

# ALBANIA 2015 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 June the country held local elections for mayors and municipal councils. The Organization for Security and Cooperation in Europe (OSCE) assessed election day positively overall but observed some important procedural irregularities. It noted that, while the legal framework “could have provided the basis for democratic elections,” the main parties “misused their extensive powers and responsibilities within the election administration and lacked the political will to implement the legal framework effectively.” In 2013 the country held parliamentary elections that OSCE reported were competitive and respected fundamental freedoms but were conducted in an atmosphere of distrust that tainted the electoral environment. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems were pervasive corruption in all branches of government, particularly within the judicial and health-care systems, and domestic violence and discrimination against women.

Other human rights problems included police beating and otherwise mistreating suspects during detention and interrogation; occasionally prolonged police detention without charge; and substandard prison conditions. The government made little progress in addressing the many claims for the return or restitution of property seized during the communist era. There continued to be indications of widespread child abuse. Forced and early marriage was a problem in some parts of the country. There were many displaced children and street children, particularly within the Romani community. The country continued to be a source and destination for men, women, and children subjected to sex trafficking and forced labor. Marginalization and abuse of the Romani and Balkan-Egyptian communities were serious problems, as was discrimination based on sexual orientation and gender identity. Government enforcement of labor laws remained weak and rarely protected domestic and migrant workers. Large numbers of children were engaged in forced labor. There were reports of employment discrimination based on gender, disability, sexual orientation or gender identity, nationality, and ethnicity.

Impunity remained a problem. Prosecution, and especially conviction, of officials who committed abuses remained sporadic and inconsistent. Officials, politicians, judges, and those with powerful business interests often were able to avoid prosecution. Authorities took some administrative measures to improve police accountability and punished some lower-level officials for abuses. The government initiated investigations of some high-level officials, but the prosecution later dropped the cases.

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

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

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

The government continued to cooperate with the EU's Special Investigative Task Force (SITF) established following a Council of Europe (CoE) report on alleged crimes committed by former Kosovo Liberation Army leaders during and just after the Kosovo war. The mandate of the SITF is to investigate and, if warranted, prepare cases for prosecution involving serious crimes alleged in the CoE report, including allegations of crimes against civilians who were allegedly held at locations in Albania between 1999 and 2000.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

There was no indication that authorities intended to investigate the disappearance of Remzi Hoxha, who was allegedly abducted in 1995 by security forces, or that they would comply with Amnesty International's long-standing appeal that his body be returned to his family or that his family would be informed of his fate.

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

While the constitution and law prohibit such actions, police and prison guards sometimes beat and abused suspects and detainees. Through September the police internal control service received 50 complaints of police abuse and corruption.

Through September the ombudsman received 150 complaints from detainees alleging that police officers physically abused, unlawfully detained, illegally searched, or unlawfully fined them; violated their privacy; or failed to give them needed information. Nearly one-third alleged physical abuse. The ombudsman's investigation of a number of the allegations found more than half were justified. The Albanian Helsinki Committee (AHC) also reported that police sometimes used excessive force.

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

Overcrowded facilities and denial of medical treatment were serious problems. The AHC reported that conditions in certain detention facilities were so poor as to constitute inhuman treatment. AHC research conducted among inmates through July showed the majority of complaints were of police abuse, poor living conditions, psychological abuse by prison staff or other inmates, interference with private correspondence with family members, unresponsiveness to prisoner complaints and requests, and delayed transfer of detainees from police stations to detention facilities.

Physical Conditions: The prison population overall averaged 24 percent large than the design capacity of prison facilities. Overcrowding was especially serious in pretrial detention centers. Conditions in prison and detention centers for women were generally better than those for men.

Guards and other prisoners mistreated prisoners and detainees, threatening their lives and health. The ombudsman and nongovernmental organizations (NGOs) reported that authorities detained convicted persons suffering from mental health problems in ordinary prisons, where access to mental health care was wholly inadequate. The government reported seven deaths in prison through September; five were from natural causes and two from suicide.

Prison and detention center conditions varied significantly by age and type of facility. The AHC identified problems in both new and old constructions, however, such as dampness in cells, lack of bedding materials, and inconsistent water supply. Conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, were completely inadequate, except for regional facilities in Tirana, Durrës, Gjirokaster, and Korça, which the government reconstructed in 2014. In some cases detention facilities were unheated during the winter. Some lacked basic hygienic amenities, such as showers or sinks, were cramped, afforded limited access to toilets, and had little or

no ventilation, natural light, or beds and benches. The government did not make a sufficient capital investment in police infrastructure, including detention facilities, over the previous decade. The Ministry of Justice managed the prisons.

