

ALBANIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral parliament (the Assembly), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. In 2017 the country held parliamentary elections. The Organization for Security and Cooperation in Europe reported the elections respected fundamental freedoms but were marred by allegations of vote buying and pressure on voters. Local elections took place in June 2019, but the main opposition party and others boycotted, accusing the government of electoral fraud. The organization's observation mission to the local elections reported that, as a consequence of the boycott, voters did not have a meaningful choice between political options, although voting "was conducted in a generally peaceful and orderly manner." The organization identified credible allegations of vote buying as well as pressure on voters from both the ruling party and opposition parties.

The Ministry of Interior oversees the Guard of the Republic and the State Police, which includes 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. The State Intelligence Service is responsible to the prime minister, gathers information, and carries out foreign intelligence and counterintelligence activities. Civilian authorities maintained effective control over the security forces. There were some reports of abuses by members of the security forces.

Significant human rights issues included: problems with the independence of the judiciary; restrictions on free expression and the press; pervasive corruption in all branches of government and municipal institutions; and failure to enforce child labor laws.

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Impunity remained a serious problem. Prosecution, and especially conviction, of officials who committed abuses was sporadic and inconsistent. Officials, politicians, judges, and persons with powerful business interests often were able to avoid prosecution.

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

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

On December 8, State Police shot and killed a man in Tirana who was violating a COVID-19 curfew. The officer who shot him was arrested and a prosecutor is investigating the killing. There were no other reports that the government or its agents committed arbitrary or unlawful killings. Civilian law enforcement agencies such as the State Police investigated whether civilian security force killings were justifiable and pursued prosecutions for civilian agencies. Military law enforcement conducted investigations of killings by the armed forces.

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, there were allegations that police and prison guards sometimes beat and abused suspects and prisoners, usually in police stations.

In the September 2019 report on its most recent visit in 2018 to a number of the country's prisons and detention centers, the Council of Europe's Committee for the Prevention of Torture reported receiving a significant number of allegations of mistreatment of criminal suspects by police officers. Most allegations involved use of excessive force at the time of or immediately following apprehension. Several allegations also concerned mistreatment during transport or initial

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questioning, apparently to extract a confession, obtain information, or as punishment. The alleged mistreatment consisted of slaps, punches, kicks, blows with a hard object, and excessively tight handcuffing.

The Service for Internal Affairs and Complaints (SIAC) received complaints of police abuse and corruption that led to investigations of police actions. The Office of the Ombudsman, an independent, constitutional entity that serves as a watchdog over the government, reported that most cases of alleged physical or psychological abuse during the year occurred during arrest and interrogation.

Impunity for police misconduct remained a problem, although the government made greater efforts to address it by increasing the use of camera evidence to document and prosecute police misconduct. The SIAC recorded an increase in the number of investigations, prosecutions, and sanctions against officers for criminal and administrative violations.

Prison and Detention Center Conditions

Poor physical conditions and a lack of medical care, particularly for mental health conditions, were serious problems, as was corruption. Conditions remained substandard in some police detention facilities outside of Tirana and other major urban centers.

As a result of the COVID-19 pandemic in March, the General Directorate of Prisons suspended family visits to reduce the spread of the virus. Authorities increased time for inmates' telephone calls with their families and installed computers to enable communication through Skype. Lawyers could visit their clients but were required to use protective equipment and maintain physical distance. On March 23, the government granted a three-month leave to approximately 600 prisoners, allowing them to serve their sentences at home.

Physical Conditions: Overcrowding was a problem in some facilities. The Albanian Helsinki Committee (AHC) and the Office of the Ombudsman reported overcrowding in Zaharia prison in Kruje.

Prison and detention center conditions varied significantly by age and type of facility. Prisoners complained prison authorities left the lights on in their cells all

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day; this measure is required by law. Prison facilities in Kruja, Lushnja, Rrogozhina, Saranda, Lezha, and Tepelena were reported by the Office of the Ombudsman to have urgent infrastructure issues.

The Office of the Ombudsman and nongovernmental organizations (NGOs) reported that authorities held inmates with mental disabilities in regular prisons, where access to mental health care was inadequate. Since 2018 the Ministry of Justice and the Ministry of Health have tried to accommodate Zaharia inmates and detainees in the prison in Lezha. The AHC and ombudsman reported the government had not taken measures to turn the planned buildings in the Lezha prison into a special medical institution. The Ministry of Justice is constructing a prison for inmates over the age of 60 that is scheduled for completion in 2021.

