

# ALBANIA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral parliament (Assembly), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. In 2017 the country held parliamentary elections. The Organization for Security and Cooperation in Europe (OSCE) reported that the elections respected fundamental freedoms but were marred by allegations of vote buying and pressure on voters. Local elections took place June 30 but several opposition parties boycotted, accusing the government of electoral fraud. The OSCE observation mission to the local elections reported that although voting “was conducted in a generally peaceful and orderly manner,” voters did not have a meaningful choice between political options, and that there were credible allegations of vote buying as well as pressure on voters from both the ruling party and opposition parties.

The Ministry of Interior oversees the Guard of the Republic and the State Police, which includes the Border and Migration Police. The State Police is primarily responsible for internal security. The Guard of the Republic protects senior state officials, foreign dignitaries, and certain state properties. The Ministry of Defense oversees the armed forces. The State Intelligence Service is responsible to the prime minister, and gathers information, carries out foreign intelligence and counterintelligence activities. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included restrictions on free expression and the press, including the existence of criminal libel laws, and pervasive corruption in all branches of government and municipal institutions.

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

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

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

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

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

While the constitution and law prohibit such actions, there were allegations that police and prison guards sometimes beat and abused suspects and prisoners, usually in police stations.

In a September 17 report on its most recent visit to a number of the country's prisons and detention center, the Council of Europe's Committee for the Prevention of Torture (CPT) reported receiving a significant number of allegations of mistreatment of criminal suspects by police officers, most involving use of excessive force at the time or immediately following apprehension. Several allegations also concerned mistreatment during transport or initial questioning, apparently to extract a confession, obtain information, or as punishment. The alleged mistreatment consisted of slaps, punches, kicks, blows with a hard object, and excessively tight handcuffing.

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

Through August the Albanian Helsinki Committee (AHC) conducted four monitoring missions based on allegations of violence against inmates. In two cases, the AHC found evidence of violence. The AHC sent its findings to the General Directorate of the Albanian State Police, the General Directorate for Prisons (GDP), and the Korca District Prosecutor's Office. The Prison Internal Control Service Board and the Internal Affairs and Complaints Service investigated the allegations, but the prosecution elected not to press charges.

During the year the Office of the Ombudsman received complaints alleging excessive use of teargas by the police during opposition protests and during a forced eviction due to construction of the new ring road in Tirana. The Office of the Ombudsman reported that the State Police refused a request to review standard operating procedures for the use of teargas. State Police reported that their response to opposition protests was proportional to the risk presented and warranted to protect the lives of protesters and police officers, as well as safeguarding state facilities.

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

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

Physical Conditions: Gross overcrowding was a problem in some facilities. After a visit to Zaharia prison in Kruje in June, the AHC reported that the prison housed 294 inmates in the facility, 114 inmates over its official capacity. The AHC provided this information to the Commissioner for Protection from Discrimination (CPD), who determined that many of the inmates, whom a court had ordered temporarily hospitalized in a psychiatric institution, had been wrongly incarcerated. The Office of the Ombudsman also visited Zaharia and Shen Koll facilities in June and reported the same conditions.

Prison and detention center conditions varied significantly by age and type of facility. The Office of the Ombudsman reported, in some cases, leaking roofs, rats in the cells, lack of bedding materials, lack of heating and cooling systems, and concerns with the health care system. Prisoners complained that prison authorities left the lights on in their cells all day, though this measure is required by law.

The Office of the Ombudsman and nongovernmental organizations (NGOs) reported that authorities held inmates with mental disabilities in regular prisons, where access to mental health care was inadequate.

Conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, were inadequate in some respects, except for regional facilities in Tirana (excluding its commissariats, which are smaller units falling under regional police directorates), Durres, Gjirokaster, Kukes, Fier, and Korca. Some detention facilities in remote areas were unheated during the winter,

and some lacked basic hygienic amenities, such as showers or sinks. Facilities were cramped, had limited access to toilets, and little or no ventilation, natural light, or beds and benches. Camera monitoring systems were nonexistent or insufficient in most police stations. The Office of the Ombudsman reported that facilities operated by the Interior Ministry suffered overcrowding mainly due to a lack of coordination with and delays from the Ministry of Justice.

Administration: The Office of the Ombudsman reported that prison and police officials generally cooperated with investigations. The GDP received 133 complaints through July, mostly regarding employment decisions or corruption in the penitentiary system, while the Office of the Ombudsman received 141 complaints from detainees and inmates through August but did not refer any cases for prosecution.

