

ALBANIA

COUNTRY ASSESSMENT

APRIL 2002

**COUNTRY INFORMATION & POLICY UNIT
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

CONTENTS

I	<u>SCOPE OF THE DOCUMENT</u>	1.01 - 1.05
II	<u>GEOGRAPHY</u>	2.01 - 2.02
III	<u>HISTORY</u> <u>Communist Regime</u> <u>First Multi-Party elections in 1991</u> <u>Pyramid schemes and 1997 State of Emergency</u> <u>Parliamentary Elections of 1997</u> <u>Assassination of Azem Hajdari</u> <u>Kosovo Crisis</u> <u>Local Government Elections of October 2000</u> <u>Parliamentary Elections of June and July 2001</u> <u>Internal Socialist Party divisions in 2002</u>	3.01 - 3.03 3.04 - 3.06 3.07 - 3.08 3.09 - 3.11 3.12 - 3.17 3.18 - 3.23 3.24 - 3.37 3.38 - 3.51 3.52 - 3.58
IV	<u>STATE STRUCTURES</u> <u>The Constitution</u> <u>Political System</u> <u>The Judiciary</u> <u>Military</u> <u>Internal Security</u> <u>Legal Rights / Detention</u> <u>Prisons</u> <u>Medical Services</u> <u>Educational System</u>	4.01 4.02 - 4.07 4.08 - 4.19 4.20 - 4.22 4.23 - 4.32 4.33 - 4.40 4.41 - 4.43 4.44 - 4.47 4.48 - 4.49
VA	<u>HUMAN RIGHTS ISSUES</u> <u>Overview</u> <u>Freedom of Speech and the Media</u> <u>Freedom of Religion</u> <u>Freedom of Assembly and Association</u> <u>Employment Rights</u> <u>People Trafficking</u> <u>Freedom of Movement</u>	5.01 - 5.05 5.06 - 5.19 5.20 - 5.26 5.27 - 5.29 5.30 - 5.34 5.35 - 5.37 5.38 - 5.41
VB	<u>HUMAN RIGHTS - SPECIFIC GROUPS</u> <u>Women</u> <u>Children</u> <u>Ethnic Groups</u> <u>Greek Minority</u> <u>Macedonian Minority</u> <u>Montenegrin Minority</u> <u>Vlachs</u> <u>Roma</u> <u>Gorani</u> <u>Women trafficked for sexual exploitation</u> <u>Homosexuals</u> <u>Political Activists</u>	5.42 - 5.45 5.46 - 5.48 5.49 - 5.56 5.57 - 5.65 5.66 - 5.67 5.68 - 5.70 5.71 5.72 - 5.78 5.79 - 5.80 5.81 - 5.93 5.94 5.95 - 5.99

VC	<u>HUMAN RIGHTS - OTHER ISSUES</u> <u>Organised Crime and Corruption</u> <u>Blood Feuds</u>	5.101 5.102 - 5.108 5.109 - 5.118
	<u>ANNEXES</u> <u>Chronology of Events</u> <u>Political organisations</u> <u>Prominent People</u> <u>References to Source Material</u>	

I. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains amongst the main asylum producing countries in the United Kingdom.

1.5 The assessment will be placed at <http://www.homeoffice.gov.uk> on the Internet. An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council Refugee Legal Centre

UN High Commissioner for Refugees

II GEOGRAPHY

2.1 The Republic of Albania (formerly the People's Socialist Republic of Albania) is situated in south-eastern Europe, on the Balkan Peninsula. It is Albania April 2002

bordered to the south by Greece, to the east by Macedonia, to the north-east by Kosovo, and to the north by the Federal Republic of Yugoslavia (Montenegro). Albania covers an area of 11,100 sq. miles (28,748 sq. km), and the total population was (according to official estimates) 3.73 million in mid-1997. [1] Preliminary data from the April 2001 Population and Housing Census indicated that the population had declined by 3 per cent since the last official census in 1989. Given that Albania enjoys one of the highest population growth rates in Europe, the Albanian Institute for Statistics attributed this decrease to the very intensive process of emigration. [13b] [39]

2.2 No recent official statistics exist regarding the size of the various ethnic communities, however the largest minority are ethnic Greeks, estimated at 1.8 per cent. [27] There are also groups of Macedonians, Montenegrins, Vlachs, Roma and Egyptians. [5d]

III HISTORY

For more detailed information on Albanian history up until 1989, please refer to the Europa World Yearbook (source [1]) or Annex A: Chronology.

Communist Regime

3.1. In November 1912, after more than 400 years under Ottoman (Turkish) rule, Albania declared its independence, which was re-established in 1920. In 1928 a monarchy was established when President Zogu proclaimed himself King Zog I, but he was forced into exile in 1939. The December 1945 elections resulted in the establishment of the People's Republic of Albania. [1]

3.2 From 1945 until his death in 1985, Albania was dominated by Enver Hoxha (pronounced Hodja). Hoxha emulated Stalin in developing his dictatorship, using widespread purges to eliminate any opposition to the Communists helped by the internal security police, the Sigurimi. [1]

3.3 Under Hoxha's successor, Ramiz Alia, there were cautious attempts at liberalisation and decentralisation. A far more flexible foreign policy led to improved relations with a number of Western European countries. Following the collapse of the Communist regimes in Eastern Europe in 1989, and student demonstrations in Albania, the pace of reform quickened, and it was announced that the practice of religion was no longer an offence. In December 1990 independent political parties were legalised. Opposition activists formed and registered the Democratic Party of Albania (DP). [1]

First Multi-Party Elections in 1991

3.4 On 31 March 1991 Albania's first multi-party election since the 1920s took place, and the Communists won over 60% of the votes cast. Independent observers contested the overall fairness of the election and continuing unrest forced the resignation of the Communist Government. In June 1991 a new

“Government of National Stability” was formed, with a total of 12 non-communist ministers. [1]

3.5 In March 1992, the DP won elections to the new Assembly and Sali Berisha of the DP was elected President of the Republic. The Socialist Party was developed out of the communist Party of Labour. In addition to problems of high levels of unemployment, the rapid dismantling of the one-party state led to erosion of state authority, resulting in a sharp increase in serious crime. Relations with Greece deteriorated rapidly during 1992 and 1993, owing to the alleged mistreatment of the Greek minority in southern Albania, and the influx of Albanian refugees into Greece. [1]

(Please see also Section VB on Greek minority)

3.6 The DP devised a number of new and radical laws. The so-called “Genocide Law” prohibited the appointment of any person who had held office during the Communist period to the executive, the legislature or the judiciary. In May 1996, elections to the People’s Assembly, the conduct of which was widely condemned by international observers, were partially boycotted by the main opposition parties; the DP therefore won 122 out of a total of 140 parliamentary seats. [1]

Pyramid Schemes and the 1997 State of Emergency

3.7 The collapse of several popular “pyramid” investment schemes, resulting in huge losses of individual savings, prompted violent anti-government demonstrations in January 1997. President Berisha declared a state of emergency on 1 March 1997, as anti-government protests escalated into insurgency and opposition groups gained control of several towns. The Organisation for Co-operation and Security in Europe (OSCE) set up a special advisory mission headed by Chancellor Franz Vranitzky, which helped to alleviate the political crisis, especially by initiating dialogue between the Government and the Opposition. With the evacuation of foreign nationals and the flight of many Albanians, Berisha appointed Bashkim Fino, a former SP mayor, to lead an interim Government of National Reconciliation. Representatives of eight opposition parties were included. [1] [2a] [10i]

3.8 In April 1997 a UN-sanctioned Multinational Protection Force, established to facilitate the distribution of humanitarian assistance, was deployed, principally in government-controlled areas of northern and central Albania. In September 2000, the trial began against the former boss of the “Gjallica” pyramid firm, accused of embezzlement of great amounts through fraud in complicity, in the form of a criminal organisation. An investigation undertaken by PricewaterhouseCoopers reportedly concluded that only US\$50 million of the public’s money would be recoverable. [1] [2a] [10i]

Parliamentary Elections of 1997

3.9 In April 1997 Leka Zogu, the exiled pretender to the Albanian throne

and son of King Zog returned to Albania and called for a referendum on the restoration of the monarchy. Except for a very brief time with limited freedom in 1993, this was his first visit to the country since his father, King Zog who passed away in 1961, fled with his family at the onset of World War II. All the main political parties had agreed in principle to the holding of a referendum on the issue. Some 2,000 supporters greeted Leka on arrival at Tirana airport. His visit was organised by the pro-monarchy Legality Movement Party. [26]

3.10 The referendum, which was found to be free and fair by the OSCE, took place on the same day as the first round of the general elections. 66.7% of the participating electorate were in favour of retaining the Republic. Following the referendum, Leka Zog left Albania of his own accord. The Prosecutor General's Office proceeded with legal moves to impose a life sentence on Zog. News agencies reported that Albanian police approached Interpol to ask for the extradition of Leka Zog and one of his closest collaborators in South Africa. Zog rejected the charges. He was charged, in absentia, to three years for being an "organiser and participant in the armed uprising to overthrow constitutional order in Albania" and for inciting violence. Material handed over to the court in May 1998 showed Leka Zog dressed in a military uniform on 3 July 1997, accompanied by a group of monarchy supporters with weapons, gathered in front of the Central Election Commission following an illegal rally held in Skanderbeg Square. One person was killed during the violence. [1] [9b] [10t] [22] In March 2002, the courts annulled the decision taken earlier in the year to sentence Leka Zog to two years' imprisonment. Parliament upheld this decision. Leka Zog is therefore free to return to Albania and does not have any outstanding charges against him. [6f] [10x]

3.11 Voting in the general election, declared satisfactory by observers, took place on 29 June and 6 July 1997 and resulted in a Socialist Party victory. Rexhep Meidani, hitherto the Secretary-General of the SP, was elected President. Fatos Nano became Prime Minister. In July 1998 the People's Assembly approved the final report of the civil unrest of early 1997; it recommended the prosecution of several leading DP officials, including former President Berisha, for the violation of constitutional provisions and the unlawful use of force against protestors. The DP announced an indefinite boycott of Parliament. [1]

Assassination of Azem Hajdari

3.12 On 12 September 1998, DP Deputy MP and chairman of the Defence Parliamentary Commission, Azem Hajdari was assassinated close to the Democratic Party Headquarters. The assassination sparked violent protests. During Hajdari's funeral procession on 14 September 1998, armed DP supporters ransacked government offices, and for a brief period, held the PM's office, the parliament building and the Albanian State television and radio building. At one point it looked as though ex-President Berisha might launch a coup. However, after 72 hours the Government restored order and

reclaimed tanks and APCs seized by DP supporters. Parliament subsequently lifted Berisha's immunity due to his alleged role in what the government described as a coup d'etat, but no charges have been levelled against him. Twelve people were arrested for their alleged involvement in the violence. **[1] [5c] [9a]**

3.13 The DP refused to participate in virtually all government functions at national level following Hajdari's assassination and undertook a boycott of Parliament. Top DP officials, including former President Sali Berisha, refused to testify in the investigation into Hajdari's death. The DP stated that the investigation was politically motivated. **[1] [9a]**

3.14 Prime Minister Nano resigned on 28 September 1998, citing lack of support within his Socialist Party coalition as the reason. Pandeli Majko (former Secretary-General of the Socialist Party) succeeded Nano. The DP, led by Berisha, returned to Parliament in July 1999 after the Government committed itself to investigate Hajdari's murder fully and fairly. **[1] [9a]**

3.15 The trial of Ekrem Spahia, the Chairman of the Legality Party, and the trials of 12 of his supporters for participation in the events of September 1998 which followed the killing of the DP parliamentarian Azem Hajdari by unknown persons were ongoing at the end of 2001. **[5d]**
(Please see also paragraph 4.37)

3.16 On 5 February 1999, Leka Zog was arrested in Johannesburg, where he has lived since 1979, for the illegal possession of an arsenal of over 70 arms including firearms, ammunition, grenades and landmines. He was released on bail 10 days later. **[9a] [9b] [10t]**

3.17 In October 1999 Majko lost the Party leadership post to former Prime Minister Fatos Nano. This severely weakened his position and he resigned several weeks later. Deputy Prime Minister Ilir Meta was sworn in to be his successor. **[1]**

Kosovo Crisis

3.18 An estimated 480,000 Kosovar refugees entered Albania during the 1999 Kosovo crisis. Nearly all have now returned. Albania was a staunch supporter of NATO military action, and some 9,000 troops were deployed in Albania before crossing into Kosovo. **[9a] [23b]**

3.19 Albania's response to the Kosovo crisis won widespread admiration. The European Union is strongly supportive of Albania's reform programme and from 1991 – 2000 it provided 1,021 million Euros in total to Albania. The World Bank viewed the Albanian governments' response to the crisis as prompt and decisive. Albania became the 138th member of the global trade body in September 2000. **[8] [11]**

3.21 With the rapid repatriation of over 450,000 Kosovar refugees from northern Albania to Kosovo during 2000, Albania was once again able to turn inward and focus on internal reforms. The extreme political antagonism between the two main political rivals in Albania – Sali Berisha of the DP and Fatos Nano of the SP – was revived in a feuding that had polarised Albanian society over the past decade and forestalled the emergence of younger, less divisive political leaders. **[2a] [25d]**

3.22 Three individuals were arrested for the illegal possession of weapons at the commemorating rally held on 12 September 2000 to mark the occasion of the second anniversary of DP Deputy Azem Hajdari's murder. Leaders, members and supporters of the Democratic Party attended the rally. The rally was reportedly carried out peacefully and no incidents occurred. **[10h]**

3.23 Police arrested a former bodyguard of ex President Sali Berisha on 30 September 2000. The Public Order Ministry made public a list of dangerous persons suspected of plotting to disrupt the October 2000 local elections. Prosecution information alleged that the bodyguard was proved to be an organiser of the violence in September 1998. He was reportedly filmed firing a Khalashnikov at government offices and he also took part in the seizure of tanks. Whilst still in custody, in February 2001, the Albanian media reported that the same bodyguard appeared in court to testify as a witness in the trail of the assassination of Democratic Party deputy Azem Hajdari. **[10k] [10s]**

Local Government elections of October 2000

3.24 Local government elections were held on 1 October 2000 and marked significant progress towards meeting the standards for democratic elections, the Organisation for Security and Co-operation in Europe (OSCE) reported. The elections took place under a new Constitution, a new Electoral Code, and a new Central Electoral Commission. The OSCE described the elections as having taken place in a tense but remarkably peaceful atmosphere, with only a few isolated incidents of violence reported during the campaign and on election day. Shortcomings were mainly of a technical nature and had to do with the delays over the voter list and the registration of candidates, as well as in the distribution of voter identity cards and the preparation of election materials. **[2a] [18a] [18b]**

