



REPUBLIC OF ALBANIA

COUNTRY REPORT

APRIL 2004

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

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1 Scope of Document

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The Country Report has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The Country Report 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. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the Country Report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2 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 bordered to the south by Greece, to the east by Macedonia, to the north-east by Kosovo, and to the north by Serbia and Montenegro. Albania covers an area of 11,100 sq. miles (28,748 sq. km), and the total population was, according to preliminary results from the April 2001 Population and Housing census, 3.09 million. [1]

2.2 The official language is Albanian, the principal dialects being Gheg

(spoken north of the River Shkumbin) and Tosk (in the south). Ethnic Greeks continue to use their own language. [1]

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3 Economy

3.1 The country is in transition from central economic planning to a free market system; many questions related to privatization, property ownership claims, and the appropriate regulation of business remained unresolved. The country continued to experience slow but stable economic progress; however, approximately 30 percent of the population of approximately 3.2 million lived below the poverty line, with poverty greater in rural areas. The official unemployment rate was 16 percent. With two-thirds of all workers employed in agriculture, mostly at subsistence level, remittances from citizens working abroad remained extremely important, as did foreign assistance. The agricultural sector accounted for 34 percent of gross domestic product, with industry and services contributing 13 and 32 percent, respectively. [2a]

3.2 According to the International Crisis Group, an estimated 50 percent of GDP is generated from illegal activities ranging from people and drug trafficking to the smuggling of cars and cigarettes. Economic improvement is very uneven, concentrated in Tirana and the lowlands. [15d]

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4 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

4.1 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]

4.2 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]

4.3 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]

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First Multi-Party Elections in 1991

4.4 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]

4.5 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 also see paragraphs 6.81-6.88 on Greek minority)

4.6 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]

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Pyramid Schemes and the 1997 State of Emergency

4.7 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]

4.8 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. [1]

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Parliamentary Elections of 1997

4.9 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. [37] Some 2,000 supporters greeted Leka on arrival at Tirana airport. His visit was organised by the pro-monarchy Legality Movement Party. [6a]

4.10 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. [1] 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. [23a] 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 Skenderbeg Square. One person was killed during the violence. [23c] 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, leaving Leka Zog free to return to Albania, with no outstanding charges against him. [18f]

4.11 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]

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Assassination of Azem Hajdari

4.12 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][9a]

4.13 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]

4.14 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. [1] The DP, led by Berisha, returned to Parliament in July 1999 after the Government committed itself to investigate Hajdari's murder fully and fairly. [9a]

4.15 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 is still ongoing. [2a]

4.16 On 5 February 1999, Leka Zog was arrested in Johannesburg, where he had lived since 1979, for the illegal possession of an arsenal of over 70 arms including firearms, ammunition, grenades and landmines. [23c] He was released on bail 10 days later. [9b]

4.17 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]

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Kosovo Crisis

4.18 An estimated 480,000 Kosovar refugees entered Albania during the 1999 Kosovo crisis. [9a] 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. [19b]

4.19 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. [3a]

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Parliamentary Elections of June and July 2001

4.20 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). [15b] 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. However, ODIHR-OSCE noted some serious irregularities in the voting process including cases of ballot box stuffing and the use of pre-marked ballots. 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. [10e]

4.21 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]

4.22 The Central Election Committee announced the final results on 21 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)	DP + UV	36.81	46

Made up of: Democratic Party, Legality Movement Party, National Front Party (Balli Kombetar), Republican Party, Liberal Union Party			
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

[15b]

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

4.23 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. [10e]

4.24 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 tactically. 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, Lushanije, 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. [10e][10g]

4.25 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 Lushnje. 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 Lushnje following the highly questionable handling of ballot boxes. The CEC also dismissed Commissioners from several other zones. [10e][10g]

4.26 The OSCE/ODIHR received about 1,000 complaints and reports of irregularities during the elections from political parties, candidates and 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 Constitutional Court, and in some cases other courts, did not apply standards consistently, showing some

bias in favour of the governing party. The volume of complaints was unusually high, indicating both the contentiousness of the contest and the degree to which parties used the available mechanisms to seek redress. [10e]

4.27 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. [10e] [15b]

4.28 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. [15b]

4.29 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. [38b] The Union for Victory began a boycott of parliament on 3 September 2001 and re-entered Parliament only on 31 January 2002. [23g]

4.30 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.' [10f] 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. [10f]

4.31 Arta Dade, SP, was appointed Foreign Minister on 7 September 2001. She was the first female politician to be appointed Foreign Minister in the Albanian cabinet. [40a]

4.32 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. [35f] Forty-six UV legislators had been boycotting Parliament in response to what they called "illegitimate" parliamentary elections. [23g]

Local government elections of October 2003

4.33 On 12 October 2003 Albanians voted in their fourth local government elections since the fall of communism in 1991. Elections were nation-wide with mayoral candidates and commissioners standing in 65 municipalities, 11 municipal units in Tirana and 308 communes in the entire territory of the Republic of Albania. [51] Turnout for the elections was reported to be low and is estimated at between 49 – 51 percent of an electorate of 2.7 million. [11K]

4.34 The Albanian Helsinki Committee report 'Monitoring of the Elections for Local Government Organs, October 2003, noted that, 'The elections were held at a moment of a levelled political situation in Albania, due to the consensus spirit existing between the two major parties, the incumbents and the opposition. This period of political consensus, noted with the election of the consensual president of the Republic in June 2002 [Alfred Moisiu], contributed to the improvement of domestic political life.' [51] (p5)

4.35 The Organisation for Security and Co-operation in Europe (OSCE – LGE 2003) – reported in their Statement of Preliminary Findings and Conclusions (Local Government Elections 12 October 2003) that 'The 12 October local government elections in the Republic of Albania marked further progress towards compliance with OSCE, Council of Europe and other international commitments and standards for democratic elections. 'Local elections took place in a peaceful atmosphere, with only a few isolated incidents of violence reported during the campaign and on election-day. The OSCE described the elections as having 'Taken place in a calm atmosphere, with political parties treating each other as legitimate opponents and without the heated rhetoric that has marred past campaigns.' [11K] (p1-2) The OSCE identified a number of shortcomings that they would like to see addressed ahead of the next round of parliamentary elections. These problems were mostly technical and as was the case in previous elections, the main problem related to voter lists. [11K] (p1-2) However, in the Report to the Permanent Council dated the 26 February 2004, the OSCE expressed their disappointment with organisation of the elections in what it saw as a missed opportunity for significant progress towards compliance with OSCE commitments and other international standards for democratic elections. [11J] (p4)

4.36 The OSCE Report to the Permanent Council (OSCE RPC), dated 20 November 2003, notes that 'Controversy surrounding the voter lists remains the most contentious problem, particularly affecting Tirana and Durres, Albania's second city.' Although OSCE/ODIHR initially stated in its *Preliminary Conclusions* that it had no evidence of political manipulation of the voter lists or that the problem could have influenced the results, further evidence led the OSCE/ODIHR to conclude that the voter lists were actually worse than in previous elections. Furthermore, the OSCE outlined other key problems such as family voting; counting procedures (stuffing ballot boxes, falsification of voting returns); attempts by the main political parties to block the decision-making process within the election commissions and the late release of state

funds for political parties, thereby helping the incumbents and candidates with private campaign funds. [11i] (p5) The Conflict Studies Research Centre, Albanian Elections 2003 – Progress, Shortcomings & the Greek Factor reported that,

‘Disputes over the polling register were common in Tirana and Durres where the Democratic Party (DP) had refused to accept the results. The main reason for this is that both these major towns were held by the Socialist Party (SP), but both have been subject to significant population growth through internal migration in the last five years, mostly from northern Albania. New suburbs have grown up; made up of northern incomers who are in general much more likely to be DP voters. Many had not applied to be removed from the electoral register in their place of origin or included in the Durres or Tirana register, so they were effectively disenfranchised unless they returned to vote in their home locations.’ [53] (p2)

4.37 In a repeat of local government elections held in 2000, the only place that experienced serious violence was the southern coastal town of Himara, where there was a reported murder. Both ethnic Greeks and Albanians hotly disputed the election with mass demonstrations followed by a march by Albanian supporters from Vlora, with slogans such as ‘Himara is Albanian, Greeks out!’ [11k] [53] The OSCE RPC reported that ‘There was generally a calm atmosphere on Election Day, IEOM observers reported tension in 9% and intimidation in 6% of voting centres visited’. [11k] (p7) In line with new guidance, police were reported to have deployed away from voting centres. There were fewer allegations of police interference in the electoral process. [11k] (p7)

(Please also see paragraphs 6.81-6.88 on the Greek minority)

4.38 The OSCE RPC noted that:

‘The results of the election show the [Socialist Party] SP retaining a majority of the mayoral seats (approximately 52% of 384 local government units), although this represents a loss of more than 16%. The opposition Democratic Party (DP) made the most gains by increasing their share of mayoral seats by 13%. These gains occurred mostly in the urban areas of central Albania and some in the south. The SP continued to make inroads in the north, a trend already seen in the 2001 parliamentary elections. In terms of the proportional vote, used to determine party representation in the municipal and communal councils, the DP achieved nearly the same results as in 2000 winning slightly over a 32% share, while the SP lost nearly 9%, mostly in favour of

the small parties collectively. The proportional results show an electorate more or less evenly divided into thirds with the left wing (SP and other small leftist parties in parliament) capturing 52% of the popular vote. Taken together, the results show a less sharply divided country than before. Although the traditional voting pattern showing DP strength in the north and SP in the south is still visible, the gains made by both main parties make the distinction less noticeable.' [11j] (p3)

4.39 The DP held rallies in November and December 2003 in protest at the outcome of the election results and what it saw as a manipulation of voter lists. Minor disturbances followed with Sali Berisha, leader of the DP, calling on supporters to gather in Skenderbeg Square each day to demand new elections. The Central Election Commission (CEC) agreed to re-run the election in a third of the districts in Tirana on 28 December and also in a number of other towns. The resulting poll returned similar results to those of 12 October. [52b] [54] [55a]

4.40 Following a limited re-run of local elections in December, Sali Berisha continued to claim that the elections had been rigged. He followed calls for the governments' resignation by calling for "popular protests" to overthrow the government. Regular protests took place throughout January, focused mainly upon the Prime Minister's office and other government offices in and around Skenderbeg Square. Calls for the government's resignation increased following the drowning of over 20 individuals during an illegal night crossing to Italy on 9 January 2003. [55] [56] (see section 6.53 on trafficking).

4.41 On 7th and 8th February, between 2,000 - 4,000 protesters led by Sali Berisha filled Scanderbeg Square calling on the Prime Minister to resign. Berisha warned that the Prime Minister would soon meet the same fate as former Georgian President Eduard Shevardnaze, who had been toppled in a bloodless revolution in November. [56] [57] On 7 February a small number of protestors became violent and tried to storm the Prime Minister's office, but were forced back after republican guards fired warning shots to disperse the crowd. Berisha criticised those protesters who had participated in the violence and called for a peaceful revolution. [57] [58]

4.42 The OSCE issued a press release on 9 February calling on the Government and the opposition to "draw lessons" from the events of 7 February. The OSCE stated 'The OSCE Presence in Albania deplores the situation that occurred on Saturday, when peaceful anti-government demonstrations by opposition parties spun out of control for a period of time. "The right to protest in a democracy is guaranteed and protected, but this right also carries with it a number of responsibilities, including avoiding the use of violence and violent provocations." said Ambassador Osmo Lipponen, Head of the OSCE Presence in Albania.' [11j]

4.43 The DP stepped up pressure on the government to resign by forming a

loose coalition with nine other parties who jointly called for a further “Nano go” protest for 21 February. The date of the protest coincided with the 13th anniversary of the toppling of Hoxha’s statue. [38h] BBC News On-line reported on 21 February that, ‘Up to 20,000 people have taken to the streets of the Albanian capital Tirana to demand the resignation of Prime Minister Fatos Nano. Opposition leaders accuse Mr Nano of corruption, manipulating election results and failing to tackle the country’s acute economic problems. There was a tense atmosphere, with hundreds of police officers lining the streets outside government building.’ [38h] Unlike the protests of the 7 and 8 February, the protests of the 21 February appear to have passed without violence. The OSCE issued a press release the same day praising both the opposition and the government for “maturity and responsibility” shown during the days protest. [55b]

4.44 The OSCE in its semi-annual report to the Permanent Council on 26 February, noted that, ‘Since the last report, the overall political situation of the country has remained fragile as a result of a breakdown in political will over the local government elections and an unfavourable economic situation impacting the general public and small business. Rising public discontent and an increasingly hostile opposition, which has launched a series of anti-government protests, have increased the pressure.’ [11i] (p.1-2)