Corruption continued to be a serious problem in detention centers, particularly in connection with access to work and special release programs. In October 2018 the former general director of prisons, Arben Cuko, was arrested on corruption charges. As of October his case continued to be under investigation. In July, Lushnja prison director Judmir Shurdhi and another prison staff member were arrested for the unauthorized release of a convict. As of October their case continued to be under investigation. Through July the GDP reported that it carried out disciplinary proceedings of 422 prison staff and fired 33 additional staff. Through August the GDP had dismissed six prison directors, and four more of them were under investigation.

The Office of the Ombudsman reported that the sister of a prisoner who died while incarcerated in Fier alleged he died due to inadequate health care. The district prosecution investigated the allegations but closed the case due to a lack of evidence. As of April the Office of the Ombudsman was investigating complaints about the circumstances of two suicides and another death in prison.

The Office of the Ombudsman reported that it monitored hunger strikes by inmates in Burrel and Fushe-Kruje facilities in 2018 and another in July in the Jordan Misja prison. The inmates began hunger strikes to protest new legislation that would isolate inmates who have committed severe crimes. The inmates also sought improvements in their facilities. The Office of the Ombudsman and the GDP reported that the strikes ended after negotiations with the prison administration.

Independent Monitoring: The government generally allowed local and international human rights groups, the media, and international bodies such as the

CPT to monitor prisons and detention facilities. The Office of the Ombudsman reported, however, that the Albanian State Police hindered its investigation into allegations of the excessive use of force at opposition protests during the year. The Office of the Ombudsman also reported that the government did not respond to its questions during the investigation within the period required by law.

The AHC reported that administrators of prisons in Peqin, Tirana, and Korca placed limits on its access to documents from the prisons' psychological and medical staff, which the government said was intended to protect confidentiality.

Improvements: The Office of the Ombudsman informally reported a decrease in overcrowding due to new infrastructure and amnesties.

In response to an internal analysis of suicides and attempted suicides, the GDP published *A Guide to Suicide Prevention Measures in Prisons* in March. The government also remodeled one of the Shen Koll prison wings to accommodate up to 200 inmates with mental health problems.

#### **d. Arbitrary Arrest or Detention**

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

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

The law requires that, except for arrests made during the commission of a crime, police arrest a suspect on criminal grounds with a warrant issued by a judge and based on sufficient evidence. There were no reports of secret arrests. By law, police must immediately inform a prosecutor of an arrest. The prosecutor may release the suspect or petition the court within 48 hours to hold the individual further. A court must also decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to police. Prosecutors requested, and courts ordered, detention in many criminal cases, although courts sometimes denied prosecutors' requests for detention of well connected, high-profile defendants.

By law, police should transfer detainees to the custody of the Ministry of Justice, which has facilities for detention exceeding 10 hours. Due to overcrowding in the

prison system, detainees, including juveniles, commonly remained in police detention centers for periods well in excess of the 10-hour maximum.

The Office of the Ombudsman reported that police used excessive force when arresting protestors who took part in opposition rallies throughout the country during the year. The Office of the Ombudsman received 12 complaints for excessive use of force and injuries from tear gas during those protests and referred one case for prosecution. The Office of the Ombudsman referred a case of injuries sustained from tear gas during a protest of the construction of a new road in Tirana.

The Office of the Ombudsman was also investigating a separate case of excessive use of force and injuries from tear gas used to evict residents before demolishing buildings for a project to refurbish the Bregu i Lumit neighborhood.

Impunity for police misconduct also remained a problem, although the government made greater efforts to address it, by increasing the use of camera evidence to document and prosecute police misconduct.

The constitution requires authorities to inform detained persons immediately of their rights and the charges against them. Law enforcement authorities did not always respect this requirement. The law provides for bail and a system is operational; police frequently release detainees without bail, on the condition that they report regularly to the police station. Courts also often ordered suspects to report to police or prosecutors on a weekly basis. While the law gives detainees the right to prompt access to an attorney, at public expense if necessary, NGOs reported interrogations often took place without the presence of a lawyer. Authorities placed many suspects under house arrest, often at their own request, because, if convicted, they receive credit for time served.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention. Although the government generally observed these prohibitions, there were instances when police detained persons for questioning for inordinate lengths of time without formally arresting them.

Pretrial Detention: While the law requires completion of most pretrial investigations within three months, a prosecutor may extend this period. The law provides that pretrial detention should not exceed three years. Extended pretrial detention often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. The law enables judges to hold offending attorneys in contempt of court. Limited material resources, lack of

space, poor court-calendar management, insufficient staff, and failure of attorneys and witnesses to appear prevented the court system from adjudicating cases in a timely fashion. As of August, 42 percent of the prison and detention center population was in pretrial detention.

