

ALBANIA 2017 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. On June 25, the country held parliamentary elections. The Organization for Security and Cooperation in Europe (OSCE) reported the elections respected fundamental freedoms but were negatively impacted by allegations of vote buying and pressure on voters.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included limitations on expression and the press, including self-censorship and intimidation of journalists driven by financial and political interests; and pervasive corruption in all branches of government.

Impunity remained a problem. Prosecution, and especially conviction, of officials who committed abuses was sporadic and inconsistent. Officials, politicians, judges, and those with powerful business interests often were able to avoid prosecution. Authorities took technical measures, such as electronic payment of traffic fines and body cameras, to improve police accountability and punished some lower-level officials for abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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 prisoners. Through September the Service for Internal Affairs and Complaints received complaints of police abuse and corruption that led to both administrative sanctions and criminal prosecutions. As of July, the Albanian Helsinki Committee (AHC) reported one case of alleged physical violence in a police facility.

The ombudsman reported that most cases of alleged physical or psychological abuse occurred during arrest and interrogation. Through August, the ombudsman received 104 complaints from detainees. The majority of complaints concerned the quality of health care. The ombudsman did not refer any case for prosecution.

Prison and Detention Center Conditions

Poor physical conditions and a lack of medical treatment, particularly for mental health issues, were serious problems, as were overcrowded facilities and corruption. The AHC and the ombudsman reported that conditions in certain detention facilities were so poor as to constitute inhuman treatment. Conditions remained substandard in police detention facilities outside of Tirana and other major urban centers.

Physical Conditions: The government, the ombudsman, and the AHC reported prison overcrowding continued and that the prison population was 3-5 percent greater than the design capacity of prison facilities. Overcrowding was worse in pretrial detention centers. Conditions in prison and detention centers for women were generally better than those for men.

The majority of the 104 complaints received by the ombudsman from prisoners through August dealt with the quality of health services. Prisoners also complained about access to special leave programs, delays in the implementation of prison transfer orders, and undesirable transfers to other prisons. The AHC also reported numerous complaints about the quality of health services and transfer/nontransfer between detention facilities. In some cases, prison officials placed inmates not subject to disciplinary measures in isolation cells due to a lack of space among the general prison population. The ombudsman and nongovernmental organizations (NGOs) reported that authorities held inmates with mental disabilities in regular prisons, where access to mental health care was wholly inadequate.

Prison and detention center conditions varied significantly by age and type of facility. The ombudsman, the AHC, and the Albanian Rehabilitation Center from Trauma and Torture identified problems in both new and old structures, such as dampness in cells, poor hygiene, lack of bedding materials, and inconsistent water and electricity supply.

Conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, were inadequate, except for regional facilities in Tirana, Gjirokaster, Kukes, Fier, and Korca. Some detention facilities were unheated during the winter, and some lacked basic hygienic amenities, such as showers or sinks. Facilities were cramped, afforded limited access to toilets, and had little or no ventilation, natural light, or beds and benches. Camera monitoring systems were nonexistent or insufficient in the majority of police stations.

Administration: The Ministry of Justice managed the country's prisons. The ombudsman reported prison and police officials generally cooperated with investigations. NGOs and the ombudsman noted inadequate recordkeeping in some institutions, particularly in small or rural police stations.

Corruption continued to be a serious problem in detention centers, particularly in connection with access to work and special release programs. NGOs reported that those involved in work programs received only 90 leks (about \$0.80) per month and did not receive credit for social security. In July 2016 the deputy general director of prisons, Iljaz Labi, was arrested for his involvement in creating fake procurement documents for food-supply companies. In February police arrested on similar corruption charges former general director of prisons, Artur Zoto, who had voluntarily resigned a few days after Labi's arrest. During the year several other senior prison staff were arrested and convicted for supplying drugs to prisoners or demanding payment for access to family visits.

The majority of prison directors in the country were fired during the year on grounds of corruption, abuse of office, and other violations of the law.

Independent Monitoring: The government allowed local and international human rights groups, the media, as well as international bodies such as the Council of Europe's Committee for the Prevention of Torture to monitor prison conditions. The ombudsman conducted frequent unannounced inspections of detention facilities.

