Kume, and Armando Kasaj, who worked in the prime minister’s information technology office, on charges of obstruction of justice. On July 26, the court acquitted Kasaj of the obstruction charges. The trials against the other suspects continued at year’s end.

Incidents of societal killings, including both “blood feud” and revenge killings, appeared to increase during the year. Such killings sometimes involved criminal gangs. Although long-standing traditions surrounding blood feuds prohibit killing children or women, NGOs reported several cases where perpetrators intentionally targeted minors or women. The National Reconciliation Committee (NRC) claimed that the number of women killed in blood-feud related homicides was 10 times higher than in any of the last 20 years. The ombudsman reported some cases in which authorities refused to protect families or prevent blood feud killings. The Albania Helsinki Committee reported that the nonlegal traditions (kanun) dictating blood feud were often intentionally misinterpreted to justify revenge or societal killings.

On June 14, Maria Qukaj, a 17-year-old girl from Shkoder, and her grandfather, Kole Qukaj, were shot and killed near their home by two brothers as part of an ongoing blood feud between two families over irrigation water. Some neighbors and activists claimed authorities were aware of the threat posed by the feud and refused to intervene.

The NRC reported 152 blood feud 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**

While the constitution and law prohibit such actions, police and prison guards sometimes beat and abused suspects and detainees.

On March 20, the Council of Europe's Committee for the Prevention of Torture (CPT) published the report of its 2010 visit to the country's prison and detention centers. Although the majority of persons interviewed for the report stated that they were correctly treated while in custody, the CPT received a significant number of reports of physical abuse, principally during interrogation, consisting of slaps, kicks and in particular blows to the legs with truncheons. The CPT also noted that detainees and prisoners did not have adequate access to medical examinations and other services.

The ombudsman reported one case of a prisoner's death unrelated to natural causes. The inmate was allegedly denied medical attention, had been restrained to his bed, and was found covered in urine and fecal matter after he had died in his cell. The ombudsman referred the case to the prosecutor's office, but prosecutors did not investigate the claims or bring charges related to the inmate's death.

The Albanian Helsinki Committee (AHC) 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. The AHC said police often reported that detainees claiming abuse arrived with preexisting injuries.

NGOs reported that complaints from juvenile detainees about physical abuse or violence within detention centers and prisons were rarely taken seriously. On multiple occasions one NGO reported finding prison guards who were drunk responsible for guarding juvenile detainees.

On November 26, amateur video captured police in Tirana arresting a 15-year-old boy accused of stealing a decorative flag. After the suspect was handcuffed, video showed police slapping the boy several times on the back of his head while being led to a police vehicle. The ombudsman said he received complaints suggesting the police continued to abuse the suspect and a 14-year-old friend physically after they were taken to the police station.

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

Prison and detention center conditions varied widely, and older facilities fell far short of international standards, with unhygienic conditions, lack of many basic amenities, and mistreatment by guards and other prisoners threatened the lives and health of prisoners and detainees.

Physical Conditions: At the end of the year, there were 1,793 persons in pretrial detention centers and 2,754 convicted persons in prisons, including 81 female prisoners and 97 juveniles. The CPT reported that it was common practice in several police stations to hold juvenile detainees in the same cells as adult detainees. Authorities held men and women in separate facilities, with pretrial detainees held separately from convicted prisoners.

Under the law detained persons should be transferred to the custody of the Ministry of Justice, which has facilities more adequate for long-term inmates, if their custody will exceed 10 hours. In practice, owing to poor communication between the ministries, this seldom happened, and it was common for persons, including juveniles, to remain in police detention centers for long periods.

Prison and detention center conditions varied widely between facilities dating from the communist period and those opened after 1991 as well as between those under control of the Ministry of Justice and those under the Ministry of Interior. The Ministry of Justice operates prisons and long-term detention centers. Conditions in those facilities varied widely. Older facilities had inadequate sanitation, ventilation, lighting, health care, and access to potable water, while those built after 1991 generally met international standards.

On May 12, the ombudsman asked the prosecutor's office to open a criminal investigation into the alleged torture on April 28 of two prisoners by five guards in Tirana's Jordan Misja prison. The alleged torture occurred after a prisoner sought medical treatment and in response was severely beaten by the guards in the

infirmary. When the prisoner's brother, who was also incarcerated at the prison, protested, the guards allegedly beat him as well.

