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U.S. DEPARTMENT of STATE

## Albania

### Country Reports on Human Rights Practices - 2005

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Albania is a parliamentary democracy with a population of approximately 3.2 million. Legislative authority is vested in the unicameral People's Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the presidency is a largely ceremonial position with limited executive power. Parliamentary elections held in July did not fully comply with international standards and were marked by protracted tabulation of results, but were generally considered a step forward in the country's democratic development. Civilian authorities generally maintained effective control over the security forces.

The government generally respected the human rights of its citizens; however, there were serious problems in several areas. The following human rights problems were reported:

- police beating and abuse of suspects, detainees, and prisoners
- poor prison conditions
- arbitrary arrest and detention
- lengthy pretrial detention
- police corruption and impunity
- infringement on citizens' privacy rights
- politicization of the media
- occasional police use of force against protestors
- societal killings and an atmosphere of fear in some areas due to traditional blood feuds
- societal violence and discrimination against women and children
- trafficking in persons
- societal discrimination against Roma, Egyptians, and homosexuals
- child labor

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings.

By year's end, there were no developments in the appeals by two police guards convicted in connection with the July 2004 beating death of Erigert Ceka while in detention. In 2004 a court sentenced one guard to six months in prison for committing arbitrary actions while escorting detainees and the second guard to eight months in prison for violating guard service rules under the military code and misuse of duty. The court did not hold anyone directly accountable for Ceka's death.

The country continued to experience high levels of violent crime. Many killings occurred as the result of individual or clan vigilante actions connected to traditional "blood feuds" or to criminal gang conflicts. According to the interior ministry, at least nine persons were killed during the year in blood feuds based on the medieval Code of Lek Dukagjini (the *kanun*), which was practiced particularly in the northern part of the country. Under the *kanun*, only adult males are acceptable targets in blood feuds; however, women and children often were killed or injured in attacks. According to the National Reconciliation Committee, approximately 738 families were effectively self-imprisoned during the year due to blood feuds. Fear of revenge in a blood feud also led approximately 50 families to live under protection outside of the country and prevented approximately 200 children—75 of whom were considered to be in serious danger—from attending school. Disputes over land and trafficking in persons remained the main grounds for blood feuds.

During the year police failed to identify a perpetrator in the August 2004 killing of Emin Spahija and suspended their investigation of the case.

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Spahija was the head of the nongovernmental organization (NGO) Peace Missionaries League, which worked exclusively on blood feud issues.

While the parliament in May approved a law establishing a coordination council, chaired by the president, to develop a national strategy against blood feuds and coordinate activities of government agencies, the government had not implemented the law by year's end.

The court of serious crimes tried blood feud cases. The law provides for 20 years to life imprisonment for killing in a blood feud.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such actions; however, the police at times beat and abused suspects. The Albanian Helsinki Committee and the Albanian Human Rights Group (AHRG) continued to report that police nationwide used excessive force or inhumane treatment. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma and members of the Egyptian community were particularly vulnerable to police abuse (see section 5).

According to the prosecutor's office, prisoners in Prison 302 sent an anonymous letter to the Ministry of Justice in April alleging that they were regularly abused in their cells by guards. The general directorate of prisons investigated the claims and determined that prison police had physically and psychologically abused 24 individuals multiple times. The general directorate dismissed the prison director and the chief of the prison's police; however, authorities had not filed criminal charges against the officers by year's end.

In February Edison Steno, a judicial police officer at the police commissariat, reportedly detained and physically and psychologically mistreated 25-year-old Mitrush Cipi from Korca. The police denied that the mistreatment occurred despite eye witness testimony to the contrary.

During the year there were reports that police in various parts of the country beat and mistreated persons at the time of their arrest or while holding them in pretrial detention.

For example, police reportedly beat seven boarding school students in April at the Berat police commissariat after detaining them for disorderly conduct. The AHRG collected evidence on the case, and the school director admitted the students were beaten and stated that the police unofficially apologized for their behavior. At year's end authorities had not taken disciplinary action against the officers.

In May Besnik Kosturi filed charges against a Korca criminal police officer, Oltion Agolli, for mistreatment. The officer reportedly beat Kosturi because he refused to provide information on a pending case. Medical experts verified the abuse and the officer was suspended. An investigation into the case was pending at year's end.

In June Shpetim Brahilka filed charges against a Tirana police officer, Altin Bega, for physical abuse. The prosecutor's investigation verified that the officer had beaten him. The case was under investigation at the year's end.

In July Arben Belaj filed charges against a member of the Vlora police special forces, Dritan Veizaj, for allegedly beating him. The prosecutor's office was investigating the case at year's end.

In July Frendi Ndoci filed charges against Pjerin Lazri and other Shkodra police officers for alleged beating him at the police commissariat. A preliminary investigation confirmed that police stopped Ndoci for driving a car without a driver's license or license plates and the medical examiner verified that Ndoci was beaten and unable to work for nine days. The local prosecutor was investigating the case at year's end.

Despite evidence from the ombudsman and the prosecutor's office, a court dismissed the May 2004 complaint by Beqir Kaba that two officers of the Dibra police commissariat had illegally arrested and mistreated him. The two officers had been temporarily suspended after the ombudsman office intervened.

There were no developments in the police mistreatment cases reported in 2003 and 2004 involving Stathi Lako, Behar Dedolli, and Romeno Nexhipi.