#### **e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. Court hearings were often not open to the public. Court security officers frequently refused to admit observers to hearings and routinely telephoned the presiding judge to ask whether to admit an individual seeking to attend a hearing. Some agencies disregarded court orders.

The government implemented an internationally monitored process to vet judges and dismiss those with unexplained wealth or ties to organized crime. As of November, 64 percent of judges and 43 percent of prosecutors who had undergone vetting had failed and been dismissed. As a result, only one of nine judges remained on the Constitutional Court, depriving the court of a quorum; the others had been dismissed during the vetting process or resigned before undergoing vetting. Two more judges have since been appointed, but a dispute between appointing bodies over another potential Constitutional Court judge candidate was unresolved due to differing interpretations of the law governing the new appointment process. As of November, 18 of the 19 seats on the Supreme Court were also vacant, and the court faced a considerable case backlog. The politicization of past appointments to the Supreme Court and Constitutional Court threatened to undermine the independence and integrity of these institutions.

As of October there had been no disciplinary measures against judges or prosecutors due to the pause in normal disciplinary processes while the country establishes independent disciplinary bodies; gaps in the law, a lack of vetted candidates to fill necessary positions, and institutional and political disagreements also delayed appointments and actions. Judicial reform provisions require the High Justice Inspector to conduct disciplinary investigations while the High Judicial Council and the High Prosecutorial Council impose measures for disciplinary violations. The councils were formed in December 2018; as of October the High Justice Inspector had not yet been elected.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial without undue delay. The law presumes defendants to be innocent until proven guilty. It provides for defendants to be informed promptly and in detail of the charges against them, with free interpretation as necessary. Defendants have the right to be present at their trial and consult an attorney. If they cannot afford one, an attorney is to be provided at public expense. The law provides defendants adequate time and facilities to prepare a defense, and access to interpretation free of charge. Defendants have the right to confront witnesses against them and to present witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal. The government generally respected these rights, although trials were not always public and access to an attorney was at times problematic. To protect the rights of defendants and their access to the evidence against them, a prosecutor must apply to a preliminary hearing judge and make a request to send the case to trial.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

While individuals and organizations may seek civil remedies for human rights violations, courts were susceptible to corruption, inefficiency, intimidation, and political tampering. Judges held many court hearings in their offices, demonstrating a lack of transparency and professionalism and providing opportunities for corruption. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law. Despite the statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from this during the year.

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

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

## **Property Restitution**

The Office of the Ombudsman and NGOs reported that some claimants struggled to obtain due process from the government for property claims. Thousands of claims for private and religious property confiscated during the communist era remained unresolved with the Agency for Property Treatment. Claimants may appeal to the ECHR and many cases were pending ECHR review. The Office of the Ombudsman reported that as of June, 39 cases were before the ECHR that involved millions of euros in claims. The Office of the Ombudsman reported that the government generally paid out according to the timeframe that the ECHR determined.

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

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

The constitution and laws prohibit such actions, but there were reports that the government failed to respect those prohibitions. As of August the Office of the Ombudsman had received 31 citizen complaints against local inspectorates for the protection of territory and 11 against the National Inspectorate for the Protection of Territory (NIPT), which regulate construction, domestic development, and water resources. The Office of the Ombudsman noted there was an increase in the number of complaints for illegal, irregular, or overdue actions of local and national inspectorates. For example, the AHC received complaints from residents in the Bregu i Lumit neighborhood of Tirana regarding the demolition of 38 buildings. The complaints were lodged against NIPT and the Agency for Legalization, Urbanization, and Integration of Informal Construction, which is responsible for coordinating the legalization of, and payment of compensation due to, construction built without a permit or proper title. As of October prosecutors were investigating the case.

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

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government usually respected these rights, although defamation is a criminal offense. There were reports that the government, business, and criminal groups sought to influence the media in inappropriate ways.

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

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

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

In its annual *Media Sustainability Index*, the International Research and Exchanges Board indicated that free speech, plurality of news sources, and supporting institutions experienced a slight increase, but professionalism and business management decreased.

Violence and Harassment: The AJU reported 14 cases of violence and intimidation against members of the media, and political and business interests subjected journalists to pressure. The union also denounced violent acts toward reporters by opposition protesters in May.