The Ministry of the Interior maintained police stations and temporary detention facilities. Conditions in those facilities were completely inadequate. In some cases they were unheated during the winter, some lacked basic hygienic amenities such as showers or sinks, limited access to toilets, little or no ventilation or access to natural light, lack of beds or benches, and cramped conditions. The 2010 CPT report called the conditions in the country's police stations "appalling."

Administration: 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 country did not use alternative sentencing.

Prisoners and detainees are entitled under the law to submit complaints to judicial and administrative authorities. Authorities investigated credible allegations of inhuman conditions and documented the results of their investigations, although the results were not easily accessible to the general public. The Prisons Directorate maintained cooperation agreements with several NGOs and the ombudsman. Prisoners could meet confidentially with the ombudsman, the Prisons Supervisory Commission, or foreign and domestic human rights NGOs. However, NGOs reported that the government rarely took their suggestions seriously, and when confronted with reports of abuse, officials refused to investigate.

The ombudsman found corruption to be a serious problem in detention centers, particularly with special release programs. There were several reports of prisoners receiving permission to participate in special release programs after bribing prison officials.

Monitoring: The government allowed local and international human rights groups, the media, and International Committee of the Red Cross, as well as international bodies such as the CPT, to monitor prison conditions.

Improvements: During the year the Prisons Directorate began enrolling inmates, including those with mental health issues, in a public health insurance program to

offer them a full range of basic health services. Media access increased, and some documentaries were filmed and broadcasted on live television from prisons.

Inmates in five of 21 institutions had access to free, full-time secondary school education. Upon graduation inmates received a diploma without any reference to their incarceration.

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

The law and constitution prohibit arbitrary arrest and detention. However, there were reports that the police occasionally arbitrarily arrested and detained persons. Those reports decreased in comparison with last year, largely due to reforms implemented by the Ministry of the Interior.

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

Local and regional public order police directorates operationally and administratively come under the command of the state police general director, who in turn responds to the Ministry of Interior. The state police are the main organization responsible for internal security. The Republican Guard protects high-level state officials, foreign dignitaries, and certain state properties. The armed forces under the Ministry of Defense are mainly responsible for protecting the independence, sovereignty, and territorial integrity of the country, with some additional tasks of assisting the population in times of humanitarian need. The State Intelligence Service (SHISH) 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 state police, Republican Guard, armed forces, and SHISH, although periodically state resources were used for personal gain. For example, instances of police accepting bribes in return for not issuing citations or not entering personal information into crime databases were widespread.

The government has mechanisms to investigate and punish abuse and corruption. As part of institutional reform efforts, the government's Internal Control Service (ICS) conducted audits, responded to complaints, and carried out investigations with increased emphasis on human rights, prison conditions, and adherence to standard operating procedures.

State police officers did not always enforce the law equally. Personal associations, political or criminal connections, poor infrastructure, and lack of equipment or inadequate supervision often influenced enforcement of laws. Low salaries, poor motivation and leadership, and a lack of diversity in the workforce contributed to continued corruption and unprofessional behavior.

During the year the ombudsman processed complaints against police officers mainly on arrest and detention problems. The ombudsman received 4,252 complaints during the year and investigated or provided counsel in 385 cases.

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

The constitution requires that a judge 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. Authorities allowed detainees prompt access to an attorney, and at public expense if necessary.

The constitution requires that authorities inform detained persons immediately of the charges against them and of their rights; however, this right was not always respected. 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.

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: Police occasionally detained persons for inordinate amounts of time for questioning without formally arresting them.

Pretrial Detention: While the law requires completion of most pretrial investigations within three months, 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. 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 for failure to appear to prevent such delaying actions by attorneys.

ICS audits indicated that there was a need to increase the use of informational posters at detention centers to ensure that pretrial detainees are aware of and have access to uniform “acknowledgement of rights” forms that are supposed to be available at such facilities.

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. Additionally, court hearings were often closed to the public. Court security officers routinely refused entry to hearings and routinely called the presiding judge in each case to ask if the person seeking admission could attend the hearing. Some agencies routinely disregarded court orders. The politicization of appointments to the High and Constitutional Courts threatened to undermine the independence and integrity of these institutions. On June 11, based on 2008 constitutional amendments, the assembly elected a president by a simple majority in a process that many observers viewed as partisan and in contravention of the constitution which calls for the President of the Republic to represent the “unity of the Albanian people.”