At times police abused juvenile detainees. According to the Children's Rights Center of Albania (CRCA), police sometimes used threats, violence, and torture to extract confessions from minors. According to the AHRG, the prosecutor in Korca continued to use, and the court admitted, evidence during the year that police extracted from three minors through physical violence in 2003 in a trafficking case against

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Gjergji Dabulla. No action was taken against the police officers involved.

Some NGOs reported that police targeted the country's homosexual community for abuse (see section 5).

There were reports that police beat protesters during the year (see section 2.b.).

#### Prison and Detention Center Conditions

Conditions inside the prisons and detention centers remained poor and were marked by food shortages and a lack of medicine. During the year prisoners and detainees rioted in Tirana and Shkodra and held hunger and other strikes at prisons in Kruja, Lushnje, Tirana, Peqin, and Burrel to protest poor living conditions, the slow transfer of prisoners from pretrial facilities to prisons, and other shortcomings. In September a clash between two gangs in Peqin prison resulted in injury to six convicts. Overcrowding remained a serious problem in pretrial detention centers. The director of prisons reported that, as of December, there were 2,615 persons held in prisons designed for 2,668 and 870 persons (820 detainees and 50 convicted criminals) in detention facilities designed for 672.

In September the ombudsman's office inspected the Commissariat Four detention facility in Tirana and other district detention facilities and determined that eight Chinese nationals (six men and two women detained for possessing illegal documents) and other detainees were not being fed. The ombudsman requested the prime minister's office and ministries of interior and justice to take immediate measures to assist the detainees. At year's end the government had not acted on the ombudsman's request.

According to the general directorate of prisons, there were 68 women serving in Prison 325 for women in Tirana and 36 women in pretrial detention. NGOs monitoring prison conditions noted that Prison 325 lacked facilities for infants born to prisoners who were pregnant at the time of incarceration.

Pretrial detainees were not always separated from convicted prisoners, and juvenile detainees were not always separated from adults. Twenty of the thirty-one minors serving prison sentences in the country were held at pretrial detention centers, which did not provide for their education and did not always separate them from adults. While the Vaqarr prison had a wing for minors, the CRCA noted that juveniles were mixed with adult prisoners for showers and leisure activities. Unlike in previous years, there were no reports of sexual abuse of juveniles.

The government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors. In May and June, the Council of Europe Anti-Torture Committee conducted an extensive visit of the country's prisons and detention centers; the committee's report on the visit had not been released by year's end. The OSCE also visited prisons during the year.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the police occasionally arbitrarily arrested and detained persons.

#### Role of the Police and Security Apparatus

In September the Ministry of Public Order was transferred to the authority of a new Ministry of the Interior. Local police units report to the Ministry of the Interior and are the main force responsible for internal security. The military has a special 90-person commando unit, which operates in an antiterrorist role under the minister of defense. The law allows the minister of interior to request authority over this unit during a domestic crisis. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. The Albanian State Police (ASP) employed approximately 12 thousand officers.

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. According to the interior ministry, only 40 percent of police officers received training beyond basic, despite assistance from foreign governments. The ASP Office of Internal Control engaged in the prevention, discovery, and documentation of criminal activity committed by police. Through November the office conducted 172 investigations that led to the arrest of 47 police officials and the dismissal of 68 others for misconduct.

Corruption remained a problem among police forces, and low salaries and widespread corruption throughout society made the problem difficult to combat. The ASP Office of Internal Control reported at least 81 cases of corruption to the prosecutor's office through November that involved 118 police officers, 16 of whom were arrested.

From January through September the general prosecutor's office investigated 20 cases involving 26 police officers for performing arbitrary acts or abusing duty. The office terminated its investigation in 11 cases, dismissing 9 cases and suspending 2 because of failure to identify the perpetrator. The other 9 cases were under investigation at year's end.

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Impunity remained a problem, but increasingly less so. The government ombudsman received 14 complaints against police officers for use of excessive force or mistreatment through September. The ombudsman determined that 2 complaints were valid and dismissed the others as groundless. There was no information available at year's end on whether any action had been taken on the valid complaints.

#### Arrest and Detention

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, and a prosecutor must be notified immediately after police detain a suspect, and police generally did so in practice. Within 48 hours of the arrest or detention, a suspect must appear before a judge. The judge has an additional 48 hours to determine whether the suspect should remain in detention. In some cases, detained persons were kept in pretrial detention beyond 48 hours without a court decision on whether the prosecutor had sufficient evidence.

A court may order detention in especially serious cases that could pose a danger to society. Alternatively, a suspect may be placed under house arrest. Bail may be required if the judge believes that the accused may not appear for trial.

Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right was not widely known, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens. There were numerous cases in which persons were illegally detained and unable to contact a private attorney. In some cases, detainees were interrogated without their attorneys present. Legal services offered by the state bar association were considered inadequate, corrupt, and at times lacking in professionalism.

During the year the ombudsman received two complaints of arbitrary arrests and illegal detention by the police but considered neither to have merit. While there were no other reports of arbitrary arrest and detention by police, some NGOs believed it was still a problem.

There were no reports of political detainees.

The law requires completion of pretrial investigations within three months; however, a prosecutor may extend this period by additional three-month increments in particularly difficult cases. While the law provides that the maximum length of pretrial detention should not exceed two years, lengthy pretrial detention remained a serious problem as a result of delayed investigations. In July the AHRG reported that Elton Gerduqi had been detained in the Vlora police commissariat since 2000 and that the Vlora court had yet to issue a decision on the case. Forty-nine prisoners were held in pretrial detention even after their trial.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources prevented the judiciary from functioning independently and efficiently.