(Please hard copy source **[18a]** for full local government election results)

3.25 There were some serious incidents prior to the election campaign including the death of a DP activist at a rally. **[5c]**
(Please see Section VC on Political Activists)

3.26 The election was marred by “nationalistic rhetoric” in the Himara area of southwest Albania, where there is a sizeable Greek speaking minority. Despite their bitter rivalry, the Socialist and Democratic Party joined forces to defeat a candidate from an ethnic Greek party, the Greek Human Rights Union Party, campaigning on the platform of establishing a minority zone in

Himara for the benefit of the Greek-speaking minority. The Albanian Socialist Party claimed an overwhelming majority in the town. Athens said ethnic Greeks had been prevented from voting including six hundred Albanians employed in Greece who, it says, were barred from returning home to cast their votes. **[2a] [12f] [16d]**

(Please see also Section VB on the Greek minority)

3.27 The OSCE acknowledged that that the success of the elections could not disguise the fact that the political process in Albania was still obstructed by the refusal of the Democratic Party to adhere to normal conventions and its policy of non co-operation. **[18a]**

3.28 The DP held rallies in November and December 2000 in protest at the outcome of the election results and what it saw as a manipulation of voter lists. The Prime Ministers' Office in Tirana was firebombed and an MP's car was set on fire. On 28 November 2000 a protest in Bajram Curri, Tropoje, turned into a clash between police forces and the demonstrators, resulting in the death of one person. Local bodies in Bajram Curri claimed that armed protestors attacked state institutions such as the Court and the Police station. **[25d]** The Albanian Helsinki Committee appealed for a full investigation, but noted that both the European Council and the OSCE condemned the use of violence against state institutions. The EU appealed for the rule of law to be respected and for political aims not to be pursued through violence. The Albanian Helsinki Committee noted that the message of these demonstrations was blurred by the irresponsible behaviour of violent elements. Sali Berisha was briefly detained following the Tropoje violence, but such violence was not repeated elsewhere during DP demonstrations. **[4c] [5c]**

(Please see also Section IV on Internal Security and Section VC on Political Activists)

3.29 Chairman of the Municipal Council of Bajram Curri, Tropoje and deputy Chairman of Kukës prefecture council, Azgan Haklaj, was arrested on 20 January 2001, accused of being the organiser of the 28 November 2000 protest. **[25d]** He was brought to Tirana and detained. Azgan Haklaj filed a formal complaint with the Prosecutor General in which he requested that penal proceedings on charges of 'abuse of office,' 'perpetrating arbitrary acts' and 'violence against a residence' be initiated against a named judicial police officer. **[25d]** The OSCE issued a statement on 30 January 2001 in which it urged the Albanian authorities to undertake a thorough investigation into the allegations made by Haklaj of physical mistreatment while in police custody in a Tirana jail. The OSCE saw Haklaj's injuries, bruising and lacerations. Monitors stated that he showed clear signs of the use of violence at the moment of his arrest and during his transfer from Bajram Curri to Tirana. **[12g]** The Albanian Helsinki Committee concluded that he had been a victim of a heavy violation of the law by the forces of public order. **[4d]** The police did not conduct an investigation or take any action against the responsible officers. **[5d]** Azgan Haklaj is charged with helping to organise attacks on state institutions, an offence which could lead to 15 years' imprisonment. **[4d]**

[13d]

3.30 A Press Release issued by the Public Order Ministry on 30 January 2001 stated that the Albanian police acted in conformity with State law. According to the minutes kept by the police, Azgan Haklaj disobeyed the police order to voluntarily surrender himself, which led to the police breaking into his house in compliance with the law, as stipulated in Article 27 of Law 8553 dated February 1999 "On State Police." The Ministry is convinced that the actions taken by police complied fully with the law, and stated that it remains fully open to anyone wishing to monitor its activities. **[10b]**

3.31 On the basis of Article 260 of the Code of Criminal Procedures, the High Court revoked the decision for pre-trial detention of Azgan Haklaj. Haklaj won the mandate of Assembly Deputy in the 24 June 2001 parliamentary election in Constituency 9, Tropoje, in absentia. It is the first time a person in detention had won a deputy mandate. The High Court ruling changed the form of custody from "unlimited imprisonment" to "free citizen" on 24 July 2001. **[10r] [14c]** The charges of inciting and organising an armed attack against state institutions stand, although as of April 2002 the trial had not started. **[6f]**

3.32 Albania renewed diplomatic ties with Yugoslavia on 12 January 2001. Relations were cut off in April 1999 following the start of NATO's air campaign against Yugoslavia. **[13c]**

3.33 The New Democrat Party (NDP) was registered in January 2001 as a group of reform-oriented former members of the Democratic Party. The formation of the new coalition represented a virtual political revolution within Parliament, and its' initiators said that it would be welcomed by a number of right-wing deputies as a constructive Opposition that might have the ability to claim power. **[1] [29a]**

3.34 A march by members and sympathisers of the political grouping Union for Democracy gathered in Tirana on 22 March 2001 to commemorate 22 March 1992, when the first democratic elections were held. Leaders of eight opposition parties including the DP, Balli Këmbetar and Legality Movement Party considered the date to be a day of decisive change in Albania. **[10m]**

3.35 In January 2001 the General Prosecutors' Office completed its investigations into the 1998 murder of Democratic Party legislator Azem Hajdari. Albanian news agencies announced that a team of prosecutors issued a statement on 15 March 2001 in Tirana, identifying a former police chief of Tropoja as the main suspect. The investigators also identified at least nine other people who they believe were involved in the assassination. Four of the suspects have since been killed in various incidents. They collected over 250 pieces of evidence over two years, marking the greatest number of persons involved in a murder case. The trial of the five men opened in Tirana on 3 April 2001. Two of the five were tried in their absence and are believed to have fled to Kosovo. **[13e] [13f] [14a]** The trial was ongoing as of April 2002,

Albania April 2002

although the case of the Prosecution was completed. They reportedly accused defendant Jaho Salih of the pre-meditated murder of Azem Hajdari and his bodyguard Besim Cerra. The three brothers Isamedin, Ismet and Izet (being tried in absentia) Haxhia and Fatmir Meta, plus Jaho Salih will present their defence from 1 April 2002. **[10n] [10q]**

3.36 The Gothenburg European Council invited the European Commission, on 6 June 2001, to present draft negotiating directives for the negotiation of a Stabilisation and Association Agreement with Albania. The EU Nice Summit offered five Balkans countries - Albania, Bosnia-Herzegovina, Croatia, Federal Republic of Yugoslavia and Macedonia - the prospect of joining the Union. The Agreements aim to foster co-operation in the region, liberalise trade with the EU and prepare the ground for subsequent integration into the EU. **[8a]**

3.37 The overall objective of assistance to Albania aims to help the Albanian authorities in consolidating democracy and implementing the rule of law, and to assist the government of Albania in its efforts to achieve a comprehensive administrative and institutional reform. The Commission intends to help Albania meet its reform goals through the new CARDS programme (Community Assistance for Reconstruction, Democratisation and Stabilisation) whilst also urging other member states to help Albania through their bilateral aid programmes, and other donors to channel assistance to priority areas. **[8a]** The European Commission CARDS programme 2001, adopted, in December 2001, an annual support programme to the value of 37,5 million euros which will focus on the reconstruction and stability of the region. **[8b]**

Parliamentary Elections of June and July 2001

3.38 Parliamentary elections took place in four rounds on 24 June, and 8, 22 and 29 July 2001, due to accusations of electoral fraud in various forms. They were peaceful and produced a decisive victory for the ruling Socialist Party (SP). The Office for Democratic Institutions and Human Rights (ODIHR-OSCE) assessing the elections concluded that the elections marked progress over past elections in terms of the conduct of the campaign, media and electoral administration. In a welcome development, and unlike previous elections, political parties sought legal redress to their grievances. However, the administrative and judicial processes did not always provide an effective means of redress. **[15c] [18e]**

3.39 International observers concluded that the Central Election Commission's (CEC / KQZ) conduct was more professional, objective, transparent and pragmatic than earlier elections. They noted that the elections saw serious irregularities in a limited number of zones and institutional concerns that must be addressed. These serious irregularities were due more to insufficient political will than technical deficiencies in the Electoral Code. **[18e]**

3.40 The Central Election Committee announced the final results on 21

Albania April 2002

August 2001, nearly two months after the start of the electoral process:

Party		% of vote	Number of seats
Socialist Party of Albania	PSSH	41	73
Union for Victory (coalition) Made up of: Democratic Party, Legality Movement Party, National Front Party (Balli Kombetar), Republican Party, Liberal Union Party	DP + UV	36.81	46
New Democratic Party	NDP	5.8	6
Social Democratic Party of Albania	SDP	3.64	4
Union for Human Rights Party	PBDNj	2.61	3
Agrarian Party	PNA	2.57	3
Democratic Alliance Party	PAD	2.55	3
Independents			2

[15c]

(see Annex B for a full list of political organisations in Albania)

3.41 Many second round contests were decided by close margins, with the number of invalid ballots sometimes greater than the margin of victory. After a Constitutional Court decision, a fifth day of voting was required on 19 August 2001 to complete polling in Zone 82 where voting took place in four disputed polling stations. **[18e]**

3.42 Because of irregularities in the first round, the CEC, in accordance with the legal framework, repeated proportional voting partially in three zones. Controversially, these voters were asked to cast their ballots two weeks after their fellow citizens, enabling them to exercise a disproportionate influence on the outcome of the election, by voting tactfully. The SP called on its supporters to vote for the HRUP, the DAP and the AP in an attempt to raise their national vote above the 2.5% legal threshold required for representation in Parliament. In addition, the proportional vote in all of Zone 60, Lushanje, was held on 8 July 2001 where no voting at all was held during the first round on 24 June 2001 and became a highly disputed zone. **[18e] [18g]**

3.43 There were irregularities in the form of missing valid ballots, missing voter lists and unsealed ballot boxes, but the CEC was determined to pronounce a result for Lushanje. The result of the proportional contest in this zone raised the HRUP, DAP and AP over the 2.5% threshold and into Parliament. The Central Election Commission (CEC) dismissed 5 out of the 7 Zone Election Commissioners (ZEC) from Lushanje following the highly questionable handling of ballot boxes. The CEC also dismissed Commissioners from several other zones. **[18e] [18g]**

3.44 The OSCE/ODIHR received about 1,000 complaints and reports of irregularities during the elections from political parties, candidates and Albania April 2002

members of election commissions. When followed up by the international monitors, most were found to be unsubstantiated. However, some credible cases were appealed to courts or to the CEC. In some cases, the courts seemingly failed to investigate adequately or take fully into account the circumstances or the evidence presented. The volume of complaints was unusually high, indicating both the polemical nature of the contest and the degree to which parties used the available mechanisms to seek redress. **[18e]**

3.45 Ilir Meta secured an overwhelming victory against SP Party Chairman Fatos Nano, for another term as Prime Minister. Albanian President Rexhep Meidani nominated the new coalition government of Prime Minister Meta on 7 September 2001, two months after the parliamentary elections. The formation of the new government was delayed by a series of vote re-runs and the selection process for a prime ministerial candidate by the victorious Socialists. **[15c] [18e]**

3.46 The Socialist-led government has overseen a return to stability and even a measure of economic growth since coming to power in 1997. With tensions rising in neighbouring Macedonia, the relatively peaceful atmosphere in which the elections were conducted was important not only for Albania but also for the region. The Socialists' victory was welcomed by Albania's neighbours, who felt confident that Tirana would continue to urge Kosovo and Macedonian Albanians to use dialogue rather than violence to achieve their political aims. **[15a]**

3.47 The success of the New Democrat Party (NDP) led by Genc Pollo was one of the surprises of the election. Formed six months before the election, it won 5.2% of the vote and is now confirmed as the third largest party in Albania. **[15c]**

3.48 The five-party Union for Victory (UV) coalition formed of the main opposition parties (Democratic Party, Legality Movement Party, National Front Party (Balli Kombetar), Republican Party, Liberal Union Party), stated on 30 July 2001 that they would not recognise the parliamentary elections concluding that the results had been manipulated. The DP leader, Sali Berisha, met OSCE officials on 1 September 2001 to discuss the electoral process. They handed over a report compiled by the UV coalition regarding the alleged irregularities. The Union for Victory began a boycott of parliament on 3 September 2001 and re-entered Parliament only on 31 January 2002. **[10o] [16e]**

3.49 The Head of the OSCE Presence in Albania, Ambassador Geert-Hinrich Ahrens was disappointed with the elections in Albania. He deplored the certain lack of co-operation by some in Albania, which led to the loss of the opportunity for the timely reform of electoral structures. He 'recommended strongly' that there should be a stop in the 'incessant internal political bickering.' This meant, he said, that Albania needs an opposition in parliament that fulfils its proper role in the way modern democracies function. He affirmed

that the OSCE Presence in Albania, which has developed a parliamentary assistance project in co-operation with parliamentarians and experts from abroad, is only too ready to help the Opposition play its vital role effectively. **[18f]**

3.50 Arta Dade, SP, was appointed Foreign Minister on 7 September 2001. She is the first female politician to be appointed Foreign Minister in the Albanian cabinet. Mrs. Ermelinda Meksi holds the post of Minister of the Economy. **[19c]**

3.51 The opposition coalition Union for Victory (UV), headed by the Democratic Party, entered the Assembly of Albania on 31 January 2002 ending a boycott that had lasted since the formation of the new government in September 2001. Forty-six UV legislators had been boycotting Parliament in response to what they called "illegitimate" parliamentary elections. **[10e] [12i]**

Internal Socialist Party divisions in 2002

3.52 Ilir Meta, Prime Minister, resigned on 29 January 2001 citing as his reason his inability to continue to work with Fatos Nano, Socialist Party Chairman. **[12e]** Mr. Meta reportedly claimed that Mr. Nano had put "destructive pressure" on him to support Nano's election as Albanian President in June 2002. Mr. Meta's supporters were reportedly not keen to back the Mr. Nano's candidacy for President, prompting Nano to launch a smear campaign against them. **[36]**