On December 7, the assembly approved President Nishani’s nominee for prosecutor general, effectively removing Prosecutor General Ina Rama from office prior to the end of what many legal scholars argued was her constitutional mandate. Observers noted that the move directly challenged the prosecutor general’s ability to investigate and to charge high government officials, although many neutral observers praised the qualifications of the newly appointed prosecutor general.

#### **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. The government generally respected these rights in practice.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees. Former political prisoners under the communist regime continued to petition the government for compensation. On September 21, a small group of former political prisoners launched a hunger strike in Tirana demanding unpaid entitled payments from the government. During the 31-day hunger strike, two protesters in Tirana and a third individual in Pogradec set themselves on fire to protest the government's refusal to negotiate with the protesters. Police successfully prevented at least one other attempt by a protester to set themselves afire and enforced restrictions on liquids entering the strike area in an effort to prevent further self-harm. Following the strike several protesters reported that the government provided them with a portion of their legally entitled payment. However, protest organizers reported that state security officials constantly monitored their movements, and the organizers complained that plain clothes officials harassed them and their family members.

### **Civil Judicial Procedures and Remedies**

While individuals and organizations may seek civil remedies for human rights violations, 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.

### **Regional Human Rights Court Decisions**

Citizens could appeal decisions involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights (ECHR). There were 29 judgments against the country that had not been fully executed. The government paid awards to plaintiffs in 19 cases, while 10 cases

were under payment. Parties generally received payment from the government in due time.

### **Property Restitution**

A large number of conflicting claims for private and religious property confiscated during the communist era remained unresolved. Some experts asserted that, given the slow pace of restitution, the government would need \$38.6 billion and 30 years to complete the process.

On July 31, the ECHR ruled that the government should pay three million euros (\$4 million) to 20 Albanian citizens who had brought property restitution cases to the ECHR. The court found the government had violated the victims' right to effective remedy, right to due process, and protection of property by not restoring the victims' property.

### **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**

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: Individuals could generally 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, including reports that the government transported civil servants from areas outside Tirana to attend a Democratic Party reelection rally.

Freedom of Press: The independent media were active and largely unrestrained, although there were cases of direct and indirect political and economic 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.

In its annual Media Sustainability Index, the nongovernmental organization IREX noted that the independence of the media in the country decreased during the year, and more media outlets had fallen under the direct influence of political parties.

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. Many media owners courted government leaders to gain favors or avoid taxes.

Violence and Harassment: There were incidents of violence against members of the broadcast media during the year, and journalists were subjected to pressure from political and business actors.

On June 8, the bodyguard of a cement factory owner assaulted journalists Dashamir Bicaku, Bledi Gilaj, and Thimi Samarxhi. The incident occurred outside the Tirana Police Commissariat. The three reporters filed lawsuits, and the case continued at year's end.

Censorship or Content Restrictions: Journalists continued to complain that publishers and editors censored their work directly and indirectly in response to political and commercial pressures. Many journalists complained that a lack of employment contracts frequently hindered their ability to report objectively and encouraged them to practice self-censorship. In contrast with 2011, when there were four collective employment contracts for journalists, there were no contracts concluded during the year.

Broadcasters and publishers complained that the government used its purchases of advertising to leverage favorable reporting from media outlets. Private advertisers tended to do the same for fear of tax inspections.

Libel Laws/National Security: In February and March, the assembly amended provisions of the penal and civil codes affecting defamation, repealing four offences that granted special protection to national and foreign government

officials and abolishing imprisonment and the involvement of the public prosecutor in defamation cases. However, insult and deliberate publication of defamatory information were maintained as privately prosecuted misdemeanors subject to a fine. Amendments to the civil code provided guidance to judges and included changes that limit fines to proportionate levels that do not jeopardize the financial survival of media outlets.

Some media outlets continued to produce investigative stories, which sometimes led to dismissals and criminal cases against corrupt public officials.