With the exception of regional facilities in Tirana (excluding its commissariats, which are smaller units falling under regional police directorates), Durrës, Gjirokaster, Kukes, Fier, and Korça, conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, were inadequate in some respects. Some detention facilities in remote areas were unheated during the winter, and some lacked basic hygienic amenities, such as showers or sinks. Facilities were cramped, provided limited access to toilets, and had little or no ventilation, natural light, or beds and benches. Camera monitoring systems were nonexistent or insufficient in most police stations. The ombudsman reported that detention facilities operated by the Interior Ministry were overcrowded mainly due to increased numbers of arrests for recently added criminal offenses and a lack of coordination with, and delays, including delays in setting trials, from the Ministry of Justice.

Administration: The ombudsman reported that prison and police officials generally cooperated with investigations. The General Directorate of Prisons received 173 complaints through November, mostly regarding employment decisions or corruption in the penitentiary system, while the ombudsman received 141 complaints from detainees and inmates through August, but did not refer any cases for prosecution.

Corruption continued to be a serious problem in detention centers, particularly in connection with access to work and special release programs. In 2018 the former

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general director of prisons, Arben Cuko, was arrested on corruption charges. In January the court closed the case against Cuko after reducing the charges several times. In July the director of Lushnja prison, Judmir Shurdhi, and another prison staff member were arrested for the unauthorized release of a convict. As of October, their case continued to be under investigation. Through July the General Directorate of Prisons reported that it had carried out disciplinary proceedings against 422 prison staff and had fired an additional 33. Through August the directorate dismissed six prison directors, and four more were under investigation.

In July the Assembly adopted legislation to minimize communications between organized crime and gang members in prison and their outside contacts to prevent them from running criminal organizations while incarcerated. Through August seven inmates were placed under this regime.

Through August the AHC reported one suspicious death in the Jordan Misja prison in Tirana, for which an inmate with a mental disability was charged and tried. The committee alleged prosecutors and judges in the case violated criminal procedures by denying the defendant the right to a lawyer and using excessive security measures on a person with a mental disability.

Independent Monitoring: The government generally allowed local and international human rights groups, the media, and international bodies such as the Committee for the Prevention of Torture to monitor prisons and detention facilities.

Due to the pandemic, the ombudsman and other organizations monitoring the penitentiary system were forced to telework. The ombudsman did not conduct physical inspections of prisons during the year.

Improvements: The ombudsman and the AHC confirmed an overall decrease in prison overcrowding due to new infrastructure and amnesties. Nevertheless some penitentiary facilities were still overcrowded.

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d. Arbitrary Arrest or Detention

The law and constitution prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these prohibitions.

Arrest Procedures and Treatment of Detainees

The law requires that, except for arrests made during the commission of a crime, police arrest a suspect on criminal grounds 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 a 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 also 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.

By law and based on a prosecutor's request, the court has 72 hours to review pretrial detention status of a court-ordered arrest. Police may detain rather than formally arrest a suspect for a period not exceeding 10 hours. Due to overcrowding in the prison system, detainees, including juveniles, occasionally remained in police detention centers for longer than the 10-hour legal maximum.

The ombudsman reported that police used excessive force when arresting protesters who took part in rallies, mainly in Tirana. The ombudsman received several complaints of excessive use of force and injuries from tear gas during those protests and referred one case for prosecution. Protests against the municipality of Tirana's demolition of the National Theater on May 17 resulted in 64 arrests, charged with disobeying law enforcement and participating in illegal gatherings (violating curfew imposed to counter the spread of COVID-19).

The constitution requires authorities to inform detainees immediately of their rights and the charges against them. Law enforcement authorities did not always respect this requirement. The law provides for bail and a system is operational; police

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frequently release detainees without bail, on the condition that they report regularly to the police station. Courts also 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 they would receive credit for time served if convicted.

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. The law provides that pretrial detention should not exceed three years. Extended pretrial detention often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. The law authorizes judges to hold offending attorneys 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 August, 47 percent of the prison and detention center population was in pretrial detention.

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 hearing. Some agencies disregarded court orders.

