

Albania¹

IHF FOCUS: elections; freedom of expression and the media; judicial system and the rule of law; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; national and ethnic minorities; local self-government; labor rights.

The general political situation in Albania was characterized by the stabilization of political life as a result of an agreement reached by the two leading political parties, the ruling Socialist Party and its opponent, the Democratic Party: these developments were the most prominent political events since the June 2001 elections.

The lower level of political tensions resulting from the agreement brought about some positive effects such as the election of the president of republic by consensus and some changes in the leading organs of the central administration. Moreover, the insulting language used by the leaders of the both parties ceased. However, the agreement was also largely criticized for lack of transparency, and many believed it was simply a personal deal between the two political leaders. Eventually, the relaxation of the politician tension turned out to be short-lived, and towards the end of the year disagreements resumed.

Economic and social life remained stagnated. The most serious problem was the high unemployment rate, with 20% of the population out of work. Thousands of young people were forced to leave and emigrate to the neighboring countries, mainly Greece and Italy.

Media freedom was threatened by financial pressure and other subtle forms of government interference, including the use of criminal libel against outspoken media outlets and journalists. Independent journalists were targets of violent attacks. Other central human rights problems included police misconduct, deficiencies in the judicial system (including self-made justice), poor conditions in prisons and detention facilities, as well as violations of labor rights. In addition, the unacceptable conditions in health care institutions gave rise to serious concern.

Corruption was widespread in both central and local administrations. The problem was particularly serious in the judicial system and health institutions. However, despite the gravity of the problem, there were only isolated cases in which corrupt officials were brought before justice or dismissed. In a prominent case, two high officials of the Ministry of Public Order were prosecuted for corruption in bidding procedures regarding the preparation of new passports for the Albanian citizens. As of the end of the year the case was pending in a court.

Trafficking in human beings was another serious problem. Albanian children and youths were sent abroad and were either forced to work as street beggars or in sex industry or were used for organ transplantation. Moreover, in September the press reported on how pregnant women from the district of Korca had been kidnapped and sent to Thessaloniki (Greece) to deliver their babies who were then used for different purposes.

¹ Unless otherwise noted, based on the Albanian Helsinki Committee, *Report on the Situation of Human Rights in Albania in 2002*.

Elections

The general elections were held in June 2001, and during 2002 there were by-elections in three constituencies.

The elections were held in conformity with the Electoral Code which was, by and large, in line with international standards. The three seats went to the ruling Socialist Party. The Democratic Party complained that irregularities had occurred especially in constituency no. 52 in the city of Elbasan and alleged that the Socialist Party candidate had distributed food to people the day before the elections to persuade them to vote for him. The socialist candidate denied any involvement in the incident which, according to him, was conducted by charitable organizations. No violent incidents took place during the election campaigns and during the elections at the polling stations.

In 2002, a special parliamentary commission was set up to look into further improving the Electoral Code.

Freedom of Expression and the Media

The Albanian Constitution provides for freedom of expression and the media. A large number and variety of newspapers and magazines were published in 2002, and no less than ten television channels were on air.

Nevertheless, harassment of the media increased in Albania in 2002. Financial pressure and other subtle forms of government interference became commonplace, posing a serious threat to media freedom. The pressure took the form of, for example, abuse of state advertising and other kinds of financial leverage from Albanian officials to suppress critical reporting.²

Financial power was abused for purposes of political and personal profit. The volume of advertising in the media, which was comparable in value to the entire private sector advertising, gave the Albanian government significant financial leverage over the press. The authorities rewarded sympathetic media with generous contracts, and used financial blackmail to place pressure on or retaliate against critical outlets. Moreover, the government allocated subsidies to loyal media outlets and thus gave them an unfair competitive advantage over others.³

In addition, there were still some cases of interference by the political parties in the media work: they put pressure on the publishers and newspaper editors to carry articles to promote their political ideas.