Tension continued between the police, prosecutors, and the judiciary, particularly outside Tirana. Each side blamed the failures of the other as the reason criminals avoided imprisonment. For example, the courts accused the prosecutors and police of failing to carry out solid investigations and gather evidence necessary to prosecute criminals successfully, and the police alleged that corruption and bribery tainted the courts. The judicial police were responsible, under the direction of prosecutors, for developing investigations initially conducted by the police.

The judicial system is composed of district courts, six courts of appeal, the serious crimes court, the serious crimes court of appeal, military courts, military courts of appeal, a high court, and a separate and independent constitutional court. The high 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 and cases of individuals alleging denial of due process. The serious crimes court and serious crimes court of appeal focused on the fight against organized crime and serious crimes and on improving the quality of adjudication.

The president heads the High Council of Justice, which has authority to appoint, discipline, and dismiss district and appeals court judges. Judges who are dismissed have the right to appeal to the high court. The council includes the minister of justice, the head of the high court, nine judges of all levels selected by the National Judicial Conference, and three members selected by parliament.

#### Trial Procedures

The law provides for the right to a speedy trial; however, limited material resources, lack of space, and case overload in many instances prevented the court system from adjudicating cases in a timely fashion. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the government provides lawyers for indigent defendants, although the quality of representation varied. Defendants have the right to appeal decisions within 10 days to the court of appeal. Defendants

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are legally presumed innocent until convicted.

During the year a number of trials, including some of the country's highest profile cases, were conducted in absentia. Prominent examples were the trial of Altin Arapi, the alleged killer of the driver of the prosecutor general; the trial of 13 members—7 of them in absentia—of an organized trafficking group connected with the death of 29 persons in January 2004; and the "Gaxhai" trial of 5 gang members, 4 of whom were tried in absentia. During the year there were 98 in absentia trials involving 171 defendants.

The trial system does not provide for jury trials. Prosecutors and the defense lawyers present cases to a panel of three judges, and defendants have the right to all evidence that is presented to the judges.

The bailiff's office ensures that civil judgments are enforced. Despite some improvements, the office performed poorly and many civil judgments were not implemented.

The country has no juvenile justice system, and children's cases frequently were presented to judges who were not trained in juvenile justice. According to the Children's Rights Center of Albania, lengthy sentences given to juveniles were due to lack of such training.

While separate from civilian courts, military courts are under the district court. They employ judges and prosecutors from civilian courts for military cases but do not try civilians.

#### Political Prisoners

There were no reports of political prisoners.

#### Property Restitution

In July 2004 parliament approved a law on restitution and compensation for property confiscated during the Communist regime. Some former landowners, including religious communities, questioned the law's limit on property restitution to a total of 60 hectares. While the government established a \$2 million fund (200 million lek) to provide compensation to claimants, the state committee and 12 local commissions responsible for implementing the law lacked adequate funding. The ombudsman received 55 complaints related to property compensation during the year; there were no reports that any of the complaints had been resolved by year's end. However, in December, 28 individuals were compensated up to \$100,000 (10 million lek) each for properties confiscated during the Communist regime.

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

The law prohibits such actions; however, at times, the government infringed on these rights.

In January 18 Romani families were forced to abandon their homes because they blocked a local municipality's territory regulation plan (see section 5).

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

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

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. While the media was active and largely unrestrained, there were serious, fundamental problems with the use of the media for political purposes.

During this election year, politicization of the media increased over previous years. Publishers and newspaper owners continued to dictate news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. Journalists continued to practice self-censorship, and there was little transparency in the financing of the media. Four domestic NGOs (Albanian Coalition Against Corruption, Institute for Surveys and Opinions, Institute for Development Research and Alternatives, and Center for Transparency and Free Information) monitored the media extensively before, during, and after the general elections. They found that most print and broadcast media showed a political bias, but that the degree of bias appeared to decrease after monitoring results were published.

Individuals could freely criticize the government and its actions in print and broadcasts. There were no reports that officials used or threatened to use libel suits to limit free political discussion.

In 2004 former minister of youth, culture, and sport Arta Dade and Minister of Local Government Ben Blushi sued Democratic Party Chairman Sali Berisha for libel for having verbally accused Dade of corruption. During the year, the case was resolved out of court.

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The independent print media were active, but were constrained by limited professionalism, lack of finances, and political pressure. Political parties, trade unions, and various societies and groups published their own newspapers or magazines independent of government influence. An estimated two hundred publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets.

According to official data, there were 66 private television stations and 45 private radio stations, but the actual number was reportedly larger. While stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses.

The public Albanian Radio and Television (RTSh) operated a national television channel and a national radio channel. RTSh devoted most of its coverage to the government and the ruling party. By law, the government provides 50 percent of the station's budget.

Political affiliation had a pervasive influence on television programming, and the majority of stations were one-sided in their political coverage.

The National Council of Radio and Television (NCRT)—a seven-member bipartisan body selected by the parliament with one presidential appointee—regulated broadcasting. Media owners believed that the council failed to carry out its regulatory duties as a result of lack of experience, incomplete regulatory legislation, and scarce resources.

In March the Tirana district court reversed the NCRT's December 2004 suspension of TV Shijak's license for copyright violations and failure to pay fees on the grounds that the council should have taken preliminary measures before suspending the license.

In May the opposition Democratic Party restored the accreditation of private NEWS 24 television after canceling it and denying the station access to the party's headquarters in July 2004 for allegedly biased reporting.