The government continued to implement an internationally monitored process to vet judges and prosecutors and dismiss those with unexplained wealth or ties to

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organized crime. As of November, 45 percent of judges and prosecutors who had undergone vetting had failed and been dismissed, 37 percent passed, and 18 percent resigned. As a result, the Constitutional Court had only four of nine judges seated for most of the year, depriving it of a quorum to decide on cases pending review. In December, parliament and the president added three more judges to the court, reaching a quorum of seven of nine judges. The Supreme Court had only three of 19 judges seated. Those judges did not constitute a quorum to decide cases but have begun to reduce the backlog of cases, which requires just three judges.

The politicization of past appointments to the Supreme Court and Constitutional Court at times threatened to undermine the independence and integrity of these institutions.

The implementation of justice reform provisions led to a pause in normal disciplinary processes while the country establishes independent disciplinary bodies. Since its establishment in February, the High Justice Inspectorate, which conducts disciplinary investigations, approved six decisions to start disciplinary investigations against magistrates. In July the High Justice Inspectorate initiated disciplinary proceedings on human rights violations against a prosecutor and submitted its findings to the High Prosecutorial Council.

Trial Procedures

The constitution and law provide for the right to a fair and public trial without undue delay. The law presumes defendants to be innocent until proven guilty. It provides for defendants to be informed promptly and in detail of the charges against them, with free interpretation as necessary. Defendants have the right to be present at their trial and to consult an attorney. If they cannot afford one, an attorney is to be provided at public expense. 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

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to an attorney was at times problematic. To protect the rights of defendants and their access to the evidence against them, a prosecutor must petition a preliminary hearing judge and make a request to send the case to trial.

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. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law. Courts have taken steps to address the issue by using audio recording equipment. Despite the statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from this during the year. The Ministry of Justice established the Free Legal Aid Directorate, law clinics at state universities, an online platform during the COVID-19 pandemic, and a telephone line to request free legal aid to address these issues.

Claimants who had exhausted remedies in domestic courts could appeal to the European Court of Human Rights (ECHR). In many cases authorities did not enforce ECHR rulings, especially those concerning the right to a fair trial. The Office of the Ombudsman expressed its concern about the increasing number of cases before the ECHR, the country's low rate of compliance with judicial decisions, and the failure to execute the final rulings of courts and the ECHR.

Persons who were political prisoners under the former communist regime continued to petition the government for compensation. The government made some progress on disbursing compensation during the year.

Property Restitution

The Office of the Ombudsman and NGOs reported that some claimants struggled to obtain due process from the government for property claims. Thousands of claims for private and religious property confiscated during the communist era

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remained unresolved with the Agency for the Treatment of Property. Claimants may appeal to the ECHR, and many cases were pending ECHR review. The ombudsman reported that as of June, 39 cases against the state were before the ECHR, involving millions of euros in claims. The ombudsman reported that the government generally paid judgements against the state according to the timeframe set by the ECHR. The Assembly enacted legislation in April that allows owners to claim restitution or compensation for agricultural property the communist government collectivized.

The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. It does not have any restitution or compensation laws relating to Holocaust-era confiscation of private property. Under the law, religious communities have the same restitution and compensation rights as natural or legal persons. The government reported no property claims had been submitted by victims of the Holocaust.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution and laws prohibit arbitrary or unlawful interference with privacy, family, home or correspondence, but there were reports that the government failed to respect those prohibitions. The Tirana Prosecution Office referred two cases to trial after conducting investigations.

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 usually respected these rights, although defamation is a criminal offense. There were reports that the government, businesses, and criminal groups sought to influence the media in inappropriate ways.

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Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. There were efforts to exert direct and indirect political and economic pressure on the media, including by threats and violence against journalists who tried to investigate crime and corruption.

Business owners freely used their media outlets to gain favor and promote their interests with political parties. Most owners of private television stations used the content of their broadcasts to influence government action toward their other businesses. There were credible reports of senior media representatives using media outlets to blackmail businesses by threatening unfavorable, sometimes factual and sometimes speculative, media coverage. Political pressure, corruption, and lack of funding constrained independent print media, and journalists reportedly practiced self-censorship. Economic insecurity due to a lack of enforceable labor contracts reduced reporters' independence and contributed to bias in reporting. The Albanian Journalists Union (AJU) continued to report significant delays in salary payments to reporters at many media outlets, in some instances of up to 10 months. According to the journalist union, the pandemic worsened these delays. Financial problems led some journalists to rely more heavily on outside sources of income, leading to questions of integrity in reporting.

NGOs maintained that professional ethics were a low priority for some of the estimated 900-plus news portals in the country, raising concerns over the spread of false news stories that benefited specific financial, political, and criminal interests. The dramatic growth in online media outlets provided a diversity of views as well as opportunities for corruption.