Albanian journalists, especially those based in provinces outside the capital Tirana, were subjected to serious and repeated threats against them and their families, unlawful and arbitrary arrests, and severe beatings and other physical assaults. The victims included both opposition and unaffiliated journalists and reporters. What was even worse, the perpetrators were often police officers or government officials who retaliated against press criticism or reporting of official

² Human Rights Watch, "Albania: New Evidence of Harassment of Media, Daily Receives Surprise Inspections," November 5, 2002.

³ Human Rights Watch, *Albania: the Cost of Media Speech*, June 2002, at www.hrw.org/reports/2002/albania/

misconduct, such as alleged corruption or human rights violations. Violence against journalists went virtually unpunished.⁴

- On February 2, the editor-in-chief of the newspaper *Albania*, Ylli Rakipi, received an anonymous telephone call demanding that he no longer publish any articles criticizing the chairman of the ruling Socialist Party, Fatos Nano, unless he wanted something to happen to his family.
- On January 27, a journalist of the newspaper *Zeri i Popullit*, the organ of the Socialist Party, was ill-treated. This incident was all the more serious because the perpetrator was a member of the Municipal Council of Durres who disapproved of the journalist's comments on the work of the Department for Public Services of the municipality.
- In late 2002, the daily *Koha Jone* became the target of government pressure and intimidation following the publication of articles critical of Prime Minister Fatos Nano. Days after the newspaper published the critical commentaries, at least five different government agencies sent inspectors to check its parent media company's compliance with financial, labor and other regulations. While the inspections may be lawful on the face of it, their timing, unusual nature and surrounding circumstances raised strong suspicions that they were being used to retaliate against the newspaper. The inspectors seized possession of all financial documentation of the Koha media group.⁵

Some authorities denied access to information of public interest.

- In Vlora, the Municipal Council, judicial officials and law enforcement bodies on several occasions denied access to the media to cover their activities.

Government officials had the right to take legal action against media outlets that engaged in malicious defamation. However, Albanian defamation laws and judicial practice failed to meet international standards of free speech protection. Albanian law contained criminal sanctions, up to a maximum of two years imprisonment, for ill-defined offenses of libel and insult. In addition, they contained provisions that granted special protection to state officials, such as assistance from the public prosecutorial system for proving charges of official defamation. Moreover, the principle of presumption of innocence was violated in criminal defamation cases in that the courts placed the entire burden of proof on the defendants. Civil defamation laws, which gave victims of defamation the right to seek money damages, suffered from unclear and ill-defined standards of liability, evidence, and compensation. In addition, the Albanian judiciary failed to apply civil defamation laws in ways that are consistent with media freedom.⁶

On the other hand, the standard of media reporting was also relatively low, with ungrounded allegations of wrongdoings and premature labeling of people as criminals when judicial decisions were yet to be taken.

⁴ Ibid.

⁵ Human Rights Watch, "Albania: New Evidence of Harassment of Media, Daily Receives Surprise Inspections," press release, November 5, 2002.

⁶ Ibid.; and Human Rights Watch, *Albania: the Cost of Media Speech*, June 2002.

Judicial System and the Rule of Law

The administration of justice was hampered by the fact that the judiciary was generally inexperienced, many of them poorly trained, and unfamiliar with human rights law, They also had to work under difficult material conditions. Moreover, the judiciary was frequently subject to political pressure and corruption was widespread. All these facts, plus the failure of lawyers or parties to show up in courts, contributed to unduly long court proceedings.

One of the most serious phenomena regarding the administration of justice was the deep-rooted practice to take justice in own hands. This practice could be partly attributed both to the Albanian tradition of the blood feud, in accordance with the medieval canon law which was still respected in some northern areas of the country. One reason for the prevalence of the blood feud was the failure of the judicial system to operate appropriately.

To escape blood feud, people involved in disputes sometimes lived isolated in their homes for years, with children failing to attend school or to play outdoors.

Torture, Ill-Treatment and Police Misconduct

Law No. 7227 of June 30, 1993 “On the Adherence of Albania to the Covenant against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment,” law No. 7510 “On the Adherence of Albania to the International Covenant on Civil and Political Rights” of July 1991 and the ratification of the European Convention on Human Rights were important formal measures towards freedom from torture and ill-treatment and for better respect by the police of the rights of individuals dealing with law enforcement officers.