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

Libel/Slander Laws: The law permits private parties to file criminal charges and obtain financial compensation for insult or deliberate publication of defamatory information. NGOs reported that the fines, which could be as much as three million leks (\$27,800), were excessive and, combined with the entry of a conviction into the defendant's criminal record, undermined freedom of expression. The AJU expressed concern that during the first four months of the year, judges and politicians had initiated more than 16 lawsuits against journalists, mainly for defamation.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

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

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

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

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement**

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

In-country Movement: To receive government services, individuals changing place of residence within the country must transfer their civil registration to their new community and prove the legality of their new domicile through property ownership, a property rental agreement, or utility bills. Many individuals could not provide proof and thus lacked access to public services. Other citizens, particularly Roma and Balkan-Egyptians, lacked formal registration in the communities where they resided. The law does not prohibit their registration, but it was often difficult to complete. Many Roma and Balkan-Egyptians lacked the financial means to register, and many lacked the motivation to go through the process.

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The Office of the UN High Commissioner for Refugees (UNHCR) reported a few cases of police intimidation and reluctance to accept requests for asylum.

Authorities often detained irregular migrants who entered the country, mostly at the country's southern border with Greece; most of those who did not request asylum were deported to Greece within 24 hours. Migrants detained further inland could spend several weeks at the Karrec closed migrant detention facility awaiting deportation. UNHCR reported that conditions at the Karrec center were unsuitable, particularly for families and children. The government made efforts to avoid sending children there, placing them instead in the open migrant facility in Babrru. Karrec and Babrru centers faced funding constraints.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Police allowed UNHCR, the Office of the Ombudsman, and the NGO Caritas to monitor the processing, detention, and deportation of some migrants.

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

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

The law on asylum requires authorities to grant or deny asylum within 51 days of an applicant's initial request. Under the law, asylum seekers cannot face criminal charges of illegal entry if they contact authorities within 10 days of their arrival in the country. UNHCR reported that the asylum system lacked effective monitoring.

Safe Country of Origin/Transit: The law prohibits individuals from safe countries of origin or transit from applying for asylum or refugee status. UNHCR reported, however, that no asylum requests had been refused based on the government's list of safe countries, which included Greece.

Employment: While the law permits refugees to work, the limited issuance of refugee identification cards and work permits meant that few refugees had employment opportunities.

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

### **g. Stateless Persons**

According to UNHCR statistics there were 1,031 persons in the country under the agency's statelessness mandate at the end of 2018. The government does not have reliable data regarding the total number of stateless persons or persons at risk of statelessness in the country. State Police reported one stateless woman in the Karrec closed migrant detention facility. The law allows stateless persons to acquire Albanian citizenship under certain conditions, although there is no separate legislation that specifically addresses providing an opportunity for stateless persons to acquire citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The most recent national parliamentary elections took place in 2017. The OSCE observation mission for the elections reported that contestants “were able to campaign freely and fundamental freedoms were respected.” The OSCE further noted the “continued politicization of election-related bodies and institutions as well as widespread allegations of vote buying and pressure on voters detracted from public trust in the electoral process.” Regarding voting itself, the OSCE mission noted “an overall orderly election day” but found that “important procedures were not fully respected in a considerable number of voting centers observed.”

Local elections took place on June 30. Several opposition parties boycotted the elections, claiming concern about government collusion with organized crime to commit electoral fraud. The OSCE election observation mission reported that “voters did not have a meaningful choice between political options” and “there were credible allegations of citizens being pressured by both sides.”

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

Participation of Women and Minorities: No laws limit the participation of women and members of minority groups in the political process, and they did participate. Following the 2017 elections, the share of Assembly members who were women increased to a record 29 percent. Following a government reshuffle in December 2018, the share of ministers who were women increased from 47 percent to 53 percent. The law governing the election of Assembly members requires that 30 percent of candidates be women and that they occupy 30 percent of appointed and elected positions. According to the OSCE final report on the elections, however, the largest parties did not always respect the mandated 30 percent quota in their

candidate lists. The Central Election Commission (CEC) fined the parties but nonetheless accepted their lists. While there is no quota for mayoral candidates, the law requires that the city council candidate lists include candidates of both genders; 13 percent of the mayors-elect in local elections were women.

Members of national minorities stood as candidates in both minority and mainstream parties in the 2017 parliamentary elections and 2019 local elections, and campaigning in the Greek and Macedonian languages without incident was observed. Nevertheless, observers reported that some minorities remained vulnerable to vote buying. Due to the CEC's replacement of members of the opposition who resigned from the Assembly in February, one Balkan-Egyptian candidate joined the Assembly as a member.

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

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

The constitution requires judges and prosecutors to undergo vetting for unexplained wealth, ties to organized crime, and professional proficiency. The Independent Qualification Commission conducted vetting, and appeals were heard by an appeals chamber. The International Monitoring Operation, composed of international judicial experts, oversaw the process. As of November the commission had dismissed 81 judges and prosecutors and confirmed 67, while 23 others had resigned rather than undergo vetting.