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Internal Socialist Party divisions

4.45 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. 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. [25a]

4.46 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 blocked Mr.Meta's appointment of replacements. [38c] 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. [32a]

4.47 Pandeli Majko was nominated Prime Minister designate on 6 February 2002, although Nano's supporters had supported the nomination of Ermet Kelmendi. 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. [34e]

4.48 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. 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. [32f] 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. [23h]

4.49 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. [23h] 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. Theodhori Sollaku replaced him. [32j]

4.50 A Tirana court ruled on 29 April 2002 that the murder of Democratic Party leader Azem Hajdari was an act of personal vengeance and not politically motivated. The judge sentenced the one surviving murderer, Jaho Salihi, to life imprisonment. Two brothers, Izet and Ismet Haxhia, were convicted of being accomplices and received prison sentences of between 20 and 25 years. Izet Haxhia was sentenced in absentia. Their other brother, Isamedin Haxhia, was sentenced to 2 years and 6 months in prison for illegal possessions of arms, whilst the other defendant, Fatmir Meta, was declared innocent. [32j] The Prosecution appealed against the decision from "murder because of the special qualities of the victim" to "murder for revenge". [34a]

4.51 Leaders of Albania's main political parties agreed in Tirana on 23 June 2002 to support Alfred Moisiu in a parliamentary vote for president, the following day. The decision to pick a candidate on the basis of all-party consensus came in response to repeated warnings from the European Union that Albania must establish political stability if it wants to forge closer links to Brussels. A former army general, Moisiu was deputy defence minister from 1974 to 1981. He became defence minister in 1991 during the collapse of communism and served as an adviser to the defence minister from 1992 to 1997. Artur Kuko, Albania's Ambassador to the European Union, had previously been selected as a compromise candidate but he rejected the nomination. [32k]

4.52 Prime Minister Pandeli Majko resigned on 25 July 2002, following splits in the ruling Socialist Party. Socialist Party Chairman Fatos Nano replaced him. Nano announced his new cabinet on 27 July 2002. Ilir Meta was appointed deputy Prime Minister and foreign minister, whilst Pandeli Majko reverted to the

position of Defence Minister. [38e] Nano has pledged that the priorities of his government are the integration of his government into Euro-Atlantic institutions by fighting crime and corruption. [23f]

4.53 In 18 November 2002, the three-month parliamentary investigation into alleged illegal activities carried out the SHISH, the state intelligence service, collapsed when the opposition boycotted adoption of the investigation committees final report. The report had been commissioned to investigate the failure of the SHISH's, and the service's head Fatos Klosi, to investigate the murder of Azem Hajdari. The opposition had earlier produced its own report claiming SHISH had unlawfully spied on its leaders and was involved in the killing of Hajdari. These charges were ignored in the report that had been adopted by the Socialist majority. [15d]

4.54 Albania and the European Union open officially the negotiations for Stabilisation and Association Agreement on 31 January 2003. European Commission President Romano Prodi stressed that Albania had began the process of European integration "from a lower ground" than did its neighbours but "climbed faster" than the others in order to achieve its goals. Prime Minister Fatos Nano re-iterated his commitment to eliminating "corruption, the trafficking and the opportunities for criminal networks to penetrate [society]." [32n]

4.55 Prime Minister Fatos Nano's long-running rivalry with fellow Socialist Party member Ilir Meta boiled over just before Parliament broke for summer recess at the end of July 2003. Tension came to a head when Meta, who used to hold the posts of foreign minister and deputy premier, sent an open letter to the prime minister demanding that the government speed up reforms and stamp out corruption. The Socialist leadership met to discuss the letter and resolved to take action – but Meta claimed they then failed to do so. As a consequence, Meta quit the government on 18 July 2003 accusing the leadership of seeking to preserve the status quo. Sokol Nako, Minister in charge of European Integration, resigned the following day. [25c]

4.56 President Moisiu said, in his address the Albanian Assembly, on 5 September 2003, that he believed Albania's biggest challenge was the local elections scheduled to take place the following month, describing them as Albania's passport to integration. [43]

4.57 Rivalry between Prime Minister Nano and Ilir Meta continued unabated when a faction of the ruling Socialist Party loyal to Meta, blocked the appointment of two cabinet ministers. On 23 October Meta together with 15 SP deputies crossed the floor of the Albanian Parliament to vote with the Democratic Party against the appointment of new Foreign and Interior Ministers. Meta accused Nano of treating the Socialist Party as a "private club" where internal debate was non-existent. [54d] (p.1-2)

4.58 On 30 November 2003, Ilir Meta accused Prime Minister Nano of being a "terrorist threat" in retaliation to comments made by Nano that he would

“blow up political opponents with TNT”. The comments were made in relation to the Socialist Party (SP) Congress, which took place in December to decide the leader of the SP. Nano was re-elected as party leader. [55d] [63a]

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5 State Structures

The Constitution

5.1 On 22 November 1998 the Albanian electorate approved a new Constitution, which came into force six days later. [5a] 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. [6a] [9a]

5.2 Albania is a parliamentary republic. The Republic of Albania is a unitary state, with a system of government based on the separation and balancing of legislative, executive and judicial powers: the people, through their elected representatives, exercise sovereignty. Political parties are created freely, and are required to conform to democratic principles. The fundamental political, economic and social rights and freedoms of Albanian citizens are guaranteed under the Constitution. [1] [9a]

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Citizenship and Nationality

5.3 Law No.8389 on Albanian Citizenship was adopted on 5 August 1998. Citizens of Albania may also be citizens of another state. No one can be arbitrarily deprived of Albanian citizenship, although any Albanian citizen has the right to relinquish Albanian citizenship, provided that they have acquired another citizenship or have received guarantees from the competent bodies of a foreign state for the acquisition of another citizenship. [7]

5.4 Minors acquire and reacquire citizenship, and relinquish it with the approval of their parents. Any change in the citizenship of minors aged 14-18 years old is made with the child's consent. [7]

5.5 Birth, adoption or naturalisation acquires Albanian citizenship. The citizenship of a person who has relinquished Albanian citizenship because of a promise to be granted another citizenship is reacquired if he does not acquire the promised citizenship within a reasonable time. [7]

5.6 Applications for the acquisition, reacquisition or relinquishment of Albanian citizenship, together with documents required by law, must be filed

with the Ministry of Public Order. Details must include the person's place of residence or, if the person resides abroad, with the diplomatic or consular missions of the Republic of Albania. [7]

5.7 The Albanian State, in accordance with the spirit of international conventions on the avoidance of dual citizenship and statelessness, reserves the right to require that its citizens or applicants for Albanian citizenship, choose only one citizenship. [7]

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Political system

5.8 Albania is a republic with an elected Parliament, a Prime Minister, and a President elected by the Parliament. The Prime Minister heads the government; the presidency is a largely ceremonial position with limited executive power. [2a]

5.9 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]

5.10 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. [2a] 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]

5.11 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. [7b] Prior to the 2001 election, there were three party groupings in power. The governing coalition led by the SP, also included 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 consisted of the Legality Party, the Christian Democrats, the Democratic Union Party and the Social Democratic Union Party. The third party grouping was the non-aligned centre right coalition, the United Right. It was made up of the Republican Party, the National Front Party (Balli Kombëtar), the Right Democratic Party and the Movement for Democracy Party. [1]

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The Judiciary

5.12 The Constitution provides for an independent judiciary. The judicial system is composed of district courts of the first instance, six courts of appeal, military courts of first instance and of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court hears appeals from both the district courts and the Courts of Appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government. Constitutional Court justices serve 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 9 years. [2a]

5.13 The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament. [2a]

5.14 The President of the Republic appoints the 17 members of the Supreme Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court, but such decisions must be approved by the Constitutional Court. According to the law, dismissal may be ordered based on violation of the constitution, conviction for a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation. [2a]

5.15 The President appoints the Prosecutor General with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the Prosecutor General. The President may dismiss the Prosecutor General on the recommendation of the Parliament. [2a]

5.16 According to the European Commission, the Albanian Judicial System remains weak. The infrastructure is generally poor; rulings are not always executed; magistrates, prosecutors, lawyers and administrative staff are not yet sufficiently trained. As a consequence, there is a fundamental lack of trust by the Albanian population in the delivery of justice and in the judicial institutions. Furthermore, Albania has made limited progress with regard to the judicial system. Infrastructure remains poor. Magistrates, prosecutors, lawyers and administrative staff are not yet sufficiently trained. Corruption remains widespread and affects both judges and prosecutors. [9a]

5.17 The March 2002 removal of Prosecutor General Arben Rakipi engendered constitutional debate. Rakipi took the case to the Constitutional Court, but the President appointed a new Prosecutor General before the Court ruled. The Court later found Rakipi's dismissal to be a violation of due

process, invalidated his dismissal, and directed Parliament to reconsider the matter; legal scholars were divided on whether the Court had jurisdiction in the matter. When Parliament took no action on its findings, the Constitutional Court referred the case to the Council of Europe's Venice Commission, which advised that the Court's ruling should be implemented. [2a]

5.18 During 2002, Parliament undertook a number of legal initiatives aimed at improving the functioning of the judicial system. The Law on the Organisation and Functioning of the High Council of Justice, a central instrument for the proper operation of the judicial instruments (including inspection and disciplinary mechanisms) was adopted in June 2002. The Criminal Procedures Code was amended with the aim of enhancing the fight against corruption and organised crime. The Ethical Code for public notaries and amendments to the Military Criminal Code were also adopted. In addition, during 2002, Albania ratified a number of international instruments, notably the Statute of Rome on the International Criminal Court, the Council of Europe (CoE) Convention on Cyber-Crime, and additional protocols on mutual juridical assistance. [32]

5.19 The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial; however, limited material resources in many instances prevented the court system from processing cases in a timely fashion. Many court buildings were destroyed in the 1997 civil unrest; although all have reopened, important records and legal materials were lost permanently. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and the Government respected this right in practice. Under the law, the Government provides lawyers for indigent defendants. If convicted, the accused has the right to appeal the decision within 10 days to the Court of Appeals. [2a]

5.20 The undue prolongation of investigation and court proceedings is a key problem in the Albanian judicial system. Even simple cases often last for several months owing to the failure of the prosecution, lawyer, defendant or witnesses to show up. Although judicial salaries have increased significantly since the year 2000 and salaries of judges and prosecutors were raised by 12 percent in July 2002, most judges still consider them inadequate and often resort to bribes and other illicit forms of income. Judicial corruption in Albania is rampant, and attempts to influence court cases aim predominantly at private gain. Government pressure, however, has become uncommon. [8c]

5.21 During 2002, Parliament undertook a number of legal initiatives aimed at improving the functioning of the judicial system. The Law on the Organisation and Functioning of the High Council of Justice, a central instrument for the proper operation of the judicial instruments (including inspection and disciplinary mechanisms) was adopted in June 2002. The Criminal Procedures Code was amended with the aim of enhancing the fight

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5.22 Tension continued, in 2002, 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 criminals avoid 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 tainted the courts. The Judicial Police are responsible, under the direction of prosecutors, for developing investigations initially conducted by the police. [2a]

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Legal rights / Detention

5.23 The Constitution prohibits arbitrary arrest and detention. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge in the presence of the prosecutor and the suspect's lawyer. The judge has an additional 48 hours to determine whether the suspect may continue to be detained. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not widely known and police often fail to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges. [2a] Police may detain a person for up to 10 hours for the purpose of checking identity and seeking further information. [10a]

5.24 There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees had been interrogated without their defence attorneys being present. Bail may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pre-trial confinement in cases where there is reason to believe that the accused may flee the country or pose a danger to society. The Penal Procedures Code requires completion of pretrial 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 pretrial detention as a result of delayed investigations remained a serious problem. [2a]

5.25 According to Amnesty International, detainees, including children, continued to be frequently ill-treated and sometimes tortured during arrest and in custody, usually to force confessions. [10b] The Albanian Helsinki Committee believed that violence decreased significantly as soon as a detainee gained access to a defence lawyer. It also appeared that the farther away from the capital a police station was situated, the more serious the problem was. [5f]

5.26 There were no confirmed cases of detainees being held strictly for political reasons in 2002. 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 remains pending, as of April 2003. [2a] Those charged had been released during 2000. [2d]

5.27 Controversy arose, in July 2003, over the detention of two suspected Albanian militants. Gafur Adili and Taip Mustafaj, both on the United States' blacklist of terrorist suspects, were arrested by Albanian police on 1 July near the Macedonian border. They were charged with "encouraging ethnic, national and racial hatred". However, some analysts and politicians questioned the legality of the arrests, suggesting that they were motivated by a desire to curry favour with Skopje and Washington – charges denied by the Albanian judiciary. [25b]