Article 25 of the Albanian Constitution forbids the use of torture and other forms of ill-treatment by the police, and its article 28 (5) provides for human treatment towards and respect for the dignity of all those deprived of liberty. Article 37 of the law “On the State Police” states that when performing their duties, police officers are not allowed to carry out activities which were not based on law or to resort to torture, ill-treatment and other inhuman or degrading treatment. Article 46 of the same law defines clearly the limits for the use of force. By law, those who violate these provisions are to be prosecuted. Also the Criminal Code prohibits the use of torture and foresees severe sanctions for those who breach it. In addition, article 314 of the Criminal Code forbids the use of coercion during interrogation. Violation of this provision can be punished with three to ten years imprisonment.

In practice, however, police violence and coercion during interrogation was a serious problem in Albania in 2002. Victims reported to the Albanian Helsinki Committee (AHC) of violence being used at the time of arrest or – which seemed to be more often the case – during transportation to police stations. Violence decreased significantly as soon as a detainee gained access to a defense lawyer. It also appeared that the farther away from the capital a police station was situated, the more serious the problem was, and some police stations were notorious for the use of violence.

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

The state has recently taken some positive measures to tackle police misconduct. In 2001, the Ministry for Public Order established a call line to report human rights violations by the police. In addition, a committee under the Ministry of Justice was established in 1998 to monitor the conduct of law enforcement agents, but it was not active due to negligence by the ministry and lack of funding. In the meantime, human rights organizations such as the AHC, the ombudsperson, the OSCE and other international organizations periodically monitor pre-detention sites and prisons.

- On February 25 *Koha Jone* reported police violence in the town of Rreshen (northern Albania) and described several concrete examples. Police violence was frequent also at the police headquarters in Elbasan.
- In Korca a senior police officer ill-treated two former policemen in the presence of other officers and accused them of having committed a crime. Both victims sustained serious injuries. The local prosecutor ordered the immediate release of the former policemen whom he deemed to be innocent and initiated judicial proceedings against the abuser.
- In February, the AHC reported two cases of illegal use of violence by police in Kukes (northern Albania). A convicted prisoner held in a pre-trial detention facility was ill-treated and hit repeatedly by some police officers who blamed him for making noise. Also in Kukes, a thief suspect was ill-treated in the police commissariat on April 19.
- Three policemen arrested an individual in the town bazaar of Fieri (central Albania) in early April in order to check his documents. During transport to the police station the officers hit his body, head and legs with their fists and a baton. He was released after having spent three hours in the police station.
- According to media reports, on May 20, several police officers entered an assembly of the Democratic Alliance and, using violence, removed from the premises the secretary of the party after he had had an argument with the party chairman who had threatened him. The officers said they had intervened to protect the chairman.
- Also according to press reports, on July 7, several police officers ill-treated a group of youths from Tirana who were spending their vacation at the seaside in Kavaja. The officers were led by the Kavaja police chief. In their letter to the General Prosecutor's Office, the youths claimed that they had been hit with gun butts and batons, and some had been dragged onto the ground and kicked and hit.

Convicted prisoners were still frequently held in police detention which violated the law and amounted to inhuman treatment due to extremely poor conditions in such facilities and widespread police ill-treatment.

- According to press reports of July 15, three detainees went on a hunger strike in the Pogradec police station to protest their isolation in police cells despite the fact that they had been convicted by a court.

Conditions in Prisons and Detention Facilities

The 1998 Law No. 8328 "On the Rights and Treatment of Persons Sentenced to Imprisonment," the 2000 General Regulation of Prisons No. 63, as well as the Regulations "On the Safety and Treatment of Pre-Detainees" set out the standards for general prison conditions, including cell capacity, right to fresh air exercises and sport and cultural activities, the quality of food, etc.