Several government agencies investigated corruption cases, but limited resources, investigative leaks, real and perceived political pressure, and a haphazard reassignment system hampered investigations. In selective instances involving international actors, anticorruption agencies cooperated with civil society.

Corruption: Between January and June, the prosecutor general's office registered 63 new corruption investigations. During the same period, 34 individuals were convicted on corruption charges, and trials began against an additional 51 individuals. The Department of Administration, Transparency, and Anticorruption had investigated 29 cases, resulting in 115 administrative and 153 disciplinary measures.

While prosecutors made significant progress in pursuing low-level public corruption cases, including corrupt prosecutors and judges, prosecution of higher-level crimes remained rare due to investigators' fear of retribution, a general lack of resources, and corruption within the judiciary itself. In September a former interior minister was convicted of abuse of public office and received a five-year prison sentence that was reduced to three years' probation because he accepted an expedited trial.

Police corruption remained a problem. The Service for Internal Affairs and Complaints (SIAC) received 1,211 written complaints through August, compared with 1,978 in all of 2018. Most of the complaints alleged a failure to act, arbitrary action, abuse of office, or a violation of standard operating procedures. Through August, SIAC filed 70 administrative violations, recommending 116 police officers for disciplinary proceedings. SIAC referred two cases for prosecution in relation to three officers accused of arbitrary actions and forgery of official documents. The Office of the Ombudsman also processed complaints against police officers, mainly concerning problems with arrests and detentions.

Police did not always enforce the law equitably. Personal associations, political or criminal connections, deficient infrastructure, lack of equipment, and inadequate supervision often influenced law enforcement. Poor leadership contributed to continued corruption and unprofessional behavior. Authorities continued to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures. The Ministry of Interior has established a system of vetting security officials and was vetting the first tranche of 30 high-level police leaders.

Financial Disclosure: The law requires public officials to disclose their assets to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI), which monitored and verified such disclosures and made them available to the public. The law authorizes HIDAACI to fine officials who fail to comply with disclosure requirements or refer them to the prosecutor.

HIDAACI reported that through August it had referred 60 new cases for prosecution, involving 12 Assembly members, four ministers and deputy ministers, six mayors, one CEC member, 17 general directors and deputy general directors of public agencies, four advisors to ministers and Assembly members, one judge, and 15 other government officials on charges including refusing to declare, hiding, or falsifying asset declarations, money laundering, tax evasion, falsification of

documents, and corruption. Through August, HIDAACI fined 39 individuals for not disclosing their assets or conflicts of interest or for violating the law on whistleblower protection. Courts generally upheld the fines imposed by HIDAACI.

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

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

Government Human Rights Bodies: The Office of the Ombudsman is the main independent institution for promoting and enforcing human rights. It is authorized by law to monitor and report on prisons and detention centers. The office may initiate an investigation based on complaints or on its own authority. Although the Office of the Ombudsman lacked the power to enforce decisions, it acted as a monitor of human rights violations. The Office of the Ombudsman was underfunded and understaffed.

The Assembly has committees on legal issues, public administration, and human rights, which review the annual report of the Office of the Ombudsman. The committee was engaged and effective in legislative matters.

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

#### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a crime. Penalties for rape and sexual assault depend on the age of the victim. For rape of an adult, the penalty is three to 10 years in prison. The law includes provisions on sexual assault and criminalizes spousal rape. The government did not enforce the law effectively, and authorities did not prosecute spousal rape. The concept of spousal rape was not well understood, and authorities often did not consider it a crime.

In July 2018 the Assembly amended the law on domestic violence to extend protection to victims in an active relationship or civil union. The amendments created a protective order that automatically protects children as well. Police implemented automated application issuance processes within the Police Case

Management System, which allow for rapid issuance of protective orders and produces a historical record of orders issued. Through August the system generated more than 1,600 protective orders.

NGOs reported high levels of domestic violence against women. According to a 2018 survey of women between the ages of 18 and 74 that the UN Development Program released in March, 52.9 percent of women surveyed reported having been subjected to violence or sexual harassment during their lifetimes. The Albanian State Police reported 11 domestic violence-related murders through July.

The government operated one shelter to protect survivors of domestic violence and three shelters for victims of human trafficking that also accommodated victims of domestic violence. In December 2018 the government began operating a crisis management center for victims of sexual assault, at the Tirana University Hospital Center. The Ministry of Health and Social Welfare reported that as of September the center had treated 23 victims.

Sexual Harassment: The law prohibits sexual harassment, but officials rarely enforced it. The commissioner for protection from discrimination (CPD) generally handled cases of sexual harassment and could impose fines of up to 80,000 leks (\$720) against individuals or 600,000 leks (\$5,400) against enterprises.