Violence and Harassment: The AJU reported five cases of violence and intimidation through November against members of the media, and political and business interests subjected journalists to pressure. In March the police detained a reporter following the asylum petition of Turkish citizen Selami Simsek (see subsection on Access to Asylum below) for several hours. In June the police detained a reporter for several hours while he was filming a demolition operation in Lezha. The police gave no reason for the detention. In October an explosion occurred at the gate of the house of News 24 TV correspondent Elidon Ndreka; no

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injuries were reported. The AJU condemned the incidents and called on authorities to punish perpetrators.

Censorship or Content Restrictions: Journalists often practiced self-censorship to avoid violence and harassment. The AJU cited censorship and self-censorship as leading problems for journalists. A survey of 800 media professionals published in 2019 found that 62 percent of respondents thought there was interference from individuals or politics, 60 percent thought there was interference from media owners, 39 percent thought there was self-censorship, and 31 percent thought there was corruption in the media. About 78 percent of media professionals thought there were journalists who engaged in corrupt practices to misreport stories.

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 were excessive and, combined with the entry of a criminal conviction into the defendant's record, undermined freedom of expression. The AJU expressed concern that as of August, there were more than 20 lawsuits against journalists, mainly for defamation.

In 2019 the Assembly passed legislation, the so-called antidefamation package, which amended existing media laws to address defamation. NGOs and some international organizations criticized the amendments, sparking public debate, and the president returned the law to parliament on January 11.

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.

Academic Freedom and Cultural Events

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

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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.

In-country Movement: To receive government services, citizens 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 individuals could not provide documentation 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. In September media reported on cases in which the Interior Ministry, while preparing voter lists for national elections scheduled for April 2021, had transferred the residency of some citizens without their knowledge. The ministry corrected a number of these transfers.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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Abuse of Migrants, Refugees, and Stateless Persons: The Office of the UN High Commissioner for Refugees (UNHCR) reported some cases of border police returning migrants to Greece despite indicating an intention to seek asylum.

Authorities detained 7,404 irregular migrants who entered the country between January and August, mostly at the country's southern border with Greece; most of those who did not request asylum were deported to Greece within 24 hours. Migrants detained further inland could spend several weeks at the Karrec closed migrant detention facility awaiting deportation. Migrants who claimed asylum were housed at the Babrru open migrant facility. Many of the irregular migrants placed in Babrru were later apprehended again attempting to cross into Montenegro rather than remaining in the country to pursue asylum requests. Karrec and Babrru centers faced funding constraints, and the government closed the Babrru center temporarily to assess wear and tear to the facility and estimate needed repairs.

Police allowed UNHCR, the Office of the Ombudsman, and the NGO Caritas to monitor the access of arrivals to national procedures and return of persons to countries from which they arrived. The ombudsman and Caritas were also allowed to monitor the detention of migrants.

Refoulement: The January 1 expulsion of Harun Celik, a citizen of Turkey and alleged follower of Fethullah Gulen, who the Turkish government claimed was behind the July 2016 attempted coup in Turkey, raised questions about Celik's access to asylum. Celik had been arrested in 2019 in Tirana International Airport for attempting to travel on a forged Canadian visa. When Celik finished his prison sentence, border authorities expelled him from the country and placed him on a flight to Turkey, despite assertions that Celik had requested asylum. The UN's special rapporteur on the human rights of migrants, along with other UN bodies, opened an inquiry, including the question of whether or not this was a case of refoulement.

Celik's compatriot and alleged follower of Gulen, Selami Simsek, was also arrested in 2019 for attempting to travel on a forged Canadian visa. Simsek was released from prison on March 9 but remained in the Karrec closed-migrant facility. Media reported that Simsek was taken to the Interior Ministry at 9 p.m.--

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outside working hours--on March 9 after his release from prison for an interview regarding his asylum application. The ministry denied the application the same day, and the National Commission on Asylum and Refugees rejected his appeal on September 10. It was disputed whether Simsek was provided adequate notice of either decision. The Turkish government continues to press for summary return of Simsek and others alleged to be connected to Fethullah Gulen.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

There were credible reports from NGOs, migrants, and asylum seekers that authorities did not follow due process procedures for some asylum seekers and that in other cases those seeking asylum did not have access to the social care and other services due to limited issuance of identification cards. Caritas and the Office of the Ombudsman were critical of the government's migrant screening and detention procedures. There were reports of border police pushing migrants back into Greece.