There were a number of reports that police and other officials physically abused journalists.

In March a correspondent for Top Channel TV, Juliana Dhimitri, filmed police in Korca closing a store. The police chief, Adrian Shehu, complained and used offensive language to make her stop. When the reporter left the store and resumed filming, Shehu approached and shoved the camera several times. The mayor of Korca subsequently defended the police chief's actions. Dhimitri did not file charges. In June Dhimitri was filming a debate between the area's candidates for parliament, when a hostile dispute broke out between one candidate and supporters of the mayor of Korca. During the incident, the mayor reportedly grabbed Dhimitri by the shoulders, pushed her against a desk, and confiscated her camera for 30 minutes. She filed charges against the mayor; however, district prosecutors concluded there was insufficient evidence to support a criminal charge and closed the case.

In August Gjolek Malaj, a relative of a senior socialist party official, allegedly beat journalists Mero Baze and Astrit Patozi during the election rerun in the southern city of Gjirokaster; police arrested Malaj. The Ministry of Public Order dismissed four police officers for failing to intervene to prevent the attack. The investigation of the case against Malaj was transferred from the district prosecutor's office to the prosecutor general's office. In October, the Gjirokaster district court found Malaj guilty and sentenced him to four months in prison. Authorities released Malaj in mid-November, taking into consideration time served in detention since August.

In December the editorial office of the top-circulation daily *Shekulli* was damaged when an explosive was thrown onto its balcony. While nobody was harmed, there was damage to the office. An investigation was ongoing at year's end.

Unlike 2004, there were no reports of police detaining or confiscating the materials of journalists who videotaped high public officials.

There was political intimidation of the media. Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to political and commercial pressures. Many journalists complained that the absence of employment contracts also frequently hindered their ability to report objectively. Unlike in previous years, there were no reports that the government used the threat of tax audits against media outlets to retaliate for critical reporting of government policies.

Libel is a crime that may be punished with a prison sentence of up to two years and a fine. In October the government issued an order by the prime minister directing officials to refrain from using civil or criminal reports against reporters.

In September the Fier district court fined a correspondent of the daily *Korrieri* one thousand dollars (100 thousand lek) for libel. The correspondent reported in October 2004 that a Fier police inspector used fuel belonging to the city's police station for his private vehicle. The correspondent appealed the decision and, on December 21, the Vlore court of appeals reversed the original ruling.

In January a Tirana appeals court overturned the libel conviction of member of parliament Nikolle Lesi for reporting in his newspaper, *Koha Jone*, that former prime minister Nano inappropriately awarded himself and his advisors five months' extra salary. A district court had ruled in Nano's favor and fined Lesi \$20 thousand (2 million lek) for the January 2004 report.

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During the year the Tirana district court rejected a libel suit brought by the publishing company that owns the magazine *Spekter* against columnist Fatos Lubonja; Lubonja previously wrote for *Spekter*. The court of appeals upheld the decision.

The government did not restrict access to the Internet; however, Internet access remained limited, particularly outside major urban centers.

The government at times restricted academic freedom. During the year a district court rejected the suit brought by the chief of the University of Tirana's geography department, Professor Doka, in connection with his dismissal in 2004 for having an "antinationalistic approach" to work. The dismissal was prompted by Doka's publication of an atlas that expanded geographic minority zones in the country. The government subsequently prohibited publication of the atlas. The case was pending in the court of appeal at year's end.

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

##### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice.

The law requires organizers of gatherings in public places to notify police three days in advance; there were no reports that police denied such gatherings arbitrarily. In April authorities suspended the case against Mjaft, a civic youth movement, in connection with protests held in 2004.

There were reports that police occasionally mistreated protesters.

In March approximately five hundred persons in the southern village of Kokome exchanged angry words and were pushed by police during a protest over the government's decision to sell their land to a French company. Seven persons were taken into custody and one police officer was injured.

##### Freedom of Association

The law provides for the right of association, and the government generally respected this right; however, the law prohibits the formation of any political party or organization that is nontransparent or secretive. There were no reports that this provision was used against any group during the year.

#### c. Freedom of Religion

The law provides for freedom of religion and the government generally respected this right in practice.

The predominant religious communities—Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic—enjoyed a greater degree of official recognition (for example, national holidays) and social status.

The government does not require registration or licensing of religious groups.

The Albanian Evangelical Alliance, an association of approximately 98 Protestant churches, continued to complain during the year that it had encountered administrative obstacles to accessing the media. However, alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations.

In response to media reports alleging that Jehovah's Witnesses had influenced a series of juvenile suicides, the general director of police announced May 4 that all "suspicious sects" would be investigated; however, what constituted a suspicious sect was never defined and the police had not taken any action by year's end. The government also announced a prohibition on the dissemination of religious literature in "public places," although in practice this prohibition applied only to government facilities.

The government failed to return all of the religious properties and objects that were confiscated under the Communist regime. In cases where religious buildings were returned, the government often did not return the land surrounding the buildings or provide compensation. In addition, the government did not compensate churches adequately for the extensive damage to religious properties during the Communist period.

The Orthodox Autocephalous Church of Albania had problems recovering property as well as difficulty retrieving religious icons from the government for restoration and safekeeping. The church reported some isolated incidents of vandalism to its churches and crosses.

#### Societal Abuses and Discrimination

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Early in the year the media carried a number of reports alleging that the Jehovah's Witnesses community had influenced a series of juvenile suicides. The reports led to incidents of societal intimidation and threats of violence against members of the community. Other religious communities reported similar problems involving threats and negative portrayals by the media.

