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Albania, which proclaims itself a People's Socialist Republic, is ruled by a Marxist-Leninist dictatorship. President Ramiz Alia, head of the Communist party known as the Albanian Party of Labor (APL) since 1985, is the focus of political power and authority. In 1990 the APL launched a program of self-described democratization which included limits on the terms of office of high government and economic officials, measures to decentralize the economy, and provisions to reform the penal code and amend the electoral law. In December the leadership announced that the formation of independent political organizations would be permitted and allowed one, the Albanian Democratic Party (DP), to register officially. The DP was also allowed to publish its own newspaper.

A large, effective security service, the Sigurimi, helps maintain the APL in power through repressive controls which severely limit the Albanian people's basic human rights and fundamental freedoms. The excesses of the Sigurimi were highlighted by Ismail Kadare, the prominent author, in his written discussion of the novel "The Knives."

In 1990, in order to counter the declining growth rate, the Government moved to decentralize the economy. Small-scale private enterprise began to be encouraged, some agricultural workers were given larger plots of land for individual farming, and enterprises gained the power to set their own wage levels and bonuses for workers who exceed production targets.

In the human rights area, the Government took some steps away from the repressive practices of the past. It eased its persecution of religious activity and decriminalized "religious propaganda," allowing some religious services to be held without official interference. The judiciary is not independent, and there is no recourse for abuses committed by the Government. Amendments to the penal code adopted in 1990 include the right to counsel, the right of appeal, and the right to a speedy trial. The death penalty was abolished for 23 crimes (it remains in effect for 11 others, including embezzlement of Socialist property) and banned in the case of women. The Ministry of Justice, abolished in 1967, was reestablished in 1990 to put in place a new court system as part of a judicial reform program. Restrictions on travel abroad were liberalized, and thousands of passports were approved, although passports reportedly were still denied in a number of instances. No foreign broadcasts, including those of the Voice of America, were jammed. The legislature appointed a commission to revise the 1976 Constitution. There are no provisions to safeguard freedom of speech, press, assembly, and association. In 1989 the United Nations Human Rights Commission publicly censured Albania for its human rights record and for its failure to cooperate with the Commission. The United Nations Secretary General visited Albania in 1990 to discuss a number of issues, including human rights.

* Because the United States has not had diplomatic relations with Albania since 1939, it is difficult to comment authoritatively on conditions in Albania.

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RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

No evidence came to light of political killings by the authorities during 1990. However, in demonstrations to protest general living conditions that took place in Tirana in late June and again on July 2, security forces used force, including gunfire, to suppress the demonstration and disperse the crowds. The exact number of injuries and deaths is unknown, but some foreign diplomats and Albanian citizens estimated that there were between 30 and 50 deaths among demonstrators; Greek sources estimated 400 deaths. Thousands of demonstrators took refuge in European embassies.

Until late in the year, border guards continued to use deadly force to stop Albanian citizens from trying to flee the country and reportedly killed a number of them during 1990 (see Section 2.d.).

b. Disappearance

There is no recent information available on whether disappearances occur.

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

The criminal code prohibits the use of physical or psychological force during investigations and provides penalties for those found guilty of such use. Nevertheless, former political prisoners often have reported that they were tortured, beaten, or otherwise ill-treated during investigative proceedings to force them to make confessions. Albanian investigators have allegedly resorted to threats and beatings to obtain confessions or collaboration. In the absence of independent means of investigation, it is difficult to corroborate such reports. U.S. Senator DeConcini was refused permission to visit a jail during a trip to Albania in 1990.

In the past, private international humanitarian organizations have reported harsh prison conditions in Albania, including a severe hard-labor regime with inadequate food and clothing, long-term solitary confinement, cramped cells without room to lie down, and unheated, unfurnished cells lacking any sanitary facilities. The Burrel prison and Spac, Ballsh, and Qafe e Barit labor camps, in particular, have been noted for their harsh conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no one may be arrested without court or prosecutorial approval or be sentenced to jail without a court verdict or for an act that is not a crime. The penal code, however, is explicitly ideological and officially characterized as a "weapon in the class struggle." Its provisions defining political offenses are loosely formulated, allowing the courts to interpret them broadly to punish whomever the regime desires.