Improvements: The General Directorate of Prisons indicated that by July overall prison overcrowding had been reduced from 9 percent in 2016 to 3 percent. Both the ombudsman and NGOs reported a decrease in cases of physical and psychological abuse from the previous year.

d. Arbitrary Arrest or Detention

The law and constitution prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Ministry of Interior oversees the Guard of the Republic and the State Police, which include the Border and Migration Police. The State Police are primarily responsible for internal security. The Guard of the Republic protects senior state officials, foreign dignitaries, and certain state properties. The Ministry of Defense oversees the armed forces, which also assist the population in times of humanitarian need. The State Intelligence Service (SIS) gathers information, carries out foreign intelligence and counterintelligence activities, and is responsible to the prime minister.

Civilian authorities generally maintained effective control over police, the Guard of the Republic, the armed forces, and the SIS, although officials periodically used state resources for personal gain and members of the security forces committed abuses.

Police did not always enforce the law equitably. Personal associations, political or criminal connections, poor infrastructure, lack of equipment, or inadequate supervision often influenced law enforcement. Poor leadership and a lack of diversity in the workforce contributed to continued corruption and unprofessional behavior. Authorities continued to make efforts to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures.

Impunity remained a serious problem, although the government made greater efforts to address it, in particular by increasing the use of camera evidence to document and prosecute police misconduct.

While the government had mechanisms to investigate and punish abuse and corruption, police corruption remained a problem. The Service for Internal Affairs

and Complaints received 3,811 telephone complaints via the anticorruption “green line” through July 31. The majority of the complaints involved “inaction of police officers,” “unjust fine/ticket,” or “violation of standard operating procedures.” The office filed 43 administrative violations, recommending 57 police officers for disciplinary proceedings. The cases of five officers were forwarded to the Prosecution Office. During the year the ombudsman also processed complaints against police officers, mainly concerning problems with arrests and detention.

Arrest Procedures and Treatment of Detainees

The law requires that, except for arrests made during the commission of a crime, police may arrest a suspect on criminal grounds only with a warrant issued by a judge and based on sufficient evidence. There were no reports of secret arrests. By law police must immediately inform the prosecutor of an arrest. 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 police. Prosecutors requested, and courts ordered, detention in many criminal cases, although courts sometimes denied prosecutors’ requests for detention of well-connected, high-profile defendants.

The constitution requires authorities to inform detained persons immediately of the charges against them and their rights. Law enforcement authorities did not always respect this requirement. Amendments to the Criminal Procedure Code (CPC) that entered into force on August 1 imposed additional obligations on law enforcement regarding the rights of defendants and detained persons. The same amendments established a new system for handling the monetary aspect of bail. Courts often ordered suspects to report to police or prosecutors on a weekly basis. While the law gives detainees the right to prompt access to an attorney, at public expense if necessary, NGOs reported interrogations often took place without the presence of a lawyer. Authorities placed many suspects under house arrest, often at their own request, because if convicted they received credit for time served.

By law police should transfer detainees to the custody of the Ministry of Justice, which has facilities more appropriate for long-term detention, if their custody will exceed 10 hours. Due to overcrowding in the penitentiary system, detainees, including juveniles, commonly remained in police detention centers for long periods.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention. Although the government generally observed these prohibitions, there were instances when police detained persons for questioning for inordinate lengths of time 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 pretrial detention should not exceed three years; the government reported five cases of pretrial detentions exceeding this limit. Extended pretrial detention often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. The amendments to the CPC that entered into force during the year included provisions intended to put an end to the existing inability of judges to prevent such delaying actions by holding the offending attorney in contempt of court. 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. As of September, 44 percent of the prison and detention center population was in pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The CPC requires that the court examine the necessity of a detention within three days. If the detention is not revoked, the detainee may appeal up to the Supreme Court. If no decision is made within a prescribed period, the detention becomes void. The CPC also requires the prosecutor to provide the court bi-monthly updates regarding information obtained following detention. A judge may revoke detention based on new information.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. Court hearings were often not open to the public. Court security officers frequently refused to admit observers to hearings and routinely telephoned the presiding judge to ask whether to admit an individual seeking to attend a particular hearing. Some agencies exhibited a pattern of disregard for court orders. The politicization of appointments to the Supreme Court and Constitutional Court threatened to undermine the independence and integrity of these institutions. As of October there were 10 vacancies on the Supreme Court, which faced a considerable backlog of cases.

The Ministry of Justice generally did not vigorously pursue disciplinary measures against judges. When it did so, the High Council of Justice (HCJ) was reluctant to enact those measures. During 2016 the Ministry of Justice initiated disciplinary proceedings against nine judges. During the same year, the HCJ dismissed one judge after she was convicted of corruption and transferred another to a different court. During the year the Ministry of Justice did not pursue disciplinary actions against judges due to the entry into force of new legislation on justice organization, and the HCJ did not rule on any pending requests. The HCJ ordered the suspension of a trial court judge following a decision of the First Instance (i.e., Trial) Court for Serious Crimes. The case was pending at year's end.