3.53 Mr. Meta reported that his cabinet had been under "an ongoing unprecedented aggression of attacks and insults." Disagreements began after Mr. Nano demanded the resignation of cabinet Ministers he accused of corruption, following the Socialist Party victory in the June 2001 parliamentary election. Several Ministers agreed to resign in an effort to ease tensions, whilst denying the corruption charges against them, but Mr. Nano's supporters since blocked Mr. Meta's appointment of replacements. **[16c] [10f]** The political infighting distracted attention from reforms and prompted the World Bank and the International Monetary Fund to postpone meetings with Albania and warn that some \$100 million in aid projects would be at risk. **[12e] [13a]**

3.54 Pandeli Majko was nominated Prime Minister designate on 6 February 2002, although Nano's supporters had supported the nomination of Ermelinda Meksi. It took Majko almost 10 days to form a cabinet to please both factions of the party. The 19 members of the Cabinet were sworn in on 22 February 2002, ending a month of political vacuum, after feuding in the ruling party brought down the previous government. **[12e]** The cabinet is made up of fifteen Ministers from the Socialist Party, and one each from the Social Democratic Party (SDP), the Human Rights Union Party (HRUP), the Agrarian Party (AG) and an Independent Member of Parliament. **[12i]**

3.55 The European Union welcomed, on 25 February 2002, the
Albania April 2002

establishment of the new government of Prime Minister Majko and reaffirmed its willingness to start as soon as possible negotiations for a Stabilisation and Association Agreement. **[8b]**

3.56 Divisions within the Socialist Party widened in March 2002 when Albania's Parliament sacked the General Prosecutor, General Arben Rakipi, on 19 March 2002, 78 votes in favour and 10 against. **[10i]** A faction of the ruling Socialist Party voted with the opposition Democratic Party, ignoring a warning that a widening party feud might trigger early elections. Democratic Party chairman Sali Berisha submitted the motion to Parliament mid-February 2002 to discharge the General Prosecutor, claiming he had failed to investigate cases of corruption and smuggling. **[12f]**

3.57 The Prosecutor General had been investigating the alleged corruption of a minister in Ilir Meta's government, before Meta's January 2002 resignation. Meta reportedly accused Rakipi of a "scandalous inability to fight crime and corruption" and of becoming a tool of Fatos Nano. Rakipi's dismissal indicates that Nano may not have the support of enough deputies to win the presidential election due to take place in June 2002. If the feud developed into a formal split in the Socialist Party, the prospect of early elections was increased. **[12f]** President Meidani approved the dismissal of the General Prosecutor on 25 March 2002. Rakipi maintained that his dismissal was politically motivated because he had been investigating accusation of corruption against politicians. **[13i]** Theodhori Sollaku was named new General Prosecutor in April 2002.

3.58 All factions of the Socialist Party agreed a six-point compromise supporting the work of Prime Minister Majko, on 8 April 2002. **[12j]** The Protocol for Electoral Reform was signed by both the ruling SP and the opposition DP on 8 April 2002. The protocol ensures co-operation and implementation of the OSCE/ODIHR recommendations for electoral reform following the June 2001 parliamentary elections. **[10z]**

IV STATE STRUCTURES

The Constitution

4.1 On 22 November 1998 the Albanian electorate approved a new Constitution, which came into force six days later. The improved and more detailed version of the 1993 Law of Human Rights became an integral part of the Constitution. It provides for the office of an Ombudsman, working for more effective implementation of human rights. The Constitution makes clear the distinction between the roles of the President, national government, regional government, and the judiciary. **[4a] [9]**

Political system

4.2 Albania is a republic with a multi-party Parliament, a Prime Minister,

Albania April 2002

and a President elected by the Parliament. The Prime Minister heads the government. **[5d]**

4.3 The new Constitution states that "Governance is based on a system of elections that are free, equal, general and periodic." The Assembly of the Republic of Albania comprises at least 140 deputies, and is elected for a term of four years. One hundred deputies are elected directly in single-member constituencies, while parties receiving more than 3% of the votes cast nationally are allocated further deputies in proportion to the number of votes won. **[1]**

4.4 The Constitution prohibits the formation of any party or organisation that is totalitarian; incites and supports racial, religious or ethnic hatred; uses violence to take power or influence state policies or is non-transparent or secretive in character. **[5d]** The February 2000 Law No. 8580, For Political Parties, amended the law to prohibit any party "where the activities are anti-nationalist, anti-populace, anti-democratic, and totalitarian." **[7b]**

4.5 The Socialist Party (SP) won the July and August 2001 parliamentary elections. The two main, highly polarised, parties, the Socialist Party and the Democratic Party, dominate Albanian politics. There are three party groupings currently in power. The governing coalition consists of the SP, the Human Rights Party, the Democratic Alliance Party, the Agrarian Party, and the National Unity Party. The main opposition coalition named Union for Victory is headed by the Democratic Party and consists of the Legality Party, the Christian Democrats, the Democratic Union Party and the Social Democratic Union Party. The third party grouping is the non-aligned centre right coalition, the United Right. It is made up of the Republican Party, the National Front Party (Balli Këmbetar), the Right Democratic Party and the Movement for Democracy Party. **[1] [7b]**

4.6 In May 2000 an electoral code was introduced, and a computerised national voters register was introduced in the summer of 2000. In addition, an ambitious programme of decentralisation began with the intention of giving representatives of municipalities and communes enhanced powers. These new instruments made substantial progress towards improving State structures and meeting international standards for democratic elections formulated in the 1990 OSCE Copenhagen Document. Leaders of both the SP and DP have used these reforms as electoral campaign issues, and the legal foundation and main instruments of the State remain highly disputed by the DP. **[18a]**

4.7 The percentage of women in government and politics does not correspond to their percentage of the population, although no legal impediments hinder the full participation of women and minorities in government. The major political parties have women's organisations and have women serving on their central committees. In Parliament only 8 of 140 members were female. In the Government, one woman serves as Minister of

Foreign Affairs and another served as the Minister of Economic Trade and Development. **[5d]**
(Please see also Section VB on Women)

The Judiciary

4.8 The judicial structure comprises District Courts, Appeal Courts, the Supreme Court and the Constitutional Court. Military tribunals are held at the Supreme Court and at District and Appeal Courts. The officials of the District Courts and the Appeal Courts are nominated by a Higher Judicial Council, which is presided over by the President of the Republic. **[1]**

4.9 The Supreme Court has jurisdiction over both the Appeal Courts and District Courts. The Chairman and other members of the Supreme Court are elected by the People's Assembly. The Constitutional Court arbitrates on constitutional issues. **[1]**

4.10 The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, endemic corruption and bribery, and limited resources, the judiciary was unable to function independently and efficiently in 2001. **[5d]** Executive pressure on the judiciary remains, but decreased slightly in 2000. **[5c]**

4.11 The third conference on judicial reforms in Albania, jointly organised by the European Commission and the Council of Europe, took place in Brussels on 16 and 17 November 2000. The participants concluded that the main objectives fixed by the Action Plan signed in 1999, aimed at reforming the institutional and legal framework for an efficient and independent judicial system, have been achieved. In particular, actions have been taken concerning the organisation of the judiciary, the training of judges and prosecutors and the establishment of the State Publications Centre. The participants have adopted a Second Action Plan aimed at the effective functioning of the judicial and legal system. This plan will aim at strengthening the quality of the legislative process, the training of legal professionals and to support the functioning of judicial institutions. **[23c]**

4.12 During 2001, the High Council of Justice punished nine judges, including for the first time, four Appellate Court judges. They were punished for infractions such as giving light sentences for serious crimes, shortening sentences in exchange for guilty pleas, releasing prisoners awaiting their trial, changing sentences from imprisonment to house arrest, delaying cases, and other ethics violations. Out of the four Appellate Court judges, three were dismissed and one received disciplinary measures. Two other judges were fired in 2001 and three were given warnings. **[5d]** Between 1998 and 2001, approximately 70 judges have been fired for corruption or incompetence. **[7b]**

4.13. In March 2001, Albania's judicial watchdog agency sacked a judge after ruling that she had acted illegally when she released a man caught in

possession of drugs and Kalashnikov rifles. The then Justice Minister Arbem Imami commended the decision as an important victory for the judiciary and society against injustice, crime and corruption in the judiciary. **[12h]**

4.14 For the first time, parliament members attempted to impeach three members of the High Council of Justice, in April 2001, over their conduct in a high-profile case of trafficking in persons, which allowed a suspect to get out on bail and flee the country. **[5d]** The motion headed by then Prime Minister Meta and Justice Minister Imani followed several crackdowns taken by the Supreme Council of Justice against judges in Fiër. **[10v]** The impeachment failed, however, in part due to lack of adequate evidence. **[5d]**

4.15 Many court buildings were destroyed in the civil unrest in 1997, and although all have reopened, important records and legal materials were lost permanently. Long case backlogs are typical, and have resulted in suspects being detained for longer than legal limits in 2001. The Judicial Budget Office, a separate, independent body, administers court budgets, but each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. **[5d]**

4.16 The performance of the judicial system continued to be a major stumbling block, in 2001, for the consolidation of the rule of law in Albania. Judges were poorly trained to enforce the growing body of new legislation, at times unable to resist outside pressures, and often insensitive to human rights violations. **[2b]**

4.17 Tension continued in 2001 between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cited the failures of the other as the reason that many criminals avoided imprisonment. The courts accused the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery taint the courts. Public opinion holds the judiciary in particular responsible for the Government's failure to stop criminal activity. **[5d]**

4.18 The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties require restrictions. However, due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted, the accused has the right to appeal within five days to the Court of Appeal. **[5d]**

4.19 The continued high levels of corruption in public administration and the judiciary together with organised crime have considerably undermined the efforts of the government. The European Union has helped Albania to develop

a modern judiciary compatible with EU standards. Legal and regulatory frameworks have been put in place, assistance has been provided to the Ministry of Justice and other judiciary institutions and training programmes have been organised in the School of Magistrates. **[8]**

Military

4.20 Military service in Albania is mandatory for men aged 18 – 27 years. Women are not included. Exemptions are granted on medical grounds but are relatively difficult to obtain. It is also possible to buy an exemption and there is a set fee for this. Military service is 12 months long (having been reduced from 15 months in 1995) and can be served in the police force. Those who do not go to university usually have to do their military service at 18 years. Students can postpone their military service until they have completed their course of study. Men who complete their military service receive a certificate, which enables them to obtain a passport. Many Albanians have left Albania illegally (i.e. without a passport) because they have dodged their military service. **[1]**
[6a] [31]

4.21 In Albania the right of conscientious objection is not guaranteed. Conscientious objectors who refuse to do military service may be fined or sent to prison for a maximum of two years. The Albanian Constitution of 1998 stipulates that anyone refusing to complete military service must perform alternative service, as provided for in law. **[23d] [31]**

4.22 The Executive Director of the Albanian Helsinki Committee stated, on 25 May 2000, that no case of state prosecution of military deserters related to the March 1997 events in Albania had been reported. **[24b]**

Internal Security

4.23 The Albanian police forces come under the General Directorate of Police in the Ministry of Public Order. They are divided into four departments; Public Order Police, Crime Police, Traffic Police and Special Forces. In addition, the Judicial Police are responsible for investigating crime under the direction of the Prosecutors' Offices. **[25d]**

4.24 Local police units reporting to the Minister of Public Order are principally responsible for internal security. One of the most serious problems involving public order and internal security is the fact that police officers are largely untrained, ill paid and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behaviour and corruption remained a major impediment to the development of an effective, civilian police force. **[5d]** The International Centre for the Red Cross organised various courses including human rights law and the role of the police forces in democratic state, for senior police officers throughout Albania. **[38]**

4.25 The Public Order Information Service became the State Control Service on 1 March 2001 following the approval of the Law on the Internal Control Service by the Albanian Assembly. It is an information and operative service, providing its' workers with the attributes of judicial police. **[10o]**

4.26 Police officers have received training, since September 2000, on issues of gender and been provided with guidance under international conventions and domestic law on the treatment of women who are victims of domestic violence and trafficking. An advisory board consulted in the development of the course included members from local NGO's and a human rights specialist from UNHCR. The training has also become part of the International Criminal Investigative Training Assistance Programme, sponsored by the United States State Department, which trains supervisory and mid-level manager police officers. **[18d]**

4.27 The Ministry also has a small force of police officers organised into special forces units to combat organised crime. The Government further consolidated public order throughout the country during 2000, building on the progress that had been made in the previous year. However, serious problems remain in the area of policing. **[5c]** Corruption is widespread in public institutions in Albania, and the police forces are not exempt. **[25d]**

4.28 During the first five months of 2000, over 950 police officials implicated in illegal activities were dismissed from service. Between June 1999 and May 2000, some 4,170 police officers faced charges based on their implication in illegal activities. According to Mr. Spartak Poci, then Minister for Public Order, cases would be judged regardless of post or rank of the police official and measures had been taken not only against local police chiefs, but the heads of sectors in the Ministry of Public Order. **[12a]** Senior police officers are prosecuted under the Military Penal Code. **[25d]**

4.29 On 25 December 2001 the Minister of Public Order dismissed Col. Edmond Koseni, the Director of Police of Elbasan District following several reports by the Albanian press and NGOs of alleged ill treatment by police officials in the Elbasan District. **[25d]** The General Prosecutor's Office arrested Koseni following his beating of a taxi driver so severely that the driver was hospitalised, on 22 December 2001. Koseni later went to the hospital and assaulted the driver again. Koseni and other members of his staff had a history of physical abuse against members of the public; there were at least five cases of abuse pending against police officers in Elbasan at the time of Koseni's dismissal. **[5d]** Koseni has been charged with exertion of violence and abuse of duty. **[10w]**

4.30 The Council of Europe's Commission on against Racism and Intolerance reported that excessive use of force and ill-treatment by law enforcement officials continued to be a widespread problem in 2000. The Albanian authorities recognised that there is a pressing need to offer further training to the police forces to fight corruption, and they cited this as a priority.