The ombudsman reported poor living conditions in many facilities. Conditions in both older facilities and some new ones were unhygienic and often lacked many basic amenities, including access to potable water, sanitation, ventilation, lighting, and health care. The ombudsman and the AHC reported detainees and prisoners did not have adequate access to medical examinations and other services. Unhygienic facilities posed a particular danger for those with mental health needs.

Administration: NGOs and the ombudsman noted inadequate recordkeeping in some institutions, particularly in small or rural police stations. The ombudsman reported prison officials generally cooperated with investigations but did not fully implement ombudsman recommendations. NGOs reported that, although the government took their suggestions more seriously than in the past, it continued to refuse to investigate some cases. The ombudsman found corruption to be a serious problem in detention centers, particularly in connection with access to special release programs.

Independent Monitoring: The government allowed local and international human rights groups, the media, as well as international bodies such as the CoE's Committee for the Prevention of Torture, to monitor prison conditions. The ombudsman reported, however, that in two cases prison staff refused to allow monitors to enter detention centers without prior approval from the police. On some occasions governmental agencies did not make available the information experts needed for their administrative investigations.

Improvements: During the year the ombudsman and NGOs reported conditions in most prisons and detention centers improved. NGOs reported fewer complaints from juvenile detainees about physical abuse or violence within detention centers and prisons, although reports continued that authorities at times failed to take such problems seriously. NGOs reported police and prison authorities demonstrated greater sensitivity toward the rights of juvenile and female detainees. The ombudsman reported that authorities were more flexible in allowing juveniles in predetention centers to meet with relatives. With the opening of the new prison at Fier, authorities transferred prisoners there from Tirana's Jordan Misja facility, which the ombudsman had evaluated as unsuitable in 2014. Police, in response to criticism of inadequate recordkeeping, improved their record management through continued implementation of an electronic system. New regulations for prisons

were adopted in May that include tighter rules governing visitation and leave policies, which prison officials previously manipulated to favor inmates willing to pay bribes.

#### **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 State Police, the Guard of the Republic, and the Border and Migration Police. The State Police are the main organization 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 gathers information, carries out foreign intelligence and counterintelligence activities, and is responsible to the prime minister.

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

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

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. In June the Tirana Prosecution Office cleared the former general police director, Hysni Burgaj and his deputy of abuse of office charges, brought in 2014. The charges resulted from the refusal of police under their command to execute arrest orders for Guard of the Republic officers wanted in connection with killing of protesters in 2011. As of September the cases of Guards of the Republic Ndreja Prendi and Agim Llupo, charged in the 2011 killings of four protesters, remained before the Supreme Court. The court was

considering prosecution appeals of the one- and three-year sentences handed down against the two defendants in 2013 by an appeals court, which acquitted a third suspect.

Police corruption was a problem (see section 4).

The government has mechanisms to investigate and punish abuse and corruption. The government's Service for Internal Affairs and Complaints conducted audits, responded to complaints, and carried out investigations with increased emphasis on human rights, prison conditions, and adherence to standard operating procedures. This office fielded 472 complaints and forwarded 110 cases of alleged police misconduct to prosecutors during the first six months of the year. During the year the ombudsman also processed complaints against police officers, mainly relating to problems with arrests and detention. The ombudsman, through the national mechanism for the prevention of torture, reported increased implementation of his recommendations related to mistreatment.

The government has increased police salaries and instituted an open competition for new recruits since 2014, although the Albanian Police Academy reportedly exerted inappropriate influence over police hiring, firing, and promotions. Recruitment of women improved.

### **Arrest Procedures and Treatment of Detainees**

The law requires that, other than those arrested during the commission of a crime, police may arrest a suspect 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 the police. Prosecutors requested, and courts ordered, detention in many criminal cases. Nevertheless, courts routinely denied prosecutors' requests for detention of well-connected, high-profile defendants.

The constitution requires that authorities inform detained persons immediately of the charges against them and their rights. Law enforcement authorities did not always respect this requirement. There was no effective system for handling the monetary aspect of bail. Instead, 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 under house arrest. Officials did not effectively monitor house arrest, and suspects could move outside freely without detection.