In July the daily *Shqiptarja.com* claimed that the Tirana Municipality tax office selectively targeted it for inspection in response to a report it published alleging that Tirana mayor Lulzim Basha's family was engaged in corrupt practices. Following the inspection the tax office requested copies of documentation related to *Shqiptarja.com*'s investigation, which the daily asserted was illegal. The municipal tax office relented and transferred the case to the national tax office.

On June 18, the Tirana District Court fined the Top Channel 51 million leks (\$481,000) for the 2009 broadcast of hidden camera footage that led to the dismissal of former minister of culture, youth, and sports Ylli Pango. The court of appeals overturned the decision. The High Court ruled that the case be sent back to the district court. Pango's lawyers appealed the ruling, and the High Court had not heard the case at year's end.

Publishing Restrictions: The government does not apply import controls or other measures to limit the operation of publishing houses.

Nongovernmental Impact: No opposition, paramilitary, criminal, or terrorist groups sought to inhibit freedom of expression, including members of the press.

## **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. According to data compiled by the International Telecommunication Union, approximately 49 percent of the population used the Internet in 2011. The number of individuals who used mobile broadband Internet in 2011 reached 250,000, while the number of families that had access to fixed broadband Internet in 2011 reached 174,190, or 23.5 percent of the total number of families based on the 2011 census. Fixed broadband was mostly concentrated in urban areas.

## **Academic Freedom and Cultural Events**

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

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

#### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and the government generally respected it in practice.

Some political parties reported that mayors from opposing parties refused to provide proper authorization to allow them to hold rallies or demonstrations. Authorities asserted that requests were not filed in a timely manner and, therefore, could not be granted in time for planned gatherings. Some independent party supporters also reported that police harassed participants or prevented them from performing regular campaigning or public recruiting activities.

On July 17, activists from the Red and Black Alliance political party alleged that Tirana Municipality police chief Florenc Hoxha verbally and physically abused them while they were placing posters and distributing leaflets. The party also claimed that police detained one activist.

#### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected it 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 internal movement, 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 law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. There is no time limit for requesting asylum, but the law provides that the government must make a decision regarding the granting of asylum within 101 days of the initial request. The government generally complied with this requirement. The government actively cooperated with the UNHCR, which provided assistance to refugees.

Temporary Protection: The government reported there were no refugees seeking temporary protection during 2011. No information was available on refugees 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: In 2009 the country held parliamentary elections that the OSCE/ODIHR election observation mission stated met most OSCE commitments but, nevertheless, “did not fully realize the country’s potential to adhere to the highest standards for democratic elections.” The observation mission specifically

cited problems in administrative procedures with the vote count, “a highly polarized environment,” biased media coverage, and procedural violations such as proxy voting.

In May 2011 there were nationwide elections for mayors and city councils that the OSCE 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.

Political Parties: Several political parties participated in government. During the year, some assembly members changed or abandoned their party affiliation without losing their seat. Red and Black Alliance (RBA) party officials complained that Tirana police officers harassed party volunteers campaigning throughout the city on several occasions in June. The RBA alleged that Tirana police officers arrested, detained, and physically assaulted volunteer Irfan Gjeci on July 16, while he was putting up campaign posters in Tirana. Party officials claimed the abuse was directed at the volunteers because of their political party affiliation. RBA officials also reported that officials from the ruling coalition in several cities often denied them licenses to hold demonstrations and other public gatherings.

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, and fines for noncompliance were low. There were 23 women elected to the 140-seat assembly 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 Romani population made it difficult for many of them to participate in the May 2011 elections. Some Romani candidates were elected to local offices. International observers reported attempts to influence illiterate Romani voters. There were no Romani elected to the assembly or serving in ministerial or subministerial positions. Several members of the Greek minority served in the assembly and in the executive branch in ministerial and subministerial positions, including the minister of labor.

On June 28, the CEC ruled that the petition filed by the Alliance Against Waste Importation (AKIP), a group of activists and environmental organizations, requesting a referendum on the country's new waste importation law, although filed on time, was nevertheless late due to the time required to log all the signatures officially. Moreover, the CEC demanded copies of the national identification cards for each signatory. The CEC ruling effectively delayed the court's review on the referendum's legality for over a year, making it impossible to bring the question to referendum during that time. AKIP appealed the decision to the Electoral College, which ruled that decisions of the CEC were not subject to judicial review. Observers noted that the CEC and the Electoral College decisions made it virtually impossible for private individuals and organizations to change laws through the referendum process.

#### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for official corruption, 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.

A lack of progress in key institutional reforms impeded the Albanian Customs Service, especially in the areas of recruitment, testing, staffing, and day-to-day personnel supervision. Bureaucratic inertia within the customs service and political interference associated with staffing also slowed international community efforts to revise customs legislation and implement needed changes, leading to perceptions that customs procedures and revenue collection were inefficient and subject to abuse.

While the government prosecuted and often convicted numerous low- and mid-level officials for corruption, prosecuting higher-level officials remained problematic, and high-profile defendants usually were found not guilty, even in the face of overwhelming evidence.

On January 16, the Supreme Court acquitted former deputy prime minister Ilir Meta of corruption charges in a controversial ruling after excluding a videotape from evidence which purportedly showed him discussing a bribe.

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 five cases to prosecutors for further investigation and facilitated the resolution of 43 conflict of interest cases. In September the assembly enacted amendments to the law which increased by an estimated 300 the total number of public officials required to declare their assets. HIDAA fined 43 individuals for delaying their submissions and for conflict of interest. Asset declarations are public based on the HIDAA organic law as well as the law for the right of information of official documents. The law clearly identifies which assets, liabilities, annual revenues, and interests public officials must declare. It also includes assets and income of spouses and adult children. The law requires officials to file annually their declarations as well as when they enter and leave office.

Enforcement agencies do not actively and sustainably collaborate with civil society in most cases. Agencies will passively cooperate in selective instances that are normally brought to its attention by international actors, in many instances at the request of civil society. The government's use of slogans promoting "zero tolerance" of corruption often suppress reporting and promote data manipulation indicating that corruption does not exist.

The government prosecuted corrupt officials and managed complaints regarding police corruption through the ombudsman and the Internal Control Service of the Albanian State Police. For much of the year, broad immunity provisions for judges, members of parliament, and other high-level officials prohibited not only prosecution but any use of investigative measures, hindering the government's ability to prosecute high-level corruption. On September 18, the assembly passed legislation enabling prosecutors to start investigations against judges, assembly members, and other high-level officials.

The government's task force against organized crime coordinated anticorruption activities. The task force includes several ministers and heads of independent state-owned agencies, such as the public electricity company, and representatives of the police and intelligence organizations. State police participation includes the Financial Crimes Directorate and their Anticorruption Sector as well as the Criminal Intelligence Analysis Directorate. Both directorates report to the deputy general director in charge of the Department Against Organized and Serious Crime.

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 with extensive corruption.

The Ministry of Interior reported that state police investigated 433 cases related to corruption and financial crimes during the year, and arrested 82 persons. The courts confiscated \$17.3 million in assets related to these crimes.

Corruption in the judiciary was pervasive. Many judges issued rulings that did not appear to have any basis in law or fact, leading some to believe that the only plausible explanation was corruption or political pressure. On July 26, the Tirana District Court acquitted a technician who erased from the digital video recorder at the Prime Minister's Office all photographic images of the January 2011 violent protest in which four persons were allegedly killed by Republican Guard officers.

On September 18, the assembly amended the constitution to limit the broad immunity enjoyed by judges that prohibited prosecutors from investigating or prosecuting corruption allegations until they made a public request to the High Council of Justice. Few judges were prosecuted for corruption because most criminal investigations must remain secret, at least initially, to be successful.

The law provides public access to government information, but the process for making the information public often was not clear, and officials were sometimes reluctant to release information. The law stipulates that the right to access information can be restricted when information is categorized as classified or when such a release would violate the protection of personal data. The law specifies a 40-day time frame for the responsible public institutions to provide the required information. In general accessing government information is free of charge but there are specific cases where processing fees are rendered to cover the cost of service for the institution providing the information. Noncompliance is punishable as an administrative rather than a criminal offense. All citizens may appeal for review a disclosure denial to the authority that filed the original request and/or at a higher level. It can also appeal to the court.

In February the Albanian Media Institute conducted a survey to measure the government's responsiveness to public requests for government information. Of the 250 requests for information reviewed in the survey, 152 received a response. Of the 98 requests that were refused, journalists submitted 40, while 58 came from private citizens.