According to Amnesty International (AI), political detainees lacked adequate legal safeguards during pretrial

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investigations. By law, investigations into crimes against the State must be completed within 3 months, but extensions are easily obtained, and no effective maximum period of investigation is enforced. Most investigations into political offenses are completed within 4 months, but AI has charged that some investigations have dragged on for more than a year. Political detainees have been held in solitary confinement for up to 6 months during pretrial investigations without access to lawyers or relatives.

The penal code provides that accused persons must be informed when investigation of their cases is concluded and be allowed to examine all the evidence to be brought against them. Usually, however, the accused is not allowed to examine all the materials and is shown only a copy of the indictment. Investigators are theoretically bound by procedural rules, and the accused may appeal an investigation's finding if investigators violate proper procedures, but these controls do not appear to be effective.

In May the legislature voted to amend the penal code to provide for the right to a legal defense, the right to appeal a case, and the right to a speedy trial. The new provisions for a legal defense and the right of appeal have been implemented to a degree, according to Western observers.

e. Denial of Fair Public Trial

The judicial system includes the Supreme Court and regional and district courts. Like all organs of the State, the judicial system is totally controlled by the APL. In 1990 the Ministry of Justice, which had been abolished in 1967, was reestablished with the mandate reportedly to supervise the courts and a program of judicial reform.

AI reported that persons accused of political crimes lack adequate legal safeguards during their trials. Until May, when the penal code was amended, defendants at political trials usually were denied defense counsel and had to conduct their own defense. Major trials of state officials have been closed when it suited the purposes of the regime, but most political trials of ordinary citizens have been held in open court. There have been no known acquittals in political trials.

Leaving Albania illegally is no longer considered treason and punishable by death but, according to Article 127 of the Penal Code (as revised in 1990), is punished with "reeducation through work or loss of freedom of up to 5 years."

The penal code provides that banishment (generally to a state farm or enterprise) or internment may be imposed administratively, without trial, for up to 5 years on persons whom the authorities consider a threat to the Communist system and on the families of fugitives. A 1988 decree also provides for "internment and exile as administrative measures."

The number of political prisoners is unknown. They are believed to include 300 members of the pre-World War II elite, as well as those condemned for pro-Soviet, pro-Chinese, and other unacceptable views. Many persons are serving sentences for expressing dissatisfaction with conditions in Albania or for trying to flee the country. Former political prisoners reported that the Ballsh and Spac labor camps during the early 1980's held about 1,200 political prisoners each. Some 300

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more were imprisoned at Burrel, and others were held in Tarovic, Kosovo, and Tirana prisons.

In a February 21 interview with the official Albanian party paper Zeri i Popullit, Minister of Internal Affairs Simon Stefani, who was later dismissed, claimed there were 3,850 prisoners, criminal and political, in "penal settlements and reeducation stations." Stefani further claimed that of this total those convicted for activity to overthrow the regime through violence totaled 83 people. A refugee leaving Albania in 1990 after spending 23 years in Albanian prisons estimated the number of political prisoners held in Albanian jails at 900 to 950.

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

The Constitution proclaims the inviolability of the home and the privacy of correspondence, but at the same time it provides that these and other civil rights are subordinate to the general interest and may not be exercised in opposition to the Socialist order. The authorities can, and do, violate the privacy of the home to achieve their ends. The Government also uses its pervasive informer network fully to police the lives of Albanians.