By law police should transfer detainees to the custody of the Ministry of Justice, which has facilities more adequate for long-term detention, if their custody will exceed 10 hours. Due to poor communication between the ministries, this seldom happened, and it was common for detainees, including juveniles, to remain 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 occasional 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; there were no reports that authorities violated this limit during the year. Extended pretrial detention often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. By law a judge cannot 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, approximately half of the prison and detention center population was in pretrial detention.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: Authorities often detained irregular migrants who entered the country without documents. Police refused to allow representatives of the Office of the UN High Commissioner for Refugees (UNHCR) to monitor the processing, detention, and deportation of some migrants. It was not possible to determine how many of those detained were refugees seeking asylum (see section 2.d.). UNHCR reported that irregular migrants in detention have been unable to exercise the right to appeal police deportation orders.

Amnesty: On December 21, the parliament approved an amnesty law, pardoning 720 citizens charged with minor crimes.

### **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 September, two vacancies in the Supreme Court remained unfilled after nearly two years despite a considerable backlog of cases facing the court.

Generally, the Ministry of Justice did not vigorously pursue disciplinary measures against judges; however, when it did, the High Council of Justice was reluctant to enact those measures. By September the ministry had initiated disciplinary proceedings against eight judges. Authorities dismissed two judges, warned two others of possible dismissal, and suspended four.

### **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. The court system does not provide for jury trials. Defendants have the right to consult an attorney and to have one provided at public expense if they cannot afford one. The law provides defendants adequate time and facilities to prepare a defense and the right to access government-held evidence. 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. Despite the statutory right to free legal aid, NGOs reported that very few individuals benefitted from the law during the year.

In a number of decisions against the state, the European Court of Human Rights (ECHR) was critical of trial procedures. In particular the ECHR noted authorities at times failed to secure or properly record witness evidence, used evidence obtained by torture, and failed to give detainees access to a lawyer.

### **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. Persons who have exhausted remedies in domestic courts could appeal to the ECHR, and by September the AHC had assisted one inmate in appealing to the ECHR. In many instances, however, authorities did not enforce ECHR rulings. A 2013 study by the Open Society Foundation for Albania--Soros Foundation found that lawyers, prosecutors, and judges had limited knowledge of ECHR jurisprudence.

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, including by hunger strikes, the government's failure to pay them legally mandated compensation. The law gives priority to compensating women, the elderly, those with serious illnesses, and those who had never received a payment. The government made progress on disbursing compensation during the year, but the ombudsman stated the law failed to set a proper deadline for completing payments.

### **Property Restitution**

Thousands of claims for private and religious property confiscated during the communist era remained unresolved with the government's Agency for Property Restitution. Claimants may appeal cases to the ECHR and during the year hundreds of cases--many of them related to property--were pending review there. In September the ECHR rejected authorities' request for postponement of its

December deadline for putting into place an effective mechanism to compensate former owners of property. The ECHR issued decisions in several high-profile cases that required the government to pay plaintiffs tens of millions of dollars in compensation for confiscated property.

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

The government demolished some homes without due legal process as part of a wider campaign to demolish illegally constructed buildings. Citizens also submitted complaints that the government, through its National Inspectorate on Protection of Territory, ignored citizens' requests to demolish some illegal buildings but chose to demolish others without having received a complaint.

In October the Tirana municipality evicted 48 Roma families from a settlement along Tirana's artificial lake. The authorities made efforts to offset this measure by providing rent subsidies, transportation to communities of origin, and temporary lodging in an emergency shelter. Execution of these plans was slow and incomplete, resulting in a number of evicted families returning to settlements elsewhere in the city. The ombudsman claimed the municipality failed to follow legal eviction procedures and faulted the city for not involving civil society groups in their plans.

In August the central government demolished the homes of 30 families residing along the planned route of Tirana's new ring road. The majority of the homes belonged to Roma. Evictees claimed they received only 24 hours verbal notice of eviction, a violation of established legal procedures. The government promised to pay two years' rent but made no effort to assist with the families' relocation to new homes. Most families complained the rental reimbursement was insufficient for large families. The ombudsman investigated the actions of the government and issued a report outlining legal violations. By November the government had not taken any corrective action.

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

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

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

Press and Media Freedoms: 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 by criminal groups against journalists who tried to investigate their activities. Political pressure, corruption, and lack of funding constrained the independent print media, and journalists reportedly practiced self-censorship. A small number of online outlets provided a more independent point of view.