Trial Procedures

The law presumes defendants to be innocent until convicted. It provides for defendants to be informed promptly and in detail of the charges against them, with free interpretation as necessary, and to have a fair and public trial without undue delay. Defendants have the right to be present at their trial, consult an attorney and have one provided at public expense if they cannot afford one. The law provides defendants adequate time and facilities to prepare a defense and access to interpretation free of charge. Defendants have the right to confront witnesses against them and to present witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal. The government generally respected these rights, although trials were not always public and access to a lawyer was at times problematic. Following the entry into force of amendments to the CPC, the prosecutor has to apply before a preliminary hearing judge to send the case to trial. This reform was intended to be a further guarantee for the rights of defendants and their access to the evidence against them.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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. Judges held many court hearings in their offices, demonstrating a lack of professionalism and providing opportunities for

corruption. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law. Despite the statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from this during the year.

Persons who have exhausted remedies in domestic courts could appeal to the European Court of Human Rights (ECHR). In many instances authorities did not enforce ECHR rulings, especially those concerning the right to a fair trial.

Persons who were political prisoners under the former communist regime continued to petition the government for compensation. On several occasions groups of former political prisoners protested the government's failure to pay them legally mandated compensation. The government made some progress on disbursing compensation during the year. By June the government had paid the eighth and final compensation installment to the former political prisoners who were still alive. The government also agreed to include 320 former political prisoners who had not submitted their papers in time to benefit from the compensation.

Property Restitution

Thousands of claims for private and religious property confiscated during the communist era remained unresolved with the government's Agency for Property Treatment. The ombudsman reported that to date the government had not yet executed 26,000 court rulings nor reviewed 11,000 claims dealing with property rights. Claimants may appeal cases to the ECHR, and during the year hundreds of cases--many of them related to property--were pending ECHR review.

Albania endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. Albania does not have any restitution or compensation laws relating to Holocaust-era confiscations of private property. Under the law, religious communities have the same restitution and compensation rights as natural or legal persons. Since becoming a signatory to the Terezin Declaration in 2009, Albania has not passed any laws dealing with restitution of heirless property. The government reported no property claims had been submitted by victims of the Holocaust.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The government's National Inspectorate for the Protection of the Territory (NIPT) demolished some homes without due legal process as part of a wider campaign to demolish illegally constructed buildings. Through July the ombudsman received seven citizen complaints against the local inspectorates and three against the NIPT, including for failure to provide sufficient warning in writing, failure to consider a homeowner's application for legalization of a property, and lack of transparency.

Throughout the year, residents of the Himara region continued to complain of targeted heavy-handedness by the government that resulted in the partial or complete demolition of numerous houses and businesses with little warning and no legal recourse for adequate compensation. In October the government demolished several uninhabited structures in Himara as it implemented an urban development plan about which residents complained they had not been adequately consulted by municipal authorities. The demolition of a further 12 structures was halted because residents filed a court case against the authorities. Municipal authorities defended the demolitions as necessary for commercial development.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. There were reports that the government, business, and criminal groups sought to influence the media in inappropriate ways.

Press and Media Freedom: Independent media were active and expressed a wide variety of viewpoints, although there were some efforts to exert direct and indirect political and economic pressure on the media, including threats and violence against journalists who tried to investigate crime and corruption stories. Political pressure, corruption, and lack of funding constrained the independent print media, and journalists reportedly practiced self-censorship. Lack of economic security reduced reporters' independence and contributed to bias in reporting. The Albanian Journalists Union continued to report significant delays in salary payments to reporters at most media outlets. Financial problems led some journalists to rely more heavily on outside sources of income.

While dramatic growth in online media during the year added to the diversity of views, NGOs maintained that professional ethics were a low priority for such

outlets, raising concerns over the spread of false news stories that benefited specific financial or political interests.

In its annual *Media Sustainability Index*, the International Research and Exchanges Board indicated that the country's media environment deteriorated in several areas. Donor funding for organizations that pushed for a more independent press remained limited, and the press was vulnerable to misuse under constant political and economic pressure. According to the report, very few media outlets produced independent reports about organized crime because their journalists lacked financial and editorial independence.

The independence of the Audiovisual Media Authority, the regulator of the broadcast media market, remained questionable, and the role of the authority remained limited. Most owners of private television stations used the content of their broadcasts to influence government action toward their other businesses. Business owners also freely used media outlets to gain favor and promote their interests with political parties.