5.28 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.' [9a]

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Death Penalty

5.29 In September 2002, the Albanian government outlawed the death penalty by approving Protocol No.13 of the ECHR. In 1999, the Albanian Constitutional Court stated that the death penalty is unconstitutional in times of peace, but it was still permitted during a state of war. Protocol No.13 prohibits the death penalty under all circumstances. [8c]

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Internal Security

5.30 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. [10a]

5.31 Local police units that report to the Ministry of Public Order are responsible principally for internal security. 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. The National Intelligence Service is responsible for both internal and external intelligence gathering and counterintelligence. [2a]

5.32 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. [11d]

5.33 Most of the country's 13,000-member police force remained largely untrained despite assistance received from foreign governments. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights, and 462 police officers, Judicial Police Officers, and prosecutors received such training during the year. The Albanian National Police's Office of Internal Control received authority to review all police appointments and pursued investigations leading to the conviction of 16 police officials and the dismissal of 172 for various degrees of misconduct. However, the overall performance of law enforcement remained weak. The ACHR was particularly active in providing seminars and publishing texts to educate the police about the importance of respecting human rights. In addition to such training, the Ministry of Public Order updated the Police Academy's curriculum and trained 113 new officer candidates (17 females, 96 males) during 2002. [2a]

5.34 According to the Albanian Helsinki Committee, police violence could largely be attributed to the lack of adequate training, the tradition of police brutality, as well as to insufficient internal supervision. On the positive side, the AHC noted that state bodies have recently been more active in reacting to reports of police violence and in condemning them. [5f]

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Intelligence Services

5.35 The US State Department Report on Human Rights Practices in 2003 (US SDR 2003) notes that, 'The National Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. [2h] (p1) In November 1999, SHiK was renamed the State Intelligence Service (SHISH). [2a] (p.1) In addition to SHISH, the military has a special 152-man commando unit, which provides anti-terrorist services and protection under the Minister of Defence. During times of civil unrest or domestic crisis, the law allows the Minister of Public Order to request authority over the commando unit. [2h] (p1)

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Border security and relations with neighbouring countries

5.36 The Border Police hold the responsibility of surveying and controlling the state border of the Republic of Albania. [13] Albania is bordered by three countries – Greece (282 kilometres of border), the former Yugoslav Republic of Macedonia (151 kilometres) and Serbia and Montenegro. [1]

5.37 The European Union cross-border co-operation programme is assisting the government in opening up the country and developing closer links with its immediate EU neighbours, Greece and Italy. [4]

5.38 The Albanian-Greek border is isolated, rural and mountainous. The main economic activity is agriculture and the region suffers from labour market problems and unemployment, and consequently a high level of emigration to Greece. The cross-border co-operation programme provides support to overcome the socio-economic gap between the bordering Albanian and Greek regions. [4]

5.39 Since the mid-1990s, an estimated 400,000 Albanians work at any one time in Greece, and their substantial remittances contribute significantly to the Albanian economy and provide a vital economic lifeline for thousands of family. Alongside Italy, Greece is the biggest economic investor in Albania. Since 1997, Albania's relations with Greece have improved significantly, yet many bilateral problems remain over the Greek minority that exists in the south of the country. These include the granting of highly-valued Greek visas to members of the Greek minority in preference to their Muslim Albanian neighbours; pension payments made by the Greek government to ethnic Greek citizens who have never worked in Albania; and members of the Greek clergy attempting to recover and re-consecrate abandoned churches in southern Albania. Many of these churches are on land that is subject to restitution claims and where the ownership is strongly contested. [15c]

5.40 Despite several border incidents, the latter half of 2002 saw improved
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bilateral relations with the former Yugoslav Republic of Macedonia (FYROM). In November 2002, the countries respective presidents met for the first time since the August 2001 Ohrid agreement that ended fighting between Macedonia's army and ethnic Albanian rebels. A conference on bilateral relations followed where there were agreements on expanding military co-operation and co-operation against organised crime including the setting-up of joint border controls. [15d]

5.41 Relations with Montenegro are arguably the best Albania has in the region. A new border post and the abolition of entry visas for Albanian's visiting Montenegro are among several recent agreements. [15d] 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]

5.42 Albania renewed diplomatic ties with Yugoslavia (now 'Serbia and Montenegro') on 12 January 2001. Relations were cut off in April 1999 following the start of NATO's air campaign against Yugoslavia. [32c] Diplomatic relations were fully normalised in 2002. Future development of relations will be dependent on developments with respect to the future status of Kosovo. [15d]

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Prison and Prison conditions

5.43 The Albanian prison population is approximately 3,000 with an official capacity of its prison system at 2,241 (November 2002). [59] Prison conditions remained poor, and overcrowding remained a serious problem in 2002, according to the United States Department of State. Lack of space in prisons led to the detention of convicted criminals in pre-trial detention centres rather than prisons, causing substandard conditions for prisoners and significant security problems for the police forces. For example, the AHC cited an April 2002 case of a prisoner convicted of serious crimes escaping from a pre-trial detention site. In police detention centres, women sometimes were held with men; however, women were not held with men in prisons. According to the Ministry of Public Order, at year's end, 272 convicted prisoners were being held in police pre-trial detention sites rather than serving their terms in prisons. Additional convicted prisoners were among the 325 persons held in pre-trial detention conditions by the Ministry of Justice. [2a]

5.44 According to the US Department of State report on Human Rights Practices in 2003 (US SDR 2003), 'The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. In cooperation with international donors, Albania's Magistrate's School attempted to address this problem by offering continuing legal education courses in the area of juvenile justice for judges. The Ministry of Justice reported that a total of 17 minors were serving prison sentences: 6 in pretrial detention centers and 11 in Veqarr--the only

prison in the country that has a special wing for juveniles. The Children's Human Rights Center (CRCA) noted that, while juveniles at Vaqarr were held in a separate wing of the prison, they mixed with adult prisoners for showers and leisure activities. As a result, there were several reports of sexual abuse of juveniles during the year. In addition, two 17 year-old girls were serving sentences at Prison 325 for women in Tirana. Approximately 18-25 juveniles were held in pretrial detention centers. Several NGOs noted that in various police pretrial detention facilities minors often were kept in the same cells as adults and sanitary conditions generally were poor.' [2h] (p.3-4)

5.45 In 2002, the US State Department Report on Human Rights Practices found that the Albanian government had made some progress in addressing prison problems such as poor facilities and overcrowding. The Government, with international assistance, financed improvements, including the construction of a new prisons in Peqin, Rrogozhina, Kruja and Lezha. [2a] (p.3) However, the US State Department report on human rights practices in 2003 reported that despite Government efforts, conditions remained poor with overcrowding a serious problem. As a result, the prison system experienced widespread unrest in 2003 with riots and hunger strikes taking place in most of the countries prisons. [2h] (p.3) Amnesty International in a public statement on 19 February 2004, noted that pre-trial detention in Albania was in need of urgent reform. It voiced strong concerns about the length of time many detainees are held in police stations, sometimes for periods up to several years. It described one case in which nine people were required to share a cell designed for two and criticised the government for not making improvements in overcrowding, hygiene, sanitation, lighting, heating and diet. [10e] Amnesty International in its 2003 report on Albania (covering 2002) noted that, 'Conditions of detention were often harsh, and in some cases, because of overcrowding and lack of hygiene, amounted to cruel, inhuman and degrading treatment.' [10g] (p.2) Covering the same period of 2002, the International Helsinki Committee (IHC) noted that the Albanian authorities had made efforts to improve physical conditions in prisons and detention centres with support from humanitarian and human rights NGO's. While the IHC reported an improvement in conditions and facilities in the prison system as a whole it also pointed to serious problems with overcrowding in the provision of pre-trial detention facilities. The IHC also reported that a lack of funding had resulted in prisoners going without appropriate clothing, beds and access to washing and hygiene facilities. It also reported that the supply of drinking water was scarce. [5f] (p.6-7)

5.46 The Government permitted visits by international human rights observers; there were no reports of refusals to permit access for prison inspections by domestic independent human rights monitors. The Government co-operated with the International Committee of the Red Cross and with other NGOs. [2a]

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Military Service

5.47 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. [18a] Military service is 12 months long (having been reduced from 15 months in 1995) and can be served in the police force. [1] 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. [18a] Failure to respond to a call-up is punishable by the 1995 Military Criminal Code. Article 16 prescribes a fine or up to two years' imprisonment. [20] Many Albanians have left Albania illegally (i.e. without a passport) because they have dodged their military service. [18a]

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Conscientious Objection

5.48 In Albania the right of conscientious objection is not guaranteed. [20] 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. [19d]

5.49 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. [21b]

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Medical Services

5.50 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. [1] Medicines are supplied free to infants of up to one year of age. [22]

5.51 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. [22]

5.52 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. [18c]

5.53 According to the International Crisis Group, bribery is rife in the country's medical services. Many people are forced to spend all their savings for medical treatment abroad or to delay seeking advice because they cannot afford to pay the required bribe. Even before a consultation, a patient has to give the doctor money in an envelope. [15d]

5.54 People with disabilities continued to face discrimination 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 were eligible for various forms of public assistance, but budgetary constraints greatly limited the amounts they received. [2h] (p.14)

5.55 In January 2002, UNICEF reported that the number of Albanians (from statistic dating from October 2001) living with HIV and AIDS stood at around 71 cases. UNICEF reported its belief that the numbers infected with HIV are set to increase further. This assumption is based upon ongoing political, social and economic changes, high mobility of the population, the emergence of new patterns of sexual behaviour, an increase in drug use, the increase in the number of sexual workers and a lack of promotion by the Government of sexual health education. Testing for HIV and AIDS is voluntary and free of charge. Regarding treatment, opportunistic infections associated with HIV/AIDs can be treated, although a lack of resources on the part of local health services could cause problems. In 2000, the Government introduced legislation providing funding for ant-retroviral therapy. The Ministry of Health was given US\$50,000 to buy and organise anti-retroviral therapy at the time of the UNICEF report the drugs had yet to be provided. Private treatment can be provided. [64] (p.17-18)

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Educational System

5.56 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. [2h] (p.13) Primary school enrolment has been declining steadily since 1990 (falling to 80 percent of total school population in 2000), while illiteracy is on the rise, especially in younger age groups. [8c]

5.57 Article 3 of the Law on Pre-University Education guarantees all citizens
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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. [19b]

5.58 Academic freedom, while generally respected, is constrained by lack of resources; public academic institutions do not receive adequate funding. [2h]

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6 Human Rights Issues

Overview

6.1 According to the US Department of State report on Human Rights Practices in 2003 (US SDR 2003), 'The Government's human rights record remained poor in some areas; although there was some improvements, serious problems remained. Police beat and otherwise abused suspects, detainees, and prisoners. Prison conditions remained poor. The police arbitrarily arrested and detained persons and prolonged pre-trial detention was a problem.' [2h] (p.1) The judiciary was inefficient and subject to corruption; political pressure on the judiciary remained a serious problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media remained a problem. [2h] (p.1) [5e] (p.1-2)

6.2 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. [8b] (p.56) The US State Department Report on Human Rights Practices in 2002 (US SDR 2002) notes that, 'The People's Advocate (Ombudsman) became operational in 2000 investigates inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacks the power to enforce decisions, the People's Advocate acts as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgements in civil cases, wrongful dismissal, and land disputes.' [2a] (p.9)

6.3 The Commission of the European Communities, Stabilisation and Association Report 2003 notes that, 'During 2002, the Ombudsman Office administered about 4,600 complaints, representing nearly 70% increase over 2001, although 1,100 cases were found to be outside the competence of the office. From those admitted, 556 were resolved in favour of the complainant. The public awareness of the Ombudsman function has continued to grow. The most common complaints examined by the Ombudsman office have concerned police behaviour and lack of enforcement of court decisions. However, it has also contributed to resolve a number of highly controversial cases concerning property and blood feud, and helped to improve the conditions of detained people, for example, by providing them with access to

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free phone lines.' [9a] (p.8)

6.4 The People's Advocate dealt with increasing complaints during 2003 as more people became familiar with the services provided by the office. [2h] (p.4) The People's Advocate was reported to have full backing of the Government and had authorised access to information from all public agencies. [2a] (p.9-10)

6.5 Amnesty International noted in May 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. [10a] (p.3) Although there may be as many as 800 NGOs in Albania, Freedom House considers that their impact on daily life is limited. International donors primarily have shaped local NGOs and the dependency on foreign funding often hinders the ability of NGOs to set long-term strategies and sometimes neglects the needs they are intended to serve. [8c] (p.2) Furthermore, the European Commission noted that limited progress was made in 2003 with regard to civil society and that it still remains at an early stage of development. [9a] (p.4)