In its annual Media Sustainability Index, the International Research and Exchanges Board (IREX) indicated that the economic crisis had dried up funding for organizations that pushed for a more independent press, and the press was vulnerable to misuse under growing political tensions.

The majority of citizens received their news from television and radio. The independence of the Audiovisual Media Authority, the regulator of the broadcast media market, remained questionable. In November 2014, after a very long delay, a chairperson was elected to lead the authority. The regulator's role remained limited, however.

While private stations generally operated free of direct government influence, most owners 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. Some media outlets continued to produce investigative stories and expose cases of corruption that sometimes led to dismissals and criminal cases against corrupt public officials.

Violence and Harassment: There were incidents of violence and intimidation against members of the media during the year, and political and business interests subjected journalists to pressure. Several incidents involved threats texted to journalists from outside the country or sent via Facebook over the internet.

Censorship or Content Restrictions: Journalists often practiced self-censorship to avoid the danger of violence and harassment, and as a response to pressures from publishers and editors seeking to tailor content to advance their political and economic interests. Lack of economic security reduced reporters' independence and may have contributed to bias in reporting. The Union of Albanian Journalists stated in September that 90 percent of the country's media outlets experienced delays of two to four months in paying reporters' salaries. Financial problems led some journalists to rely more heavily on outside sources of income.

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 (\$24,000), were excessive and, together with the entry of a conviction into the defendant's criminal record, violated the right to freedom of expression.

As of September the case of Ylli Pango awaited its second hearing before the Supreme Court. Pango, formerly minister of culture, youth, and sports, sued the Top Channel television station after it broadcast hidden camera footage of him making illicit sexual overtures to a prospective employee. The broadcast led to the minister's dismissal. A trial court fined Top Channel 51 million leks (\$408,000) for broadcasting the footage, but the Court of Appeals overturned the decision. The Supreme Court sent the case back to the district court. The district appeals courts ruled against Pango, who in January again appealed the case to the Supreme Court.

### **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 data compiled by the International Telecommunication Union, approximately 60 percent of the population used the internet in 2013. Approximately 35 percent of the population subscribed to mobile broadband internet, while 5.8 percent subscribed to fixed broadband internet. Fixed broadband was concentrated mostly in urban areas.

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

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

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

The constitution and law provide for the freedoms of 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/](http://www.state.gov/religiousfreedomreport/).

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

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

In-country Movement: In order to receive government services, individuals moving within the country must transfer their civil registration to their new community of residence and prove their new domicile is legal through property ownership, a property rental agreement, or utility bills. Many persons could not provide this 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. In 2014 the government reduced some requirements for registration in order to reduce the burden on marginalized populations.

#### **Protection of Refugees**

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity this report will refer to these populations as ‘migrants and asylum seekers’ if more specific information is not available.

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. During the first half of the year, nearly 2,000 migrants and asylum seekers--mostly Syrian--

entered the country. Authorities returned most of them to Greece--some immediately, others after months of detention in inadequate facilities. UNHCR was critical of the government's migrant screening and detention procedures, and some would-be asylum seekers complained of coercion by border authorities not to seek asylum.

The law on asylum requires authorities to grant or deny asylum within 51 days of an applicant's initial request. 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.

Safe Country of Origin/Transit: The law prohibits individuals from safe countries of origin or transit from applying for asylum or refugee status.

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: The government continued to facilitate the local integration of Iranian Mujahedin-e Khalq refugees who had earlier fled to Iraq.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and provided it to three persons as of October.

### **Stateless Persons**

In 2011, the last year for which statistics were available, UNHCR reported 7,443 stateless persons in the country. According to UNHCR most stateless persons were Romani children. Reasons for statelessness included cross-border migration and failure of parents to register their children at birth. The government made efforts to improve registration of children's births in hospitals and instructed its embassies in neighboring countries to assist in registering them abroad.

### **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 based on universal and equal suffrage, and citizens exercised that ability.

### **Elections and Political Participation**

Recent Elections: The most recent national parliamentary elections took place in 2013. The OSCE observation mission to the elections reported that they “were competitive with active citizen participation throughout the campaign and genuine respect for fundamental freedoms.” The OSCE noted, “The atmosphere of distrust between the two main political forces tainted the electoral environment and challenged the administration of the entire electoral process.”