During its monitoring missions the AHC observed that penitentiary and detention administrations have made efforts in recent years to improve the physical conditions in prisons and detention centers, with the support of humanitarian and human rights NGOs. Improvements were made in prison conditions in general as well as in the building of new facilities. Nevertheless, the cells in pre-trial detention facilities were too small and lacked appropriate ventilation, lighting and heating. Some facilities were overcrowded by two times their official capacity or even more. Of particular concern was the fact that out of 1,379 detainees in police facilities, 410 were convicted persons despite the fact that individuals should be moved to prison within 28 hours after a court ruling.

In many facilities in pre-detention cells, juvenile delinquents were not separated from adult inmates.

While sanitary conditions in prisons have gradually improved, this was not the case in pre-trial detention facilities: pre-trial detainees were generally allowed to shower once or twice a week (sometimes only once every ten days), and the washing of laundry was not always possible. This led to the wide spreading of contagious diseases. The AHC also found that at least in one case several foreign women were held in one cell in a police station in extremely bad hygienic conditions for a considerable time.

Due to the lack of funds, prisons were not able to provide inmates with appropriate clothing, hygienic items such as a toothbrush or tooth paste or even beds. The quality of food was substandard in both prisons and pre-trial detention facilities, a fact that could partly be attributed to the lack of refrigerators. As a result, inmates had to buy extra food or received it from relatives or friends from outside and cooked for themselves using outdated equipment. In some facilities there were not enough glasses, plates and spoons. Also, the supply of drinking water was scarce.

Health care in prisons and detention facilities fell short of the set standards. Due to the lack of beds, not all prisoners in need of hospitalization could be treated adequately. There was a special institute in Kruja for inmates with mental disturbances and drug addicts, but in practice many in need of special treatment were held in police stations or in normal prisons. Woman prisoners did not have regular access to a gynecologist, and although all prisons provided dental care, their medical equipment were outdated.

While, by regulations, all prisoners should have had access to outdoor exercise and leisure time activities for at least two hours per day, many prisons did not abide by these regulations. Particularly in the Burrel prison possibilities for outdoor activities were seriously insufficient. In pre-trial detention facilities the minimum daily time for open air exercises was one hour.

Possibilities for recreational and cultural activities with the aim of maintaining and developing the inmates' abilities for integration into society were improving, but still fell short of

the desired standard. While, understandably, no large investments could be made for this purpose, some forms of activities (such as a tennis or billiard tables, chess, or work-out equipment) would only require modest funding. Positively, concerts and other similar events by artists have become more common.

By law, prisoners had the right to work which did not have the character of punishment and which had to be remunerated. However, the Council of Ministers had failed to adopt a decision to implement this right in order to regulate the financial remuneration, as a result of which the provision remained a dead letter. Moreover, lack of funding hindered prisons from making investments to start up such projects. Work outside prison facilities was possible by law for those prisoners who could not be employed in prisons, but due to widespread unemployment, this was practiced in only about 200 cases.

National and Ethnic Minorities

The Albanian state committed itself to respect the rights of minorities upon its admission into the League of Nations in 1920. In 1999 it ratified the Council of Europe Framework Convention for the Protection of National Minorities in 1999,

In September 2002, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities adopted its opinion on Albania.⁷ The Advisory Committee commended that, in general, a spirit of tolerance prevailed in Albania and that the government had taken efforts in the protection of national minorities, including in the field of education for Greek and Macedonian minorities. At the same time, however, the Advisory Committee noted that further efforts were necessary to complete the legal institutional framework and to ensure its realization in practice. It also pointed to the lack of formal provisions governing the use of minority languages in relations between minority members and the administrative authorities.

The Advisory Committee noted that the lack of statistical information seriously hampered the monitoring of minority rights: there was a wide discrepancy relating to the number of persons belonging to national minorities which varied from 2% of the total population, according to the government, to over 20%, according to some other sources. The Advisory Committee recommended that a census be conducted in order to acquire accurate information.

Further, the advisory committee expressed concern about the fact that, despite the historic presence of Egyptians in Albania, they were excluded from the protection of the Framework Convention and were regarded by many as part of the Roma minority or the Albanian population. Further, while the Greek, Macedonian and Montenegrin minorities were recognized as national minorities, the Roma and Aromanians/Vlachs were recognized only as linguistic minorities, which many members of those minorities perceived as a failure to reflect the essential elements of their identity. There was also a serious lack of education in and of the Aromanian/Vlach and Roma languages.