Violence and Harassment: There were reports of violence and intimidation against members of the media, and political and business interests subjected journalists to pressure.

In May 2016 the Union of Albanian Journalists denounced the severe beating of sports journalist Eduard Ilnica, allegedly for reporting on the violent behavior of a coach during a soccer match. Authorities arrested the coach, who in February was convicted of assault by both the district court and appellate court but released for time served in pretrial detention.

On March 8, two unidentified persons attacked Elvi Fundo, a journalist and owner of the news portal *citynews.al*, with iron bars, causing serious injuries. Police investigated the attack but as of September had not identified the perpetrators. According to Fundo, his portal's stories accusing other media owners of drug trafficking and some police of corruption were possible reasons for the attack.

Censorship or Content Restrictions: Journalists often practiced self-censorship to avoid violence and harassment and as a response to pressure from publishers and editors seeking to advance their political and economic interests. A 2015 survey by the Balkan Investigative Reporting Network (BIRN) Albania found that large commercial companies and important advertisers were key sources of pressure.

Libel/Slander Laws: The law permits private parties to file criminal charges and obtain financial compensation for insult or deliberate publication of defamatory information. NGOs reported that the fines, which could be as much as three million leks (\$26,000), were excessive and, combined with the entry of a conviction into the defendant's criminal record, undermined freedom of expression.

On June 9, a member of the High Council of Justice, Gjin Gjoni, filed defamation lawsuits against two BIRN journalists and two journalists of the daily *Shqiptarja.com* for their coverage of his asset declaration, which was being investigated by prosecutors. Gjoni was seeking seven million leks (\$61,000) from BIRN and four million leks (\$35,000) from *Shqiptarja.com*, claiming the stories damaged his reputation.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to March data from Internet World Stats, approximately 67 percent of the population used the internet.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

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. Police allowed UNHCR to monitor the processing, detention, and deportation of some migrants.

Abuse of Migrants, Refugees, and Stateless Persons: UNHCR reported a few cases of police intimidation and reluctance to accept requests for asylum. On two occasions, in November 2016 and June, border authorities used force against groups of migrants who refused to be returned to Greece. Following the 2016 incident, one injured migrant was hospitalized and UNHCR filed a complaint with the border authorities.

Authorities often detained irregular migrants who entered the country. As of November authorities had detained approximately 744 migrants, mostly at the country's southern border with Greece; those who did not request asylum were generally deported to Greece within 24 hours. Migrants detained further inland could spend several weeks at the Karrec closed migrant detention facility awaiting deportation. As of November the government reported four persons detained in the Karrec facility.

UNHCR reported that approximately 30 percent of migrants requested asylum. Some NGOs and UNHCR maintained that some migrants who requested asylum were deported as well. UNHCR made formal complaints to the government, but authorities were generally slow to address them. UNHCR reported that conditions at the Karrec center were unsuitable, particularly for children. As of September the government had referred fewer migrants to Karrec than in 2016, and only one minor--a 17-year-old boy travelling in a group--spent time there.

In-country Movement: In order to receive government services, individuals changing place of residence within the country must transfer their civil registration to their new community and prove the legality of their new domicile through property ownership, a property rental agreement, or utility bills. Many persons could not provide proof and thus lacked access to public services. Other citizens, particularly Roma and Balkan-Egyptians, lacked formal registration in the communities where they resided. The law does not prohibit their registration, but it was often difficult to complete. Many Roma and Balkan-Egyptians lacked the financial means to register, and many lacked the motivation to go through the process.

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 were credible reports from NGOs and migrants and asylum seekers that authorities did not follow due process obligations for some asylum seekers and that in other cases those seeking asylum did not have access to the system. Through November some 744 migrants--mostly Algerians, Syrians, and Libyans--entered the country, mostly via the country's southern border with Greece. Of these, 128 requested asylum. Authorities returned those who did not request asylum to Greece, some immediately but others after weeks of detention in inadequate facilities. UNHCR was critical of the government's migrant screening and detention procedures, particularly in view of the increased presence of children among migrants.

The law on asylum requires authorities to grant or deny asylum within 51 days of an applicant's initial request. Under the law asylum seekers cannot face criminal charges of illegal entry if they contact authorities within 10 days of their arrival in the country. UNHCR reported that the asylum system lacked effective monitoring. In March authorities returned an Algerian woman to Greece although she had requested asylum; authorities also returned an unaccompanied Pakistani minor with no special consideration for his age. UNHCR expressed concern with the government's mechanism for appeals of refused asylum requests since the appellate body generally lacked expertise and tended to uphold initial decisions without considering the merits of a case.