In June the country held local elections for mayors and municipal councils, the first elections since an administrative reform reduced the number of local government units from 373 to 61. The OSCE assessed Election Day positively overall, but noted that, while the legal framework “could have provided the basis for democratic elections,” the main parties misused their extensive powers and responsibilities within the election administration and lacked the political will to implement the legal framework effectively. This, combined with the politicization of institutions involved, undermined the election process. The observer mission also reported that the campaign environment was peaceful, except for isolated incidents, and fundamental freedoms of expression and assembly were respected.

Participation of Women and Minorities: The law governing the 2013 parliamentary election required that 30 percent of candidates be women and that they occupy 30 percent of appointed and elected positions. Women constituted 18 percent of members elected to parliament in 2013. According to the OSCE report on the elections, many parties placed women at the bottom of their electoral lists (all seats in parliament are filled using closed party lists) and the three largest parties failed to meet the mandated 30 percent female quota. The Central Election Commission fined the Democratic Party, the Socialist Party, and the Socialist Movement for Integration for this infraction but accepted their lists nonetheless. NGOs criticized political parties for not appointing more women to the Assembly from party candidate lists, particularly in cases where Assembly seats became vacant, despite laws designed to encourage female appointments. The June local elections were held under revisions of the electoral code that require parties to alternate male and female candidates on their lists. According to the OSCE final election observation report, women gained election to a greater proportion of places, approximately one-third, on local councils.

Civil registration requirements and lack of identification made it difficult for many Roma to vote in the June local elections. The 1,200 leks (\$9.60) fee for an identification card was prohibitive for some Roma who wanted to register. Some observers claimed that political parties offered to pay the fee in exchange for a vote. As of October there were no Romani ministers or members of parliament.

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

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

Corruption: Corruption was pervasive in all branches of government. Trials involving 25 cases concluded in the first six months of the year, resulting in guilty verdicts for 28 defendants and one dismissal. As of June court proceedings involving 48 defendants continued.

During the year judges in two courts refused to extend the investigation time and closed the case of a court of appeals judge and member of the High Council of Justice whom prosecutors charged in 2014 with hiding assets, making a false declaration, falsification of documents, money laundering, and corruption. While authorities were investigating the charges, the defendant scheduled performance reviews for the two trial judges presiding over the case. The prosecution had requested further time to receive evidence from foreign countries.

Corruption was also a problem among police and in educational institutions, including public universities. In addition to judges and public officials, many students complained that instructors demanded bribes for passing grades in courses.

During the year authorities took a number of measures to deal with corruption and made some progress. Prosecutors made significant progress in pursuing low-level public corruption, but prosecution of higher-level crimes remained elusive due to investigators' fear of retribution, a general lack of resources, and corruption within the judiciary itself. Police installed camera systems in police patrol vehicles with the result that officers refused bribes more often, citing the increased surveillance. The government expanded its automated system to manage traffic citations to include traffic commissions responsible for resolving traffic citation disputes, further reducing opportunities for corrupt practices.

Although the Service for Internal Affairs and Complaints investigated and referred for prosecution a significantly higher number of police officers during the year than in 2014, courts convicted few of them. In March authorities established a web portal that allows citizens to report corruption by public officials. As of September the web portal had received 8,749 reports, and the coordinator referred 52 of those for prosecution.

A number of government agencies investigated corruption cases, but limited resources, investigative leaks, real and perceived political pressure, and a haphazard reassignment system hampered the investigations. The Ministry of Justice reported that convictions at district courts decreased by 36.8 percent during the year compared to 2014. No data was available with regard to the convictions at appeals courts. In selective instances involving international actors, anticorruption agencies cooperated with civil society.

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. The inspectorate made these disclosures available to the public. During the year the parliament authorized an increase to the number of HIDAACI inspectors to investigate declarations of assets and conflicts of interest from 12 to 15. The legislation strengthened the institution's capacities and increased public transparency. The law authorizes HIDAACI to fine officials who fail to comply with disclosure requirements or refer them to the prosecutor. As of September, HIDAACI had fined 420 individuals, including ministers, members of parliament, ambassadors, and judges, for not disclosing their assets, for delaying their submissions, or for conflicts of interest. HIDAACI reported that by September it had referred 82 new cases for prosecution. These cases involved 12 judges, two prosecutors, seven members of parliament, as well as ambassadors, and local government officials on charges including refusing to declare, hiding, or falsifying asset declarations, money laundering, falsification of documents, and corruption.

Public Access to Information: The law provides for public access to government information, but the government did not effectively implement the law. The process for making information public often was not clear, and officials were sometimes reluctant to release information. The law stipulates that the right to access information can be restricted when information is categorized as classified or when such a release would violate the protection of personal data.