⁷ Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, *Opinion on Albania*, September 12, 2002, at [www.coe.int/T/e/human_rights/Minorities/2_FRAMEWORK_CONVENTION_MONITORING/2_Monitoring_mechanism/4_Opinions_of_the_Advisory_Committee/1_Country_specific_opinions/ACFC_INF_OP_I\(2003\)004%20E%20Opinion%20Albania.asp#TopOfPage](http://www.coe.int/T/e/human_rights/Minorities/2_FRAMEWORK_CONVENTION_MONITORING/2_Monitoring_mechanism/4_Opinions_of_the_Advisory_Committee/1_Country_specific_opinions/ACFC_INF_OP_I(2003)004%20E%20Opinion%20Albania.asp#TopOfPage)

The Montenegrin community complained to the advisory committee that some persons were allegedly still required to use the Albanian version of their patronym on their ID cards and other official documents and they were not able to change their names back to their traditional names. Complaints had also been received from others minority members regarding insufficient representation in parliament.

In general, the committee stated that it was necessary to improve access to radio and television broadcasting to persons belonging to national minorities, and further measures were required to extend minority language education, if the minority members so wished, for Montenegrin, Roma and Vlach minorities, plus for Greek and Macedonian minorities outside the former so-called minority zones, i.e. the traditional concentrations of minority populations.

In 2002, the AHC undertook a series of fact-finding missions to look into the situation of the Macedonian minority in the Prespa region and the Roma population in the districts of Fieri, Berat and Tirana. In particular, the aim of the missions was to investigate whether minority rights were respected in accordance with the Council of Europe Framework Convention.

The Greek Minority

The Greek minority is the biggest ethnic minority group in Albania: according to the 1989 statistic, they numbered about 60,000, but the number is under dispute. The main concentrations of the ethnic Greek population were in Gjirokastra, Delvina and Saranda in southern Albania.

In the last decade of democratic developments, the situation of the Greek minority has undergone major changes. The region has flourishing economic life with companies operating on a national level. In 2002, every predominantly Greek village and the three towns had Greek-language education from elementary to high school level, to varying degrees, and in predominantly Greek areas to university level. However, ethnic Greeks living outside the traditionally Greek populated areas complained about lack of Greek-language education.

Several Greek-language newspapers and magazines were published, members of the Greek minority held posts in the local and regional administration and they had deputies in parliament.

On the negative side, only a very limited number of Greek-language radio programs were broadcast. Radio Tirana broadcast twice a day a 30-minute program, Radio Gjirokastra a 45-minute daily program.⁸ In addition, Greek (like the Aromanian/Vlach minority) also complained that their churches faced difficulties in relation to the return of church property. Moreover, there was a demand to ensure that Greek topographical names be retained and further be adopted, an area in which there existed no legal provisions to govern the practice.

The Macedonian Minority

The Macedonian minority that numbers about 5,000 people is concentrated in the Prespa region, northeast of the city of Korca, bordering with Macedonia and Greece. Nine villages of this region – Liqenasi (Pustec), Lajthiza, Zaroshka, Cerja, Shulini, Gollombopi, Gorica e Vogel, Bezmishti and Gorica e Madhe – are predominantly ethnic Macedonian.

The nine villages constitute the commune of Liqenas. Earlier, this commune carried the Macedonian name Pustec, but later its name (and the Macedonian names of other villages) were

⁸ Ibid.

translated into Albanian. During the AHC fact-finding missions, many villagers expressed their wish that the old Macedonian-language names be reinstated.

According to the AHC findings, Macedonian villagers were not usually subjected to discrimination, inequality or ill-treatment based on ethnicity. However, while the Ministry of Education as early as 1994 decided to take measures to implement the provisions of the Framework Convention as regards providing Macedonian-language instruction in schools, in some cases such classes had not been set up because the number of interested pupils was too small. For example, the Macedonian minority members in Korca demanded that a Macedonian-language school be opened in the Korca, but the demand was opposed by local authorities who cited the lack of a sufficient number of ethnic Macedonians in that city.