Human rights training is included in the curriculum of the police academy. Special human rights training courses last from 15 days to a month and are also being offered to law enforcement officials. However, training possibilities are limited by a lack of resources, both human and financial. **[23b]**

4.31 An internal investigation procedure into complaints of police abuse exists, but the Council of Europe is concerned that cases are not always adequately investigated and the perpetrators of such acts often go unpunished. **[23b]**

Intelligence Services

4.32 SHISH is responsible for both internal and external intelligence gathering and counterintelligence. In November 1999, ShIK was renamed the State Intelligence Service (SHISH). The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defence. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. **[5d]**

Legal rights / Detention

4.33 The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. Detained persons must be informed immediately of the charges against them and of their rights and a prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer, the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not known widely and police often fail to inform suspects of it. Access to legal information remained difficult for citizens in 2001, including legal professionals and, on occasion, judges. **[5d]** Police may detain a person for up to 10 hours for the purpose of checking identity and seeking further information. **[25d]**

4.34 The Penal Procedures Code requires completion of pre-trial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. Lengthy pre-trial detention as a result of delayed investigations remained a serious problem in 2001. **[5d]**

4.35 The Albanian Helsinki Committee reported in October 2001 that it appreciates the efforts taken by the state police and other structures of the Ministry of Public Order aimed at improving the situation of detainees and those arrested. Although Albanian legislation regulating the functioning of pre-trial detention facilities and the treatment of persons in them has improved considerably, many problems remain. For example, detainees are ill treated by police officers; they are not informed about their rights; their lawyers are not allowed to be present during interrogations; and individuals are held in

police stations for verification of alleged crimes in excess of the time limits provided by the law. **[4g]**

4.36 Amnesty International was concerned in July 2001 that the torture and ill-treatment of detainees is widespread in Albania and that few allegations of ill-treatment by police officers are promptly, thoroughly and impartially investigated. **[25d]** Police at times arbitrarily arrested and detained persons in 2001. **[5d]**

4.37 There were no confirmed cases of detainees being held strictly for political reasons in 2001. The trial of Ekrem Spahia, the Chairman of the Legality Party, and the trials of 12 of his supporters for participation in the events of September 1998 which followed the killing of the DP parliamentarian Azem Hajdari by unknown persons were ongoing as of January 2002. **[5d]** Those charged had been released during 2000. **[5c]**

4.38 In January 2001 the Albanian Helsinki Committee conducted a fact-finding mission monitoring the conditions of prisoners in a Tirana prison. Three individuals had been detained past the legal limits; two of these claimed to be detained on political grounds; they were charged with participation in an armed uprising to overthrow the constitutional order, and their trial was ongoing at year's end. The men remained in detention in December 2001. **[5d]**

4.39 Article 25 of the Albanian Constitution stipulates that "no one shall be subjected to torture, or cruel, inhuman or degrading treatment or punishment." Article 86 of the Penal Code punishes "torture or any other inhuman or degrading act" with imprisonment from five to ten years. According to Article 87, if the crime results in crippling, disfigurement or any other permanent damage to the health of a person, or his/her death, the penalty is 10 to 20 years' imprisonment. Article 314 makes the use of force by a person carrying out an investigation with the purpose of obliging a citizen to make declarations, give evidence or admit his or another's guilt, an offence punishable by imprisonment from three to ten years. In practice, provisions of the Penal Code which provide for lighter sentences tend to be used to prosecute police officers, in particular Article 248 dealing with 'abuse of power' and Article 250 dealing with 'the perpetration of arbitrary acts.' **[25d]**

4.40 In 2001, the police often beat suspects in the process of arresting them. The three main human rights groups-the Albanian Helsinki Committee (AHC), the AHRG, and the Albanian Centre for Human Rights (ACHR)-in addition to other non-governmental organisations (NGO's), continued to report in 2001 that police forces nation-wide used torture, and inhumane or excessive treatment. According to the AHC, major police stations were the sites of the worse abuses of detainees, and all stations were overcrowded. **[5d]**

Prisons

4.41 Prison conditions remained poor and overcrowding remained a serious problem in 2001. The Government made attempts in 2001 to address prison problems such as poor facilities and overcrowding within prisons. The Government, with international assistance, financed many improvements, including the continued construction of a new prison in Peqin, financed by the Italian Government, which is expected to house 250 to 300 inmates. **[5d]**

4.42 Since 1999 the Albanian Helsinki Committee has been carrying out a three-year monitoring programme of prisons and pre-detention centres in Albania. The Committee concluded in 2001 that in general, penitentiary institutions and remand centres had undergone some improvements in the past couple of years. However, prison and pre-trial facility staff had acted contrary to some of the internationally guaranteed rights of prisoners and pre-trial detainees. **[4e]**

4.43 The Government co-operated well with the International Committee of the Red Cross and with other NGO's and there were no reports of refusals to permit access for prison inspections by either domestic or international independent human rights monitors during 2001. **[5d]**

Medical Services

4.44 All subscribers (currently paying 6 per cent of income) have the right to register with a General Practitioner and receive all health services free of charge, with a co-payment system for essential drugs. Medicines are supplied free to infants of up to one year of age. **[1] [34]**

4.45 General practice has been established as a speciality, and (supported by the EU-PHARE programme) limited training in family medicine has been introduced for established doctors, as well as the setting up of a postgraduate faculty which will provide full GP training for newly qualified doctors. The British Know How Fund, part of the Department for International Development, has been active in Albania since March 1995. As part of the programme, UK experts helped to introduce a limited list of essential drugs with co-payment systems for essential drug reimbursement. **[34]**

4.46 The University Hospital in Tirana has a neurology and Psychiatry Clinic with qualified staff and various kinds of medicine available. A Danish NGO is providing therapy (physicians and social workers) within the hospital. The neurology service is also provided in polyclinics in regional hospitals around Albania. **[6c]**

4.47 There is some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care pose significant problems for many persons with disabilities. They are eligible for

various forms of public assistance, but budgetary constraints mean the amounts that they receive are very low. **[5d]**

Educational System

4.48 The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education. School attendance is mandatory up to the eighth grade (or age 18, whichever comes first). In practice, many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. **[5d]**

4.49 Article 3 of the Law on Pre-University Education guarantees all citizens equal rights at all levels of the education system, notwithstanding their social situation, nationality, language, sex, religion, race, political convictions, health conditions and economic situation. **[23b]**

VA HUMAN RIGHTS ISSUES

Overview

5.1 The Government's human rights record was poor in many areas in 2001; however, there were some improvements. Police beat and otherwise abused suspects, detainees and prisoners. The Government occasionally infringed on citizens' privacy rights. **[5d]**

5.2 The Albanian Government ratified enabling legislation for a "Peoples Advocate" (Ombudsman) in February 1999 (Law no. 8454), and elected the first Ombudsman, Emir Dobjani, in February 2000. **[7b] [25d]** The Ombudsman, which became operational in July 2000, investigates inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacks the power to enforce decisions, it acts a watchdog for human rights violations. Its most common cases include citizen complaints of police and military abuse of power, lack of enforcement of court judgements in civil cases, wrongful dismissal, and land disputes. The caseload of the People's Advocate office continued to increase throughout 2001 as the public became more aware of the services provided. **[5d]** Amnesty International noted in July 2001 that there has been a growth in civil society in Albania, including a range of non-governmental organisations (NGOs) with expertise in many of the problems facing the country, including in the field of human rights. **[25d]**

5.3 A plan has been established to divide the Ombudsman's Office into three sections: complaints about violations from high administration, ministries and other governmental structures; complaints about violations from the police, military or judiciary; complaints having to do with non-governmental organisations, social and environmental issues. The Ministry of Public Order announced in August 2001 that during the first six months of 2001, the Ombudsman had received 1,485 complaints. **[10p] [23b]** While the People's

Advocate enjoyed the political support of the highest ranking members of the Government and is authorised to receive information from all public agencies, there were reports that some officials often tried to impede the work of the People's Advocate in its investigations. For example, government entities did not always provide requested information in a timely manner. **[5d]**

5.4 In December 1999 Albania's Constitutional Court abolished the death penalty. In September 2000, the Albanian government ratified Protocol No.6 to the European Convention on Human Rights. **[2a] [25d]**

5.5 Civil society in Albania contributed to the political dialogue and the social sector in 2001. The legal regulation of the non-governmental sector remained open and relatively unstructured, but NGOs continued to be characterised by limited organisational capacity and external financing. Civil society's capacity to serve watchdog functions and lobby for change is increasing but the level of media professionalism remains low. **[7b]**

Freedom of Speech and the Media

5.6 The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press and the Government generally respects these rights; however, there are serious, fundamental problems with the blatant use of the media for political purposes. Political interference in the media remained a problem in 2001. Publishers and newspaper owners often edit news stories to serve their own political and economic interests. The print media made some improvements during 2001; for example, internationally funded training has had an impact in improving professionalism, and private advertising revenues have increased significantly. **[5d]**

5.7 Sensationalism is the norm in the newspapers, and the political party-oriented newspapers print gossip, unsubstantiated accusations, and outright fabrications. Political parties, trade unions, and various societies and groups publish their own newspapers or magazines. The opposition media is active, but is constrained by limited professionalism and lack of finances. The print media is extremely polarised, and with few exceptions, the print media lack a mature, trained, professional staff. These dailies and weeklies have very small circulation figures, and have low credibility with the general public. However, several publications continued to make efforts to improve professional standards and to provide more balanced, professional and accurate reporting. **[5d]**

5.8 The media were active and unrestrained in reporting in 2000 and, generally, had unhindered access to information. However, there were some reports of the police ill-treating journalists when they were carrying out their duties, e.g. covering demonstrations. The Albanian Helsinki Committee noted that in 2000, the problem with the journalistic responsibility and the professional integrity of journalists remained. **[4e]**

5.9 The British Embassy in Tirana reported that it is possible to have an article in a newspaper printed in exchange for a cash payment, although it would be more difficult to do so with national newspapers published in Tirana. Most newspapers in Albania have economic difficulties. Publishers may not investigate the background to a story too much before going to print if a cash payment is offered. Albanian Law states that three copies of all publications issued in Albania must be sent to the National Library. **[6d] [6e]**

5.10 Competition among the print media is keen. **[7a]** High taxes and printing costs, poor distribution networks, low advertising revenues and endemic corruption keep editors and publishers dependent on financial subsidies from political parties. Because most media owners are affiliated with one of two dominant political parties - the SP or DP - news coverage tends to be highly partisan. Politicians often bribe or otherwise induce journalists to write negative articles about their rivals. **[35]**

5.11 At any time, an estimated 200 different publications are available in the main cities, including daily and weekly magazines, and pamphlets. At least 13 daily newspapers are published in Tirana. The two largest independent dailies: 'Kohe Jone' and 'Gazeta Shqiptare' tend to be sympathetic to the government. Partisan papers include 'Zeri i Popullit' (SP); 'Rilindja Demokratike' (DP); 'Bashkimi' (the journalists' union daily) 'Republika' (Republican Party); 'Progresui Agrar' (Agrarian Party) and 'Albania' (DP). Only a dozen or so regional cities have a weekly newspaper. The regional press suffered a severe setback; no dailies are printed outside of Tirana. Five minority newspapers are published; 'Zeri i Omonias' (Greek), 'Laiko Vima' (Greek), the monthlies 'Amaro Dives' (Roma), 'Fircea' (Romanian) and 'Vellaizerit' (Vlach). **[7b]**

(Please see hard copy source **[1]** for full details of the party affiliations of the print media)

5.12 Television programming includes some responsible journalism; however, political affiliation was pervasive in programming during 2001. The majority of stations were blatantly one-sided in their political coverage. **[5d]** The Organisation for Security and Co-operation in Europe reported that one new nation-wide television station, TV Arberia, provided for balanced and fair election reporting during the local elections in October 2000. Albania's state television was criticised in the first week of the local election campaign period for strongly favouring the SP in its coverage, particularly when it violated the electoral code by transmitting a full interview with SP Chairman Fatos Nano. The DP-controlled ATN-1 was also criticised for covering DP electoral activities for twenty-four hours. Smaller parties received little attention from the media during the election campaign. **[2a] [5c]** Media coverage of the elections improved over previous elections. Two new private television stations - TV Arberia and TV Klan - gave rural viewers an alternative to TVSH. Whilst TV Klan favoured the SP in its electoral coverage, two local channels based in Tirana - TV Shijak and ATN-1 openly supported the DP. **[35]**

5.13 On 16 July 2001 the National Council for Radio and Television fined the sole public broadcaster in Albania - Albanian Radio and Television (RTVSh) - for being biased in the period leading up to the second round of voting in the June and July 2001 parliamentary elections. **[18g]**

5.14 Broadcasting issues are governed by the National Council of Radio and Television (NCRT), a seven-member bipartisan body elected by the Parliament, with one appointment by the President. In 2000, the NCRT awarded broadcasting licenses to 2 national television stations, 50 local television stations, 31 local radio stations, and 1 national radio station. **[5d]**

5.15 According to the Council of Europe in 2001, the Albanian media does not promote intolerance or discrimination towards members of ethnic minority groups. However, there have been reports that the media on occasion promoted negative stereotypes about members of minority groups. **[23b]**

5.16 The press reported in 2000 and 2001 that there had been a number of occasions when journalists working for newspapers, television companies or radio stations affiliated to the opposition parties had been harassed, threatened or physically ill-treated by police officers apparently in retaliation for their journalistic activity. **[25d]** A number of journalists working for pro-DP media outlets were reportedly harassed during the election campaign of 2001. Journalists investigating politically sensitive issues, such as organised crime or corruption, also continued to face security risks in 2001. **[35]**

5.17 Attacks on journalists continued in 2000 – both beatings by the police and attacks by unknown assailants. In March 2000 a policeman in Korce beat a journalist from an independent radio station, ABC. **[2a] [5c]** On 16 February 2001, a policeman in Korca reportedly kicked and punched Pellumb Cuni, a reporter for the independent newspaper '55.' **[5d]**

5.18 Libel carries criminal sentences, and during 2001, there were incidents of journalists being fined under criminal libel charges brought by high-level officials. The punishment for libel varies from a fine to 2 years' imprisonment. **[5d]**

5.19 Academic freedom continued to be limited in 2001. Academic freedom, while generally respected, is constrained by lack of resources; public academic institutions do not receive adequate funding. **[5d]**

Freedom of Religion

5.20 The Constitution provides for freedom of religion and the Government respects this right in practice. Government policy continued to contribute to the generally free practice of religion in 2000 and 2001 and the generally amicable relationship among the religions in society contributed to religious freedom. According to the 1998 Constitution, the state has no official religion, and all religions are equal. However, the predominant religious communities

(Muslim, Orthodox, and Roman Catholic) function as juridical persons and enjoy a greater social recognition and status based on their historical presence in the country. All registered groups have the right to hold bank accounts and to own property and buildings. Religious movements - with the exception of the three de facto recognised religions - can acquire the official status of a juridical person only by registering under the Law on Associations, which recognises the status of a non-profit association, irrespective of whether the organisation has a cultural, recreational, religious, or humanitarian character. The Government does not require registration or licensing of religious groups; however, the State Committee on Cults, founded in September 1999, is currently registering all foreign religious groups. No groups reported difficulties registering during 2000 and the first six months of 2001. **[5b]**