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 some 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.

On May 11, the government enacted an agreement to cooperate with the European Union Special Investigative Task Force (SITF) investigating allegations of organ trafficking and other crimes that occurred in 1999 and 2000. SITF investigators traveled to the country during the year and reported that the government had been very supportive of their efforts, noting that Prime Minister Berisha and several other senior officials had pledged their cooperation with investigators.

Government Human Rights Bodies: The ombudsman is the main human rights institution for promoting and enforcing human rights. The ombudsman has the authority to inspect detention and prison facilities and initiate some cases in which a victim is 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 the assembly annually.

The assembly has a committee on legal issues, public administration, and human rights. However, this committee was ineffective on human rights problems and did not respond to requests to meet with the ombudsman.

### **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 of the law. Cases of discrimination may be brought to the government's antidiscrimination commissioner. However, the commissioner's office was somewhat ineffective and often failed to challenge the government even with clear evidence of discrimination. The law allows the antidiscrimination commissioner to testify as an expert witness, even in appeals on cases the office rejected.

## 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 term 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 shelter for domestic violence victims in Tirana assisted 35 women and 37 children from April 2011 to May 2012. However, the shelter could not accept victims without a court order. After inspecting the shelter in April, the ombudsman found cases of repeated abuse by shelter director Dodona Kaloshi, who had reportedly verbally degraded victims and forced some children to sleep on the floor. Police routinely denied protection to women housed at the shelter when they traveled to court appearances or to take their children to school, leaving some to be assaulted by their husbands while they were away from the shelter. After growing criticism and a television expose, the government removed Kaloshi from the position several weeks after the ombudsman's findings.

At the end of 2011, NGOs operated 15 shelters to protect victims from domestic violence, 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 in 2011, there were 2,526 cases of domestic violence reported during the year, compared with 2,181 in 2010. 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.

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.

Gender-biased Sex Selection: World Vision and the UN Population Fund released a report on December 19 showing the sex ratio at birth from 2000-10 was approximately 112 boys born for every 100 girls. Data showed that the ratio was highest in urban areas and among wealthier and more educated socioeconomic classes. When considering families without sons, the ratio in Tirana swelled to 119, indicating high rates of sex-selective abortions.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory or from a parent. In general parents are encouraged to register the birth of a child in a timely manner. A monetary reward for registrations completed within 60 days of birth is provided to further incentivize early registration. There were no reports of discrimination in birth registration; however, in practice residency requirements for registration made it more difficult for many Romani and Balkan-Egyptian parents to register their children and access some other government services that were dependent on registration.

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 allows 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 Romani and other minorities. Many families also cited these costs as a reason for not sending girls to school. Although the government has a program to provide free textbooks for low-income families, many families and NGOs reported that they were unable to acquire the free textbooks.

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

Child Marriage: The minimum age for marriage is 18. Underage marriages occurred 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 that child marriages occurred in rural communities as part of human trafficking schemes, when parents consent for their underage girls to marry older foreign men, who subsequently trafficked them to other countries.

Sexual Exploitation of Children: In some cases children under the age of 18 were exploited 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 one million to five million leks (\$9,430 to \$47,000) and a prison sentence of one to five years. The law does not prohibit possessing child pornography. NGOs complained that they proposed draft laws to criminalize possession of child pornography, but the assembly failed to accept them. Laws concerning rape and sexual exploitation of minors were generally enforced effectively; however, NGOs reported that laws enforcing child pornography were rarely enforced.

Displaced Children: Displaced and street children remained a problem, particularly within the Romani community. 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. Some displaced children were used by criminal gangs to burglarize homes because the law prohibits prosecuting children under the age of 14 for burglary. 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 [www.travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://www.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.

### **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. According to the 2011 census, 24 percent of persons with disabilities had never attended school. Sixty-five percent of the persons with disabilities that had never attended school were female. Widespread poverty,

unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

Persons with disabilities were not restricted from participating in civic affairs, although in practice resource constraints and lack of infrastructure made 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 often lacked funding to implement their programs. The law does not limit the right of persons with disabilities to vote; however, voting centers are often housed in facilities lacking accommodations for disabled persons, effectively undermining their right to vote.