Through July the State Police reported 33 cases of sexual harassment that involved 32 suspected perpetrators and 31 victims, 30 of whom were women. In one case, media outlets reported in February that a police officer allegedly sent sexual images to a 15-year-old girl. The central and local structures of the Internal Affairs and Appeals Service at the Ministry of Interior opened a criminal investigation, which was ongoing as of October, and the Professional Standards Directorate in the State Police dismissed the officer.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women as for men, but the government did not enforce the law effectively. Women were underrepresented in many fields at the highest levels. The law mandates equal pay for equal work, although many private employers did not fully implement this provision. In many communities, women experienced societal discrimination based on traditional social norms subordinating women to men.

There were reports of discrimination in employment, and the CPD adjudicated 44 cases through July. In one example, the CPD received a complaint against Philip Morris Albania, alleging the company fired a woman because she went on maternity leave. The CPD ruled the company had discriminated against the woman based on gender. The company appealed the decision to the administrative court, which upheld the CPD decision; the plaintiff can seek compensation in the trial court system.

In another case, the CPD recommended that Albawings airline remove gender and age criteria from job-vacancy announcements and stop requesting pictures of applicants for flight attendant positions. Albawings complied with the recommendations.

Gender-biased Sex Selection: According to official figures, in 2018 the ratio of boys to girls at birth was 108 to 100. There were no government-supported efforts to address the imbalance.

## **Children**

Birth Registration: An individual acquires citizenship by birth in the country or from a citizen parent. There were no reports of discrimination in birth registration, but onerous residency and documentation requirements for registration made it more difficult for the many Romani and Balkan-Egyptian parents who lacked legally documented places of residence to register their children.

The Assembly amended the law on civil status, which entered into force in 2018, to provide financial incentives for birth registration. The government also issued instructions clarifying the process of birth registration for children born abroad. Several maternity hospitals opened civil registry desks to facilitate birth registration.

Children born to internal migrants, including some Romani families, or those returning from abroad, frequently had no birth certificates or other legal documents and consequently were unable to attend school or have access to services.

Education: School attendance is mandatory through the ninth grade or until the age of 16, whichever occurs first, but many children, particularly in rural areas, left school earlier to work with their families. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms; these were prohibitively

expensive for many families, particularly Roma and members of other minorities. Many families also cited these costs as a reason for not sending girls to school.

Children in first through fourth grade are legally entitled to free textbooks, but some smaller municipalities did not provide them, and parents had to pay for them. Curricula varied from school to school, so parents of children who changed schools during the academic year had to pay for a second set of schoolbooks. An NGO provided school materials, bags, uniforms, and access to schoolbooks to children in four municipalities who were mainly from Roma and Balkan-Egyptian communities.

Some children, particularly those located in the city of Shkoder, were unable to attend school due to their families' involvement in blood feuds based on the Kanun, a set of traditional Albanian laws. Children were confined to their homes due to fear of revenge attacks.

Early and Forced Marriage: Although the legal minimum age for marriage is 18, authorities did not always enforce the law. Underage marriages occurred mostly in rural areas and within Romani communities.

Sexual Exploitation of Children: Penalties for the commercial sexual exploitation of a child range from eight to 15 years' imprisonment. The country has a statutory rape law; the minimum age for consensual sex is 14. The penalty for statutory rape is a prison term of five to 15 years. In aggravated circumstances, the penalty may increase to life imprisonment. The law prohibits making or distributing child pornography; penalties are a prison sentence of three to 10 years. Possession of child pornography is also illegal.

Authorities generally enforced laws against the rape and sexual exploitation of minors effectively, but NGOs reported that they rarely enforced laws prohibiting child pornography. The government reported that, as of July, two children had been sexually exploited, but there were no cases involving pornography.

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

The State Agency for the Protection of Children's Rights reported that as of July authorities had identified 165 street children, eight of whom were victims or potential victims of trafficking. Authorities placed 17 children under protective orders that prevented the perpetrator from approaching or contacting the victim, and sent four other cases for prosecution. They referred 67 children to shelters. Through June child protection units (CPUs) in local communities reported that they had identified a total of 1,145 children at risk of abuse in the country.

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

UNICEF reported that as of July more than 70 percent of the approximately 240 children living in public institutions had been evaluated as having delays in their physical, emotional, and cognitive development.