Most government ministries and agencies posted public information directly on their websites. Businesses and citizens complained that the process lacked transparency and that authorities failed to publish some regulations and legislation that should be basic public information. Citizens often faced serious problems obtaining such information. Individuals could generally access government information free of charge, but there were cases in which processing fees were required to cover the cost of service for the institution providing the information. Noncompliance is punishable as an administrative rather than a criminal offense. Citizens may appeal denials of disclosure to the authority with which they filed the original request or in a civil court.

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

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

Government Human Rights Bodies: The Office of the Ombudsman is the main institution for promoting and enforcing human rights. The ombudsman institution has the authority and is required by law to monitor and report on prisons and detention centers. It may initiate an investigation in some cases where a victim is unable to come forward to do so. Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The Office of the Ombudsman was underfunded and understaffed. The ombudsman reported to the parliament annually, but although the parliament distributed copies of some of the ombudsman's annual and special reports or posted them online, it rarely discussed the reports in plenary or committee sessions. The parliament consulted the ombudsman institution on draft laws directly affecting or involving it but generally did so at the last minute.

There is a parliamentary committee on legal issues, public administration, and human rights. The parliament approved a few laws aimed at addressing human rights problems and resolutions addressing lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues and blood feuds.

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

The law prohibits discrimination based on race, gender, age, disability, language, religion, gender identity and/or sexual orientation, health, and family economic or social status. The government did not effectively enforce these prohibitions.

Cases of discrimination on any of these grounds may be brought to the commissioner for protection from discrimination; the commissioner has the authority to issue sanctions and did so in several cases during the year. The law allows the commissioner to testify in court as an expert witness, even in appeals on cases the commissioner's office initially rejected. Through September the commissioner participated in 20 judicial proceedings.

## **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; for rape of an adolescent between the ages of 14 and 18, the term is five to 15 years; and for rape of a child under 14, the term is seven to 15 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. Victims rarely reported spousal abuse, and officials did not prosecute spousal rape. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime.

Domestic violence against women, including spousal abuse, remained a serious problem. Police often did not have the training or capacity to deal effectively with domestic violence cases.

A government shelter for domestic violence victims in Tirana assisted 28 women and 47 children through 2015 but could not accept victims without a court order. NGOs operated three shelters to protect victims of domestic violence as well as trafficking, one in Tirana and two outside the capital.

Sexual Harassment: The law prohibits sexual harassment, although officials rarely enforced it. NGOs believed sexual harassment was severely underreported. The commissioner for protection against discrimination generally handled cases of sexual harassment. The commissioner may impose fines of up to 80,000 leks (\$640) against individuals or 600,000 leks (\$4,800) against enterprises.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so, free from discrimination, coercion, or violence. The quality of and access to government-provided health care, however, including obstetric and postpartum care, was not satisfactory, especially in remote rural areas.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, labor, property, nationality, and inheritance laws. Women were not excluded from any occupation in either law or practice, but they were underrepresented at the highest levels of their fields. Although the law mandates equal pay for equal work, the government and 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 (see section 7.d.).

Gender-biased Sex Selection: According to the government's statistical agency, the ratio of boys to girls at birth in 2014 was 109 to 100, which indicated that gender-biased sex selection may be occurring. The government did not support efforts to address the gender imbalance.

## **Children**

Birth Registration: An individual acquires citizenship by birth within the country's territory or from a citizen parent. Parents were encouraged to register the birth of a child in a timely manner, and the law provides for a monetary reward for parents who register their children within 60 days of birth. Often, however, authorities did not disburse the reward. There were no reports of discrimination in birth registration, but residency requirements for registration made it more difficult for the many Romani and Balkan-Egyptian parents who were without legally documented places of residence to register their children and to access government services that were dependent on registration.

According to the domestic branch of the NGO Association for the Social Support of Youth (ARSIS), children born to internal migrants or those returning from abroad, especially from Greece, frequently had no birth certificates or other legal documentation and as a result were unable to attend school or have access to services. This was particularly a problem for Romani families, where couples often married young and failed to register the births of their children.

Education: School attendance is mandatory through the ninth grade or until age 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. Although the government had a program to reimburse low-income families for the cost of textbooks, many families and NGOs reported they were unable to receive reimbursement after purchasing the books.