5.21 The majority of citizens are secular in orientation after decades of rigidly enforced atheism. In spite of this secularism, most citizens traditionally associate themselves with a religious group. Albanians of Muslim background make up the largest traditional religious group (65 to 70 percent) and are divided into two communities: those associated with a moderate form of Sunni Islam and those associated with the Bektashi school, a particularly liberal form of Shi-a Sufism. The Albanian Orthodox and Roman Catholic Churches are the other large denominations: 20 percent are Albanian Orthodox and 10 percent are Roman Catholic. **[5b]**

5.22 Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, Jehovah's Witnesses, Mormons, and many others freely carry out religious activities. The State Committee on Cults (formerly the Religious Council of the State Secretariat) is charged with regulating the relations between the State and religious communities. The Committee works to protect the freedom of religion and promote inter-religious development, co-operation and understanding. **[5b]**

5.23 Unlike the previous year, there were no reports in 2001 of vandalism of Orthodox churches and buildings. **[5d]** The Archbishop of the Orthodox Church concluded in 2000 that attacks on church property in the past were a result of vandalism rather than religious repression. **[5c]** There were no reports of religious detainees or prisoners during 2000 or 2001. **[5b]**

5.24 Students are not allowed to demonstrate their religious affiliations in public schools. In January 2001 three female Muslim students presented a case to the People's Advocate, claiming that their schools had prohibited them from wearing their headscarves. The Ministry of Education contended that public schools in the country were secular and that Albanian law prohibited ideological and religious indoctrination. The case appeared to have been dropped by the end of 2001. **[5d]**

5.25 The Government has failed to return all properties and religious objects to various religious communities, which were confiscated under the

Communist regime in 1967. In cases where religious buildings have been returned, the Government often failed to return the land surrounding the buildings or to provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered. **[5d]**

5.26 Intermarriage among religious groups is extremely common. Relations among the various religious groups are generally amicable, and tolerance is widespread in the country's largely secular society. **[5d]**

Freedom of Assembly and Association

5.27 The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and the Government generally respected this right in practice, in 2001, although there were a few limits. According to the law, organisers must obtain permits for gatherings in public places, and the police may refuse to issue them for reasons such as security and traffic. However, there were no reports that such permits were withheld arbitrarily. **[5c]**

5.28 The Law on Fundamental Human Rights and Freedoms provides for the right of association and the Government generally respects this right in practice. A political party must apply to the Ministry of Justice for official certification. It must declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, and it must describe its organisational structure and account for all public and private funding it receives. Such certification is granted routinely. **[5d]**

5.29 The two major non-governmental organisations functioned largely without interference during 2000. The Albanian Human Rights Group (AHRG) reported that when it published a report in April 2000 on police misconduct in Elbasan, the director of the organisation, as well as a number of the authors, received anonymous phone calls threatening retribution for its publication. The Albanian Helsinki Committee (AHC) initiated a project in May 2000 establishing a telephone hotline to be operational twelve hours a week where citizens – including those imprisoned or detained – could call in to report human rights violations and receive legal assistance. After the Albanian Parliament enacted the Law on the Peoples' Advocate in February 2000, the AHC entered into a contract with the new ombudsman's office establishing a joint project to support the ombudsman's activities. **[2a]**

Employment Rights

5.30 Workers have the right to form independent trade unions. The 1993 Labour Code established procedures for the protection of workers' rights through collective bargaining agreements. Two federations act as umbrella organisations for most of the country's unions: the Independent Confederation of Trade Unions of Albania (75,000 members), and the Confederation of

Trade Unions (100,000 members). No union has an official political affiliation, and the Government does not provide any financial support for unions. **[5d]**

5.31 The Law on Major Constitutional Provisions and other legislation provides that all workers except the uniformed military, police officers, and some court officials have the right to strike and the right to organise and bargain collectively. The law forbids strikes that are openly declared to be political or that are judged by the courts to be political. **[5d]**

5.32 The official unemployment rate was 18% during 2000. **[23b]** The Law on Major Constitutional Provisions and the Labour Code prohibit forced or compulsory labour; however trafficking in women for sexual exploitation is a serious problem. The law also forbids forced or bonded labour by children; however, trafficking in children for sexual exploitation or begging were serious problems in 2001. **[5d]**

(Please see also Section VB on People Trafficking)

5.33 The Labour Code sets the minimum age for employment at 16 years, and limits the amount and type of labour that can be performed by persons under the age of 18. Children between the ages of 14 and 16 may legally work in part-time jobs during the summer holiday. The Ministry of Labour may enforce the minimum age requirements through the courts, but no recent cases of this actually occurring are known. According to the CRCA, an estimated 30,000 to 50,000 children under the age of 18 work either full or part time; some children as young as 4 years of age were employed, and some children work as many as 16 hours a day. According to NGO reports, labour inspectors who are charged with investigating child labour complaints have not given out any fines, penalties, or convictions to those who violate child labour laws. In April 2001 the Government ratified ILO Convention 182 on the worst forms of child labour. **[5d]**

5.34 The legal minimum wage for all workers over age 16 is about £30 (6,380 lekë) per month. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, in terms of both the amounts received and the number of persons actually covered. **[5d]** The legal maximum workweek is 48 hours, although in practice hours are typically set by individual or collective agreement. Many persons work 6 days a week. Nation-wide, over 17 per cent of the population live under the official poverty line. **[5c]**

People Trafficking

5.35 Because of its geographical location, Albania is a country of origin, transit and destination. There are many cases in which criminal groups, comprised of Albanians and foreign criminals, send Albanian girls to Italy or Greece. At the same time, women from other countries such as Moldova and Bulgaria enter Albania through the northern border and pass through to Italy or another eastern country. **[4f]**

Albania April 2002

5.36 New legislation passed in January 2001 criminalises trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained serious problems in 2001. Under the new articles, penalties for trafficking in persons are 5 to 15 years' imprisonment, penalties for trafficking of women for prostitution are 7 to 15 years' imprisonment, and the penalty for trafficking in minors is a minimum of 15 years' imprisonment. **[5d]**

(Please see also Section VB on Women trafficked for sexual exploitation)

5.37 The National Strategy for the Fight against Trafficking was adopted in December 2001. State institutions, international and non-governmental organisations, the OSCE and Council of Europe were consulted during the drafting of the Strategy. Aims include structural and organisational change, creation of a Committee to Fight against Human Trafficking and the improvement of the social conditions and reintegration of trafficking victims. **[10y]**

Freedom of Movement

5.38 The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within the country, foreign travel, emigration, and repatriation. The Government respects these rights in practice. **[5d]**

5.39 As a result of significant internal migration, thousands of citizens no longer have local registration and status, which has led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevents many students from attending school. **[5d]** The effects of uncontrolled internal migration became apparent during the October 2000 local elections when tens of thousands of inhabitants were registered in more than one place, resulting in many inaccuracies in the voter lists. **[5c]**

5.40 Citizens who fled the country during or after the Communist regime are welcomed back, and if they lost their citizenship they may have it restored. Albanian-born citizens who emigrate may hold dual citizenship. **[5d]**

5.41 The Constitution and a 1998 asylum law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. Albania accepted approximately 480,000 refugees fleeing Kosovo in 1999. In May 2001, UNHCR closed the last refugee camp for Kosovars. **[5d]** The European Commission against Racism and Intolerance congratulated the Albanian government and society for its hospitality and openness in accepting refugees from different backgrounds including Roma and Serbs, and treating those individuals in the same manner as ethnic Albanians. **[23b]**

VB HUMAN RIGHTS - SPECIFIC GROUPS

Women

5.42 Violence against women and spousal abuse remained serious problems in 2001. In the country's traditionally male-dominated society, cultural acceptance and lax police response resulted in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice, spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment are not well established, and consequently, such acts are often not considered crimes by the authorities or the public. The State Committee on Women and Children is the primary government agency that addresses the status of women but it is under-funded and lacks political influence. A non-governmental organisation maintains a shelter in Tirana for abused women, but the facility can hold only a few victims at a time. The same organisation also operates a hot line which women and girls can call for advice and counselling. **[5d]**

5.43 Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labour Code makes mandatory equal pay for equal work; however, this provision was not fully implemented. **[5d]**

5.44 Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "Kanun," in which women are considered and treated as chattel. Under the kanun, a woman's duty is to serve her husband, and to be subordinate to him in all matters. The kanun has contributed significantly to attitudes in the region espousing the subordination of women. **[5d]** The Kanun "Law," which is not recognised by the Albanian government, also states that it is acceptable to kidnap young women for brides. This practice continues in some areas of the northeast. **[15a]**
(Please see also Section VC on Blood Feuds)

5.45 Trafficking in women and girls for the purpose of sexual exploitation is a serious problem. **[5d]**
(Please see also Section VB on Women trafficked for sexual exploitation)

Children

5.46 Child abuse is rarely reported, but is believed to exist in Albania. There were 300 reported cases in 2000. The Centre for the Protection of Children's Rights (CPCA) reported that more than 2,000 children are involved in prostitution rings. There are reports that criminals kidnap children from families or orphanages to be sold into these rings. **[5d]**

5.47 Three Albanian non-governmental organisations documented the widespread, ill-treatment of children in custody in Albania, in 2001. One report reportedly stated that the children had been afraid to file complaints of their ill-

treatment for fear of exposing themselves to further abuse. Amnesty International has called on the Albanian authorities to ensure that all complaints of ill-treatment towards children are investigated. **[25c]**

5.48 Children may work part time during the summer holidays between the ages of 14 and 16. The minimum age for full time work, as stipulated by the Labour Code, is 16 years. This limits the type of labour that can be undertaken under the age of 18. It is estimated that between 30,000 and 50,000 children work either full or part time; the majority of these work as street or shop vendors or textile workers. In cities it is common to see children working as beggars or selling cigarettes; the police generally ignored this practice in 2001. **[5d]**

Ethnic Groups

5.49 The Law prohibits discrimination based on gender, race, ethnicity, language, or religion. However, discrimination against women and some minority groups persisted. **[5d]**

5.50 The Albanian Parliament has ratified the European Convention for the Protection of the Minorities, which was entered into force on 1st January 2000. **[23a]**

5.51 The Albanian Constitution established the fundamental principle of equality before the law (Article 18) and guarantees freedom from discrimination on the basis of race, religion, ethnicity, language, social status or ancestry. The Constitution also provides an extensive framework for the protection and promotion of the identity of national minorities. Furthermore, Article 265 prohibits organisations that incite and support racial, religious, regional or ethnic hatred. **[23b]**

5.52 Article 253 of the Constitution makes it a crime for an employee in a state function or in public service to make distinctions, for reason of duty and in the exercise of it, "on the basis of origin, sex, health, religious beliefs, political beliefs, labour union activity or one's belonging to a specific ethnic, national, racial or religious group." Violation of this law is punishable by one to five years' imprisonment. **[7b] [23b]**

5.53 The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides for minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to preserve and develop them, to study and be taught in their mother tongue, and to unite in organisations and associations for the protection of their interests and identity." A National Minorities Section in the Department of Prefectures in the Ministry of Local Government monitors the participation of national minorities in policymaking both at the local and national levels, while the Office of National Minorities, established at the Ministry of Foreign Affairs

in 2000, monitors Albania's compliance with international obligations and commitments as they relate to minority issues. **[5d]**

5.54 The Government omitted questions regarding ethnicity and religion in the April 2001 census, which caused some ethnic Greeks to boycott the process. **[5d]**

5.55 The Council of Europe reported in April 2001, that in recent years, and despite a very difficult and rapidly evolving economic, political and legal situation, Albania has taken steps to address the problem of racism and discrimination through the introduction of relevant legislation as well as encouraging an institutional framework in which minority groups may develop their collective identity. A positive climate of tolerance is generally considered to prevail with respect to ethnic minority groups, however, some negative prejudices and stereotypes exist, particularly with respect to Roma and Egyptians, which may lead to discrimination in individual cases. **[23b]**

5.56 There is a small group of ethnic Montenegrins and ethnic Serbs in the north. No discrimination was reported against the Vlachs, who speak their own Romanian related language as well as Albanian, or against the Çams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south. **[5d]**

Greek minority

5.57 Up to the beginning of the 1990s, the Greek minority numbered between 60,000 and 70,000. Following the opening of the borders, the inherited backwardness and the numerous economic difficulties of the period of transition, a considerable part of the population have succeeded in temporarily living and being employed in Greece. In this aspect, the Greek minority has been the most privileged. **[4b]**

5.58 The ethnic Greek minority, led by their cultural association Omonia, (Democratic Union for the Greek Minority), has a variety of complaints against the Government. Minority leaders reportedly cited the Government's unwillingness to recognise the existence of ethnic Greek towns, such as Himara, that are not considered part of communist-era "minority zones" nor to utilise Greek on official documents and on public signs in ethnic Greek areas. They have also criticised the Government's reluctance to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property is being taken illegally by means of fraudulent documents and in some cases with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration. **[5d]**

5.59 Omonia is also concerned about the lack of access to Greek-language education. Greek-language public elementary schools are common in much of the southern part of the country, where almost all ethnic Greeks live. Every

village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students. There also is a Greek chair and a department for Greek language and literature at the University of Gjirokastër. However, there are no Greek-language high schools and Omonia complains that the ethnic Greeks need more classes both within and outside the so-called minority zones. **[5d]**

5.60 The Albanian Helsinki Committee found, in 2000, that many Greek Orthodox churches had either been constructed or renovated. There are villages along the border with Greece, like Leshnice, where six churches function. **[4b]** At least 2 newspapers were published in Greek in the south of Albania, in 2001, and 15 Greek papers and magazines were distributed throughout the southern Albanian region. **[5d]**

5.61 Members of the Greek minority are represented in considerable numbers in the structures of local power. In the District Council of Sarande, 8 of the 24 members come from the Greek minority, including the Chairman and his deputy. Following the unrest in 1997, there were periods when members in minority areas experienced insecurity and tension, because of criminality, thefts and kidnapping. Criminal activity was relatively stronger in minority areas not only because the state structures did not function, but also because opinion spread among criminal circles that members of an ethnic minority were richer and had greater incomes. However, the efficiency of the fight against criminality in 1999 bought back confidence to law, order and peace among the Greek minority. **[4b]**
(Please see also Section III on History)