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.

Safe Country of Origin/Transit: The law limits individuals from safe countries of origin or transit from applying for asylum or being granted refugee status. UNHCR reported that one asylum request had been refused based on the government's list of safe countries, which included Greece.

Employment: While the law permits refugees to work, they must first obtain Albanian citizenship to receive identification cards and work permits.

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

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g. Stateless Persons

According to UNHCR statistics, approximately 700 persons at risk of statelessness were identified under the agency's statelessness mandate by November. The government does not have data regarding the total number of stateless persons or persons at risk of statelessness in the country. The law allows stateless persons to acquire citizenship under certain conditions, although there is no separate legislation that specifically addresses citizenship for stateless persons. UNHCR reported that new legislation on citizenship significantly reduced the risk of statelessness in the country.

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 in 2017. The Organization for Security and Cooperation in Europe (OSCE) observation mission for the elections reported that contestants “were able to campaign freely and fundamental freedoms were respected.” The OSCE further noted the “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.”

Local elections took place in June 2019. The main opposition party and others boycotted the elections, alleging government collusion with organized crime to commit electoral fraud. The OSCE election observation mission reported that, as a consequence of the boycott, “voters did not have a meaningful choice between political options” and “there were credible allegations of citizens being pressured by both sides.”

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Political Parties and Political Participation: Media outlets reported allegations of the use of public resources for partisan campaign purposes in the 2017 parliamentary and 2019 local elections, and there were reports of undue political influence on the media. There were also reports of limited access to voting for persons with disabilities.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. Following the 2017 elections, the share of Assembly members who were women increased to a record 29 percent, and following a major cabinet reshuffle the female senior government officials rose to 53 percent. The law governing the election of Assembly members requires that 30 percent of candidates be women and that they occupy 30 percent of appointed and elected positions. According to the OSCE final report on the 2017 elections, however, the largest parties did not always respect the mandated 30 percent quota in their candidate lists. The Central Election Commission fined the parties but nonetheless accepted their lists.

Members of national minorities stood as candidates in both minority and mainstream parties in the 2017 parliamentary elections and 2019 local elections. Observers noted campaigning in the Greek and Macedonian languages without incident. Nevertheless, observers reported that some minorities remained vulnerable to vote buying. One Balkan-Egyptian candidate joined the Assembly as a member when the Central Election Commission replaced members of the opposition who resigned from the body in February 2019.

Section 4. Corruption and Lack of Transparency in Government

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

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Examples include a 2019 mayoral candidate previously convicted of drug trafficking.

The constitution requires judges and prosecutors to undergo vetting for unexplained wealth, ties to organized crime, and professional competence. The Independent Qualification Commission conducted vetting, and the Appeals Chamber reviewed contested decisions. The International Monitoring Operation, composed of international judicial experts, oversaw the process. As of November, 125 judges and prosecutors were dismissed, 103 confirmed, while 48 others had resigned rather than undergo vetting.

Several government agencies investigated corruption cases, but limited resources, investigative leaks, real and perceived political pressure, and a haphazard reassignment system hampered investigations.

Corruption: Between January and September, the prosecutor general's office registered 20 new corruption cases and dismissed seven. The Department of Administration, Transparency, and Anticorruption investigated 29 cases, resulting in 115 administrative and 153 disciplinary measures.

The December 2019 establishment of the Special Prosecution Office on Corruption and Organized Crime, one of two entities constituting the Special Structure on Anticorruption and Organized Crime, resulted in 327 new criminal investigations and 65 requests sent to court as of November. While prosecutors made significant progress in pursuing low-level public corruption cases, including corrupt prosecutors and judges, prosecution of higher-level suspects remained rare due to investigators' fear of retribution, a lack of resources, and corruption within the judiciary itself. In September the appellate court remanded the conviction of a former interior minister for retrial. In November the Special Prosecution Office filed charges against a former prosecutor general for hiding assets and seized several of those assets in December.

The High Inspectorate reported that through August, it had referred 60 new cases for prosecution, involving two Assembly members, one deputy minister, three mayors, 32 general directors of public agencies, one head of public procurement at customs, and five heads of regional customs departments. Charges included

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refusing to declare assets, hiding assets, or falsifying asset declarations; money laundering; tax evasion; falsification of documents; and general corruption.