Child Abuse: Observers believed that child abuse was widespread, although victims rarely reported it. In 2013 the Children's Human Rights Center reported that 58 percent of children were victims of physical abuse, 11 percent were victims of sexual harassment, and almost 5 percent said they had been victims of sexual abuse. Almost 70 percent of children reported psychological abuse from family members, according to the center. ARSIS reported that through September it assisted 50 cases of children who were victims of psychological and physical abuse. Through November the NGO Terre des Hommes handled 65 cases involving children victims of abuse.

Early and Forced Marriage: Although the legal minimum age for marriage is 18, authorities did not enforce the law. Underage marriages occurred mostly in rural areas and within Romani communities. According to 2009 statistics from the UN Population Fund (UNFPA), 9.6 percent of women between the ages of 20 and 24 were married before they were 18. The UNFPA reported that in 2011, approximately 31 percent of female Romani children between the ages of 13 and 17 were married. ARSIS reported that, in certain Romani communities, girls as young as seven or boys as young as nine were considered married. Through September ARSIS assisted 12 underage girls who ran away because their families were forcing them into marriage and two who were fleeing existing 'spouses'. Some NGOs reported that early and forced marriages occurred in rural communities as part of human trafficking schemes, when parents consented for their underage girls to marry older foreign men, who subsequently trafficked them to other countries.

Sexual Exploitation of Children: Some children under the age of 18 were exploited for prostitution. The 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. The law explicitly includes minors in provisions that cover sexual abuse, harassment, exploitation for prostitution, benefiting from services offered by trafficked persons, facilitating trafficking, and domestic violence. Authorities generally enforced laws against the rape and sexual exploitation of minors effectively, but NGOs reported that laws prohibiting child pornography were rarely enforced.

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

A study issued in May 2014, conducted by the UN Children's Fund and Save the Children with the support of the Ministry of Social Welfare and Youth, found that more than 2,500 children, nearly 75 percent of them from Romani or Balkan-Egyptian communities, begged or worked informally on the streets. The majority lived in homes with two parents. Most children reported that earning money for their family was the principal reason for their begging or work, and nearly one-third of them said their parents forced them to work. According to the report, a third of children working or on the streets ran the risk of being trafficked. In response to the study, the government implemented a pilot program in Tirana to remove children from the street and provide them with social care. The government also began a pilot program providing financial incentives to parents to send their children to school and have them vaccinated. The State Agency for the Protection of Children's Rights, which monitored the program, reported that authorities had moved 242 out of 485 identified children from the streets during 2015. The employment of more than 300 children to harvest cannabis in fields in the southern municipality of Lazarat presumably declined or ended with the reported near-total destruction by police of the cannabis fields during the year.

Institutionalized Children: There were reports that orphans leaving the custody of the state at the legal age of adulthood (18) faced significant problems finding adequate housing and services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/Albania.html](http://travel.state.gov/content/childabduction/english/country/Albania.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/](http://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 in employment, education, transportation, access to health care, and the provision of other state services. 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. According to the 2011 census, 24 percent of persons with disabilities had never attended school. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities (see section 7.d.).

In February the government created a National Disability Council, which includes disabled persons and members of civil society, to provide advice on disability matters. The government has social services agencies to protect the rights of persons with disabilities, but the agencies often 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 ombudsman regularly inspected mental health institutions. Both the admission and release of patients at mental health institutions were problems due to lack of

sufficient financial resources to provide adequate psychiatric evaluations. There was societal discrimination and stigmatization of persons with mental and other forms of disability.

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

There were reports of significant 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. A few cities provided free meals and transportation to Roma students, but local NGOs reported that this often led to segregation by grouping Roma children together in one school, and that educational levels, discipline, and infrastructure at such schools were substandard. Many mixed schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.

Roma rights NGOs criticized the lack of legal safeguards against eviction and demolition of Roma camps included in the law on property legalization. Evictions and demolitions continued during the year and disproportionately affected Romani families. Financial support promised by the government was generally insufficient. High housing prices and a general reluctance to rent to Romani families made it difficult for them to find alternative housing, and many decided to seek asylum in Germany.

The law provides official minority status for national groups and separately for ethnolinguistic groups. The government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest of these. The law defined Aromanians (Vlachs) and Roma as ethnolinguistic minority groups.

The ethnic Greek minority complained about the government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones," to utilize Greek in official documents and on public signs in ethnic Greek areas, or to include more ethnic Greeks in public administration. Public education was not available in the Romani, Serbo-Montenegrin, or Vlach languages.