5.62 The first ethnic Greek to become a member of the country's Supreme Court was appointed by President Rexhep Meidani on 3 October 2001. Judge Spyros Spyrou, a professor of criminal law at Tirana University, was elected by a majority of the Albanian Parliament. **[33]**

5.63 The Çams are the ethnic Albanian, and predominantly Muslim, population of the region of north-eastern Greece known as Chameria. The group are also known as the Cams, the Chams or the Chamerians. **[24c]** In an attempt, in 1944, to establish an ethnically pure border region, the Greek government unleashed a campaign resulting in around 28,000 Çams being expelled. A Greek law was approved, which is still in force today, sanctioning the expropriation of Çam property, citing the collaboration of their community with the occupying forces as a main reason for the decision. The forced movement of the entire population left a sense of injustice amongst Albanians in general, which contributed to continuing poor bilateral relations with Greece. **[15a]**

5.64 Since the end of the Kosovo conflict, support for the Çams has grown. The Chameria Association (dedicated to the return of their expropriated lands in Greece) is working on legal procedures to sue the Greek government at the European Court of Human Rights. **[15a]**

5.65 The issue of Greek minority rights came to the fore in the local election for the commune of Himara in October 2000 when the Socialist Party, supported by all other Albanian parties left and right, secured a heavy victory over the human rights party candidate who advocated the creation of a Greek language minority zone in the commune. **[12f]**
(Please see also Section III on History)

Macedonian Minority

5.66 Ethnic Macedonians live primarily in the Pogradec and Devoll and the Prespa area bordering Macedonia. Their interests are represented by Society Prespa. **[5d]** There are no problems regarding law and order, and minority subjects are found in the local police. **[4b]**

5.67 In most of the villages Orthodox churches have been built or renovated and the local radio broadcasts news bulletins in Macedonian three times a week. **[4b]** Classes in the Macedonian language are available to students in the districts of Pogradec and Devolli, bordering Macedonia. The Macedonian Government provides texts for these classes free of charge. **[5d]**

Montenegrin Minority

5.68 A small group of ethnic Montenegrins and Serbs live north of Shkoder. **[5d]** Ethnic Montenegrins are divided into two groups. The pure Montenegrin minority of the Orthodox belief have succeeded in preserving their traditions and culture as a minority. The podgorians, who, because of their Muslim religion, might have been expelled from Montenegro in the second half of the 19th century, have already been assimilated. There are no specific problems of order and stability. Nevertheless, the problem of paying greater attention to the state investment or infrastructure is not specifically a minority problem but is characteristic of the whole of Albania. **[4b]**

5.69 People from this area receive scholarships from the Montenegrin government for their children to study in Montenegro. Montenegrin interests are represented by the Association of Montenegrins. There are no reports of discrimination against ethnic Montenegrins. **[5d]**

5.70 The Governments of Albania and Montenegro signed a memorandum of understanding for economic, trade and cultural co-operation and a protocol of co-operation in foreign affairs, on 29 April 2000. **[1]**

Vlachs

5.71 Vlachs, also known as Aromanians, speak their own Romanian-related language as well as Albanian and live primarily in the southern part of the country. No discrimination has been reported by the Vlachs, who are represented by the groups Armeni-Alban, The Aromanian Association Voskopoja, and Aefallofisi. **[5d] [27]**

Albania April 2002

Roma

5.72 The Roma, and the Egyptians, who trace their roots back to Egypt, are among the most neglected groups in the country. The Egyptians tend to settle in urban areas and generally are more integrated into the economy than the Roma. The interests of the Egyptians are represented by the Association Socio-Humanitarian Vllazerimi. In addition to widespread societal discrimination, these groups generally suffer from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. **[5d]**

5.73 Albanian Roma consist of four principal groups: Kallbuxhile (in Tirana, Elbasan, Pogradec, Korce, Bilisht, Gjirokaster, and Sarande), Mokcuret (in Lushnje, Fier and Vlore), Kartofet (dispersed) and Cerqaret (nomadic). However, in recent years when democratic changes have taken place, many Roma families have moved to other towns and cities in Albania. Roma have preserved their own language but very few Roma can write in Romani because they have never been to Romani schools. In 2000, according to polls, 80 per cent of Roma were illiterate, 6.5 per cent had only elementary education, 1.5 per cent secondary education and only 0.02 per cent university education. However, two educational courses opened with the assistance of international organisations, one in the outskirts of Tirana and the other near Fier. **[4e]**

5.74 Regarding the status of Roma, there exists an atmosphere of tolerance. They are not subject to any discriminatory treatment as a separate community, though, here and there, there are expressions of racial prejudice towards them. From a legal point of view, the Albanian State considers this community equal to the others, recognising them all the rights found in the Constitution and in its legal acts. Lately, the Assembly approved a special status to minorities. Roma were included in this. **[17]**

5.75 Albanian law provides for a wide legal framework to ensure minorities the same rights and freedoms that the Albanian majority enjoys. In reality however, the rights of Roma to e.g. housing, education, employment and participation in political and administrative life are often violated. Stereotypes and prejudices towards the Roma community are also commonplace, leading to indirect and hidden discrimination. Although the general climate in Albania is predominantly tolerant towards minorities, a lot remains to be done for the better integration of the Roma community into Albanian society. It is also necessary to inform Roma about their rights, to equip them to combat human rights violations and to enhance co-operation with the local authorities in order to improve the situation of Roma. **[4g]**

5.76 After 1990, three NGOs were established to represent Roma at national level: The Democratic Union of Roma in Albania, Amaro Dives, Rromani Baxt and Amaro Drom. Amaro Drom's main goal is the integration of the Roma people into Albanian civil society through various developmental and cultural initiatives, the raising of public awareness for the traditions of Albania April 2002

Roma and the promotion of education for Roma. According to the President of Amaro Dives, Guraliu Mejdani, in 2000, the government does not discriminate against Roma. Roma leaders are afraid that the present indifference of the authorities towards Roma could transform into a violent rejection, if they stress Romani rights too much. Their strategy is first to empower the Roma community with a strong identity and raise their consciousness. [17] The Soros Foundation supported various initiatives in 2001 sponsored by the Association Amaro Drom, particularly in the field of education. [5d]

5.77 The European Commission against Racism and Intolerance, part of the Council of Europe, commented in April 2001 that there are reports that members of the Roma communities may have had difficulties finding housing and that in some localities, their villages lack basic facilities, such as water and sewage. Members of these groups reportedly also had difficulties accessing basic social services and benefits. The Commission underlined that this situation must be viewed in the Albanian context, where many ethnic Albanians suffer similar fates and villages throughout the country lack basic facilities. [23b]

5.78 The education level among Roma is disproportionately low. The problem is widely perceived in Albania in terms of cultural differences and the lack of desire in these communities to send children to school. There are a number of programmes, organised in different municipalities by the Albanian government in co-operation with civil society, which aim to improve the participation and integration of Roma children in schools. These programmes include the organisation of sports and cultural activities in which both Roma and ethnic Albanian children participate. [23b]

Gorani

5.79 There is a small community of Gorani who live in a collection of twenty villages, eight of which are in northeast Albania, near Kukes. A further three Gorani villages are in Macedonia whilst the rest are in Kosovo's southwest tip. They are a distinct group of Muslim Slavs who speak a language akin to Macedonian and originate from the Gora region in Kosovo. Despite their shared religion, their relationship has not always been easy because of their ethnic and linguistic links with Serbs. [6b] [15a]

5.80 The Speaker of the Albanian Parliament is Gorani. [6f] [15b]

Women Trafficked for sexual exploitation

5.81 An Albanian non-governmental organisation estimated that in 2000, there were about 30,000 Albanian women, who have been trafficked, forced to work abroad as prostitutes. A former MP in Italy, Carol Bebbe Tarantelli, reportedly stated that the passports of the girls were destroyed and they are moved around from place to place so that they didn't know where they were. [16a] [16b]

5.82 A report by Save the Children in 2001 noted that sixty per cent of Albanian trafficking victims were minors. Human Rights Watch noted that trafficking rings preyed upon women and children, operating with impunity throughout the country and evading border controls. In 2001, the Albanian government continued to treat trafficking victims as criminals; far more criminal charges were brought against victims of trafficking, who were prosecuted for prostitution, than against traffickers. The government failed to provide minimal assistance to victims or support witness protection programmes. **[2b]**

5.83 Due to the poor economic situation in Albania, many women and young girls from all over the country - particularly Berat, Fier, Lushnje, Shkoder, and Vlora - were lured by men and women working in organised criminal groups who promised them jobs in Italy and Greece. Some men, primarily in the north of the country, also marry women and girls under false pretences and take them abroad as prostitutes. Other forms of recruitment include promises of marriage, and to a lesser extent, the selling of victims to traffickers by family members, or kidnapping, including from orphanages. Traffickers typically confiscated victims' documents, physically and sexually abused them, and often forced them to work as prostitutes before they left Albania. Both Albanian and foreign women trafficked by Albanian organised crime networks are abused, tortured, and raped. Traffickers may also threaten their family members. **[5d]**

5.84 Police corruption and involvement in trafficking was a problem in 2001. The police were often directly or indirectly involved in trafficking. Local police often tip off traffickers when raids are scheduled. The Ministry of Public Order has established an Anti-Trafficking Unit, an Organised Crime Section, and an Office of Internal Control which pays particular attention to police involvement in human trafficking; however, these structures were largely ineffectual for most of 2001 due to lack of staffing and corruption. By the end of 2001, the Ministry of Public Order had increased staffing to anti-trafficking units at its headquarters and installed regional chiefs in 10 of the country's 12 prefectures. **[5d]**

5.85 The Regional Centre of the Fight against Illegal Trafficking was inaugurated in Vlora, with the aid of international assistance, on 15 October 2001. **[5d]** Then Prime Minister Ilir Meta confirmed that the international anti-trafficking centre was the first example of fulfilling a regional initiative, of the Stability Pact, against organised crime, and an expression of the will of the Albanian government to combat it. Germany, Italy and Greece provided support to Albania in the setting up of the Centre. The Centre will play an important role in the swift exchange of information, co-ordinate the actions among the police of the participating countries (and wider) as well as the organisation of joint police actions. **[19a]** The Albanian government completed the National Strategy for the Fight against Illegal Trafficking in December 2001. The Inter-Ministerial Commission on Human Trafficking has appointed a Minister to serve as the National Anti-Trafficking Co-ordinator. **[5d]**

5.86 The Albanian Helsinki Committee reported in October 2001 that the issue of trafficking in human beings has become one of the priorities in the work of the Albanian government and civil society. The Ministry of Public Order has, especially in the last two years, undertaken organised efforts in combating this problem. The AHC noted that the government has arrested persons responsible for trafficking and increased human resources working in this field. However, countering trafficking in human beings is a complex problem that is frequently intertwined with organised crime. **[4g]**

5.87 The Chair of the Stability Pact task force on Trafficking in Human Beings, Minister Helga Konrad, met with Albanian Ministers in November 2001. The OSCE confirmed that the Albanian government has put the fight of human trafficking at the top of its political agenda. It has recognised its responsibility to combat this abhorrent human rights abuse and criminal activity, which negatively affects security in the Balkan region. OSCE recognised that Albanian has developed a National Plan of Action thereby formulating a comprehensive anti-trafficking policy comprising legislative reform, the protection and assistance of trafficking victims and the prosecution of traffickers. The Stability Pact Task Force has developed a regional anti-trafficking strategy which includes the establishment of a network of shelters in South East Europe. **[18I]**

5.88 The International Organisation for Migration (IOM) and the International Catholic Migration Commission (ICMC) have established an inter-agency referral system that enables a group of organisations to jointly provide assistance to women who are victims of trafficking. ICMC assistance consists of providing temporary accommodation in a protected shelter, counselling and help with repatriation and reintegration. IOM facilitates the provision of passports, which in many cases have been lost or confiscated by criminals. In some cases, women are being returned to Albania to family members who trafficked them in the first place, or to the very same situation from which they were trafficked. This often simply leads to the re-trafficking of these women. ICMC also provides return assistance for trafficked victims from other countries that want to return from Albania to their home countries. Under the project so far, UNHCR and the Albanian authorities have referred over 150 women from third countries. Of this number 120 stated their desire to return to their home countries and after a period of protection in the secure shelters, have done so. **[3]** In late December 2001 a shelter for Albanian trafficked women and victims of domestic violence opened, and had helped six trafficked women by the end of 2001. **[5d]**

5.89 The United States gave Albania three grants with a value of 383 thousand dollars in March 2002, for programmes which will assist Albanian trafficked women. The majority of the money will be used to assist the IOM in its plan to re-integrate trafficked women. Another part will be accorded to two Albanian NGOs; "Vatra" (The Hearth) and "Refleksion," which will offer psychological advice, medical services, legal support and professional training

for the victims of human trafficking. **[10a] [37]**

5.90 There are some governmental and NGO initiatives working in this field. There is a governmental Committee in Albania called "Woman and Family", which co-ordinates all the initiatives and activities in the field of women's rights. This Committee co-operates with other governmental institutions such as the police, the judicial system, as well as NGOs. At the same time, there are women NGOs working on the return of trafficked women. In particular, they co-operate with the police forces and authorities in the country of destination. There are also some Shelters providing psychosocial assistance and protection to women. Some research has been done by NGOs, the Ministry of Public Order, the governmental Committee "Woman and Family", the Faculty of Social Sciences and women NGOs presenting statistics and arguments on the trafficking situation. **[4f]**

5.91 Albanian victims of trafficking often face significant stigmatisation from their families and society. Several NGO's address the issue on a case by case basis; however, given the scope of the trafficking problem and limited resources to address reintegration, most victims of trafficking receive little or no assistance. The lack of a functioning and effective reintegration system often results in women being returned to the family members who sold them to traffickers previously. The absence of a witness protection programme also impeded the Government's ability to build strong cases against traffickers during 2001. Victims often do not identify themselves as trafficked persons and are unwilling to testify due to fear of retribution from traffickers and because of distrust of the police. **[5d]**

5.92 Between January and September 2001, 257 vessels, with about 7,000 people on board attempting to reach the Italian coast, were turned back by the Albanian police in co-operation with the Italian Guardia di Finanza, according to official figures issued by the Public Order Ministry in October 2001. During 2000, the port of Vlëre blocked around 15,000 persons. **[10b]** In 2001, the police detained persons in 116 cases of trafficking in persons, although less than 10 percent of those arrested ever are convicted and sentenced. Only 22 traffickers were imprisoned during 2001; almost all were sentenced to only 2 to 3-years imprisonment, because their crimes were committed before harsher sentences came into effect on March 14 2001. When they were arrested, traffickers often were released because of insufficient evidence. If they were prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking. The Ministry of Public Order failed to follow up on high-profile trafficking and corruption investigations, and the Office of Internal Control did not prosecute any police officers for corruption in 2001 although in autumn 2001 nine police officers were dismissed, including five for trafficking. **[5d]**