Police corruption remained a problem. Through June the SIAC received 5,051 complaints via an anticorruption hotline, of which 1,819 were within the jurisdiction of the service and 3,232 were referred to other agencies. Through November the SIAC investigated 1,016 complaints. Most of the complaints alleged a failure to act, violation of standard operating procedures, abuse of office, arbitrary action, police bias, unfair fines, and passive corruption. SIAC referred to the prosecution 202 cases involving 299 officials. The Office of the Ombudsman also processed complaints against police officers, mainly concerning problems with arrests and detentions.

Police did not always enforce the law equitably. Personal associations, political or criminal connections, deficient infrastructure, lack of equipment, and inadequate supervision often influenced law enforcement. Authorities continued to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures. The government has established a system of vetting security officials and, as of November, had completed vetting 32 high-level police and SIAC leaders.

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, which monitored and verified such disclosures and made them available to the public. The law authorizes the High Inspectorate to fine officials who fail to comply with disclosure requirements or to refer them to the prosecutor.

Through August the High Inspectorate fined 10 individuals for not disclosing their assets or conflicts of interest or for violating the law on whistleblower protection. Courts generally upheld fines imposed by the High Inspectorate.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of

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Human Rights

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. It is authorized by law to monitor and report on prisons and detention centers. The office may initiate an investigation based on complaints or on its own authority. Although the ombudsman lacked the power to enforce decisions, it acted as a monitor of human rights violations.

The Office of the Ombudsman was underfunded and understaffed.

The Assembly has committees on legal issues, public administration, and human rights, which review the annual report of the Office of the Ombudsman. 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; the law also includes provisions on sexual assault. Penalties for rape and sexual assault depend on the age of the victim. For rape of an adult, the penalty is three to 10 years in prison. The government did not enforce the law effectively. Authorities did not disaggregate data on prosecutions for spousal rape. The concept of spousal rape was not well understood, and authorities often did not consider it a crime.

The law on domestic violence extends protection to victims in a relationship or civil union and provides for issuance of a protective order that automatically covers children as well. In November the Assembly amended the law to provide for ordering the abuser to leave the premises of the victim. Police operated an

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automated application issuance process within the police case management system, which allows for rapid issuance of protective orders and produces a record of orders issued. Through November the system was used to document the generation of 2,324 protective orders.

In April the Ministry of Health and Social Protection approved a protocol for operating shelters for victims of domestic violence and trafficking during the COVID-19 pandemic. The protocol provides services to victims of domestic violence and trafficking while following guidance on social distancing. The ministry posted a video message reminding citizens to report any case of suspected domestic violence and provided a hotline and police number on its web page.

As of November, investigators and prosecutors had registered 81 cases of alleged sexual assault. Also through November, investigators and prosecutors registered 4,313 cases of domestic violence, six of which were murders. UNICEF reported 370 cases of domestic violence through August, with fewer cases referred in 2020 than in 2019. NGOs reported high levels of domestic violence against women. According to a 2018 survey of women between the ages of 18 and 74 that the UN Development Program released in March 2019, 52.9 percent of women surveyed reported having been subjected to violence or sexual harassment during their lifetimes.

The government operated one shelter to protect survivors of domestic violence and three shelters for victims of human trafficking that also accommodated victims of domestic violence. In 2018 the government began operating a crisis management center for victims of sexual assault at the Tirana University Hospital Center. The Ministry of Health and Social Protection reported that as of December, the center had treated 20 victims, 14 of whom were minors.

Sexual Harassment: The law prohibits sexual harassment, but officials rarely enforced it. The commissioner for protection from discrimination generally handled cases of sexual harassment and could impose fines.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. There are no legal barriers to access to contraceptives, which are provided free of charge to insured women.

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Nevertheless, women and girls often did not use this right for a variety of reasons, including fear of stigma from health-care service providers and members of their community. Some women and girls, particularly those living in remote, rural areas, faced significant challenges in accessing essential sexual and reproductive health services. Women from disadvantaged and marginalized groups, such as women with disabilities, LGBTI community members, Roma, and Balkan Egyptian women, were often unaware of their rights to reproductive health services.

In 2018 the Ministry of Health and Social Protection established the Lilium Center with the support of UNDP to provide integrated services to survivors of sexual violence. The center is in a hospital setting and provides health care services, social services, and forensic examinations at a single location by professionals trained in cases of sexual violence. The center functions are based on the model adopted by the Albanian National Council for Gender Equality.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides the same legal status and rights for women as for men, but the government did not enforce the law effectively. 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 subordinating women to men.