Safe Country of Origin/Transit: The law prohibits individuals from safe countries of origin or transit from applying for asylum or refugee status. UNHCR, however, reported that no asylum requests had been refused based on the government's list of safe countries, which includes Greece.

Employment: The law permits refugees access to work. The limited issuance of refugee identification cards and work permits, however, meant few refugees actually worked.

Access to Basic Services: The law provides migrants, asylum seekers, and refugees access to public services, including education, health care, housing, law enforcement, courts/judicial procedures, and legal assistance. Migrants and

asylum seekers often required the intervention of UNHCR or local NGOs to secure these services.

Durable Solutions: In September 2016 the government completed the process of receiving Iranian Mujahideen-e Khalq refugees from Iraq and continued to facilitate their local integration throughout the year.

Temporary Protection: The government also provided subsidiary and temporary protection to individuals who may not qualify as refugees. As of September the government had granted subsidiary protection to two persons during the year.

Stateless Persons

The government had no updated information regarding the total number of persons at risk of statelessness. Using data from the cases that were resolved from 2011 to 2016 with the support of the NGO Tirana Legal Aid Society, UNHCR estimated the number to be 4,871, down from the 7,443 persons who declared themselves as unregistered during the 2011 census. Most of these were Romani or Balkan-Egyptian children. The risk of statelessness continued to exist for unregistered children born abroad to returning migrant families, although the law affords the opportunity to obtain nationality.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The most recent national parliamentary elections took place on June 25. The OSCE observer mission to the elections reported, “contestants were able to campaign freely and fundamental freedoms were respected.” The OSCE further noted, “Continued politicization of election-related bodies and institutions as well as widespread allegations of vote buying and pressure on voters detracted from public trust in the electoral process.” Regarding voting itself, the OSCE mission noted “an overall orderly election day” but found that “important procedures were not fully respected in a considerable number of voting centers observed.”

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process, and they did participate. As a result of the June 25 elections, the participation of women in government increased to a record 29 percent of female Assembly members and 47 percent female ministers. The law governing the Assembly election requires that 30 percent of candidates be women and that they occupy 30 percent of appointed and elected positions. According to the OSCE preliminary report on the elections, however, the largest parties did not always respect the mandated 30 percent quota in their candidate lists. The Central Election Commission fined these parties but nonetheless accepted their lists.

Members of national minorities stood as candidates in both minority and mainstream parties, and campaigning in both Greek and Macedonian languages was observed without incident. Nevertheless, observers reported that Roma remained vulnerable to vote buying. As of September there were no Romani ministers or members of the Assembly.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by public officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The law prohibits individuals with criminal convictions from serving as mayors, parliamentarians, or in government or state positions.

During the year authorities took additional steps to combat corruption. Starting in February, members of the International Monitoring Operation, composed of international judicial experts, began assisting the government in the establishment of new anticorruption institutions, and by July the Assembly had nominated all members of trial and appellate court vetting commissions, as well as the public commissioners. On October 30, the vetting commissions publicly announced the start of their work.

A number of government agencies investigated corruption cases, but limited resources, investigative leaks, real and perceived political pressure, and a haphazard reassignment system hampered investigations. In selective instances involving international actors, anticorruption agencies cooperated with civil society.

Corruption: Corruption was pervasive in all branches of government. Between January and August, the prosecutor general's office registered 185 new corruption investigations. During the same period, 122 persons went to trial for corruption offenses and 99 were convicted. Through August, 17,752 complaints had been submitted through the online portal *stopkorruption.al*, approximately 8 percent of which contained information on alleged corrupt practices. In October prosecutors announced an investigation of a former interior minister for ties to organized crime and abuse of office.

While prosecutors made significant progress in pursuing low-level public corruption cases, including corrupt prosecutors and judges, prosecution of higher-level crimes remained elusive due to investigators' fear of retribution, a general lack of resources, and corruption within the judiciary itself. During the 2016-17 period, the First Instance (i.e., trial) Court for Serious Crimes convicted three judges, two prosecutors, and one high-level official of corruption. The mayor of Dibra municipality, Shukri Xhelili, was sentenced to two years and eight months in prison after the broadcast of a video in which he appeared to solicit sexual favors from a woman in exchange for a job. In May the Appellate Court for Serious Crimes changed the decision, convicting Xhelili of sexual relations in abuse of official duty and reducing his sentence by one year.