5.93 It is estimated that in the past year over 200 people have died trying to reach Italy. The Italian Guardia di Finanza (Fiscal Police), which patrols the Adriatic for traffickers claims to turn back between five and eight rubber boats

used by traffickers each night. Following an incident in September 2000 in which two Guardia officials were killed while combating traffickers, the Albanian Parliament enacted a new, stronger law that should make it easier for police to confiscate speedboats that are used in illegal activities and for those that are unregistered. **[10d] [5c]**

Homosexuals

5.94 The Penal Code, which came into force on 1 June 1995, does not contain an article criminalising homosexuality. **[28a]** Sexual relations with minors and sex involving violence continue to carry penalties. Under Article 116 of the Criminal Code, the age of consent for same-sex sexual acts is 18 years of age, with a maximum penalty of five years imprisonment for infringement. In June 1995, "Gay-Albania" was the first gay association to be legally registered. **[41]**

Political Activists

5.95 There were no confirmed cases of political killings by the Government or its agents in 2001; however, the main opposition party, the Democratic Party (DP) claimed that several of its members were harassed and beaten. The DP claimed that the Government was responsible for the killing of one of its members while in police custody at the Rreshen police station, although a government medical team confirmed that the death was suicide. **[5d]**

5.96 In June 2001 the Socialist Party held a major election rally in Tirana that was met with a counter-rally by the Democratic Party. The police detained more than a dozen DP supporters after they allegedly began attacking the police. However, the DP charged that it was their supporters who were attacked by the police. Various human rights groups called on all parties to respect law and order and the right to freely assemble. **[5d]**

5.97 Amnesty International remained concerned in 2001 that the present government, like past governments, was often reluctant to accept that human rights cannot be implemented without granting those with opposing views the same guarantees and protection as those who share the convictions of the ruling party. **[25d]**

5.98 In practice rallies and demonstrations took place during 2001 and the Government made no concerted efforts to prevent them. The police generally maintained order with due respect for citizens' rights. In some cases, individuals claimed that the police or secret agents of the ShIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies. **[5c]**

5.99 Following a rally held in May 2000 in Vlëre, traditionally a SP stronghold; a DP activist was killed. The Democratic Party claimed that

government agents were responsible; however, the Socialist Government claimed that it was a revenge killing by criminals. **[5c]** The Albanian Helsinki Committee expressed concern over the killing and appealed to government authorities to make all efforts to solve the case, although by end 2001 no further action had been taken. **[2a]** **[5d]** Neither was there further investigations into the allegations made by the DP that more than 21 DP members, supporters, local government officials and former national party members were killed from 1997 to 1999. **[5d]**
(Please see also Section III on History)

5.100 The Association of the Formerly Politically Persecuted (or National Association of Anti-Communist Former Political Prisoners, Internees and Persecuted Persons) represents the interests of ex-political prisoners during the Communist regime. It is able to function freely. **[24d]** Some political prisoners have reportedly been disappointed about the lack of compensation that has been the result of the party's activities. The Association used to be supported by the Democratic Party, which actively campaigned on its behalf when it was founded in 1991. However, the relationship broke down during the Democratic Party's first term in office. **[24e]** The 1991 Law (No. 7514) "On Innocence, Amnesty and Rehabilitation of Formerly Politically Persecuted" dated 30 September 1991, ruled that all politically persecuted and prosecuted are to be recognised not guilty and a series of rights is to be granted to them. These include the right to live where they used to before being sentenced and that they are compensated for the economic loss inflicted whilst they were in prison. **[40]**

VC HUMAN RIGHTS - OTHER ISSUES

5.101 Albania is one of Europe's two poorest countries (the other being Moldova). Albania's 1999 gross national product per head was US \$870. **[1]**
[11]

Organised Crime and Corruption

5.102 The United Nations estimates that civilians took 550,000 weapons, 1,500 million rounds of ammunition and 3.5 million hand grenades during the violent civil unrest in Albania in 1997, prompted by the collapse of the pyramid investment schemes. Many of the weapons made their way into neighbouring Kosovo and Macedonia. Since 1997, Albanian police have managed to retrieve 180,000 of the looted small arms and light weapons. Legislation has been passed to allow the public to return the weapons voluntarily. The United Nations Development Programme (UNDP) launched its programme for 'Weapons in Exchange for Development in Albania' in December 1998. Communities have benefited in the rehabilitation of schools, roads and bridges as well as water systems, lights and telephones. **[13h]** In April 2002, the UNDP launched the "Small Arms and Light Weapons Control" project to widen the weapons collection to include weapons control at the national level. The Albanian government estimated that approximately thirty per cent of the

weapons looted in 1997 had been returned as at April 2002. **[29]**

5.103 The Albanian government extended the deadline for completing the collection programme from August 2000 to August 2002. A special 250-strong police task force is in charge of the effort. The United States and Norway are co-operating with Albania in the implementation of a six-month project for the destruction of about 60,000 small and light weapons, from April 2001. The project will contribute to the improvement of rule and public order in the country. Defence Minister Ismail Lleshi described the agreement as an indication of Albania's commitment to contribute to stability in the region. **[13g]**
[30]

5.104 The Albanian Government made some sincere efforts in 2000 to confront official corruption and to establish public order in Albania. After passing the Law on the State Police in December 1999, the Ministry of Public Order began restructuring the police force, improving recruitment procedures, and training new police chiefs. The police also cracked down on armed gangs, and their number was reported to be decreasing. **[2a]**

5.105 Albanian Public Order Minister, Ilir Gjoni, met with the commander of the MAPE (Multinational Advisory Police Element) Mission in Brussels, General Pietro Pistoleze and representative of the European Commission in Albania, in Tirana on 5 April 2001. Gjoni praised the performance of MAPE during the last four years in aid of Albanian police, which was set up following the unrest of 1997. He also highlighted the decision of the EU to continue support for Albania. MAPE was established under the authority of the West European Union with the aim of rebuilding the Albanian police by a process of modernisation. MAPE has assisted the Ministry of Public Order in the preparation for the implementation of the State Police Law. The main innovation of the new Operation Plan since July 1999 has been the training of police throughout the country and down to police unit level. **[10u]** **[32]**

5.106 In April 2000, The Prime Minister Ilir Meta re-affirmed that the police belong to the state not political parties. He stated that it is the duty of the Albanian government, the governing coalition and the opposition, and of all society to support the police so that they are more successful in their fight against crime in any form it appears. The then Minister for Public Order, Mr. Spartak Poci, said that clearing the police and other structures of the Public Order Ministry from the corrupted and incriminated elements, remains one of the priorities of the government programme. The Public Order Ministry has drafted a concrete strategy to uncover and send to court such elements. **[12b]**
[12c]

5.107 The government is committed to the implementation of the Stability Pact Anti-Corruption Initiative, agreed in June 2000, as set out by the Stability Pact partners, stipulated in the Cologne Declaration of June 1999 between states of South Eastern Europe and the European Union. Its objective is to help and support countries of the region to adopt within two years; effective legislation, build up the right institutions and develop practices in the civil Albania April 2002

society for a sustained fight against corruption. The implementation will be monitored by the Anti-Corruption Steering Group composed of representatives from the Council of Europe, the OECD, the European Commission and the World Bank. **[20] [21]**

(Please see also Section IV on the Judiciary and Internal Security.)

5.108 The Albanian government had fulfilled all the recommendations of the international community included in the anti-corruption plan by September 2000. Albania had taken all measures to increase the security in all part of the country, has recognised the judicial system and the police, and is fighting against organised crime and corruption. This message was contained in an approved resolution of the Parliamentary Assembly of the Council of Europe on Albania, in September 2000. Albania ratified the Council of Europe's Civil Law Convention on Corruption on 21 September 2000. **[10g] [23]**

Blood Feuds

5.109 Despite efforts by the Albanian government to wipe it out, the 15-century code of customs, the Kanun of Lek Dukajini, has reappeared throughout northern Albania, since the return of democracy. The code has been handed down orally through generations, and lays out a code of "laws" governing marriage, birth, death, hospitality and inheritance, which have traditionally served as the foundation of social behaviour and self-government for the clans of northern Albania. In particular, the Kanun regulates killings in order to stop the total annihilation of families. **[15a]**

5.110 According to several sources, a range of factors has contributed to the re-emergence of blood feuds, "gjakmarrja", especially in northern Albania, such as the weakness of state institutions, a law and order vacuum, and a lack of trust in the law. Most ongoing vendettas stem from disputes over land and water rights. **[24]** Many killings continued to occur throughout Albania in 2001 as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts. **[5d]**

5.111 The Kanun has been used as a system for administering justice in northern Albania, which historically has remained isolated from central government law. Today, revenge killings in the name of the Kanun have taken on threatening proportions. A recent survey on the Kanun by the Independent Social Studies Centre, Eureka, expressed concern that many killers were using the rules of the Kanun as a cover to commit ordinary crime. In one sense it could be argued that northern Albanians are resorting to the Kanun in order to fill the law and order vacuum. In most cases, however, it is not the traditional rules of the Kanun that are being applied but rather a self-selected interpretation. In fact it is a means of settling accounts amongst gangs of traffickers, smugglers, and other criminal elements who, in the absence of official law and order, can use the fear, respect and moral justification associated with the Kanun to terrorise people into a code of silence. **[15a]**

5.112 In 1996, the Albanian government initiated a series of national and local activities mainly in the country's northern and north-eastern zones where Albania April 2002

the problem of blood feuds is more acute than elsewhere. The Prime Minister called on all the political forces to engage in the fast elimination of blood feuds, in co-operation with the government. The National Blood Feud Reconciliation Committee was established and the then Prime Minister, Aleksander Meksi, was confident that it had produced positive results as regards blood feud reconciliation. **[12d]**

5.113 It would be difficult to separate the issue of blood feuds from the larger problem of lawlessness in Albania, especially in the mountainous north of Albania and in remote areas. However, the OSCE noted in 2000, that whilst much needs to be done to root out the networks of criminality, the most significant change is that random violence is no longer tolerated or considered to be normal. The public increasingly expects order and proper policing. **[20]**

5.114 The Albanian Penal Code does not contain any provisions which directly address blood feuds. The Vice-Chairman of the British-Albanian Legal Association stated in March 2000 that to incorporate any special provisions dealing with blood feuds in the Criminal Code would be seen as a retrograde step in Albania by giving official recognition to an archaic custom. **[24]**

5.115 There are certain articles which could become relevant if the crime at issue was feud related. Articles 48 and 50 deal with mitigating and aggravating circumstances. Circumstances which can lead to mitigation of punishment include when an act is committed due to positive moral and social values. A traditional judge, sympathetic to the conviction of customary law, might consider an act committed pursuant to a blood feud would be committed "due to positive moral and social values." Aggravating circumstances include the act being committed "savagely and ruthlessly" which is sometimes the case when a blood feud is the motive. Article 49 provides that the Court may also consider other circumstances which it deems such as to justify the lowering of the sentence and again this could be applied in the case of a feud-related crime. The punishment for simple murder is a term of 10 to 20 years' imprisonment. The sentence for premeditated homicide is 15 to 25 years' imprisonment, and when aggravating circumstances occur, life imprisonment. The very nature of a blood feud means that the murder would be premeditated. **[24]**

(Please see hard copy source **[19b]** for full text of the Penal Code of Albania)

5.116 The numbers of persons affected directly or indirectly by blood feuds vary widely. A survey conducted by the Law Faculty of Tirana University in March 2000 showed that 210,000 Albanians (six per cent of the total population) were "affected" by blood feuds including about 1,250 people locked in their homes for fear of being killed. **[14b]** The Albanian Human Rights Group reported that during 2001, 2,750 families were self-imprisoned at home and that 900 children were prevented from attending school due to fear of revenge. According to the Ministry of Public Order, more than 14 individuals were killed in blood feuds in 2001. **[5d]** Figures published by the National Mission for Blood Feud Reconciliation, in August 2000, stated that 756 blood

feuds had been reconciled, allowing the people involved to return to put an end to self-confinement at home. The missionaries explained that the roots of this problem lie in the ill-intentioned interpretation of the Kanun and in the reluctance of citizens to obey the laws of the state. [24]

5.117 Several agencies provide reconciliation services to families involved in blood feuds, although according to the International Crisis Group there has been no concerted and coordinated strategy devised to combat this growing and deeply damaging phenomena. The Association for Fraternisation and Reconciliation aims to settle disputes between families through dialogue. The National Reconciliation Committee estimated it had resolved around 400 blood feuds whilst the All-Nation Reconciliation Mission claimed it has succeeded in settling about 600 feuds. [24]

5.118 Albanian officials appear to have recognised the problems posed by the Kanun and have pledged to address them. In August 1999, the Albanian government dispatched 200 men belonging to the Tirana-based special terrorist force RENEA to the northern district of Tropoja in an effort to curb lawlessness and gang violence after four people were killed in vendettas. The security forces arrested 22 people suspected of murder, armed robbery or theft, and seized large quantities of weaponry and stolen vehicles. [24]

ANNEX A

CHRONOLOGY

1946: The People's Republic of Albania was proclaimed

1948: The Albanian Communist Party was renamed the Party of Labour of Albania (PLA).

1961: The USSR denounced Albania and severed diplomatic relations after Enver Hoxha, Albania's leader, announced his support for the Chinese Communist leader, Mao Zedong, in his ideological conflict with the USSR.

1967: Religious worship was outlawed and all mosques and churches were closed.

1978: China suspended all military and economic ties with Albania.

1985: Death of Enver Hoxha. He was succeeded as First Secretary of the Party of Labour of Albania by Ramiz Alia.

December 1989: There were reports of anti-government demonstrations in the northern town of Shkodër, and such activity increased throughout 1990.

July 1990: Some 5,000 Albanians were eventually allowed to leave the country after seeking asylum in the embassies of foreign countries.

December 1990: Opposition activists formed, and registered, the Democratic Party of Albania (DP).

March 1991: The Italian navy was ordered to prevent any more vessels landing at the Italian port of Brindisi, after some 20,000 Albanians had arrived on ships seized in Albanian ports.