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

Through August there were 23 juveniles in the justice system, three of whom had been convicted. The country lacked enough adequate facilities for pretrial detention of children, although the Juvenile Institute in Kavaja was adequate for the population it served. The GDP reported that the number of minors in pretrial detention and detention facilities had decreased because of alternative sentencing. By the end of 2018, all juvenile inmates in Lezha, Korca, and Vlora detention facilities had been transferred to the Juvenile Institute in Kavaja, which serves as the only institution in the country for juvenile offenders.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

Reports indicated that there were 40 to 50 Jews living in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, employers, schools, health-care providers, and providers of other state services at times engaged in discrimination. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. From February 2018 through March 2019, the government adapted the premises of 2,567 offices to accommodate persons with disabilities.

As of July the CPD had received 18 complaints and opened two additional investigations on its own initiative of alleged discrimination against individuals with disabilities, ruling in favor of the complainants in four cases. In one case, the CPD ruled against the municipality of Shkoder for not offering free public transportation to persons with disabilities as required by law and ordered the municipality to begin providing such services.

The government sponsored social services agencies to protect the rights of persons with disabilities, but these agencies lacked funding to implement their programs adequately. Resource constraints and lack of infrastructure made it difficult for persons with disabilities to participate fully in civic affairs. Voting centers often were in facilities that lacked accommodations for such persons. A 2018 study by World Vision and Save the Children reported that none of the 10 municipalities surveyed had a plan to eliminate barriers to information, communication, and mobility for persons with disabilities or a dedicated budget to address the problem.

As of August the Office of the Ombudsman inspected four mental health institutions during the year and found that patients were given inadequate psychiatric evaluations upon both admission to and discharge from the institutions. Persons with mental and other disabilities were subject to societal discrimination and stigmatization.

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

There were allegations of discrimination against members of the Romani and Balkan-Egyptian communities, including in housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian students, particularly if the students appeared to be poor. Many schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.

As of July the CPD had received 25 complaints of discrimination on grounds of race and ethnicity and opened two additional investigations on its own initiative, ruling in favor of the complainant in nine cases. In one case, the CPD ruled against Fier municipality and its water and sewage utility for discriminating against several Romani households. The CPD ordered the municipality and utility to supply running water to the families. When the municipality and utility did not respond, the CPD imposed fines on them.

The government adopted legislation on official minorities in 2017 but had yet to pass all the implementing regulations. The law provides official minority status for nine national minorities without distinguishing between national and ethnolinguistic groups. The government defined Greeks, Macedonians, Aromanians (Vlachs), Roma, Balkan-Egyptians, Montenegrins, Bosnians, Serbs, and Bulgarians as national minorities. The legislation provides for minority language education and dual official language use for the local administrative units in which minorities traditionally reside or in which a minority makes up 20 percent of the total population. The ethnic Greek minority complained about the government's unwillingness to recognize ethnic Greek communities outside communist-era "minority zones."

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

The law prohibits discrimination based on sexual orientation, including in employment. Enforcement of the law was generally weak. Aleanca, an NGO advocating for the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, reported four cases of discrimination based on sexual orientation and gender identity reported to the CPD as of September. In one case, the CPD ruled against a police commissariat and imposed a fine.

Sexual orientation and gender identity are among the classes protected by the country's hate crime law. Despite the law and the government's formal support for LGBTI rights, public officials sometimes made homophobic statements. As of September, Aleanca reported 46 cases of physical and psychological violence, six of which involved minors. In 201, Aleanca documented 421 cases of physical and psychological violence against LGBTI community members.

The CPD investigated four cases of alleged discrimination based on gender identity and sexual orientation and opened an additional investigation on its own initiative.

In March the Ministry of Health and Social Protection initiated a fund of 287,450 leks (\$2,600) to cover approximately 25 percent of the yearly operating costs for Streha, the only shelter for LGBTI people in the country. Through August, Streha had assisted 16 persons who faced violence or discrimination due to their sexual orientation or gender identity.

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

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law and related regulations and statutes provide the right for most workers to form independent unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activity.

The law prohibits members of the military and senior government officials from joining unions and requires that a trade union have at least 20 members to be registered. The law provides the right to strike for all workers except indispensable medical and hospital personnel, persons providing air traffic control or prison services, and fire brigades. Strike action is prohibited in "special cases," such as a natural catastrophe, a state of war, extraordinary situations, and cases

where the freedom of elections is at risk. Workers not excluded by their positions exercised their right to strike.

The law provides limited protection to domestic and migrant workers. Labor unions were generally weak and politicized. Workers who engage in illegal strikes may be compelled to pay for any damages due to the strike action.

Government enforcement of the law remained largely ineffective, in part due to the extent of informal employment. Resources for conducting inspections and remedying violations were not adequate. Penalties were rarely enforced and therefore insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. Arbitration procedures allowed for significant delays that limited worker protections against antiunion activity.