The issue of the Macedonian language education was also taken up by ethnic Macedonians on different occasions in 2002, including at a meeting organized by the Open Society Institute and held in Trabiste in July. The meeting also requested setting up Macedonian-language radio and television stations, as well as better public transport networks in regions inhabited by ethnic Macedonians.⁹

In addition, classes of history, literature, geography in schools attended by Macedonian children seemed insufficient due to the lack of education materials that the Ministry of Education in Macedonia was able to provide.

A positive development was the launch on November 7 of a private Macedonian-language radio station, Radio Prespa, in the town of Liqenas. It is run by the Prespa Association and its launch was assisted by the state-owned Macedonian Radio and televisions (MRTV) and the former Macedonian ambassador to Albania. Radio Korca had daily half-hour broadcasts in Macedonian in 2002.¹⁰

Members of the Macedonina community were free to cross the border to both Macedonia and Albania.

The Roma Minority

The Roma community has no specific geographical center in Albania but is dispersed all over the country, however, mainly in central Albania. The largest group is called Meckar, the others include Karbuxhijte, Cergaret and Kurtofet. Generally, most of the Albanian Roma community is nomadic – although, in recent years, there has been a tendency towards more fixed places of residence – they speak the same Roma language (but in different dialects), and of those who live in Central Albania, 60-70% speak Albanian as their first language.

Most Roma belong to the economically poorest sector of the Albanian population. The AHC conducted fact-finding missions to various districts, particularly to Fier, Berat and Tirana in 2002. The Roma complained to them about prejudices in their daily lives and stereotyping in the media, and problems they met in relation to education, housing, employment as well as about difficult access to health care and other social services.

The most serious problem was related to education and was partly a result of the precarious economic situation of Roma. The illiteracy rate among Roma was high, and the

⁹ Macedonian Information and Liaison Service, *The Independent MILS News*, July 25, 2002.

¹⁰ RFE/RL Newslines, November 12, 2002.

educational level of those who had attended school the lowest possible. Only a negligible number had graduated from high-schools. The main reason for the poor level of education were economic difficulties which tempted families to keep their children away from schools in order to let them work to support the family. In addition, Roma children could not afford to buy the necessary school supplies.

Another factor was that girls tended to marry in their teens and could not attend school due to other responsibilities. However, the AHC noted, it appeared that there was a slow change in attitudes both among Roma towards schooling, and among local authorities to support Roma. It was encouraging that some cultural centers and courses for Roma had been initiated in the Fier district as well in Tirana suburbs.

In Berat, the local Educational Board cooperated closely with NGOs to provide economic assistance to Roma families in order to enable regular school education to Roma children.

In the village Levan in the vicinity of Fier, many Roma children failed to attend school because the school was too far away from their homes. During an AHC round table, the local authorities undertook to provide Roma children with free transport to school.

Some Roma also mentioned that practice on the part of teachers of placing Roma children in the back rows in classes resulted in reluctance of the children to go to school.

Another problem was the extremely poor infrastructure of Roma communities, particularly in Lean and Tirana suburbs, which led to acute hygiene problems and the spread of diseases. In the Tirana suburbs, virtually no health care was available for Roma.

Many Roma were not registered as residents due to the frequent moving from one place to another. Another reason for failing to register was the reluctance to pay a fee required at registration which was about €35.

A positive example of cooperation between Roma and local authorities for better integration of Roma was reached in Berat where Roma and Albanians coexisted without major problems and the authorities dealt efficiently with the issues of Roma employment and health care.

Local Self-Government

The AHC undertook monitoring missions to a number of Albanian municipalities – including Gjirokaster, Fier and Shkoder – to look into the status of local self-government and its functioning. The problems of these municipalities represented the problems of local government in general.