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Torture

6.6 The US State Department Report on Human Rights Practices in 2003 (US SDR 2003) notes that, 'The Constitution prohibits such actions, and the Penal Code makes the use of torture a crime punishable by up to 20 years' imprisonment; however, the police at times beat and tortured suspects.' [2h] (p.2) In July 2003, the Government signed an optional protocol that required it to protect its citizens from torture and ill-treatment. Two of the main human rights groups, the Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG), continued to report that police forces nationwide used torture and inhumane or excessive treatment, but reported that the number of such cases had continued to decrease. [2h] (p.2) Both NGO's reported that most cases of mistreatment took place at the time of arrest or initial detention. Roma and minors were particularly vulnerable whilst in detention.' [2h] (p.2) Amnesty International claims that torture and ill treatment of detainees during arrest or subsequently was common and that in some cases ill treatment was so severe as to amount to torture'. [10g] (p.1)

6.7 Amnesty International in 'Torture and ill-treatment, an end to impunity?', May 2001, noted that, 'Albania acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1991; to the UN Convention on the Rights of the Child (CRC) in 1992; and to the United Nations Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in 1994. In August 1996 it acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.' [10a] (p.2)

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Extrajudicial Killings

6.8 The US State Department Report on Human Rights Practices in 2003 (US SDR 2003), reported the killing of one person during the year. It further noted that, 'In January, police in Korca arrested and beat Gazmend Tahirllari, who later died at a local hospital shortly after being released from police custody. An official cover-up followed, with alcohol poisoning reported as the cause of death; however, under pressure from the People's Advocate (the Government's ombudsman), the case was reopened and it was determined that Tahirllari died of a cerebral hemorrhage resulting from blows to the head. The Minister of Public Order fired the Director of Police and the Chief of Commissariat and the six officers directly involved in the beating were prosecuted. In March, they were convicted (one in absentia), receiving sentences ranging from 4 months to 16 years in prison.' [2h] (p.1-2)

6.9 High levels of violent crime continued to occur throughout the country. Many murders were the result of criminal gang conflicts, clan vigilante actions or more traditional "blood feuds". [2h] (p.2) The United Nations reported that during 2002 Albania experienced one of the highest murder rates of any European nation with around 12.2 murders per 100,000 people. [49] (p.2) On the other hand, statistics released by the Albanian Ministry of Public Order reported that attacks on people fell from 1,548 cases in 2001, to 1,446 cases in 2002. Similarly, it also reported that the number of murders fell from 39 cases in 2001 to 29 cases in 2002. [23b]

(Please also see paragraph's 6.125-135 on the Blood Feuds)

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Disappearances

6.10 The US State Department Report on Human Rights Practices in 2003 (US SDR 2003) notes that, 'There were no reports of politically motivated disappearances.' [2h] (p.2)

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Freedom of Speech and the Media

6.11 The Law provides for freedom of speech and of the press. The media was active and unrestrained. However, there were serious, fundamental problems with the use of the media for political purposes. Political interference in the media remained a problem and influence was generally exerted through funding lines i.e. publishers and newspaper owners often used media outlets to further their own political and economic interests. [2h] (p.7) Criminal prosecutions have had an effect on damping down some media criticism of the Government and other public bodies. Libel carries criminal sentences;

punishment for libel varies from a fine to 2 years' imprisonment. [2h] (p.8)

6.12 Sensationalism is the norm in the newspapers, and the political party-oriented newspapers print gossip, unsubstantiated accusations, and outright fabrications. [2g] (p.6) The US SDR 2003 notes that, 'Daily circulation of all newspapers was estimated at 76,500. Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The opposition media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. At least 2 newspapers were published in Greek in the south of Albania, and 15 Greek papers and magazines were distributed throughout the south. These dailies and weeklies had very small circulation figures.' [2h] (p.7) Foreign newspapers and magazines are obtainable in Tirana on a regular basis. The foreign press is more or less unavailable outside Tirana. [16] (p.52)

6.13 The Albanian press is diverse, with the main newspapers being Koha Jonë (independent), Rilindja Demokratike, supporting the Democratic Party, and Zëri Popullit, supporting the Socialist Party. [16] (p.52) Koha Jonë and Gazeta Shqiptare, the other main independent newspaper, tend to be sympathetic to the government. Other newspapers include 'Bashkimi' (the journalists' union daily) 'Republika' (Republican Party); 'LIRIA' (Legality Movement Party), 'ORA e Shqiperise' (Christian Democratic Party), 'Alternativa Social Demokrate' (Social Democratic Party), 'Progresui Agrar' (Agrarian Party) and 'Albania' (DP). Only a dozen or so regional cities have a weekly newspaper. The regional press has 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). [8b] (p.54)

6.14 In its Annual Report of 2003, Reporters Without Borders, noted that, Albania still does not conform to international norms of press freedom and the country's courts go along with this. Suits for libel threaten the local media, in particular: if successful the suits may lead to up to two years imprisonment. Gaps in the law oblige journalists to practice broad self-censorship. The amount of damages is arbitrarily decided. Presumption of innocence is routinely brushed aside and it is up to journalists to prove their good faith and the accuracy of their writing. Neither do the courts recognise the right of journalists not to reveal their sources. Despite these breaches of international and European standards, the authorities made an effort to improve the situation with parliamentary approval on 7 November 2002 of an amended broadcasting law, drawn up with the help of the Organisation for Security and Co-operation in Europe. [24]

6.15 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. [18d] Albanian Law states that three copies of all publications issued in Albania must be sent to the National Library. [18e]

6.16 Competition among the print media is keen. 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 the two dominant political parties - the SP or DP - news coverage tends to be highly partisan. [25a] Politicians often bribe or otherwise induce journalists to write negative articles about their rivals. [8a] (p.18)

6.17 The US SDR 2003 notes that, 'The Government's Albanian Radio and Television (RTSh) is the sole public broadcaster in the country. RTSh consists of a national television station and a national radio station. National television broadcasts 17 hours a day and reaches 94 percent of the population. National television also broadcasts a 2-hour, Albanian-language regional satellite program that is viewed widely throughout Europe. National radio broadcasts on two channels--one for 19 hours and the other for 5 hours per day. National radio operated a foreign language service that broadcasts in 7 languages, including Greek. Television is highly influential; it was estimated that up to 80 percent of the public obtain their news and information from television. Television programming included some responsible journalism; however, political affiliation was pervasive in programming. The majority of stations were one-sided in their political coverage.' [2h] (p.7) 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. Several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses; however, these regulations were enforced weakly. [2h] (p.7)

6.18 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. [19b] (p.7)

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Journalists

6.19 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. A number of journalists working for pro-DP media outlets were reportedly harassed during the election campaign of 2001. [26] (p.3-

4) Journalists investigating politically sensitive issues, such as organised crime or corruption, also continued to face security risks. [10a] (p.15)

6.20 Freedom House in Nations In Transit - 2003 noted that, 'Intimidation, unlawful arrests, and physical attacks against journalists are still widespread throughout the country and go largely unpunished. Carried out by police officials and organised crime groups, the attacks usually respond to press criticism of politicians and government officials.' [8c] (p.62) Reporters Without Borders (RWB) in its 'Albania – Annual Report 2003', reported that after more than a decade of democracy, human rights and press freedom are still not guaranteed by law. [24]

6.21 The US State Department Report on Human Rights Practices 2003 further noted that, 'Occasionally physical violence was used against journalists; politicians dissatisfied with media coverage sometimes assaulted or threatened members of the media. In March, AHRG reported that Tomorr Skreli, Chief Justice of the Appeals Court in Gjirokastra, made violent threats against Engjell Seriani, the director of Dita Jug, a regional newspaper. According to the AHRG press release, Skreli was unhappy with Seriani's report on a court case. In October, television reporter Ilir Babaramo accused the Minister of Public Order, Luan Rama, of physically attacking him in a public restaurant. According to reports, Rama was angered by Babaramo's unflattering report about the number of unsolved, high profile crimes committed under Rama's tenure. Press reports indicated that Rama's bodyguards also kicked and punched Babaramo until bystanders intervened. Several journalists' groups and human rights organizations called for Rama to be removed from office; Rama, a former journalist, resigned 2 days later.' [2h] (p.7)

6.22 Freedom House in its 2003 'Nations In Transit' report noted that, 'In late October 2002, the Koha Jone Media Company became the target of government pressure following the publication of commentaries critical of Prime Minister Nano. Shortly after the articles were published, several government agencies sent inspectors to check the group's compliance with financial, labour and other regulations.' [8c] (p.62) The International Helsinki Federation 'Human Rights in the OSCE Region' report 2003 noted that, 'The inspectors seized possession of all financial documentation of the Koha Media Group. While the inspections may be lawful on the face of it, their timing, unusual nature and surrounding circumstances raised strong suspicions that they were being used to retaliate against the newspaper.' [5f] (p.3)

6.23 Freedom House in its 2003 'Nations In Transit' report noted that, 'Over 70 percent of Albania's print and electronic journalists work without contract. Employers do not make social contributions, and journalists tend to move frequently from one media outlet to another to obtain higher salaries. The influence of the two main press associations in Albania – the Albanian Professional Journalists Association and the Albanian Journalists League – is limited.' [8c] (p.63)

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Freedom of Religion

6.24 The US State Department Report on 'International Religious Freedom, Albania 2003, noted that, 'The Constitution provides for freedom of religion and the Government generally respects this right in practice...According to the 1998 Constitution, there is no official religion and all religions are equal. However, the predominant religious communities (Sunni, Bektashi, 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 religious groups have the right to hold bank accounts and to own property and buildings. Religious movements, with the exception of the four de facto recognised religions, may acquire the official status of a juridical person only by registering with the courts under the Law on Associations. The Law recognises the status of a non-profit organisation 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 maintains records and statistics on foreign religious organisations that contacted it for assistance.' [2b] (p.2)

6.25 The US State Department Report on 'International Religious Freedom Albania 2003 notes that, 'The majority of citizens are secular in orientation after decades of rigidly enforced atheism under the Communist regime...Despite such secularism, most citizens traditionally associate themselves with a religious group. Citizens 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).' [2b] (p.1)

6.26 The Albanian Orthodox and Roman Catholic Churches are the other large denominations: 20 – 30 percent are Albanian Orthodox and 10 percent are Roman Catholic. [2b] (p.1) Orthodox Christians in Albania often come from the south and are Tosks who have been under the influence of aspects of Greek language and culture for a very long time. The Orthodox Church publishes an information newspaper in Albanian, Ngjallja. The Roman Catholic community is based mainly in the north-west around Shkodra. [16] (p.95)

6.27 With the restoration of the freedom of religion in 1990, a large number of foreign evangelical groups are active in Albania. Some of them are mainstream Christian evangelists, others hold a variety of highly unconventional views and beliefs. [16] (p.96-97) The Albanian Evangelical Alliance, an association of approximately 87 - 100 Protestant Churches, complained that it had encountered administrative obstacles to building churches, accessing the media, obtaining residence permits, and receiving exemptions from customs duties. The growing evangelical community continued to seek

official recognition as bona fide religious institutions similar to that enjoyed by the four main groups. [2a] (p.7) [2h] (p.9)

6.28 Intermarriage among religious groups is common. Relations between the four main religious groups remains amicable; religious communities take pride in the tolerance and understanding that prevails among them. [2b] (p.3)
The International Crisis Group (ICG) noted concern at the growing number of radical young men returning to Albania from studies at extremist Islamic institutions abroad which it believes is likely to broaden conflict within the Islamic community. The ICG also highlighted the January 2003 murder of the prominent Islamic official, Salih Tivari. Tivari had complained to the SHISH that he felt threatened by the increasing presence of young people who were trying to introduce fundamentalism. [51] Those responsible for the murder of Salih Tivari remained at large as of September 2003. [35]

6.29 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. [2b] (p.2)

6.30 The Government is secular, and religion is not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, students were not allowed to do so in practice. The Ministry of Education contended that public schools in the country were secular and that the law prohibited ideological and religious indoctrination. Female Muslim students were not allowed to wear headscarves in public schools. There are 14 religious schools in the country, with approximately 2,600 students. [2b] (p.2-3)

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Freedom of Assembly and Association

6.31 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, 'The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. The law requires organisers to obtain permits for gatherings in public places, and the police may refuse to issue for reasons such as security and traffic; however, there were no reports that such permits were withheld arbitrarily...The Constitution provides for the right of association, and the Government generally respected this right; however, the Constitution prohibits the formation of any political 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. There were no reports that this provision was used against any group. A political

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party must apply to the Tirana District Court for registration and declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, describe its organisational structure, and account for all public and private funds it receives. Registration was granted routinely.’ [2h] (p.9)