There were reports of discrimination in employment. Through August the commissioner for protection from discrimination received 83 complaints of employment discrimination, 54 of which were against public entities and 29 against private entities. The complaints alleged discrimination based mainly on political affiliation, health conditions, or disability. The commissioner ruled in favor of the employee in nine cases, five of which were against public entities and four against private entities. Through August the commissioner had received 11 complaints of discrimination on the basis of gender and ruled in favor of the employee in one case. In that case, the commissioner for protection from

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discrimination ruled against the Trans Adriatica Spiecapag company for dismissing a female employee due to her pregnancy, status as a parent, and gender.

Gender-biased Sex Selection: According to official figures, in 2019 the ratio of boys to girls at birth was 108 to 100. There were no government-supported efforts to address the imbalance.

Children

Birth Registration: An individual acquires citizenship by birth in the country 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. The law on civil status provides financial incentives for birth registration.

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 members of other minorities.

Children in first through fourth grade are legally entitled to free textbooks. Because of the need to use online class delivery during the pandemic, the government offered free schoolbooks to students from the first to the seventh grade; children with special needs were eligible for free schoolbooks from the first through the twelfth grade.

Child, 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.

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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; 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, which is punishable by imprisonment for three to 10 years. Possession of child pornography is also illegal.

Authorities generally enforced laws against rape and sexual exploitation of minors effectively, but NGOs reported that they rarely enforced laws prohibiting child pornography. The government reported that as of November, 13 children had been sexually exploited none of them involving pornography. In early June, reports emerged of a 14-year-old girl who was raped and later sexually exploited; videos of the abuse were posted online. The case has gone to trial.

Displaced Children: There were many displaced and street children, particularly in the Romani community. Some street children begged and some of them became trafficking victims. Since the law prohibits the prosecution of children younger than 14 for burglary, criminal gangs at times used displaced children to burglarize homes.

Institutionalized Children: NGOs considered the migrant detention facility in Karrec to be unsuitable for children and families. The government made efforts to avoid sending children there, sending them instead to the open-migrant facility in Babrru.

Some NGOs raised concerns about the transparency of the treatment of children who were under state residential care. The law allows for moving children out of residential centers and into the care of foster families, but the government and municipalities have not used this option frequently.

Through August the General Directorate of Prisons reported that there were 17 juveniles in the justice system, none of whom had been convicted. The country lacked adequate facilities for pretrial detention of children, although the Juvenile Institute in Kavaja, the only institution in the country for juvenile offenders, was adequate for the population it served. The directorate reported that the number of

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minors in pretrial detention and detention facilities had decreased because of alternative sentencing.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

Anti-Semitism

Reports indicated that there were 40 to 50 Jews living in the country. There were no reports of anti-Semitic acts. In September Valentina Leskaj, a former government minister, joined the Combat Anti-Semitism Movement Advisory Board, becoming its first Muslim member.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, or 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.

As of August the commissioner for protection from discrimination had received two complaints of alleged discrimination against individuals with disabilities and ruled in favor of the complainants in five cases. In one case the commissioner ruled against the local education office in Elbasan for refusing to hire a teacher because of her disability.

The government sponsored social services agencies to protect the rights of persons with disabilities, but these agencies lacked funding to implement their programs

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adequately. Resource constraints and lack of infrastructure made it difficult for persons with disabilities to participate fully in civic affairs. Voting centers often were in facilities that lacked accessibility or other accommodations. A 2018 study by World Vision and Save the Children reported that none of the 10 municipalities surveyed had a plan to eliminate barriers to information, communication, and mobility for persons with disabilities, or a dedicated budget to address the problem.

Members of National/Racial/Ethnic Minority Groups

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

As of August, the commissioner for protection from discrimination had received 12 complaints of discrimination on grounds of race and ethnicity, ruling in favor of the complainant in two cases. In one case the commissioner ruled against Fier municipality and its water and sewage utility for discriminating against Romani households. The commissioner ordered the municipality and utility to supply running water to the families. When the municipality and utility did not respond, the commissioner imposed fines.

The government adopted legislation on official minorities in 2017 but has not passed all the regulations needed for its implementation. 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 legislation provides for minority language education and dual official language use for the 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."