Contact with the outside world is carefully monitored. Albanian citizens are required to report to the police any contact with foreigners, but many welcome casual contact with foreign tourists. In 1990 direct telephone communications with the United States were opened. After 1986 it became significantly easier for Albanian citizens to receive letters and packages from relatives abroad. Although the Government does not jam foreign broadcasts, it remains illegal to receive radio and television broadcasts from abroad.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that citizens enjoy these freedoms but may not exercise them in opposition to the Socialist order. Any citizen who publicly criticizes the Government is subject to swift and severe reprisals under an article of the Constitution which forbids antistate agitation and propaganda.

All news media are government controlled and never criticize the State and party leadership or their policies. However, there are indications that media criticism of some aspects of Albanian society, such as the pervasive problem of corruption, has increased. In December the Government announced that newly registered political parties would be able to publish their own newspapers, and one began publishing in January 1991. Art and literature are also subject to state control and censorship. There is no academic freedom, and the authorities manipulate scholarly inquiry and publications for political purposes.

b. Freedom of Peaceful Assembly and Association

The security police deal severely with unauthorized group activities or those that appear to be in opposition to the leadership. A few independent associations or groups began to organize in December. It is not clear how much autonomy the Government intends to grant to newly formed political parties

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and to religious groups. On July 31, a legislative decree established the freedom to assemble but with strict limits on meetings and sanctions against violators.

On December 9, students in Tirana demonstrated ostensibly against electricity shortages but also demanded political liberalization. The Government responded by agreeing to the formation of independent political organizations, and one new party, the Albanian Democratic Party, composed of intellectuals and students, was founded and legally registered.

In other areas of the country, the Government reacted harshly against other demonstrators. Reports indicated that in Kavalje, Elbasan, and other cities the army was used to stop demonstrations. Some demonstrations included attacks on public buildings, the looting of stores, and the burning of police cars and other vehicles. Others were reportedly peaceful. Although reportedly there were no casualties connected with these events, official sources stated that 157 demonstrators were arrested. A number of them were convicted, and some received sentences of more than 10 years' imprisonment. Leaders of the new opposition forces have accused police of torturing those arrested; defense lawyers deny these charges.

c. Freedom of Religion

Public religious activity in Albania is expressly prohibited by the Constitution and by government policy. One Roman Catholic priest in Shkoder, however, celebrated a series of masses and stated that the Catholic Church would seek the return of its confiscated property. Historically, about 70 percent of all Albanians were Muslim, nearly 20 percent were Orthodox, and a little more than 10 percent were Roman Catholic. Estimates of the number of Jews in Albania range from 500 to 2,500. In the second half of the year, there were several reliable reports of religious services being held without official interference.

In 1967 the Government proclaimed Albania the first atheist state in the world, abrogated all laws dealing with church-state relations, and began actively to eradicate all vestiges of religion. More than 2,100 mosques, churches, monasteries, and other institutions were closed, their fixed assets were seized without compensation, and many religious leaders were persecuted, imprisoned, or even executed. All religious literature was banned, as were any personal manifestations of religious belief or practice. In 1975 a legislative decree stipulated that names for newborns were to be chosen from a list of names without religious overtones. At the same time, a number of geographical names with religious significance were changed. While a few outstanding historic churches and their religious art are being restored as museums, most churches and mosques have been converted to other uses.

In May the People's Assembly (legislature), declaring that the State is separated from religion and the question of religious belief is a matter of conscience for every individual, amended the ban on religious practice. The law permits Albanians to practice their religion individually but leaves in place a ban on collective worship, legalizing what had become the practice in recent times. Most Mosques and churches remain closed, although a few are reportedly being used by congregations without official approval. Despite years of antireligious pressure, some Albanians continued to practice their faith in

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their homes, particularly in villages and in more remote areas. The United Nations in 1989 criticized the lack of religious freedom in Albania.

In 1989 several Roman Catholic priests were reportedly released from prison. There are currently no Roman Catholic priests in prison. Priests are instead confined to their villages and kept under surveillance.

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

The Constitution does not guarantee freedom of movement. As part of the reforms passed by the People's Assembly on May 8, Albanians obtained the right to acquire passports for foreign travel. Thousands of Albanians took advantage of this right and applied for passports; while many were able to travel, there continued to be reports that passports were denied to some applicants.