At year's end the investigation into the 2003 killing of former general secretary of the Islamic community Sali Tivari was still ongoing.

There are believed to be fewer than one hundred Jews in the country; there were no reports of synagogues or community centers functioning in the country or of any anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

Due to significant internal migration, many citizens no longer had local registration and status, leading to a loss of access to services such as education and medical care, particularly by Roma. The government made no progress toward creating a standardized national identity document during the year.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. During the year the government granted refugee status or asylum to one family. There were 15 cases pending at year's end. There is an appeals procedure, but it did not function during the year.

The government also provided temporary protection to individuals who may not qualify as refugees or asylees under the 1951 convention and the 1967 protocol, and provided it to approximately 36 individuals during the year.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR, through the government-run national reception center for asylum seekers, provided social and legal services, health care coverage, insurance, and limited training support for the small refugee community and coordinated further assistance through a network of NGOs.

Together with international organizations, the government, through the European Union's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened illegal immigrants stopped at all border crossing points. Under the program, an NGO and government team assisted border police in identifying potential victims of trafficking, asylum seekers, and economic migrants.

The government excluded refugees that arrived through countries it deemed to be safe countries of transit or from countries it deemed to be safe countries of origin.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

#### Elections and Political Participation

In July parliamentary elections were held throughout the country. The preliminary report of the Organization for Security and Cooperation in Europe (OSCE) election observation mission concluded that, through the pre-election period, voting, and vote counting up to July 4, the elections complied only partially with international standards. Official election results were delayed for weeks due to complex complaint and appeal procedures, and the need to rerun elections in several zones. OSCE election observers reported several instances where election officials obstructed the process and placed party interests before their duty to count and report votes in an impartial and honest manner. Family voting occurred and was particularly common in rural areas.

Individuals and parties could freely declare their candidacy and stand for election. A political party must register with the Tirana District Court

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and declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. The court registered parties routinely.

There were 10 women in the 140-seat parliament, including the speaker of parliament, and 1 woman in the cabinet; however, overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase female representation.

Several members of the Greek minority served in both the 140-seat parliament and the executive branch in ministerial and subministerial positions. No other ethnic minorities were thought to be represented in parliament or the cabinet.

#### Government Corruption and Transparency

Corruption remained a major obstacle to meaningful reform. An August 2004 survey by Management Systems International found that 94 percent of the general public and 90 percent of business managers believed that corruption among public officials was widespread. During the year the prosecutor's office dealt with 266 cases involving 158 government officials accused of abuse of authority and other types of corruption. In May the chairman of the Durres property restitution commission was sentenced to 20 years in prison for abuse of duty and corruption.

Authorities took no legal or disciplinary actions based on financial declarations filed during the year; however, 19 officials were fined in May for late submissions. Audits of 4,000 public officials' financial declaration forms by the high inspectorate for the declaration and audit of assets in March 2004 led to the dismissal of five officials and the referral of two others to the prosecutor's office for criminal investigation. The dismissed officials included a high-level transport ministry official who owned the country's largest asphalt company and an education ministry official responsible for licensing private schools who owned a private school himself.

In May a new conflict of interest law designed to help eliminate government corruption entered into force. The law provides that government ministers may not own a company that is directly tied to their official responsibilities. During the year the special ministerial position created in 2004 to combat corruption was moved to the interior ministry.

Citizens and noncitizens, including foreign media, have the right to obtain information about the activities of government bodies and persons who exercise official state functions. Public officials are legally obligated to release all information and official documents with the exception of classified documents and state secrets. However, this law has not been fully implemented, and limited access to public information for citizens and noncitizens remained a problem. A lack of government information offices and limited understanding of the law by government officials contributed to the problem. A study by the Center for Parliamentary Studies and the Soros Foundation found that only the Office of President published decisions and official documents on the Internet. A local NGO filed charges against the education ministry because it denied access to requested information. The trial continued at year's end.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views; however, in some areas—such as violence against women, including domestic violence, and children's issues—little progress was made.

Independent human rights organizations included the Albanian Helsinki Committee (problems related to minorities, security forces, the judiciary, and elections), the Albanian Human Rights Group (legal assistance and police training), the Children's Rights Center of Albania (children's rights), and the Citizen's Advocacy Office (official corruption).

The government cooperated with international organizations, such as the UNHCR and the International Organization for Migration (IOM), and did not restrict their access to the country.

A human rights ombudsman investigated inappropriate, inadequate, or illegal government actions. Although it lacked the power to enforce decisions, the ombudsman acted as a watchdog for human rights violations. The most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see sections 1.c. and 1.e.). In many cases, the government took concrete steps to correct problems in response to the findings of the ombudsman; however, disputes between the ombudsman and the prosecutor general hampered cooperation.

In May parliament passed a law strengthening the ombudsman's authority that gives the ombudsman more access to judicial authority, permits the ombudsman to inspect and monitor detention facilities and prisons, and facilitates cooperation from state employees. The law provides the ombudsman authority to initiate cases when victims do not come forward or in cases that involve the interest of the community.

In May and June, the Council of Europe's Anti-Torture Committee visited the country to examine the treatment of persons detained by law

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enforcement agencies, conditions in pretrial detention facilities and prisons, and legal remedies in cases involving allegations of police mistreatment. The committee had not released its report on the visit by year's end.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, discrimination against women and Roma persisted.