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Acts of Violence, Criminalization, 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. As of August, the commissioner for protection from discrimination had received one case of discrimination based on sexual orientation, which the commission started ex officio and ruled that discrimination had occurred.

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 rights, public officials sometimes made homophobic statements.

HIV and AIDS Social Stigma

The law prohibits discrimination against individuals with HIV or AIDS. The Association of People Living with HIV or AIDS reported that stigma and discrimination caused individuals to avoid getting tested for HIV, leading to delayed diagnosis and consequently delayed access to care and support. Persons living with HIV or AIDS faced employment discrimination, and children living with HIV faced discrimination in school.

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

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or prison services, and fire brigades. Strike action is prohibited in “special cases,” such as a natural catastrophe, a 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 provides limited protection to domestic and migrant workers. Labor unions were generally weak and politicized. Workers who engage in illegal strikes may 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. Penalties were rarely enforced and were not commensurate to those under other laws related to the denial of civil rights. 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 because employers often resisted union organizing and activities. In this environment collective bargaining 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 implementation of standard operating procedures hampered enforcement. Penalties for violations were commensurate to those for other serious crimes but were seldom enforced. Some law enforcement organizations and the victim advocates at the prosecutors’ offices received training in a victim-centered approach to victims of human trafficking. The government continued to identify victims of forced labor and prosecuted and convicted a small number of traffickers.

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The Labor Inspectorate reported no cases of forced labor in the formal sector during the year. See section 7.c. for cases involving children in forced labor in the informal sector.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 “light” work that does not interfere with school. Children younger than 18 may generally only work in jobs categorized as “light.” Children may work up to two hours per day and up to 10 hours per week when school is in session, and up to six hours per day and 30 hours per week when school is not in session. Children who are 16 or 17 may work up to six hours per day and up to 30 hours per week if the labor is part of their vocational education. By law, the State Inspectorate for Labor and Social Services (SILSS), under the Ministry of Finance and Economy, 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. Children engaged in gathering recyclable metals and plastic, small-scale agricultural harvesting, selling small goods in the informal sector, serving drinks and food in bars and restaurants, the clothing industry, and mining. There were reports that children worked as shop vendors, vehicle washers, textile factory workers, or shoeshine boys. There were isolated reports of children subjected to forced labor in cannabis fields in 2019. The number of children engaged in street-related activities (such as begging or selling items) increased during the summer, particularly around tourist areas.

Children were subjected to forced begging and criminal activity. 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. In several cases, police detained parents of children found begging in the street and referred

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children for appropriate child services care. The State Agency on Children's Rights continued to identify and manage cases of street children identified by mobile identification units.

In 2013, the most recent year for which statistics were available, 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.

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 commensurate with those for other serious crimes. As of July, SILSS reported 101 children under the age of 18 registered to work, 88 percent of whom were in manufacturing enterprises.

The NGO Terre des Hommes reported that the COVID-19 pandemic may have worsened child labor violations. Restriction of movement and other measures against COVID-19 produced new exploitation trends, such as door-to-door begging and afternoon and night street work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/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, HIV/AIDS status, or social origin. The government did not enforce the law and penalties for violations were not commensurate with those under other laws related to denials of civil rights. The commissioner for protection from discrimination reported that most allegations of discrimination involved race, sexual orientation, economic status, or disability.

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There are laws prohibiting women from engaging in work that requires lifting more than 20 kilograms.

e. Acceptable Conditions of Work

The national minimum wage was higher than the national poverty threshold. SILSS and tax authorities are responsible for enforcing the minimum wage but had an insufficient number of staff to enforce compliance.

While the law establishes a 40-hour work week, individual or collective agreements typically set the actual work week. 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 rest periods and premium pay for overtime, but employers did not always observe these provisions. The government 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 migrant workers or workers in the informal sector, which made up 56 percent of the economy, according to the International Labor Organization's 2019 *Overview of the Informal Economy in Albania*.

SILSS is responsible for occupational health and safety standards and regulations, and while these were appropriate for the main industries, enforcement was lacking overall. Violations of wage and occupational safety standards occurred most frequently in the textile, footwear, construction, and mining industries. Resources and inspections were not adequate, and penalties were not commensurate to those of other similar crimes. Law enforcement agencies lacked the tools to enforce collection and consequently rarely charged violators. The number of inspectors was insufficient to enforce compliance. Inspectors did have the authority to make unannounced inspections and initiate sanctions.

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. Through October there were 137 major industrial accidents that caused death or serious injury to workers.