Financial Disclosure: The law requires public officials to disclose their assets to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI), which monitored and verified such disclosures and made them available to the public. The law authorizes HIDAACI to fine officials who fail to comply with disclosure requirements or refer them to the prosecutor.

As of August HIDAACI had fined 426 individuals for not disclosing their assets, conflicts of interest, or violating the law on whistleblower protection. HIDAACI reported that by August it had referred 31 new cases for prosecution that involved six Assembly members, one deputy minister, one mayor, six tax inspectors, six customs officials, and 11 other government officials on charges including refusing to declare, hiding, or falsifying asset declarations, money laundering, falsification of documents, and corruption.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman is the main independent institution for promoting and enforcing human rights. The ombudsman is authorized by law to monitor and report on prisons and detention centers. The office may initiate an investigation based on complaints or ex officio. Although the ombudsman lacked the power to enforce decisions, she acted as a monitor for human rights violations. The Office of the Ombudsman was underfunded and understaffed.

The Assembly has a committee on legal issues, public administration, and human rights, which reviews the annual report of the ombudsman's office. The committee was engaged and effective in legislative matters.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime. Penalties for rape and assault depend on the age of the victim. For rape of an adult, the prison term is three to 10 years. The law includes provisions on sexual assault and sexual harassment and makes the criminalization of spousal rape explicit. The government did not enforce the law effectively. Officials did not prosecute spousal rape. The concept of spousal rape was not well understood, and authorities often did not consider it a crime.

Domestic violence against women remained a serious problem. Police often did not have the training or capacity to deal effectively with domestic violence cases. The government operated three shelters to protect survivors of domestic violence, and NGOs operated six others.

Sexual Harassment: The law prohibits sexual harassment, although officials rarely enforced it. The commissioner for protection against discrimination generally handled cases of sexual harassment and may impose fines of up to 80,000 leks (\$700) against individuals or 600,000 leks (\$5,300) against enterprises.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men. Women were underrepresented in many fields at the highest levels. The law mandates equal pay for equal work, although many private employers did not fully implement this provision. In many communities, women experienced societal discrimination based on traditional social norms depicting women as subordinate to men. There were reports of discrimination in employment.

Gender-biased Sex Selection: According to the government's statistical agency, the ratio of boys to girls at birth in 2016 was 107 to 100, which indicated that gender-biased sex selection was possibly occurring. The government did not take any steps to address the imbalance.

Children

Birth Registration: An individual acquires citizenship by birth within the country's territory or from a citizen parent. There were no reports of discrimination in birth registration, but onerous residency and documentation requirements for registration made it more difficult for the many Romani and Balkan-Egyptian parents who lacked legally documented places of residence to register their children.

Children born to internal migrants, including some Romani families, or those returning from abroad frequently had no birth certificates or other legal documents and consequently were unable to attend school or have access to services.

Education: School attendance is mandatory through the ninth grade or until the age of 16, whichever occurs first, but many children, particularly in rural areas, left school earlier to work with their families. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms; these 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: Observers believed that child abuse was increasing, especially in schools. Services for victims of abuse were not readily available.

Child protection units in municipalities reported 104 cases of physical violence against children in 2016.

Early and Forced Marriage: Although the legal minimum age for marriage is 18, authorities did not always enforce the law. Underage marriages occurred mostly in rural areas and within Romani communities. According to data released by the Albanian Institute of Statistics, the number of early marriages (under the age of 19) decreased significantly in 2016 from 2015.

Sexual Exploitation of Children: Penalties for the commercial sexual exploitation of a child range from eight to 15 years' imprisonment. The country has a statutory rape law, and the minimum age for consensual sex is 14. The penalty for statutory rape is a prison term of five to 15 years. In aggravated circumstances, the penalty may increase to life imprisonment. The law prohibits making or distributing child pornography; penalties are a prison sentence of three to 10 years. Possession of child pornography is illegal.

Authorities generally enforced laws against the rape and sexual exploitation of minors effectively, but NGOs reported that they rarely enforced laws prohibiting child pornography. The government reported that, as of July, six children had been sexually exploited, but there were no cases involving pornography. A total of 39 child victims of trafficking and potential victims of trafficking were identified through October.

Displaced Children: There continued to be numerous displaced and street children, particularly in the Romani community. Street children begged or did petty work. These children were at highest risk of trafficking, and some became trafficking victims. Since the law prohibits the prosecution of children under age 14 for burglary, criminal gangs at times used displaced children to burglarize homes.