##### Women

Domestic violence against women, including spousal abuse, remained a serious problem. In traditionally male-dominated Albanian society, social norms and lax police response resulted in much abuse going unreported, and it was difficult to quantify the number of women who were victims of rape, domestic violence, or sexual harassment. According to the Center for Civil Legal Initiative's 2002-2003 media monitoring project, 56 women and girls throughout the country lost their lives as a result of domestic violence and 74 others were seriously injured. Through September the center received 180 complaints of domestic violence. The Women to Women Center, an NGO that operated mainly in the northern part of the country, reported receiving approximately 20 calls per day from women reporting some form of violence.

Many communities, particularly those from the northeastern part of the country, still followed the traditional code—the *kanun*—under which, according to some interpretations, women are considered to be, and were treated as, chattel. Some interpretations of the *kanun* dictate that a woman's duty is to serve her husband and to be subordinate to him in all matters.

The law does not specifically address violence against women, although it contains provisions aimed at protecting spouses from domestic violence. In practice the courts have not used this legal tool due to lack of understanding in how to apply the law.

The weakness of legal protections against domestic violence was illustrated by the February 2004 killing of a 21-year-old woman by her father for alleged tardiness and the father's subsequent sentencing to less than two years in prison. The case received much attention from the media and the NGO community, but was not appealed by the prosecutor.

The government did not have programs to combat domestic violence or assist victims. An NGO maintained a shelter in Tirana for abused women, although the facility had the capacity to house only a few victims at a time. The same NGO also operated a hotline that provided advice and counseling to women and girls.

The law criminalizes rape, including spousal rape; however, spousal rape was not reported or prosecuted in practice. The concept of spousal rape was not well established, and often neither authorities nor the public considered it to be a crime.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see section 5, Trafficking).

The law prohibits sexual harassment; however, it was rarely employed in practice. In April, a senior government official was dismissed for sexual harassment.

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 law 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 underemployed or worked outside their field of training.

The law provides equal rights for men and women under family law, property law, and in the judicial system. In practice, cultural traditions resulted in men often being favored over women. The State Committee on Equal Opportunity is responsible drafting, promoting and monitoring governmental gender equality programs. However, the committee was underfunded and lacked political influence. The interministerial committee on gender equality, an advisory body established by law, did not meet during the year.

##### Children

The government's commitment to children's rights and welfare is codified in domestic law; however, in practice, there was limited commitment.

The law provides for the right to nine years of free education and also authorizes private schools. School attendance is mandatory through the ninth grade (or until age 16, whichever comes first); however, in practice, many children left school earlier than allowed by law to work with their families, particularly in rural areas (see Section 6.d.). Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. The lack of proper documents--many of which were lost

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due to internal migration--prevented many students from attending school (see section 2.d.). According to recent World Bank statistics, high school enrollment for both boys and girls was only 38.7 percent, while the Albanian Institute of Statistics estimated enrollment at 53 percent. According to the UN Children's Fund (UNICEF), the primary school attendance rate for children aged 7 to 14 years was 90 percent.

Equal access to medical care was available in principle for both boys and girls; however, a high level of bribery in the medical care system sometimes limited access.

After a decade of significant internal migration, high civil registration fees have prevented many citizens from registering with authorities in their actual places of residence. As a result, children born to these individuals have no birth certificates or other legal documentation. The law requires parents who do not register their children within 30 days of the child's birth to register their children in court, where fines for not being properly registered are likely to be incurred. Thus, the country has a large—and growing—population of vulnerable, unregistered children, who were at risk of trafficking or exploitation, particularly children from the Romani community.

Child abuse, including sexual abuse, was prevalent but rarely reported. According to the interior ministry, 20 cases of sex crimes against children were reported during the year.

According to the National Reconciliation Committee, as many as 200 children remained endangered by blood feuds involving their families; 75 of these were in particularly dangerous circumstances (see section 1.a.).

Child marriage was a problem. While statistics were not available, child marriage was reportedly common among the Romani population and there were still some communities in the north and northeast of the country where there is traditional arranged "marriage from the cradle" based upon parental agreement.

Trafficking in children, although not widespread, was a problem (see section 5, Trafficking).

Child labor remained a major problem (see section 6.d.).

Homeless, displaced or street children remained a problem, particularly Romani children, who lived in extreme poverty throughout the country. Street children begged or did petty work; many migrated to neighboring countries, particularly during the summer.

#### Trafficking in Persons

The law prohibits trafficking in persons and provides penalties for traffickers; however, persons, particularly women and children, were trafficked to, from, and within the country. Police corruption and involvement in trafficking were also problems.

The law provides for penalties of 5 to 15 years' imprisonment for trafficking in persons; 7 to 15 years' imprisonment for trafficking women for prostitution; and 15 to 20 years' imprisonment for trafficking in minors. Aggravating circumstances, such as the kidnapping or death of a victim, can raise the severity of the punishment to a maximum of life in prison. Prison sentences may be supplemented by fines of \$4,000 to \$6,000 (400,000 to 600,000 lek) for sexual exploitation of a minor and \$3,000 to \$6,000 (300,000 to 600,000 lek) for sexual exploitation of a woman. The law provides that a government official convicted of exploitation for prostitution receive 125 percent of the standard penalty. The law also mandates the sequestration and confiscation of assets derived from organized crime and trafficking. In June the council of ministers established a government agency to administer sequestered and confiscated assets.

In February the government approved a child trafficking strategy and national action plan for 2005-2007 based on UNICEF guidelines and the principle of assisted voluntary return of child victims. However, at year's end the government had not established an institutional structure to implement the strategy and action plan.