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Employment Rights

6.32 The Constitution and the Labour Code prohibit forced or bonded labour, including by children. However, it was common for children to work in most sectors of the economy. The Labour Code sets the minimum age of employment at 16 years and limits the amount and type of labour that can be performed by children under the age of 18. [2h] (p.16)

6.33 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, ‘The legal minimum wage for all workers over the age of 16 was approximately \$85 (9,354 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Many workers looked for second jobs, which were difficult to find. Remittances from those working abroad were very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$160 (17,608 lek) per month. Persons who worked and lived in urban areas earned almost 50 percent more than counterparts in rural areas, and poverty is greater in rural areas. More than 17 percent of the population lived under the official poverty line’. [2h] (p.17) During 2003 the Government introduced changes to the Labour Code that reduced the statutory limit on working hours from 48 to 40 per week. However, in practice, working hours were usually set by individual or collective agreements. Regular 6 day working was common; overtime payment must be provided by law along with statutory rest periods; however, these were not always observed in practice.’ [2h] (p.17)

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Trade Unions and the right to strike

6.34 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, ‘Workers have the right to form independent trade unions, and workers exercised this right in practice.’ [2h] (p.15) The 1995 Labour Code established procedures for the protection of workers’ rights through collective bargaining agreements. In addition, the 1995 labour code sets forth the requirements unions pertaining to registration, representation of employers’ interests in court, the raising of tax-exempt funds and their right to function without interference from the government, employers or employer organisations. [8b] (p.6) The US SDR 2003 noted that, ‘Two major federations

act as umbrella organisations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership approximately 85,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organisations experienced another drop in membership during the year due to increasing unemployment. [2h] (p.15) Their influence is now limited primarily to state-owned companies. [8c] (p.60) Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions. The law does not prohibit antiunion discrimination; however, there was no such discrimination in practice. [2a] (p.12)

6.35 The US SDR 2003 notes that, 'Unions are free to join and maintain ties with international organisations. Twelve federations, which were part of the Albanian Confederation of Trade Unions, were members of the International Confederation of Free Trade Unions.' [2h] (p.15)

6.36 The US SDR 2003 notes that, 'Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organise and bargain collectively, and the Labour Code establishes procedures for the protection of workers' rights through collective bargaining agreements; however, labour unions operated from a weak position, given the country's high level of unemployment. In practice unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.' [2h] (p.16)

6.37 The US SDR 2003 further notes that, 'The Constitution and other legislation provide that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political.' [2h] (p.16)

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People Trafficking

(see also paragraph's 6.106 to 6.119 on Women trafficked for the purposes of sexual exploitation)

6.38 The International Helsinki Federation for Human Rights, 'Special Issue' July 2000, reported that, '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.' [5b] (p.1)

6.39 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, 'The law criminalises trafficking in persons and

provides penalties for traffickers; however, trafficking in persons, particularly women and children, remain serious problems. Police corruption and involvement in trafficking was a problem.' [2h] (p.17)

6.40 The US SDR 2003 further noted that, 'A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The General Prosecutor's office and police did not follow through on plans to establish an Organised Crime Strike force to handle high profile and sensitive cases.' [2h] (p.17) The Governments inability to prosecute significant numbers of traffickers remained a problem. [2h] (p.17)

6.41 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. [23i]

6.42 In 2001, the United States State Department promoted Albania from a "Tier 3" country to a "Tier 2" country in terms of its activities in attempting to combat human trafficking. [2c] (p.1) The US State Department Report on Human Trafficking 2003 (US Trafficking-2003) noted that, 'The Government of Albania does not meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In the past year, the government improved its law enforcement efforts, particularly in co-operation with Italy; police significantly reduced clandestine speedboat traffic across the Adriatic, and the number of foreign women transited through Albania for Western destinations decreased measurably. Nevertheless, corruption and lack of protection for vulnerable children remained problematic.' [2c] (p.1)

6.43 The US Trafficking-2003 further noted that, 'The Government's Inter-Ministerial Commission on Human Trafficking co-ordinates its National Action Plan, now in its second phase of completion. Part of this plan included the appointment of a Minister of State who serves as the country's anti-trafficking co-ordinator. In this role, the Minister works with various ministries, NGOs and the international community to address trafficking in Albania. The Ministry of Education participated with NGOs to train teachers and to produce and disseminate information in schools on the dangers and mechanics of human trafficking. A series of 12 programmes on public awareness was broadcast on television in 2002. The Ministry of Public Order completed a significant study indicating that more than 5,000 Albanian women and girls were trafficked into prostitution in the last decade.' [2c] (p.1)

6.44 The US Trafficking-2003 also noted that, 'The Chief of the Ministry of Public Order's (MOPO) Anti -Trafficking Sector co-ordinates the government's anti-trafficking law enforcement activities. The MOPO has a unit in each

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prefecture, and recently created a delta force to enhance operations. Prosecutions of traffickers increased in the past year, as did efforts to punish or arrest corrupt government officials for involvement in trafficking; however, corruption is a major problem with little follow-through on most investigations. The government continues to show inadequate conviction and sentencing rates, with most defendants released for lack of evidence or ultimately charged with lesser crimes. The Organised Crime Sector and the Office of Internal Control also conduct specific anti-trafficking actions.' [2c] (p.1)

6.45 The Government showed increased effectiveness in co-ordinated law enforcement efforts with the governments of the Balkans, Greece, Turkey and the Ukraine through the Southeast Europe Co-operation Initiative (SECI), based in Bucharest. 'Operation Mirage 2003' resulted in the arrest of 125 persons involved in trafficking following raids, in two phases, on 800 establishments in September. [11i] (p.7) UNICEF noted in their 2003 report on Trafficking that they considered that that 'The recent actions of the Albanian government had had a huge impact in lowering the numbers of trafficking victims transited through Albania in the previous year.' [14] (p.34) However, whilst the Albanian government have achieved real and improved successes' in terms of arrests, most NGOs consider that these positive results need to be backed up by the successful prosecution of those responsible. [11i] (p.7) [14] (p.38) Its new Three-Port Strategy increased its ability to monitor its porous borders and its overall interdiction capabilities. Albanian police also improved their investigative and operational capabilities. In April 2003, the National Police conducted a three-day, cross-country sweep targeting traffickers, and the Organised Crime Unit, working with Italian police, disabled a sophisticated child-trafficking network, arresting high-ranking local customs and law enforcement officials. [2h] (p.17-19)

6.46 The US Trafficking-2003 further noted that, 'Through its nation-wide anti-trafficking units, police refer victims to victim assistance and protection centres throughout Albania, including the Linza shelter, which the government opened in March 2003. The centres provide reintegration and education for domestic victims and repatriation for foreign victims. Phase two of the National Action Plan mandates creation of a witness protection program that currently is lacking. In the absence of a witness protection system, the government has taken limited measures to protect witnesses, mostly ad hoc and relying on NGOs and foreign governments. With funding by IOM, six police commissariats opened temporary witness protection shelters in 2003. The government hosted the Third Regional Ministerial Forum that produced a regional government declaration on the legalisation of victims' status in destination countries.' [2c] (p.1)

6.47 In June 2003, the OSCE established a memorandum of understanding with the Albanian government to formalise the ongoing operation of the Witness Protection Task Force. [11i] (p.7-8) [14] (p.38) The OSCE Report to the Permanent Council, 20 November 2003, reported that, 'In recent cases of witness relocation, the Albanian government was able to fund victim escorting

for the first time. This is seen as an important first step towards the transfer of the task forces' duties to the Albanian authorities.' [11i] (p.7) A bill on witness protection is pending in the Albanian Assembly. [11i] (p.7)

6.48 The OSCE was responsible for setting up, in 2002, the Victims Assistance Project to provide legal advice and appropriate counselling for victims of trafficking who are repatriated to Albania. The project is the result of a close relationship with the anti-trafficking teams of the Albanian police and the prosecutor's office. [11h] (p.2)

6.49 Following a presidential decree, Albania's Serious Crime Court was inaugurated on 1 January this year. The court provides a parallel structure to the ordinary court system and will specifically deal with criminal offences carrying a minimum sentence of 15 years. On 7 January President Moisiu appointed 12 prosecutors who will target what are considered to be more serious crimes, including organised crime, human and drug trafficking and blood feuds. [11i] (p.7) [52a]

6.50 Albania declared a national day of mourning in January following the drowning of up to 27 individuals during a night crossing from Vlora to Italy. The Italian navy assisted Albanian authorities in the search and rescue mission. 21 bodies were recovered from the sea and 6 others were reported missing. 11 survivors of the tragedy were returned to Albania. The Albanian authorities are reported to have arrested two of the traffickers, one of whom is reported to be the son of a leading member of the ant-terrorist section of Shkoder police. Two police officers and a port official were also arrested. [25d] [38f]

6.51 The Italian government reported a considerable decrease in the numbers of illegal immigrants arriving from Albania since signing a co-operation agreement with the Albanian government in 1997. Measures include increased patrols by the Italian navy in the Adriatic and the Straights of Otranto and a permanent presence in the port of Vlora. The Italian authorities report that the numbers of illegal immigrants caught trying to disembark in Italy has fallen very rapidly from a high of 18,900 in 2000 to only 140 (provisional figure) in 2003 [38g]

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Freedom of Movement

6.52 Freedom of Movement is enshrined in the constitution; the Government generally respected these rights. [2h] (p.10)

6.53 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, '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

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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. During the year, the Ministry of Local Government began a nation-wide project on citizen registration, financed in part by Italy in the framework of the Stability Pact.' [2h] (p.10) In November 2002, the Government enacted three laws on civil status to improve local registration practices and create a standardised national identification document. [2a] (p.8) However, in the year following the introduction of the new laws the Government had done little in practice to improve the situation. [2h] (p.10)

6.54 The US SDR 2002 notes that, 'Citizens who fled the country during or after the Communist regime are able to return and, if they lost their citizenship, they are able to have it restored. Citizens born in the country who emigrate may hold dual citizenship.' [2a] (p.8)

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Treatment of Asylum Seekers

6.55 The US State Department Report 2003 (US SDR 2003) notes that, '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 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who did not qualify as refugees or asylees. There is an appeals procedure, but it was not functioning during the year.' [2h] (p.10)

6.56 US SDR 2003 reported that, 'The Government co-operated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organisations in assisting refugees and in efforts to strengthen the asylum system. There were no mass refugee situations during the year.' [2h] (p.10)

6.57 The UNHCR provided social service support for the refugee community and co-ordinated further assistance through a network of NGOs that provide health care coverage, insurance, and limited training. The Government's Office for Refugees at the Ministry of Local Government played a key role in facilitating and co-ordinating the work of these groups. [2h] (p.10)

6.58 Albania accepted approximately 480,000 refugees fleeing Kosovo in 1999. [19b] (p.4) In May 2001, UNHCR closed the last refugee camp for Kosovars. [2a] (p.8) 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. [19b] (p.4-5)

6.B Human Rights – Specific Groups

Women

6.59 Violence against women; specifically spousal abuse, remained a serious problem. Albanian society is traditionally male-dominated with a degree of violence against women being culturally acceptable. [2h] (p.12) Consequentially, such attitudes have resulted in a lax police response with most abuse going unreported. Rape is punishable by law, as is spousal rape. However, in practice spousal rape was not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and consequently, such acts often were not considered crimes by the authorities or the public. For this reason, it was difficult to quantify the number of women who have experienced rape, domestic violence, or sexual harassment. A Counselling Centre for Women and Girls reported that during 2002, its Tirana hotline received 80 – 100 calls per month from women reporting some form of violence. [2h] (p.12) A 1999 poll conducted by the NGO Advice Centre for Women and Girls showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse. [2h] (p.12)

6.60 US SDR 2003 reports that, 'Many men, particularly those from the north-eastern part of the country, still followed the traditional code - the kanun - in which women are considered to be, and are treated as, chattel. Under the kanun, a woman's duty is to serve her husband and to be subordinate to him in all matters.' [2h] (p.13) Similarly, these same sections of Albanian society view women as lesser citizens, equating them in value to "half a man" or a "dog". [40] (p.2)

6.61 US SDR 2003 reports that, 'Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and well-educated women were often under-employed or to work outside their field of training. An increasing number of women continued to open shops and small businesses.' [2h] (p.13)

6.62 On 20 December 2003 the Family Code came into force. Article 62 of the code provides for the protection of female victims of domestic violence. Victims can request a provisional order from the court to remove the accused spouse from the family environment. The court order is valid until completion of court proceedings in the case. However, it is reported that a number of problems have affected the successful functioning of the Family Code. Frequent difficulties and delays in obtaining court orders were reported with requests for restriction orders as a result of domestic violence treated with no

more priority than any other civil matter. When restriction orders are granted then can be a delay of a month or more from the initial hearing where the accused will be made aware of the complaint. No statutory witness protection is provided under the Family Code but will be provided in serious crime cases. [18g]