The State Agency for the Protection of Children's Rights reported that by June, authorities had assisted 441 children in a street situation. Some 64 children were referred to shelters while 15 were referred to prosecutors for having been mistreated.

Institutionalized Children: The migrant detention facility in Karrec was considered unsuitable for children. The government made efforts to avoid sending children there.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.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/rls/tiprpt/.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, employers, schools, health-care providers, and providers of other state services at times engaged in discrimination. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. During the year the government adapted the premises of eight schools to accommodate persons with disabilities and eight others were in progress.

The government sponsored social services agencies to protect the rights of persons with disabilities, but these agencies traditionally lacked funding to implement their programs. Resource constraints and lack of infrastructure made it difficult for persons with disabilities to participate fully in civic affairs. Voting centers often were located in facilities lacking accommodations for such persons.

The government opened two new development centers for persons with disabilities in Pogradec and Bulqiza, supported by the UN Development Program, and three day-care centers for children with disabilities in Pogradec, Saranda, and Bulqiza. The ombudsman regularly inspected mental health institutions. Both the admission and release of patients at mental health institutions were problematic due to inadequate psychiatric evaluations. There was societal discrimination and stigmatization of persons with mental and other forms of disability.

National/Racial/Ethnic Minorities

There were allegations of discrimination against members of the Romani and Balkan-Egyptian communities, including in housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian

students, particularly if they appeared to be poor. Many mixed schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.

Romani rights NGOs criticized the Tirana municipal government for delaying the building of new homes for Romani families removed from their homes in 2016. In December 2016 the municipality evicted 76 Romani families from the Bregu i Lumit neighborhood of Tirana, which is prone to flooding in the winter. Sixty of the families were moved into a temporary warehouse, where NGOs reported they lived in dire conditions without sanitation or electricity. The municipality delayed the transfer of the families to more permanent housing until the final week of December.

In October the government adopted new legislation on minorities. The law provides official minority status for nine national minorities without distinguishing between national and ethnolinguistic groups. The government defined Greeks, Macedonians, Aromanians (Vlachs), Roma, Balkan-Egyptians, Montenegrins, Bosnians, Serbs, and Bulgarians as national minorities. The new legislation provides minority language education and dual official language use for local administrative units in which minorities traditionally reside, or in which a minority makes up 20 percent of the total population. The ethnic Greek minority complained about the government's unwillingness to recognize ethnic Greek communities outside communist-era "minority zones."

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation, including in employment. Enforcement of the law was generally weak.

Sexual orientation and gender identity are among the classes protected by the country's hate-crime law. Despite the law and the government's formal support for lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights public officials sometimes made homophobic statements. The NGO Streha reported that many young LGBTI individuals had experienced domestic violence upon coming out.

As of August, the Commission for Protection from Discrimination (CPD) had received three complaints alleging discrimination based on sexual orientation and gender identity during the year. The CPD ruled in favor of one of the cases.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV/AIDS. The Albanian Association of People Living with HIV/AIDS reported that discrimination and stigmatization of persons with HIV/AIDS was widespread in the country.

Other Societal Violence or Discrimination

Alleged incidents of societal killings, including both “blood-feud” and revenge killings, occurred during the year, but as of August authorities had reported only one case of a blood-feud killing. The ombudsman reported that authorities’ efforts to protect families or prevent blood-feud deaths were insufficient, although the government increased efforts to prosecute such crimes.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law and related regulations and statutes provide the right for most workers to form independent unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activity.

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 indispensable medical and hospital personnel, persons providing air traffic control and prison services, and fire brigades. Strike action is prohibited in “special cases,” such as natural catastrophe, state of war, extraordinary situations, and cases where the freedom of elections is at risk. Workers not excluded by their positions exercised their right to strike.

The law provided limited protection to domestic and migrant workers. Labor unions were generally weak and politicized. Workers who engage in illegal strikes could be compelled to pay for any damages due to the strike action.

Government enforcement of the law remained largely ineffective, in part due to the extent of informal employment. Resources for conducting inspections and remedying violations were not adequate. High fines, which under the law could reach 1.1 million leks (\$9,600) or 50 times the monthly minimum wage, were

rarely assessed. Fines were consequently not a sufficient deterrent to violations. Administrative and judicial procedures were subject to lengthy delays and appeals. Arbitration procedures allowed for significant delays that limited worker protections against antiunion activity.