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

The law prohibits discrimination on the basis of sexual orientation, including in employment (see section 7.d.). During the year the government's Commissioner

for the Protection against Discrimination received several complaints from LGBTI individuals and organizations. 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 LGBTI rights, homophobic attitudes persisted in private and public life. Public officials sometimes made homophobic statements. NGOs reported an increase in families evicting LGBTI persons from their homes during the year. Since 2014 the first shelter for evicted LGBTI person accommodated eight individuals. The NGOs Aleanca and ProLGBT opened it in 2014.

On May 17, activists participated in the fourth Tirana Gay Ride against Homophobia, a short bicycle ride on Tirana's main boulevard, as well as a diversity fair, both of which proceeded without incident, unlike in previous years. On June 11, a second pride event took place in Tirana as part of a "diversity festival." Police ensured activists' safety during the events.

### **HIV and AIDS Social Stigma**

The law prohibits discrimination against persons with HIV/AIDS. In the most recent demographic and health survey (2008-09), however, 71 percent of women and 69.3 percent of HIV-positive men reported discriminatory attitudes towards persons with HIV. Such persons experienced general social stigma, although there were no reports of violence against such individuals during the year.

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

Incidents of societal killings, including both "blood feud" and revenge killings, occurred during the year. Media portrayed some gang-related killings as blood feud killings, and criminals at times used the term to justify their crimes. There were no cases of minors or women falling victim to blood feud killings. The ombudsman reported that authorities' efforts to protect families or prevent blood feud killings 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 government effectively enforced these laws. 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 uniformed military personnel, police personnel, indispensable medical and hospital personnel, persons providing air traffic control and prison services, and both essential and nonessential workers in water and electrical utilities. Workers not excluded by their positions exercised their right to strike. These laws rarely protected domestic and migrant workers. Transparency International reported that labor unions were weak, and both the authorities and private companies were typically hostile to organizing and collective bargaining efforts.

Government enforcement of these laws remained largely ineffective. Resources for conducting inspections and remedying violations were not adequate. Penalties, including fines of up to fifty times the minimum wage, were not sufficient to deter 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. Law enforcement organizations provided training to their officers in 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 was effective in sustaining the government's efforts against trafficking.

There were instances of forced labor during the year. 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/](http://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 and regulates the amount and type of labor that children under the age of 18 may perform. Children between 16 and 18 may work in certain specified jobs. According to law the State Labor Inspectorate, under the Ministry of Youth and Social Welfare, is responsible for enforcing minimum age requirements through the courts, but the State Labor Inspectorate did not adequately enforce the law. Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Most labor inspections occurred in shoe and textile factories, call centers, and in retail enterprises; officials found some instances of child labor in the course of their inspections. Penalties for violations of the law include fines up to 50 times the minimum wage; they 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 7 percent of children were child laborers.

The State Labor Inspectorate monitors for cases of child labor and other labor malpractices, but insufficient human resources limited its activities. In 2015 the inspectorate reported it had 110 inspectors, up from 98 in 2014.

The law criminalizes exploitation of children for labor or forced services, but the government did not enforce the law effectively. Reports noted that a majority of 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 begging started as early as the age of four or five years. While the criminal code prohibits the exploitation of children for begging, police

generally did not enforce the law, although they made greater efforts to do so during the year (see section 6, Displaced Children).

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

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws prohibit employment discrimination because of race, skin color, gender, age, physical or mental disability, political beliefs, nationality, religion, family, and social origin. Discrimination in employment and occupation occurred with respect to gender, presence of a disability, sexual orientation and gender identity, nationality, and ethnicity.

#### **e. Acceptable Conditions of Work**

The national minimum wage was 22,000 leks (\$176) per month. By comparison the national poverty threshold in 2013 was 6,665 leks (\$53) per month. The law requires equal pay for equal work. The State Labor Inspectorate is responsible for enforcing the minimum wage.

While the law establishes a 40-hour workweek, individual or collective agreements typically set the actual workweek. The law establishes paid annual holidays, but 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 limits the maximum hours of work to 40 per week and provides for premium pay for overtime. The government had no standards for a minimum number of rest periods per week and rarely enforced laws related to maximum work hours, limits on overtime, or premium pay for overtime, especially in the private sector. These laws did not apply to workers in the informal sector, such as domestic employees and migrant workers.

The State Labor Inspectorate is responsible for enforcing occupational health and safety standards and regulations. 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 of up to 50 times the minimum wage (\$10,000) 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.