6.63 Currently, there is no clear definition of domestic violence in Albanian law, nor is there any specific law against domestic violence. There are, however, laws against violence and violent behaviour that can be used in the context of domestic violence. This means that domestic violence is prosecuted under general assault laws. [18h] [62] Thus, a victim, e.g. a woman victim of a crime committed by her husband, can report the commission of the crime to the prosecutor or the officer of judicial police. If a simple citizen is aware of the commission of a crime, he must report it to the above bodies. Report is submitted in writing or orally, in person or through one's representative. There were 21 cases initiated by the prosecutor or judicial police in Tirana District Court for the year 2002. [44] (p.5)

6.64 The South Eastern Woman's Legal Initiative (SEELINE), Criminal Code Report notes that, 'Through the prosecutor who represents the accused, a woman can ask for prohibiting the man to stay home in the course of his criminal proceedings. This might be considered as a personal security measure or a specific measure providing for prohibition or obligation to stay in a certain place (e.g. in this case, the place is identified as the house). The reason for such a request might be that the defendant might commit the same or graver criminal offences than the offence he is subject to in the criminal proceedings. In such a case, the court, prior to determining the application of the personal security measure, takes into account the gravity of the offence for which the proceedings have started. There are no discriminatory court procedures concerning women victims of violence.' [44] (p.5)

6.65 If a woman reports the crime and the police do nothing, she can file a criminal lawsuit against the police. Moreover, she can file a request against them via the People's Advocate Office for violation of her rights. Since 1997, the Women's Bar Association, a project of the Women Lawyers Association, has been offering legal aid and legal counselling for women who are having legal problems such as divorce, property rights, custody over children, etc. There are four attorneys working to defend and represent their clients in the court. The association has branches in Shkodra, a city in the north of Albania. The service is free of charge and held by source to be a very professional one. [44] (p.5-6)

6.66 SEELINE also reported that, 'There is an entire NGO network called "Network against Gender Violence and Trafficking", which provides a lot of direct and indirect services to abused women... The Women's Bar Association offers legal aid and legal counselling for women who are having legal problems, such as divorce, property rights, custody over children, etc. Shelter For Abused Women and Girls offers shelter for women and girls who are in difficulties, crisis or risk, really or potentially threatened by domestic violence,

abuse, rape, etc. This category is offered emotional support, delegation to medical services or other specialised services, legal advice, housing and connections to available resources in the community. The Counselling Centre for Women and Girl offers emotional support for those who have experienced domestic violence or are eminently at risk. This service is provided through a phone line or face to face in one or several counselling rounds. This centre has branches even in other cities, such as Shkodra and Pogradec. The Women's Centre is in the core of the above-mentioned network, offering and playing an active role in co-ordination of and campaigning for the prevention of violence generally and domestic violence specifically. Reflections Women's Association is linked with different enterprises offering possibilities of employment for women generally and abused women specifically.' [44] (p.10)

6.67 Trafficking in women and girls for the purpose of sexual exploitation is still a serious problem. [56] However, UNICEF estimated that during 2002 the number of women trafficked out of Albania for the purpose of sexual exploitation was probably low. [14] (p.35)

(Please also see paragraph's 6.94-6.108 on Women trafficked for sexual exploitation)

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Children

6.68 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, 'The Government's commitment to children's rights and welfare is codified in domestic law...The law provides for the right to 8 years of free education and also authorises private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first); however, in practice many children left school earlier than allowed by law in order to work with their families, especially in rural areas. For example, according to a study conducted by CRCA in 2000, approximately 38 percent of adolescents dropped out of school to gain employment; however, the Government placed this figure at 3 percent. The lack of proper documents – many of which has been lost due to internal migration - prevented many students from attending school.' [21] (p13)

6.69 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. [104] (p.9-13)

6.70 The State Committee on Equal Opportunity, who took over the responsibilities of the State Committee on Women and Children, is

responsible for children's issues; however, it was under-funded and lacked political influence. [2h] (p.13)

6.71 The US SDR 2003 notes that, 'Various NGOs worked on children's issues, including Useful to Albanian Women, the Children's Human Right's Center in Albania, and the Albanian Children's Alliance, which is made up of 150 organisations across the country. International organisations active in this area included UNICEF, Save the Children, Caritas, and Catholic Relief Services.' [2h] (p.14)

6.72 The US SDR 2003 notes that, 'Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that this enforcement took place. The CRCA estimated that roughly 50,000 children under the age of 18 worked either full or part time [2h] (p.16) Some children as young as 4 years of age were reported as employed, with some working as many as 16 hours a day. According to the CRCA, the majority of child labourers worked as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes. However, in Tirana Roma children were usually put to work as beggars or sold cigarettes and other items on the street. The police reportedly turned a blind eye to these practices. [2a] (p.13)

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Child-care institutions

6.73 Within Albania, there are 10 social welfare children's institutions and 12 private children's institutions. According to statistics provided by the Ministry of Labour and Social Affairs to the International Social Services, Albanian Delegation, 'the capacity of space within these institutions is greater than the number of children currently housed within them. These institutions are located within the bigger cities of Albania. The Ministry of Labour is responsible for the monitoring of the activities in these institutions. The training within them is organised by the Ministry of Labour in collaboration with Albanian and Foreign NGO's working within our country.' [28] (p.1)

6.74 The International Social Services, Albanian Delegation, also noted that, Children aged 14 years old and under are accepted within these institutions. 'If a child hasn't finished mandatory elementary school, then a child may remain within the institution until they are 17 years old on the basis that they resided there before they reached the age of 14. One institution, the SOS Village in Tirana has an age limit of 18 years of age.' [28] (p.1)

6.75 The capacity of these institutions ranges between 30 and 105 children. In all these institutions, contact with parents is possible via an appointment with the respective social worker. [28]

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Ethnic Groups

6.76 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, 'The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to study and be taught in their mother tongue, and to unite in organisations and associations for the protection of their interests and identity." The Minority Affairs Office within the Ministry of Foreign Affairs was the highest authority on minority issues and monitored the country's compliance with international obligations and commitments as they relate to minority issues. The office maintained contact with organisations representing minority groups, and served as a co-ordinating body for other relevant ministries within the government.' [2h] (p.14)

6.77 The Council of Europe Second Report on Albania 2001 notes that, '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.' [19b] (p.2)

6.78 The Council of Europe Second Report on Albania 2001 further notes that, '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.' [19b] (p.2)

6.79 The Albanian Parliament has ratified the European Framework Convention for the Protection of the Minorities, which was entered into force on 1 January 2000. [19a] The Council of Europe's Advisory Committee on the Framework Convention has expressed concern that, despite the historic presence of Egyptians in Albania, they were excluded from the protection of the Convention and were regarded as part of the Roma minority or Albanian population. [5f] (p.9-10)

6.80 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. These steps have been achieved 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.' [19b] (p.2)

6.81 No recent official statistics exist regarding the size of the various ethnic communities. The Government omitted questions regarding ethnicity and religion in the Government census in 2001. [2h] (p.14)

6.82 The largest ethnic minorities in Albania are Greek and Roma. There are also Vlachs and Macedonians, and a very small community of Armenians; and a number of individuals of direct Turkish descent. [16] (p.100)

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Greek minority

6.83 The Greek minority has been in Albania for a very long time, with Greek nationalists claiming direct lineage from antiquity, while Albanians believe that the minority are descended from indentured labourers brought in during Ottoman rule. Their number is a highly controversial question with the Albanian government admitting about 40,000 people, the Greek government claiming at least 100,000, while some irredentist Greek organisations representing Vlorë Epirote (Northern Epirus) interests claim as many as 200,000. [16] (p.101)

6.84 Currently, Greek settlement is concentrated in the region adjoining the Greek border, centring on the cities of Saranda and Gjirokastra, in the valley of the Drinos river, with a long chain of Greek minority villages strung out along the river between the border and Gjirokastra, and the coast of the Albanian Riviera as far north as Vlora. There is a Greek presence in and around the city of Korça. There are also a substantial amount of Greeks in Tirana and other large cities. [16] (p.101)

6.85 A pressure group, and subsequent political party, Omonia (Sociopolitical Organisation – Democratic Party of the Greek Minority), was founded in 1991, initially taking an active role in securing the return of ecclesiastical Greek Orthodox properties. [2h] (p.14)

6.86 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, 'The ethnic Greek minority led by Omonia collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained of 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"; to utilise Greek on official documents and on public signs in ethnic Greek areas; 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.' [2h] (p.14-15)

6.87 The US SDR 2003 also noted that, 'Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students, and Gjirokaster has two high schools. There also is a Greek chair at the University of Gjirokaster. However, Omonia said that the ethnic Greeks needed more classes both within and outside the so-called minority zones.' [2h] (p.15) The Albanian Helsinki Committee noted that, in 2002, every predominantly Greek village and the three towns of Gjirokastra, Devlina and Saranda had Greek language education from elementary to high school level, to varying degrees, and in predominantly Greek areas to university level. [5f] (p.8)

6.88 Ethnic Greeks participated actively in various political parties, particularly the Human Rights Union Party. In 2003, there were five ethnic-Greeks in Parliament and held two ministerial positions. [2h] (p.11)

6.89 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 rumour spread within criminal circles identifying members of ethnic minorities as richer and in receipt of greater incomes. However, the efficiency of the fight against criminality in 1999 bought back confidence to law, order and peace among the Greek minority. [5c] (p.4-5)

6.90 The first ethnic Greek to become a member of the country's Supreme Court was appointed by then 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. [27]

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Macedonian Minority

6.91 There are estimated to be about 10,000-15,000 Slav-speaking Macedonians in Albania, most of them concentrated in villages near Peshkopi, or in the area near Lake Ochrid. The southern group, near Ochrid speak, a language that is closely related to Bulgarian, and are thought to be descended from immigrants from the east who moved into the area when it was under Bulgarian rule. The Peshkopi villagers speak a language with more Serbian

elements, apart from an area near Shishtavec where Bulgarian elements predominate. These people are known as Gorani. [16] (p.102)

6.92 According to the findings of Albanian Helsinki Committee fact-finding missions, conducted in 2002, Macedonian villagers were not usually subjected to discrimination, inequality or ill-treatment based on ethnicity. However, while the Ministry of Education as early as 1994 decided to take measures to implement the provisions of the Framework Convention as regards Macedonian language instruction in schools, in some cases such classes have not been set up because the number of interested pupils was too small. [5f] (p.8-9)

6.93 Ethnic Macedonians interests are represented by Society Prespa. Classes in Macedonian were available to students in the area. The Macedonian Government agreed to provide texts for these classes free of charge; however, community leaders complained that the book supply was not adequate. A considerable number of students from this area study at the universities of Skopje and Bitola. [2a] (p.12)

6.94 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. [5c] Members of the Macedonian community were free to cross the border to both Macedonia and Albania. [5f] (p.8-9)

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Montenegrin Minority

6.95 The small groups of Serbs and Montenegrins in the north of the country generally left Albania in the aftermath of communism but some have returned as a result of resettlement difficulties in wartime ex-Yugoslavia and have become more culturally assertive after 1994-95. The 2000-strong community generally live in and around the village of Vraka, north of Shkodra. [16] (p.100) An association, the Association of Montenegrins, to defend the interests of this group was formed in May 1995. [2a] (p.12)

6.96 Persons from this area received scholarships from the Montenegrin Government for their children to study in Montenegro. There were no reports of discrimination against ethnic Montenegrins. [2a] (p.12) However, the Montenegrin minority complained, in 2002, that some persons were still required to use the Albanian version of their patronymic on their ID cards and other official documents and they were not able to change their names back to their traditional names. [5f] (p.8)

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Vlachs

6.97 Vlachs, also known as Aromanians, speak their own Romanian-related

language as well as Albanian. There are estimated to be between 50,000 and 100,000 Vlachs in Albania with the largest concentration being in the south-eastern mountains in the Korça region. [16] (p.102-103) The Vlachs are mainly Eastern Orthodox in faith. [17] (p.204)

6.98 No discrimination was reported by the Vlachs, who were represented by the groups Armeni-Alban, the Aromanian Association Voskopoja, and Aefallofisi. [2a] (p.12)

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Roma & Egyptians

6.99 The number of Roma in Albania is unknown - the total may amount to as many as 100,000 people, although some estimates are as low as 60,000. Albanian Roma fall into two main groups: dark skinned people who appear to be fairly recent immigrants to the country, probably from the large communities in Macedonia; and people of a much lighter skin, known in Albanian as the Yevgjet people. The Yevgjet, in their own mythology, believe they immigrated to Albania from Egypt. [16] (p.102)