Provisions for local self-government were laid down in several legal documents, the most important of which were the Constitution, the European Charter on Local Government ratified by Albania, the February 2001 Law No. 8744 “On the Transference of Immovable Public State Properties of the Local Units,” and the July 2000 Law No. 8652 “On the Organization and Functioning of the Local Government.” A number of other laws and bylaws related to this issue have also been issued.

The legal framework provided for administrative and fiscal independence of the local governments, but the decentralization process was slow in 2002. Most of the challenges were related to the financial dependency on the central government, old attitudes about the functioning of local government and mental dependency, and sometimes to reluctance of local governments to take efficient measures towards decentralization. In addition, in some cases, the lack of necessary infrastructures slowed down the process.

The AHC focused particularly on the level of administrative autonomy, independent exercise of different functions, financial autonomy, and the relations between the local government and the public.

In general, municipalities had established their own administrative structures according to their interests. Nevertheless, in some cases, specific directorates were largely dependent on the central government, particularly financially. In addition, in many cases the activities of the central government and municipalities overlapped in practice. This was the case particularly in the field of education and policing.

As for financial autonomy, the municipalities were responsible for regulating tax issues while the collection of taxes remained the responsibility of the state. This contradiction was due to the lack of appropriate mechanisms in the municipalities to take charge of tax collection. In addition, municipalities did not exercise their right to apply for bank credits to finance their investments; sometimes they used donations from domestic or foreign NGOs for this purpose.

While the law provides for the transfer of immovable property from the ownership of the state to local governments, there were no registered cases of such transfer by the end of 2002. Instead, some municipalities had rented state property on the basis of earlier contracts.

The relations between local governments and the public were generally good: access to necessary information was granted and municipal council meetings were open to the public. In addition, special committees had been set up to assist citizens in a vulnerable position with their problems.

The old mentality of dependency on the central government still prevailed. This led, for example, to the poor application of the Law on the Civil Status which deals with the civil status of civil servants employed in the state administration. Disrespect of this law on the part of the local government was largely due to lack of training by local governments and low salaries of civil servants at the local level which led to a lack of employees.

Labor Rights

The AHC looked into the realization of labor rights of workers employed by private companies in various cities, including Elbasan, Korce, Kukes, and Vlore. In the focus of monitoring rounds were individual and collective contracts of the workers and their compliance with the law, working conditions, and other related problems.

The legal basis of labor rights was set out in the Constitution, the 1995 Law No. 7961; the Labor Code; the 1995 Law No. 7986 “On the State Labor Inspectorate”; the 1993 Law No. 7703 “On the Social Security of the Republic of Albania”; as well as other legal acts and bylaws.

While companies claimed to have signed contracts with their employees, many interviewed workers stated that they had not signed a contract with the employer. Some of them thought that they were still under the legal probation period of three months as no contract had been signed.

The existing work contracts fulfilled the letter of the law but were written in a way that clearly profited the employer and discriminated against the employees. In addition, the contracts were not put into practice. The workers had nevertheless signed these contracts because they were not aware of their legal rights and there were no collective agreements between employers and trade unions.

On a positive note, apart from some cases, workers were usually paid according to law for working overtime.

Although the Labor Code prescribed a break every four hours during the workday, the companies under AHC monitoring did not abide by this provision. Moreover, in further violation of the Labor Code, the employer had not insured their employees against accidents causing serious physical damage. In such cases, during the rehabilitation time, some companies continued to pay their workers their monthly payments and sometimes financially supported their medical treatment, but the workers did not receive any compensation. The physical working conditions were generally poor which was aggravated by the fact that no regular controls were taken by authorities despite the fact that such controls were prescribed by the law.

In some of the companies, workers under the age of 18 did not enjoy the special conditions prescribed by the law: like adults, they worked long days in poor working conditions.

The social insurance payments (including for medical care) were paid at the minimal level which did not correspond to the salaries of the workers. In some cases they were not paid at all.

Seasonal workers had no work contract at all, again a violation of the law, which prescribed that they must be registered at the employment inspectorate's and social insurance offices. This meant that the employers also failed to pay the legally required social insurance payments for them. The same applied to pensioned employees who, in a similar manner, were neither registered nor insured. The employers claimed that they were not aware of such regulations.