On March 15, the assembly passed a law severely cutting benefits for disabled persons, including subsidies for transportation and electricity. The government held that the new law would help reduce fraudulent claims, but organizations that worked with disabled persons complained that it would eliminate subsidies for the blind and persons with severe physical disabilities. The ombudsman had urged the government not to adopt the law.

The ombudsman regularly inspected 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. Romani and Balkan-Egyptians faced discrimination in access to housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian 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.

On January 24, the government evicted eight Romani families from private property they were occupying in Tirana. Despite the city's reported promises to the contrary, the municipality did not offer the families adequate alternative accommodations. In response the ombudsman invited the eight families to encamp on his office grounds until the government found a reasonable solution. After several weeks the government attempted to move the families to a group of abandoned military barracks on the outskirts of Tirana that lacked basic amenities,

including electricity, water, and sewage. Families from the surrounding community opposed the move and physically attempted to prevent the Romani from occupying the barracks. Police failed to provide adequate security for the families, and they abandoned the property after several incidents of harassment. Authorities did not provide subsequent alternative housing options for the families.

The law provides 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 Romani as ethnolinguistic minority groups.

The ethnic Greek minority complained about 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 emergence of strident nationalist groups like the RBA increased ethnic tensions, particularly with Macedonian and Greek minority groups. On November 16, a group of youth wearing RBA t-shirts entered the town of Liqenas, chanting pro-ethnic Albanian slogans. The group reportedly entered municipal facilities and an ethnic-Macedonian high school, intimidating local residents. The group placed stickers over the Macedonian names on the street signs, and posted photos of their activities on Facebook.

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

The law prohibits discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. However, no official claims of discrimination have been filed, and the government has not had an opportunity to enforce the law.

Despite the law and the government's formal support for LGBT rights, homophobic attitudes remained. On March 23, the media erroneously reported that LGBT activists were planning a pride parade in May. Deputy Defense Minister Ekrem Spahiu responded to the announcement, stating, "My only commentary on this gay parade is that the organizers should be beaten with clubs." The international community, civil society, and many citizens criticized the remarks. However, public demonstrations, some political leaders, and religious organizations supported Spahiu's comments. On a television program a few days later, another member of Spahiu's political party told openly gay activist Kristi

Pinderi, “If you were my son, I would put a bullet in your head.” The government reiterated its support for the LGBT community, and Prime Minister Berisha stated that LGBT activists would be permitted to organize a public demonstration according to their legal rights. The state police coordinated with LGBT organizations and provided effective security for several LGBT-related events during the year.

NGOs ProLGBT and Aleanca organized a pride-related bicycle ride in Tirana on May 16. During the ride a group of young men threw a smoke bomb and firecrackers at the group. Police apprehended the suspects, but no charges were filed, and they were released shortly after the incident.

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

The law prohibits discrimination against persons with HIV/AIDS. 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**

The law and related regulations and statutes protect the right of workers 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 these laws rarely protected domestic and migrant workers.

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.

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

The law prohibits all forms of forced or compulsory labor; the government did not always effectively enforce the law.

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 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 did not 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 2010 CRCA estimate, 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. Some of the children begging on the street were second or third generation beggars. Research suggested that begging started as early as the age of four or five years old. While the criminal code prohibits the exploitation of children for begging, police generally did not enforce the law. The government did not provide resources for rehabilitation of children begging and living on the street.

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 21,000 leks (\$198) per month. According to INSTAT, the average wage for government workers in the second quarter of the year was 51,270 leks (\$484) per month. By comparison the national poverty threshold in 2011 was 6,266 leks (\$59) per month. The Albanian Institute of Statistics reported that average monthly wages in the public sector had increased 12.5 percent from 2011. The labor code requires equal pay for equal work.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing the minimum wage. While the law establishes a 40-hour workweek; 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 had guaranteed rights 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.

There were no reliable data on the informal economy, but the size of the informal sector remained substantial. The country had an official annual GDP of \$12 billion, but informal estimates increased that number to \$24 billion when it was included in the GDP estimate.

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 did not deter violations because law enforcement agencies lacked the tools to enforce collection and consequently rarely charged violators. There are no government programs to provide social protection for workers in the informal economy.

Wage and occupational safety standards violations occurred most frequently in the textile and shoe industries, construction, and mining.