6.100 Roma communities are to be found throughout much of Albania; however, the main concentrations are to be found in the central plains of the country and in and around Tirana. Traditionally, most of the Roma community was nomadic, although this is changing; in recent years, there has been a tendency towards more fixed places of residence. Many Roma were not registered as residents due to frequent moving from one place to another and a reluctance to pay the fee required to register. [5f] (p.9-10)

6.101 Although Roma have preserved their own language, very few Roma can write in Romani because they have never been to Romani schools. The reason for illiteracy is partly cyclical with Romani parents passing onto their children their own low levels of education. [5d] (p.18)

6.102 The Roma and the Egyptians were among the most neglected groups in the country. The Egyptians tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. [2h] (p.15) The main reason for the poor level of education were economic difficulties which tempted families to keep their children away from schools in order to let them work to support their families. In addition, Roma children could not afford to buy the necessary school supplies. [5f] (p.9-10)

6.103 Albanian law provides for a wide legal framework to ensure minorities the same rights and freedoms that the Albanian majority enjoys. 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. While the Albanian state has not openly promoted discriminatory policies against Roma, but has rather taken efforts to offer equal opportunities to them in social economic, political fields, no specific measures have been taken to promote their integration into Albanian society. [5j] (p.5-7)

6.104 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. [19b] (p.5-6)

6.105 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. The Albanian Assembly has approved a special status to minorities and Roma were included in this. [29] (p.15&27)

6.106 The Government officially recognises the Roma as a linguistic rather than a national minority, thus preventing Roma children from qualifying for education in their native language and perpetuating illiteracy within the community. [2h] (p.15) The interests of the Egyptians were represented by the Association Socio-Humanitarian Vllazerimi; the Roma by the Association Amaro Drom, Amaro Divas, Romani Baxt, and the Group for the Development of Roma Culture. The Soros Foundation supported various initiatives sponsored by the Association Amaro Drom, particularly in the field of education. [2a] (p.11-12)

6.107 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 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. [29] (p.28)

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Armenians

6.108 The few hundred Armenians in Albania are concentrated mostly in Tirana and Vlora. Some are descended from Ottoman administrators, others arrived as refugees after the Turkish genocide in Anatolia during the First World War. In the last few years, teaching of the Armenian language has resumed and cultural resources are being built up again, with particular assistance from the Armenian community in Thessaloniki. A cultural association, 'the Armenians of Albania' has been formed and is based in Tirana. [16] (p.102)

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Women trafficked for sexual exploitation

6.109 Albania is both a source and a transit country for the trafficking of women for the purposes of sexual exploitation. Although the number of Albanians subjected to trafficking to other countries has decreased significantly, the country continued to remain a point of origin. Most trafficked women and young girls were transported to Italy, Greece, and - to a lesser extent - other European countries, such as Belgium and the Netherlands. [21] (p.17)

6.110 Historically, most victims of trafficking were taken to the southern port cities of Vlora and Durres for transportation by speedboat to Italy. However, Italian authorities have reported a huge reduction in clandestine speedboat traffic across the Adriatic during the final quarter of 2002 and for 2003. [2a] (p.18) [38g] [55] The UNICEF report on 'Trafficking in Human Beings in South Eastern Europe (2003)' reports that the Albanian authorities are having a positive impact on the numbers trafficked out of the country. A direct result of which is that criminal gangs are moving away from the using sea routes to Italy, but are increasingly using mountain routes to Macedonia, Montenegro or Greece. These mountain crossings are more difficult and risky for the traffickers, with significantly higher costs involved in both time and money. Traffickers now have to provide migrants with legal documents and Schengen visas, which are more often than not forged or obtained illegally. UNICEF reported that while it accepted that trafficking had not stopped completely. It considered that the rapid decrease in the number of registered cases of foreign trafficked women and the recent actions of the Albanian government had had a huge impact on the numbers of trafficking victims transited through Albania in 2003. [14] (p.34)

6.111 The US State Department Report on Human Rights Practices 2002 (US SDR 2002) notes that, 'Trafficked Albanians increasingly fell into the 14 to 17-year-old age group; according to the AHRG, 25 percent of Albanian trafficking victims were minors. Italian census figures in 2000 showed that there were more than 900 children (girls ages 14 to 18) who worked as prostitutes in Italy. The press reported several cases involving minors who were victims of trafficking throughout the year. Such children often were bought from families and in a few cases kidnapped. The Centre for the

Protection of Children's Rights (CRCA) reported that more than 2,000 children between the ages of 13 and 18 were involved in prostitution rings.' [2a] (p.14)

6.112 The US State Department Report on Human Rights Practices 2003 US SDR 2003 notes that, 'Due to the poor economic situation, men and women from organised criminal groups lured women and girls from all over the country by promising them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretences and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and to a lesser extent, the selling of victims to traffickers by family members, or kidnapping, including from orphanages.' [2h] (p.18)

6.113 In July 2001, the Government established an Inter-Ministerial Commission on Human Trafficking, which drafted a National Strategy on Anti-Trafficking, and designated a Minister of State to serve as the National Anti-Trafficking Co-ordinator. [2a] (p.14)

6.114 In December 2003, the Albanian Government signed an agreement with Greece, Germany and Italy to get the Vlora Anti-Trafficking Centre fully operational and contributing towards the fight against trafficking. However, to date no information has been made available as to the effectiveness of the Vlora centre. [2h] (p.19) In August 2003, a major anti-trafficking operation effectively closed down clandestine speedboat traffic to Italy. Nevertheless, the Ministry of Public Order failed to follow up on high-profile trafficking and corruption investigations. Local police often tipped off traffickers when raids were scheduled. On one occasion, a police supervisor checking on his men found them helping traffickers with their boats.' [2h] (p.15)

6.115 US SDR 2003 also reported that, 'The police often were involved directly or indirectly in trafficking. Few police officers, and no other government officials, were prosecuted for trafficking during the year. Lawyers and judges were also manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested.' [2h] (p.18) During 2003, the Office of Internal Control investigated 266 cases of police involvement in trafficking; many of the investigations led to suspensions or dismissals. A growing number of police officials faced prosecution during 2003. [2h] (p.18) In April 2003, the local head of SHISH (Internal Security Services) in Durres was arrested for his part in a child trafficking ring. [2h] (p.17)

6.116 In 2002, the Prosecutor General also issued instructions stating that trafficking victims should no longer be charged with the crimes of prostitution and illegal border crossing. [3b] (p.3)

6.117 US SDR 2003 reported that, 'Police treatment of trafficked women continued to improved during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and foreign NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.' [2h] (p.18)

6.118 US SDR 2002 also reported that, 'The Ministry of Public Order provided assistance in referring foreign victims to a shelter administered jointly by the IOM and the ICMC. Foreign trafficked victims, if they so desired, benefited from an interagency referral system, a temporary social assistance program supported by a group of local NGOs, and a shelter, all organised by IOM and ICMC. During the year, the program repatriated 33 women.' [2a] (p.15)

6.119 The US SDR 2003 reports that, 'Victims of trafficking often faced significant stigmatisation from their families and society.' [2h] (p.19) The International Catholic Migration Commission in 'Protection of Trafficked Women Programme 1999 – 2001' reported that 'In some cases, women are simply being returned 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.' [30] (p.1-2)

6.120 A number of NGOs were actively working to address victim's needs. [2h] (p.18) 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 confiscated by criminals. [30] (p.1-2) The US SDR 2002 reported that, 'In June [2002] the IOM opened a shelter and reintegration centre for citizen victims in Tirana; however, given the scope of the trafficking problem and limited resources to address reintegration, many victims of trafficking received little or no assistance.' [2a] (p.15) The Minister responsible for Anti-trafficking announced that the government had opened a third shelter for trafficked women / victims of domestic violence / witness protection in August 2003. [39] (p.3)

6.121 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. 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. [5f]

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Homosexuals

6.122 The Penal Code, which came into force on 1 June 1995, does not contain an article criminalising homosexuality. 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. [31]

6.123 The US State Department Report on Human Rights Practices 2003 (US SDR 2003) notes that, 'The AHRG claimed that police targeted the country's small homosexual community. According to the General Secretary of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. However, the police denied these charges and stated that when homosexuals were arrested, it was for violating the law; such as disturbing the peace, not for their sexual preference.' [2h] (p.3)

Transsexuals

6.124 Trans-sexuality continues to be treated as a criminal offence. Punishment for being a transsexual ranges from a fine to a term of imprisonment. [61] (p.2)

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6.C Human Rights – Other Issues

Organised Crime and Corruption

6.125 Human Rights Watch – Word Report 2001 noted that, 'Despite the highly partisan political atmosphere, the Albanian Government [has] made some sincere efforts [since 2000] to confront official corruption and to establish public order in the country. 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.' [3a] (p.2)

6.126 In April 2000, the then 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. [34c] 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. [34b]

6.127 Freedom House in their report - Nations in Transit 2003, noted that, 'In

its 2002 Anti-corruption Plan, the Albanian government identified the fight against corruption as a top priority, 'The objective being to reduce corruption to the point where it no longer undermines what Albania tries to achieve.' While Albania has strengthened its anticorruption legal framework and ratified relevant international agreements, the government acknowledged that implementing and enforcing legislation remains a challenge.' [8c] (p.71) However, the EU Commission in its Stabilisation and Association report 2004 noted that the results of the Governments' fight against corruption remain very limited. It further noted that, 'The problem in Albania is not the absence of strategies and legislation, but rather deficiencies in their implementation and enforcement.' [9b] (p.7)

6.128 In 2003, the Citizen's Advocacy Office (CAO) was created with funding from international donors. The CAO was set up with the aim of monitoring corruption in the Government and the public services, investigating complaints made via its hotline. The Government's response to the CAO is reported to have been positive. The Government looked at a number of complaints, initiating formal investigations and in some cases dismissing officials. [2h] (p.12)

6.129 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. [32h] 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. 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. [33]

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Blood Feuds

6.130 Modern day Albania continues to be troubled by the phenomena of the blood feud or Hakmarria (in Albanian). The blood feud enshrines many customary practices that have their roots in folk customs that many believe date back through millennia. The rules of the blood feud represent one of the last tangible vestiges of an older society that has disappeared throughout most of Western Europe. Medieval leader and folk hero Lek Dukagjini formalised the rules of the blood feud for the first time in the 15th century. [45] (p.1) [47] (p.8) The rules of the blood feud have become known as the Kanun of Lek Dukagjini, in popular parlance the Law of Lek, which is a voluminous compendium of tribal and clan customs, passed down largely unchanged

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since ancient times. [16] (p.110) It is claimed that in the absence of a strong criminal justice system 'The Law of Lek' has become a popular form of justice by which a family's honour is defended through the killing of any male member of an offending family. [45] (p.1)

6.131 During the Communist era the ruling party discouraged the use of the blood feud as a means of resolving disputes. Communist leader, Enver Hoxha, described the blood feud as a legacy of feudalism, and officially outlawed and attempted to suppress the use of the Kanun. However, his death, the demise of the Communist system in 1991, and the resulting collapse of law and order revived ancient social codes such as the Kanun. [45] (p.1)

6.132 Blood feuds have been known to last for generations, particularly in the mountainous north of Albania. For example, in 1996, at Puka, the Tofili family took bloody revenge for a murder committed in the 1930s. [45] (p.1) However, the vast majority of contemporary feuds are the result of disputes over land and water rights. The International Crisis Group reported in March 2000 that, 'Since the end of the one-party state in 1991, collective ownership of the land has been abolished. This has resulted in pre-1944 owners returning to reclaim land and property that was formally theirs' and attempting to force the "occupiers" to relocate themselves.' [15a] (p.24) Pressures associated with high population growth and an acute shortage of agricultural land has contributed to the numbers of conflicts. [15a] (p.24)

6.133 The institution of the blood feud is most apparent in the mountain regions of northern Albania. The importance of the Kanun to the ordinary life of the Albanians of the Malësi is hard to quantify; other than it has been a part of their culture for centuries. Gendercide Watch in their 2002 report 'Honour Killings and Blood Feuds, noted that, 'One leading scholar has summed up the basic principles of the Kanun as follows. "The foundation of the Kanun is the principle of personal honour. Next comes the equality of persons. From these flows a third principle, the freedom of each to act in accordance with his own honour, within the limits of the law, without being subject to another's command. And the fourth principle is the word of honour, the besë, which creates a situation of inviolable trust".' [47] (p.8)

