

**ALBANIA****HUMAN RIGHT DEVELOPMENTS**

Albania took important steps towards a return to stability in 2001. The overall security situation improved significantly, the political climate cooled off in the run-up to the June 2001 general election, and the economy grew. Serious problems remained, however, with the conduct of elections, police abuses and trafficking of human beings, in particular the trafficking of women and girls for forced prostitution. And in the aftermath of the election, the country faced renewed political tensions as the opposition refused to recognize the outcome of the vote.

In June and July 2001 Albanians voted to elect a new parliament in an extremely protracted four-round election that left a mixed record. The electoral campaign was non-inflammatory and issue-based, and the first day of voting was peaceful. The Central Electoral Commission (CEC) generally acted with greater professionalism and openness than in previous elections. The subsequent rounds were marred, however, by what international observers characterized as increasing police misconduct, biased media coverage, and incidents of electoral fraud, mainly in favor of Socialist Party (SP) candidates.

The most serious irregularities occurred in Lushnja, where political squabbling and technical problems delayed the voting by two weeks. The July 8 ballot in Lushnja became particularly important for three junior parties of the governing coalition, which at the time of the delayed vote still needed several hundred more votes to gain seats under the system of proportional representation. The allocation of nine parliamentary seats turned on the votes of the Lushnja constituency as did the hopes of the SP and its allies to muster the parliamentary super-majority (60 percent) required to elect a new head of state in 2002. These circumstances led to a hotly contested election in Lushnja, where international monitors observed serious flaws on voting day. A majority of the local election commission refused to accept the vote as valid, which prompted the CEC to dismiss the local commission and tabulate the results themselves. The data for some of the polling stations, however, were missing or questionable. While the irregularities in Lushnja and elsewhere may not have compromised the Socialists' right to create a new government, they may have affected the final allocation of seats in parliament as well as the chances for an uncontroversial presidential election in 2002.

Most of the political parties that challenged the decisions of the electoral commissions did so through the courts, in a sign of increased confidence in the democratic process. The courts failed, however, to fully investigate a number of key appeals, including the complaints brought by several political parties about the electoral process in Lushnja. The opposition alliance led by the Democratic Party (DP) refused to recognize the outcome of the June election, and their deputies were still boycotting the new parliament at the time of this writing. Journalists, especially

from the opposition media, received harsh sentences during 2001 in criminal libel actions brought by high-level officials.

The performance of the judicial system continued to be a major stumbling block for the consolidation of the rule of law in Albania. Judges were poorly trained to enforce the growing body of new legislation, at times unable to resist outside pressures, and often insensitive to human rights violations. In the first serious effort to curb widespread corruption within the judicial system, the government initiated successful disciplinary actions before the High Council of Justice against more than a dozen judges and prosecutors. An attempt by the government in May 2001 to impeach three judges of Albania's highest court for having allegedly favored a suspected drug dealer failed to pass a vote in Parliament, in part because of the government's inability to substantiate the allegations.

Several cases of torture and other serious abuse by the Albanian police in 2001 highlighted the prevalence of police misconduct, particularly as it concerned children and opposition activists. A particularly egregious case involved an eleven-year-old orphan from Saranda, who was detained on charges later found to be false. While in custody, the child was beaten, cut with a knife, and burned with cigarettes. The DP repeatedly protested the arrests and alleged police beatings of participants in its political rallies, which sometimes turned violent. Azgan Haklaj, the head of the DP branch in Tropoja, was brutally assaulted by the special police in January 2001 after having been arrested for his alleged role in a November 2000 attack on the Tropoja police station.

Trafficking of human beings, including the trafficking of women and girls for forced prostitution, continued unabated in 2001, with Albania serving as both a country of origin and a country of transit for trafficking victims. A report by Save the Children noted that 60 percent of Albanian trafficking victims were minors. Trafficking rings preyed upon Albanian women and children, operating with impunity throughout the country and evading border controls. In 2001 the Albanian government continued to treat trafficking victims as criminals: far more criminal charges were brought against victims of trafficking, who were prosecuted for prostitution, than against traffickers. The government failed to provide even minimal assistance to victims or to support witness protection programs.

## **DEFENDING HUMAN RIGHTS**

In general, human rights organizations operated freely in the country. The Albanian Helsinki Committee focused on the monitoring of general elections and its long-term project on conditions of prisons and police custody. It also looked at allegations of police misconduct and patients' rights in hospitals and mental health centers. The Albanian Human Rights Group also defended the rights of those in police custody, denouncing severe restrictions on the defendants' access to defense counsel. The complaint center created by the group in 1999 saw a significant increase in its activity.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **Organization for Security and Cooperation in Europe (OSCE)**

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) maintained a robust monitoring presence throughout the drawn-out general election. The observation mission advised the Central Electoral Commission and played a key role, together with the OSCE Presence in Albania, in mediating election-related disputes between the government and opposition parties. The final ODIHR report on the June general election recommended that a bipartisan parliamentary commission be established to investigate "concerns surrounding [the] elections" and propose remedies. In a rare but encouraging public statement, the OSCE field presence called on the Albanian government to investigate allegations of police abuse.

### **Council of Europe**

The Council of Europe and the European Union continued a joint program to support the reform of the Albanian judiciary. The Council of Europe-based European Commission against Racism and Intolerance published a new report on Albania, finding little awareness in the country on the situation of minority groups and issues of ethnic discrimination, especially regarding the Roma.

### **European Union**

In a move much awaited by the Albanian public, the June 2001 Göteborg summit of the European Union decided to open negotiations with Albania for a Stabilization and Association Agreement, the first step towards E.U. membership. A European Commission study concluded, however, that much remained to be done to improve the performance of the judiciary, tackle systemic corruption, enhance the administration's capacity to implement legislation, and shrink the massive gray economy. In response to a government request for assistance to fight trafficking, several E.U. member states pledged support for the establishment of an antitrafficking center in Vlora.

### **United States**

The United States continued to exercise significant influence over the Albanian government and public opinion. The U.S. government publicly supported the efforts of the Albanian police to restore law and order under difficult circumstances, but the United States failed adequately to condemn human rights violations by police officers. A State Department report on trafficking in persons concluded that the Albanian government "ha[d] not yet made significant efforts to combat" serious forms of trafficking, and that its actions were hampered by "corruption at all levels of government."