Prosecution of traffickers remained a problem. Authorities often released arrested traffickers because of insufficient evidence or, if they were prosecuted, charged them with lesser crimes or gave them less than the minimum sentence for trafficking. According to the prosecutor's office, there were 341 ongoing trafficking in persons cases with 343 defendants during the year. Through November, 179 individuals were sentenced and, in four of the cases, courts convicted 10 defendants of trafficking in persons and gave each at least the minimum sentence. The police detained 53 individuals in connection with trafficking of women for sexual exploitation.

In November 2004 sixteen individuals were convicted and sentenced to prison for 1 to 10 years each for sexual violence against a 16-year-old girl at the Bishiti i Palles naval base. In 2003 the girl was smuggled onto the base to have sex with conscripted sailors and held in a semiabandoned building for two months and repeatedly raped before she was trafficked to Kosovo.

The 2003 case against operators of a child trafficking ring in Durres, involving a port customs officer and the head of the local SHISH office, never went to trial. However, four other individuals connected with the case were convicted and sentenced to prison for 3 to 6 years each.

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The country did not participate in any regional antitrafficking operations during the year; however, authorities extradited 35 persons for trafficking and other offenses. In August 2004 authorities participated in a regional antitrafficking sweep organized through the Southeast European Cooperative Initiative Center resulted in 125 arrests regionwide for various forms of trafficking, prostitution, and smuggling.

In 2003 the serious crimes court upheld the conviction of seven persons to 10 to 20 years in prison for trafficking newborn babies to Greece.

During the year the government began implementing the April 2004 witness protection law, establishing a witness protection unit in the ASP's newly expanded directorate of organized crime and witness protection and naming a commission to evaluate applications for admission to the witness protection program. In June the government adopted its first regulations implementing the law. By year's end, three individuals had been admitted to the program, although none had been relocated. Despite these efforts, witness protection remained a serious problem, and witnesses' fear of retaliation was a strong deterrent to the effective prosecution of organized crime and trafficking cases.

The country remained a source country for trafficking of women and children for the purposes of sexual exploitation and forced labor, but was deemed by international observers to no longer be a significant country of transit. The relatively few foreign women and girls in transit originated primarily in Serbia and Montenegro (Kosovo), and, to a lesser extent, Moldova, Romania, Ukraine, Russia, Bulgaria, Sri Lanka, and China. Most trafficked women and girls were transported to Italy, Greece, and other European countries, such as Belgium, France, the United Kingdom, the Netherlands, and Norway. There was a significant increase in the trafficking of children to Kosovo for begging or sexual exploitation. Traffickers largely used overland routes through Greece (via Macedonia) or Montenegro or falsified documents to transport their victims by plane or ferry.

According to NGOs, approximately 1,000 unaccompanied Albanian children were living in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children—many of whom were trafficking victims—lived in Greece. According to Terre des Hommes (TdH), a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Internal trafficking increased during the year. TdH identified and assisted 126 trafficked children, approximately 53 of whom were internally trafficked. Children were generally trafficked for forced begging or sexual exploitation. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy. In a few cases children were bought from families or kidnapped, reportedly for begging or working abroad. According to TdH, children, mostly from Romani and Egyptian communities, were increasingly trafficked for begging by their parents without the involvement of a third party.

The main forms of recruitment involved marriage under false pretenses or false promises of marriage to lure victims abroad for sexual exploitation. Due to the poor economic situation, men and women from organized criminal groups also lured many women and girls from all over the country by promising them jobs in Italy and Greece. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both citizens and foreign women trafficked by domestic organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members. To a lesser extent, family members of neighbors sold victims—particularly Romani children—to traffickers or traffickers kidnapped children, including from orphanages.

The police were often involved directly or indirectly in trafficking. During the year, authorities arrested one police officer for trafficking, who was tried but not convicted; authorities did not prosecute any other government officials for trafficking offenses. Traffickers also manipulated lawyers and judges and bribed their way out of punishment. During the year the interior ministry's internal control office investigated only five cases of police involvement in all forms of trafficking.

The government provided very limited services to trafficking victims. For example, the government operated one shelter in Tirana, but only with NGO assistance. Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job training, and some legal assistance. The Vatra Hearth Shelter, an NGO in Vlora, provided similar services. Both shelters reported that a large percentage of their cases during the year involved victims deported from other European countries.

Police treatment of trafficked women continued to improve during the year; however, foreign women who were detained by police at times lacked translation services or were not given a choice of lawyers.

Victims of trafficking often faced significant stigmatization from their families and society. According to the Vatra Hearth Shelter, there have been many cases where families have threatened victims of trafficking, minors included, with death because of their past. Retrafficking was a significant problem, with 131 out of 228 victims sheltered at the Vatra Hearth Shelter during the year reporting that they had been trafficked at least twice previously and 7 of the victims were under continuous threats from the perpetrators. Of the 228 victims at the shelter, 28 were internally trafficked and the remainder were from other countries.

The Vlora antitrafficking center, which opened in 2001, was not fully operational but was used for regional training. Domestic and international NGOs carried out most of the country's trafficking awareness programs.

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## Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, there was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. While the law mandates that new public buildings be made accessible for persons with disabilities, the government did not undertake to provide such accessibility.

## National/Racial/Ethnic Minorities

There were reports of government violence and discrimination and of societal discrimination against members of minority groups, particularly the Romani and Egyptian communities.