6.134 Gendercide Watch in their 2002 report 'Honour Killings and Blood Feuds, noted that, 'An offence to a man's honour is not paid for with property, but by spilling of blood or a magnanimous pardon.' [47] (p.8) The Kanun specifies the ways of dishonouring a man, of which the most important are calling him a liar in front of other men; insulting his wife; taking his weapons; or violating his hospitality. Albanian society traditionally was and still is to a larger degree in the remoter parts of the country, patriarchal in character. Women are honoured in society, but their honour existed through, and was defended by, men. The blood feud granted blanket exemption to females, the killing of whom was seen as a profound violation of a man's personal honour. [47]

6.135 The code has 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] (p.23-24) Written editions of the text are widely available in Tirana and Kosovo kiosks. [16]

6.136 Despite efforts by the Albanian government to wipe it out, the Kanun of Lek Dukajini, has following the fall of communism, reappeared throughout northern Albania. [15a] (p.23) The code is made up of 12 books and lays out a code of "laws" that govern everyday life: [48] (p.3)

Book One	-	The Church
Book Two	-	The Family
Book Three	-	Marriage
Book Four	-	House, Livestock and Property
Book Five	-	Work
Book Six	-	Transfer of Property
Book Seven	-	The Spoken Word (Besa)
Book Eight	-	Honour
Book Nine	-	Damages
Book Ten	-	The Law Regarding Crimes
Book Eleven	-	Judicial Law
Book Twelve	-	Exemptions and Exceptions

[48] (p.3)

6.137 The origins of the current blood feud in Albania date to the collapse of the communist regime in 1991, and the weakness of the democratic government that replaced it. [47] (p.9) Gendercide Watch in their 2002 report 'Honour Killings and Blood Feuds, noted that, 'From 1992 to 1996, press reports in Tirana spoke of "more than 5,000 Murders linked to vendettas in the past four years.' [47] (p.9)

6.138 Gendercide Watch in their 2002 report 'Honour Killings and Blood Feuds, noted that, 'In March 1997, the post-communist regime was rocked by the collapse of enormous, government-endorsed pyramid investment schemes. The public looted army weapons depots as angry investors clashed with security forces. Roughly 1 million firearms are said to be in circulation in a nation of only 3.2million.' [47] (p.9)

6.139 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. [21a] (p.3) The US State Department Report on Human Rights Practices in 2003 (US SDR 2003) notes that, 'Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts.' [21] (p.2) The Albanian Helsinki Committee considers one reason for the prevalence of the blood feud to be the failure of the judicial system to operate appropriately. [57] (p.4)

6.140 The number of persons affected directly or indirectly by blood feuds varies widely. [21a] The US SDR 2003 reported, 'The non governmental organisation (NGO) National Reconciliation Committee estimated that 1,370 families were self-imprisoned at home and that 711 children were prevented from attending school due to fear of revenge.' [2h] (p.2) A newly formed organisation, "MJAFT!" (in essence, translating as "Enough") estimate that Blood Feuds are the reality for over 7,000 northern Albanians living today. [12a]

6.141 According to the Albanian Ministry of Public Order, more than 14 individuals were killed in blood feuds in 2003. Under the Kanun, only adult males are acceptable targets for blood feuds, but women and children often were killed or injured in the attacks. [2h] (p.2)

6.142 When comparing murder rates for the Balkans as a whole the United Nations Mission in Kosovo reported that during 2002 Albania experienced the highest murder rate of any of the Balkan nations with around 12.2 murders per 100,000 people (about 470 – 480 deaths). [49] (p.2) A survey conducted by the Law Faculty of Tirana University, released in March 2000, showed that 210,000 Albanians, or 6% of the total population, are "affected" by blood feuds, including about 1,250 people locked in their houses for fear of being killed. [21a] (p.3)

6.143 The following table provides varying figures of the numbers killed or in self imposed isolation, supplied by the Albanian government, United States State Department and independent NGOs in the field. The available figures indicate the degree of uncertainty concerning the extent of the problem.

	Self Imposed Isolation	Wounding	Murder
1997			1,600 – 5,000 Christian Science Monitor [46]
1998	6,000 children Gendercide Watch [47]		
1999		3,500 Immigration and Refugee Board, Canada [21a]	1,800 Immigration and Refugee Board, Canada [21a]
2000	1,250 (+ 800 children) Immigration and Refugee Board, Canada [21a]		
2001	2,800 Radio Free Europe / Radio Liberty [32q] – 10,000 (+ 900 children) BBC News On-line [38f]		14+ United States Department of State [2g]
2002	25,000 Gendercide Watch [47] 1,400 families (including up to 400 children) United States Department of State [2a]		29+ United States Department of State [2a] – 1,250 Gendercide Watch [47]
2003	1,370 families United States Department of State [2h] 7,000 MJAFT! [12a]		14+ United States Department of State [2h] – 1,000 World Food Programme [45]

Sources in brackets.

6.144 Several sources claim that, it is often difficult to distinguish traditional blood feuds governed by the Kanun from the same use of the Kanun by criminal elements to camouflage crimes and other nefarious activities. [21a] (p.2)

6.145 Jane's International Policing Issues published a report by Dr Mark Galeotti (3 December 1998) that noted that, 'Traditionally, Albanian criminal organisations were little more than bandit gangs, built around the Fis (an extended family unit) and steeped in a culture of patriarchy, machismo and family loyalty. Increasingly, Albanian gangs are developing more sophisticated organisations, in some cases resembling businesses, in others based around terrorist-style cells or crews, sometimes made up of former members of Hoxha's secret police.' [50] (p.2)

6.146 Following the fall of communism in the early 1990's and the ensuing Diaspora, Albanian criminal organisations stepped up their involvement in people trafficking, prostitution and drugs; using the Kanun and Blood Feud to camouflage their activities. The Kanun is claimed to fit neatly into the structure of the 'Fis' providing a similar code of honour to that of the 'Law of Omerta', traditionally used by the Sicilian Mafia. [50] (p.1- 3) [51] (p.1-3)

6.147 The International Crisis Group in its 'State of the Nation 2000' report quoted that '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 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] (p.23)

6.148 The Albanian Penal Code does not contain any provisions that 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. [21a] (p.3)

6.149 The Canadian Immigration and Refugee Board, Research Directorate, March 2000, noted that '[there are] certain articles that could become relevant if the crime at issue was feud related. Articles 48 and 50 deal with mitigating and aggravating circumstances. Circumstances that 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.' [21a] (p.3-4)

6.150 Following criticism from the European Union (EU) that failure to adequately address the problem of blood feuds might pose a barrier to further EU integration. The Albanian government held a round table conference in June 2003 to focus on an action plan to deal with ancient phenomenon. The Government's moves were strongly backed by Albanian President Alfred Moisiu, who told the meeting he was totally committed to reducing blood feud. [42] In President Moisiu's address to the Albanian Assembly, on 5 October, he said that the "growing tendency towards family crime and the increased number of victims in the name of the Kanun is a blow to the state." [43] It was reported that during 2002, the Ombudsman's Office also contributed to resolve a number of highly controversial cases concerning blood feud. [9a] (p.8)

6.151 Following a presidential decree, Albania's Serious Crime Court was inaugurated on 1 January this year. The court provides a parallel structure to the ordinary court system and will specifically deal with criminal offences carrying a minimum sentence of 10 years. [11i] (p.7) [18g] On 7 January President Moisiu appointed 12 prosecutors who will target what are considered to be more serious crimes, including organised crime, human and drug trafficking and blood feuds. [52a] According to the US Department of State report on Human Rights Practices in 2003 (US SDR 2003), 'Blood feud cases were adjudicated in the Special Crimes Court. Blood killings are distinguished from homicide cases and carry a sentence of no less than 25 years' imprisonment; in comparison, homicide carries a sentence of 15 – 25 years. Although blood feud prosecution rates were not available, estimates indicated that 60 – 65 percent of all cases were brought to court and nearly all of them ended up at appellate level.' [2h] (p.2)

6.152 In March 2004, the Government chaired a round table conference in Shkoder with the aim of reducing the impact of blood feuds in the worst afflicted part of the country. Representatives attending the conference were from central and local government, regional police, religious leaders, local legal representatives and civic leaders. The Minister for Public Order, Igli Toska, announced the setting up of a special dedicated unit within Shkoder Police Department charged with the dual aims of preventing blood feuds and introducing institutional reconciliation. [63b]

6.153 In addition to the work of the government, several agencies provide reconciliation services to families involved in blood feuds, although according to the International Crisis Group there has been no concerted and co-ordinated strategy devised to combat this growing and deeply damaging phenomena. The Association for Fraternization and Reconciliation aims to settle disputes between families through dialogue. [21a] (p.3) The Albanian Peace

Union, formerly the Albanian Reconciliation Mission was founded in 1991. It claims over 1,000 members and to have resolved over 3,000 feuds in the last ten years. [41] (p.2)

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Treatment of Non-Government Organisations

6.154 A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are somewhat co-operative but minimally responsive to their views. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Albanian Centre for Human Rights, the Society for Democratic Culture, the Albanian Media Institute, SOROS Foundation, the Albanian Institute for Contemporary Studies, the Women's Centre, and Women in Development were among the most active domestic NGO's involved in addressing human rights problems. Despite the assistance of international donors, the work of these organisations was hampered by a shortage of funds and equipment. [5a]

6.155 In general human rights organisations operated freely in the country. The Albanian Helsinki Committee focussed on the monitoring of general elections and its long-term project on conditions of prisons and police custody. It also looked at allegations of police misconduct and patients' rights in hospitals and mental health centres. The Albanian Human Rights Group also defended the rights of those in police custody, denouncing severe restrictions on the defendants' access to defence counsel. The complaint centre created by the group in 1999 saw a significant increase in its activity. [3b] (p.4)

6.156 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. 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. [21c] 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. [36] (p.30)

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: The main opposition parties boycotted the elections to the Peoples' Assembly, the conduct of which was widely criticised by international observers.

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.

1999

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.

2000

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.

2001

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.

2002

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.

23 June 2002: Parliament elects Alfred Moisiu president after rival political leaders Nano and Berisha reach compromise.

28 June 2002: Exiled royal family returns, in the form of Leka Zog, son of former King Zog.

27 July 2002: Fatos Nano becomes Prime Minister after the ruling Socialist Party decides to merge the roles of premier and party chairman. It is Nano's fourth time as premier

2003

January 2003: Albania and the EU begin Stabilisation and Association Agreement talks, regarded as a possible first step in the very long road to EU membership.

October 2003: Local government elections. The Socialist Party predominantly held on to seats taken in the October 2000 elections.

November 2003: DP made allegations of vote rigging and called for a series of mass demonstrations to take place outside the parliament building.

November 2003: Electoral Commission agrees to re-run elections in Tirana at the end of December.

December 2003: Re-run of municipal elections in Tirana results in SP holding seats.

2004

January 2004: 27 people die, 11 survive an attempt to cross to Italy in stormy seas. A number of police and port officials arrested. Opposition parties claim that the government was colluding in the trafficking of human beings, and called for a full investigation.

January 2004: President Moisiu inaugurates the new Serious Crime Court with powers to prosecute individuals involved in all offences attracting a sentence of 10 years or more.

February 2004: DP held regular demonstrations to call for the resignation of the Prime Minister, Fatos Nano. Violence erupted during a demonstration of between 2,000 – 4,000 people on 7 February. 20,000 people participated in a demonstration on 21 February.

ANNEX B

POLITICAL ORGANISATIONS

Agrarian Party (AP) (Partia Agrare Shqipëtarë – PASH). Founded 1991.
Chair: Luftër Xhuvëli.

Albanian Civil Party. Founded 1998. Chair: Etleva Gjermani

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

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

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 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 Party of the Right Leader: Petrit Kalakula

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.

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

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

National Front Party (Partia Balli Kombëtar Shqipëtar- PBK).
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. Chair: Ekrem Spahia

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

New Party of Labour. Founded 1998. Left-wing. Defined itself as successor 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 Shqipërise – PSDS). Founded 1991. Advocates gradual economic reforms and social justice. 100 member National Managing Council. Chair: Skender Gjinushi.

Social Justice Party (Partia e Drejtësisë 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 Drejtat 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 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 e Minoritetit Grek). Founded 1991. Electoral regulations of 1992 forbade it participating in elections, as the party of an ethnic minority. Chair: Jorgo Labovitjadhi.

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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 finished in 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.

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

Rexhep MEIDANI: President of the Republic of Albania from July 1997 to June 2002. 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.

Alfred MOISIU: Current President of the Republic Albania, appointed in June 2002

Fatos NANO: Current Chairman of the Socialist Party. Former Prime Minister between July 1997 and 28 September 1998. Current Prime Minister, appointed in July 2002.

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 courts annulled the sentences. Returned to live in Albania in June

2002.

King ZOG: Former President Zogu named himself King Zog I in 1926 but was forced into exile in 1939.

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