Civilian workers in all fields have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. Unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult because employers often resisted union organizing and activities. In this environment, collective bargaining agreements, once reached, were difficult to enforce.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not always effectively enforce the law. Lack of coordination among ministries and the sporadic implementation of standard operating procedures hampered enforcement. Penalties were sufficiently stringent to deter violations, but they were seldom enforced. Some law enforcement organizations trained their officers to adopt a victim-centered approach to victims of human trafficking. The government continued to identify victims of forced labor, and prosecuted and convicted a small number of traffickers.

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

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age of employment at 16 but allows children at the age of 15 to be employed in “light” work that does not interfere with school. Children younger than 18 may generally only work in jobs categorized as “light.” A 2017 decree issued by the Council of Ministers sets working hours for children younger than 18. Children may work up to two hours per day and up to 10 hours per week when school is in session, and up to six hours per day and up to 30 hours per week when school is not in session. Children from 16 to 17 may work up to six hours per day and up to 30 hours per week if the labor is part of their vocational education. By law, the State Inspectorate for Labor and Social Services (SILSS), under the Ministry of Finance and Economy, is responsible for enforcing minimum age requirements through the courts, but it did not adequately enforce the law.

Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Children engaged in gathering recyclable metals and plastic, small-scale agricultural harvesting, selling small goods in the informal sector, serving drinks and food in bars and restaurants, the clothing industry, and mining. There were reports that children worked as shop vendors, vehicle washers, textile factory workers, or shoeshine boys. The NGO World Vision also reported that children sewed shoes. The number of children engaged in street-related activities (such as begging or selling items) increased during the summer, particularly around tourist areas. The NGO ARSIS reported that children went to Kosovo to beg and gather recyclable metals. When authorities in Kosovo detained them, the children returned to Albania without any investigation or risk assessment, especially in cases when the family was the exploiter. There is no government reintegration program for these children.

Children were subjected to forced begging and criminal activity. Some of the children begging on the street were second- or third-generation beggars. Research suggested that begging started as early as the age of four or five. While the law prohibits the exploitation of children for begging, police generally did not enforce it, although they made greater efforts to do so during the year. The State Agency on Children’s Rights continued to identify and manage cases of street children identified by the CPUs. As of July the agency reported four cases of parents exploiting street children. As of June, the CPUs and outreach mobile teams had identified 214 street children in total. CPUs reported 55 cases to the police during the same period.

In 2013, the most recent year for which statistics were available, the government's statistical agency and the International Labor Organization estimated that 54,000 children were engaged in forced labor domestically. An estimated 43,000 children worked in farms and fishing, 4,400 in the services sector, and 2,200 in hotels and restaurants. Nearly 5 percent of children were child laborers.

The SILSS did not carry out inspections for child labor unless there was a specific complaint. Most labor inspections occurred in shoe and textile factories, call centers, and retail enterprises; officials found some instances of child labor during their inspections. Penalties were rarely assessed and were not sufficient to deter violations.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

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

Labor laws prohibit employment discrimination because of race, skin color, gender, age, physical or mental disability, political beliefs, language, nationality, religion, family, HIV/AIDS status, or social origin. The government did not enforce the law and penalties were insufficient to deter violations. Discrimination in employment and occupation occurred with respect to gender, disability, sexual orientation or gender identity, nationality, and ethnicity. The CPD reported that most allegations of discrimination involved race, sexual orientation, economic status, or disability.

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

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

While the law establishes a 40-hour workweek, individual or collective agreements typically set the actual workweek. The law provides for paid annual holidays, but only employees in the formal labor market had rights to paid holidays. Many persons in the private sector worked six days a week. The law requires rest periods and premium pay for overtime, but employers did not always observe these provisions. The government rarely enforced laws related to maximum work hours, limits on overtime, or premium pay for overtime, especially in the private sector. These laws did not apply to migrant workers or workers in the informal sector,

which made up 36 percent of the economy, according to the *Western Balkans Labor Market Trends 2019* report.

The SILSS is responsible for occupational health and safety standards and regulations, and while these were appropriate for the main industries, enforcement was lacking overall. Working conditions in the manufacturing, construction, and mining sectors frequently were poor and, in some cases, dangerous. For example, police detained the owner of the construction firm Skela Syla in September after two of his employees died on the job. Unions claimed unsafe working conditions were the cause of death. Violations of wage and occupational safety standards occurred most frequently in the textile, footwear, construction, and mining industries. Resources and inspections were not adequate, and penalties were insufficient to deter violations, because law enforcement agencies lacked the tools to enforce collection and consequently rarely charged violators.

Workers often could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Employers did not effectively protect employees in this situation.