The law permits official minority status for national groups and for ethnolinguistic groups. Greeks are the largest national minority, followed by small groups of Macedonians and Montenegrins; Aromanians (Vlachs) and Roma are defined as ethnolinguistic minority groups. The government has not provided minority status to the Egyptian community, thereby denying it constitutional protections against discrimination available to other minority groups. To qualify for minority status under the law, a group of individuals must share the same language (other than Albanian), have documentation to prove its distinct ethnic origin or national identity, and have distinct customs and traditions or a link to a kinship state outside of the country. The government maintained that the Egyptians did not meet some criteria, such as a distinct language and traditions, and instead considered them a community.

According to the European Roma Rights Center, in early January Tirana municipality construction police reportedly beat and killed Dritan Hasimi, a 22-year-old Rom, when he resisted the destruction of his home during the demolition of an illegal Romani settlement. The official autopsy report concluded that Hasimi died of alcohol poisoning.

During the year there were reports that police beat Roma and Egyptians.

There were reports that police displaced Roma and Egyptian families from their temporary housing. On January 6, the Tirana municipality demolished the homes of 18 Romani families comprising 150 persons, reportedly without warning, leaving them homeless in the middle of winter. The municipality demolished the homes, located in a settlement close to the Lana river, because they blocked its territory regulation plan and were illegal. A similar case resulted in the eviction of 51 Romani families in June 2004.

The Romani and Egyptian communities were among the most politically, economically, and socially neglected groups in the country. Members of the Egyptian community 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, particularly among children, poor health conditions, lack of education, and marked economic disadvantages. At year's end the government had not implemented its national strategy for the improvement of living conditions of the Romani minority.

The ethnic Greek minority 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 recognize the possible existence of ethnic Greek towns outside communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration.

While Greek-language public elementary schools were common in the southern part of the country where most ethnic Greeks live, the Greek cultural association Omonia complained that the community needed more classes both within and outside the minority zones. Every village in the Greek zones had its own elementary-middle (nine-year) school in the Greek language, regardless of the number of students, and Gjirokaster had two Greek language high schools.

## Other Societal Abuses and Discrimination

NGOs claimed that police targeted the country's homosexual community for abuse. 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. According to the ombudsman's office, in June police at the Tirana police commissariat detained, insulted, and physically mistreated a member of the Gay Albania association. Medical experts verified the mistreatment, and the ombudsman's office started an investigation. No action had been taken against the police by year's end.

## Section 6 Worker Rights

### a. The Right of Association

Workers had the right to form independent unions, and exercised this right in practice; however, civilian government employees and

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members of the military are prohibited from joining unions. Approximately 20 percent of the workforce was unionized, but union membership was declining.

The law does not prohibit antiunion discrimination; however, there were no reports of such discrimination in practice.

#### b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces, and some court employees, have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements; however, labor unions operated from a weak position. In practice, unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The law provides that all workers, except civil servants, uniformed military, police, and some court officials, have the right to strike and exercised this right in practice. The law prohibits strikes that are declared openly to be political or that are judged by the courts to be political.

By year's end the urban transport park in Tirana had not reinstated 10 employees who held a 5-day hunger strike in April 2004 to protest illegal dismissal. The park's director claimed that the strike violated the workers' employment contract. However, the Albanian Human Rights Group and ombudsman stated that the hunger strike was legal and that the park director had not abided by the law in the firing of the employees.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred (see sections 5 and 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age of employment at 14 and regulates the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 may work legally in part time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The Ministry of Labor enforces minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspections of factories in the first half of 2004 found only 1 percent of the employees were underage. However, labor inspectors only investigated the formal labor sector, whereas most child labor occurred in the informal sector. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls. NGOs reported that labor inspectors charged with investigating child labor complaints did not give out fines or penalties or initiate legal actions against those who violated child labor laws.

The Children's Rights Center of Albania (CRCA) estimated that approximately 50,000 children under the age of 18 worked either full or part time. UNICEF estimated that 23 percent of children aged 5 to 14 years in the country were working between 1999 and 2003; children considered to be working included those who performed any paid or unpaid work for someone who was not a member of the household, who performed more than four hours of housekeeping chores in the household, or who performed other family work.

According to the CRCA, the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, and shoeshine boys, some as many as 16 hours a day. In Tirana and other cities, children—mostly Roma—worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CRCA also noted that there were approximately one thousand street children in Tirana. Increasing numbers of children in Tirana fell victim to prostitution and other forms of exploitation. Children were trafficked for sexual exploitation and forced labor (see section 5).

#### e. Acceptable Conditions of Work

There was no minimum wage for workers in the private sector. The legal minimum wage for government workers over the age of 18 was approximately \$118 (11,800 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. The average wage for government workers was approximately \$213 (21,325 lek) per month. According to the Albanian Institute of Statistics, approximately 25 percent of the population lived under the official poverty line.

The law establishes a 40-hour workweek; however, the actual workweek typically was set by individual or collective agreements. Many persons worked six days a week. The law requires payment of overtime and rest periods; however, these provisions were not always observed in practice. The government had not established standards for a minimum number of rest periods per week, limits on the maximum number of hours worked per week, or the amount of premium pay for overtime and did not prohibit excessive compulsory overtime.

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The Ministry of Labor and Equal Opportunities is responsible for enforcing government occupational health and safety standards and regulations; however, these regulations were generally not enforced in practice. Actual workplace conditions were frequently very poor and in some cases dangerous. During the year a number of job-related deaths were reported by the media, particularly in the construction and mining industries. The law does not provide workers the right to remove themselves from hazardous situations without jeopardy to their employment.