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 with employers opposed to union organizing and activities. In this environment, collective agreements, once reached, were difficult to enforce.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not always effectively enforce the law. Lack of coordination among ministries and the sporadic nature of implementation of standard operating procedures hampered enforcement. Penalties of eight to 15 years in prison were sufficiently stringent to deter violations, but they were seldom enforced. Law enforcement organizations trained their officers to adopt a victim-centered approach to human trafficking. The government continued to identify trafficking victims but prosecuted and convicted a small number of traffickers. The Office of the National Antitrafficking Coordinator increased government efforts to prevent trafficking through awareness activities.

There were instances of forced labor during the year. Children engage in gathering recyclable metals and plastic, mine work, sewing, street peddling, agriculture, and animal husbandry. Children were subjected to forced begging and criminal activity (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age of employment at 16 but allows children at the age of 15 to be employed in certain instances where the work is categorized as "light" and does not interfere with school. Children under the age of 18 may generally only work in jobs categorized as "light." By law the State Inspectorate for Labor

and Social Services (SILSS), under the Ministry of Youth and Social Welfare, is responsible for enforcing minimum age requirements through the courts, but it did not adequately enforce the law. Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. The SILSS did not carry out inspections for child labor unless there was a specific complaint. Most labor inspections occurred in shoe and textile factories, call centers, and retail enterprises; officials found some instances of child labor during their inspections. Penalties were rarely assessed and were not sufficient to deter violations.

In 2013 the government's statistical agency and the International Labor Organization estimated that 54,000 children were engaged in forced labor domestically. An estimated 43,000 children worked in farms and fishing, 4,400 in the services sector, and 2,200 in hotels and restaurants. Nearly 5 percent of children were child laborers.

The law criminalizes exploitation of children for labor or forced services, but the government did not enforce the law effectively. The SILSS monitored for cases of child labor and other labor malpractices, but insufficient human resources limited its activities. There were reports that child laborers worked as street or shop vendors, beggars, farmers, 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. While the law prohibits the exploitation of children for begging, police generally did not enforce it, although they made greater efforts to do so during the year (see section 6, Displaced Children).

The Social Organization for the Support of Youth ARSIS reported that the majority of children living in street situations were boys between the ages of 10 and 17. The boys mainly collect plastic or metals for recycling, and usually work unaccompanied. World Vision also reported that children collect cans, plastic, and metal; worked in mines; sewed shoes; or worked in agriculture or animal husbandry. Young men often migrated to neighboring countries to support their families after they completed the state-mandated minimum level of education. The number of children engaged in street-related activities (such as begging or selling items) increased during the summer, particular around the touristic coastal areas.

According to the State Agency on Children's Rights, child protection units identified 640 street children engaged in begging, selling, and informal work between July 2016 and June; 586 of these received relevant services. The State Labor Inspectorate reported two cases of child exploitation for labor and an

additional 21 minors working without the required legal permission or medical approval.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws prohibit employment discrimination because of race, skin color, gender, age, physical or mental disability, political beliefs, language, nationality, religion, family, living with HIV/AIDS, and social origin. Discrimination in employment and occupation occurred with respect to gender, disability, sexual orientation and gender identity, nationality, and ethnicity. The commissioner for protection against discrimination reported the main grounds of alleged discrimination were race, economic status, disability, political beliefs, and health status.

e. Acceptable Conditions of Work

There is national minimum wage that was higher than the national poverty threshold. The State Inspectorate for Labor and Social Services is responsible for enforcing the minimum wage. The inspectorate reported it had 96 inspectors, an insufficient number to enforce compliance.

While the law establishes a 40-hour workweek, individual or collective agreements typically set the actual workweek. The law provides for paid annual holidays, but only employees in the formal labor market had rights to paid holidays. Many persons in the private sector worked six days a week. The law requires payment of overtime and rest periods, but employers did not always observe these provisions. The law 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, especially in the private sector. These laws did not apply to workers in the informal sector, such as domestic employees and migrant workers. According to the World Bank, the informal sector accounts for nearly 50 percent of all employment in the country.

The SILSS is responsible for enforcing occupational health and safety standards and regulations, and these were appropriate for the main industries in the country. Enforcement was lacking overall. Workplace conditions in the manufacturing,

construction, and mining sectors frequently were poor and, in some cases, dangerous. Resources and inspections were not adequate, and penalties often did not deter violations, as law enforcement agencies lacked the tools to enforce collection and consequently rarely charged violators. There were no government programs to provide social protection for workers in the informal economy.

Violations of wage and occupational-safety standards occurred most frequently in the textile, footwear, construction, and mining industries. Workers often could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Employers did not effectively protect employees in this situation.