31 March 1991: The PLA (Communists) won over 60% of the votes cast in Albania's first multi-party elections since the 1920s.

June 1991: A Government was formed which included the first non-Communist ministers since the second World War. The PLA changed its name to the Socialist Party of Albania (SP) and elected Fatos Nano as its leader.

March 1992: Elections to the new assembly were won by the DP (Democratic Party of Albania).

April 1992: Sali Berisha of the DP was elected President of the Republic. Berisha appointed Aleksander Meksi to lead a new coalition Government

September 1992: Former President Alia was arrested and charged with corruption, joining several other prominent members of the old Communist regime in detention.

July 1993: Former Socialist Party Premier Nano was charged with misappropriating state funds; he was found guilty in 1994.

November 1994: A draft constitution was rejected by 53.9% of the participants in a referendum.

July 1995: The Government granted an amnesty to former President Alia and some 30 other political prisoners. Albania was accepted as a member of the Council of Europe.

September 1995: The "Genocide Law" prohibited the appointment of any person who held office during the Communist period to the executive, the legislature, or the judiciary.

May 1996: Elections to the Peoples' Assembly, the conduct of which was widely criticised by international observers, were boycotted by the main opposition parties.

October 1996: Local government elections. The DP secured the largest number of votes in 58 of the 64 municipalities.

January 1997: The collapse of several popular "pyramid" investment schemes, resulting in huge losses of individual savings, prompted violent anti-government demonstrations.

March 1997: President Berisha declared a state of emergency.

April 1997: A UN-sanctioned Multinational Protection Force, established to facilitate the distribution of humanitarian assistance, was deployed, principally in government-controlled areas of northern and central Albania.

July 1997: The SP won the general election, held on 29 June and 6 July. Rexhep Meidani was elected President. Fatos Nano became head of the government.

July 1998: A report on the civil unrest of 1997 recommended the prosecution of several leading DP officials, including former President Berisha. The DP announced an indefinite boycott of Parliament.

September 1998: Prominent DP politician Azem Hajdari was assassinated by an unknown gunman. Prime Minister Nano resigned shortly afterwards. Pandeli Majko succeeded Nano.

22 November 1998: The Albanian electorate approved the new Constitution in a referendum. It was adopted by the National Assembly six days later. The DP announced that it would continue its refusal to recognise the Constitution.

January 1999: Fatos Nano resigned as Chairman of the SP.

March 1999: NATO began daily air attacks on military targets within the Federal Republic of Yugoslavia.

March to June 1999: Over 450,000 refugees flooded into Albania from Kosovo. Most have since returned to Kosovo.

July 1999: The DP voted to end its boycott of the legislature.

October 1999: Nano was re-elected to the post of SP Chairman, following his poor result, Prime Minister Majko resigned a week later, and was replaced by Ilir Meta.

December 1999: The Constitutional Court approved a ruling on the abolition of the capital punishment.

January 2000: The Albanian Parliament ratified the European Convention for the Protection of Minorities.

February 2000: Nano was elected speaker of an Ad Hoc Parliamentary Commission for the Stability Pact for South-Eastern Europe, adopted in Cologne.

February 2000: The first Ombudsman was elected.

May 2000: An electoral code was introduced, in preparation for the local elections in the autumn of 2000.

June 2000: Five Roman Catholic Priests became the first Priests since 1991 to be ordained.

June 2000: Albania signed up to the implementation of the Stability Pact Anti-Corruption Initiative.

August 2000: A computerised national register was introduced as a measure to ensure free and fair elections in October 2000.

September 2000: Albania became the 138th member of the World Trade Organisation.

September 2000: The Albanian Parliament ratified the Council of Europe's Civil Law Convention on Corruption.

October 2000: Local government elections. The Socialist Party made heavy gains across Albania.

November and December 2000: The Democratic Party staged demonstrations in protest at the results of the municipal elections. A demonstration in Tropojë resulted in the death of one DP supporter following armed protesters attacking state institutions.

January 2001: Albania renewed diplomatic ties with Yugoslavia.

January 2001: Legislation criminalising trafficking in persons was introduced.

February 2001: The main political parties signed an agreement to co-operate in preparations for the legislative elections scheduled to take place in June 2001.

April 2001: The trial began into the September 1998 murder of the DP Deputy Azem Hajdari.

24 June 2001: The first round of parliamentary elections took place. Subsequent rounds took place on 8, 22 and 29 July due to irregularities. One Zone repeated voting again on 19 August. The Socialist Party re-entered Parliament for a second term.

7 September 2001 Prime Minister Ilir Meta, elected for a second term, presented the new coalition government. The Union for Victory (UV) opposition coalition began a boycott of Parliament.

December 2001: The National Strategy for the Fight against Illegal Trafficking was adopted.

29 January 2001: Prime Minister Ilir Meta resigned due to an internal Socialist Party feud.

31 January 2002: The Opposition coalition, UV, re-entered Parliament.

22 February 2002: New cabinet was sworn in with Pandeli Majko as Prime Minister.

19 March 2002: General Prosecutor Arben Rakipi was dismissed by Parliament.

ANNEX B

POLITICAL ORGANISATIONS

Agrarian Party (AP) (Partia Agrare Shqipëtarë – PASH). Founded 1991. Chair: Lufter Xhuveli.

Albanian Civil Party. Founded 1998. Chair: Roland Velko.

Albanian Communist Party. (Partia Komuniste Shqipëtare – PKSH) Founded 1991, granted legal recognition 1998. Chair: Hysni Millosi.

Albanian Conservative Party (Partia Konservatore Shqipëtare – P.KONS). Chair: Armando Ruco.

Albanian Ecological Party (Partia Ekologjike Shqiptare). Environmental political party. Chair: Dr Namik Vehbi Fadile Hoti.

Albanian Green Party (Partia e Blertë Shqiptare). Founded 1991. Campaigns on environmental issues. Chair: Nevruz Maluka.

Albanian Liberal Party (Partia Liberale Shqiptare). Founded 1991. Chair: Valter File.

Albanian National Democratic Party (Partia Nacional Demokratike). Founded 1991. Chair: Fatmir Çekani.

Albanian National Reconciliation Party. (Partia Pajtimi Kombëtar Shqipëtar – PPK)

Albanian National League Party. (Partia Lidhja Kombëtare Shqipëtare – LKSH)

Albanian New Socialist Party. Founded 1996 by former members of the SP.

Albanian Party of Democratic Right. (Partia e Djathtë Demokratike e Shqipërisë – PDD) Leader: Petrit Kalakula.

Alternative Republican Union Party. (Partia Bashkimi Republikan Shqipëtar – PBR)

Çamëria Political and Patriotic Association (Shoqata Politike- Patriotike Çamëria). Supports the rights of the Çam minority (an Albanian people) in northern Greece. Founded 1991. Chair: Dr Abaz Dojaka.

Christian Democratic Party of Albania (Partia Demokristiane e Shqipërisë – PDK) Founded 1991. Pres: Zef Bushati.

Democratic Alliance Party. (Partia Aleanca Demokratike Shqipëtare – AD) Founded 1992 by former members of the DP who were either expelled or left. Chair: Neritan Çeka.

Democratic Alternative. Founded 1999 by breakaway faction of reformist members of the Democratic Party of Albania. Leader: Genc Pollo.

Democratic Movement of the Unification of Albanians. Founded 1993.

Democratic Party of Albania (DP) (Partia Demokratike Shqipëtare – PDSH). Founded 1990 as the first opposition party to the communist Party of Labour. Committed to liberal-democratic ideals and market economics. Chair: Dr Sali Berisha.

Democratic Prosperity Party (Partia e Prosperitetit Demokratik). Founded 1991. Chair: Yzeir Fetahu.

Democratic Union Party (Partia Bashkimi Demokrat Shqipëtar - PBD). Chair: Xhevdet Libohova.

Independent (Centrist) Party of Albania (Partia Indipendente (centriste) e Shqipërisë – PICSH). Founded 1991. Chair: Edmond Gjokrushu.

Legality Movement Party (Partia Lëvizja e Legalitetit Shqipëtar - PLL). Founded 1992. Monarchist. Chair: Guri Durollari.
Aim to re-establish Albania as a constitutional monarchy with Leka Zog reinstated.

Movement for Democracy Party of Albania (Lëvizja për Demokraci e Shqipërisë – PLD). Founded 1997 by former members of the DP. Leader: Dashamir Shehi.

New Democrat Party Formed in January 2001 as a splinter group of the Democratic Party. Chair: Genc Pollo.

National Front Party (Partia Balli Kombëtar Shqipëtar- PBK). Chair: Abaz Ermenji.
One of the oldest parties in Albania and was one of the groupings fighting against the partisans during World War II. For many Albanians it represents pre-war Albania.

National Progress Party (Partia e Perparimit Kombëtar). Founded 1991. Chair: Myrto Xhaferri.

National Unity Party (Partia Uniteti Kombëtar - PUK). Founded 1991. Chair of Steering Cttee: Idajet Beqiri.

New Party of Labour. Founded 1998. Left-wing. Defined itself as successor

Albania April 2002

to the former communist Party of labour of Albania.

Peoples Welfare Party (Partia e Mirëqenies Popullore Shqipëtare - PMP).
Founded 1991. Aims to eradicate Communism. Chair: Bashkim Driza.

Republican Party of Albania (ARP) (Partia Republikane Shqipërisë – PRSH).
Founded 1991. Chair: Sabri Godo. Vice-Chair: Fatmir Mediu.

Right National Party. Founded 1998 by a breakaway faction of the National Front. Leader: Hysen Selfo.

Social Democratic Party of Albania (SDP) (Partia Social Demokratike e Shqipërisë – PSDS).
Founded 1991. Advocates gradual economic reforms and social justice. 100 member National Managing Council. Chair: Gramoz Pashko.

Social Justice Party (Partia e Drejtesise Shogerore).

Social Labour Party of Albania (Partia Socialpuntore Shqiptare).
Founded 1992. Pres: Ramadan Ndreka.

Socialist Party of Albania (SP) (Partia Socialiste Shqipërisë – PSSH).
Founded 1941 as Albanian Communist Party, renamed Party of Labour of Albania (PLA) in 1948, adopted present name in 1991. Until 1990 the only permitted political party in Albania. Now rejects Marxism-Leninism and claims commitment to democratic socialism and a market economy. Ilir Meta and Pandeli Majko were two of the leaders of the students' movement that played an important role in toppling the communist Government of 1990. Managing C'ttee of 81 members, headed by Presidency of 15 members. 110,000 members. Chair: Fatos Nano. Sec: Namik Dokle.

Union for Human Rights Party (UHRP) (Partia Bashkimi për të Drejnat e Njeriut e Shqipërisë - PBDNj).
Founded 1992. Developed out of OMONIA, the Association of Greeks in Albania. Due to anti-Greek emotions after the participation of Omonia during elections of 1991, the UHRP was established with a wider scope. Represents the Greek and Macedonian minorities. It also has considerable backing in the North among the Macedonian, Montenegrin and Gorani minorities. Chair: Vasil Melo.

Union of Social Democrats (USD). Founded 1995. Breakaway faction from the SDP. Leader: Teodor Laco.

COALITIONS

Alliance for the State. The ruling coalition consists of the Socialist Party, the Social Democratic Party, the Democratic Alliance Party, the Union of Human Rights Party, the Agrarian Party and the National Unity Party.

Union for Victory. The main opposition coalition consists of the Democratic Albania April 2002

Party, the Liberal Union Party, the Republican Party, the National Front Party and the Legality Movement Party.

United Right. Consists of the Party of the Democratic Right, the Christian Democratic Union and the Movement for Democracy Party.

NON-GOVERNMENTAL ORGANISATIONS

Albanian Helsinki Forum (Forum Shqiptar i Helsinkit). Founded 1990. Mem. International Federation of Helsinki. Chair: Prof. Arben Puto.

Albanian Women's Federation (Forum i Grus Shqiptare). Founded 1991. Independent organisation uniting women from various religious and cultural backgrounds. Chair: Diana Çuli.

National Committee of the War Veterans of the Anti-Fascist National Liberation War of the Albanian People (Komiteti Kombëtar i Veteranëve të Luftës Antifashiste Nacional Çlirimtare të Popullit Shqiptar). Founded 1957. Chair: Pirro Dodbiba.

Democratic Union of the Greek Minority (OMONIA – Bashkimia Demokratik i Minoritet Grek). Founded 1991. Electoral regulations of 1992 forbade it participating in elections, as the party of an ethnic minority. Chair: Jorgo Laboviçadhi.

ANNEX C

PROMINENT PEOPLE

Sali BERISHA: Current Chairman of the Democratic Party. Former President of Albania between April 1992 and 1997.

Azem HAJDARI: Former Democratic Party Deputy MP assassinated on 12 September 1998, by unknown assailants. Violent protests at his funeral on 14 September 1998. The trial into his murder began in April 2001 and was still underway as at April 2002.

Azgan HAKLAJ: Democratic Party Deputy Tropoje and since August 2001, who was arrested following a violent rally in Bajram Curri on 28 November 2000. Released from detention in July 2001 but awaiting trial.

Enver HOXHA: Communist Party leader from 1946 to his death in 1985.

Fatos NANO: Current Chairman of the Socialist Party. Former Prime Minister between July 1997 and 28 September 1998. Heads one faction of the SP and is hoping to be elected President in June 2002.

Pandeli MAJKO: Current Socialist Party Prime Minister since February 2002. Former Prime Minister between 28 September 1998 and October 1999.

Rexhep MEIDANI: Current President of the Republic of Albania, since July 1997. Former Chairman of the Socialist Party.

Ilir META: Former Socialist Party Prime Minister between 27 October 1999 and 29 January 2002. Resigned due to internal party feud with Fatos Nano. Heads opposing faction of the SP, to Fatos Nano.

Arben RAKIPI: Former General Prosecutor who was dismissed by the Albanian Parliament in March 2002 under allegations of failing to investigate corruption.

Ekrem SPAHIA: Prominent member of the Legality Movement Party. Following the 1998 disturbances of Azem Hajdari's assassination, charged with an alleged coup attempt. Sentence not yet been determined.

Leka ZOG: Son of former King Zog. Currently living in South Africa. Advocates restoration of the Monarchy. Returned to Albania for 1997 referendum of the restoration of the monarchy where he was charged with "organising an armed uprising." He was sentenced in absentia in but in April 2002 the sentences against him were annulled by the courts. He is free to return to Albania.

King ZOG: Former President Zogu named himself King Zog I in 1926 but was
Albania April 2002

forced into exile in 1939.

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