Some Albanian citizens attempting to flee the country without passports were shot by border guards. In one incident, a 6-year-old girl was killed near Lake Shkoder when fleeing with a group of 29 persons. In another, two ethnic Greek Albanians were reportedly killed while trying to cross into Greece. The number of refugees crossing the borders increased significantly during 1990. Some 4,700 Albanians who took refuge in European embassies during and after the July demonstrations were allowed to leave Albania for central and Western Europe.

During his May visit, U.N. Secretary General Perez de Cuellar raised with Albanian officials the case of the 6-member Popa family who had sought political asylum in the Italian Embassy in 1985 and had remained there for over 4 years. The Albanian authorities finally permitted their emigration to Italy.

The May 8 law stipulated that defection by an Albanian "should be considered not as a betrayal of the homeland but as an illegal border trespassing." Illegal border crossing is punished "with reeducation through work or loss of freedom for up to 5 years," according to Article 127 of the Penal Code as revised.

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

No such right existed in 1990. The system of government is a Communist dictatorship, headed by Ramiz Alia in his capacity as First Secretary of the APL and Chairman of the Presidium of the People's Assembly. The Constitution establishes the APL as the sole political entity and Marxism-Leninism as the only political ideology. The APL is governed internally by the principle of "democratic centralism," under which decisionmaking power is concentrated in the hands of a small elite.

In a sign of potential political change, the People's Assembly on November 15 approved a new electoral law that calls for multicandidate elections and provides that any party or social organization, legally registered association, or individual may propose a candidate. In December the Government announced that independent political parties could be established and could present candidates for the legislative elections which were scheduled for March 31, 1991. Following this

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announcement, the Albanian Democratic Party was the first independent party to register with the Ministry of Justice.

Earlier in 1990, the Government had approved a law to limit the terms of office of high-ranking officials (up to deputy minister) to 5 years. Those affected include government officials and top plant management in industry, agriculture, and construction. If their work is approved by the "masses," they may be reelected to a nonconsecutive 5-year term.

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

The Government denies violating human rights and refuses to cooperate with any investigation of allegations to the contrary, including investigations by the United Nations Human Rights Commission, although it invited the U.N. Secretary General and U.S. Congressmen from the Helsinki Commission to visit Albania. During their visits, they met with government leaders. The Government does not recognize the one domestic human rights group formed in December.

Section 5 Discrimination Based on Race, Sex, Religion, Language or Social Status

Greeks are the largest ethnic community, but smaller numbers of Serbs, Macedonians, Vlachs, Gypsies, and Jews also live in Albania. Estimates of the size of the Greek population vary from 59,000 (from an official Albanian census) to as high as 400,000 (from groups promoting the interests of ethnic Greeks in Albania.)

The Constitution grants national minorities "guaranteed protection and development of their culture and popular traditions, the use of their mother tongue, and its teaching in the schools, and equal development in all fields of social life." There are restrictions on the extent to which minorities may exercise their cultural, educational, and linguistic rights. While Greeks and Macedonians may be educated in their mother tongues through the primary level, there are no official radio or television programs in these languages. A Greek-language newspaper, Laiko Vima, is published in the southern town of Argyrokastro. Cross-border ties between Albania and Greece increased significantly after the 1987 visit to Albania of the Greek Foreign Minister, and relatives and friends of the Greek minority in Albania are being permitted to send remittances to Albania.

Several reports indicate persecution, harassment, and discrimination against minorities solely because of their ethnic status.

Scholars of the Albanian language have noted that northern Albanians, who historically spoke the Gheg dialect of their language, have been educationally disadvantaged by the adoption of "unified literary Albanian," basically a version of the Tosk dialect, spoken in southern Albania. Most, although not all, members of the leadership of the APL are Tosk speakers and of Muslim background.

The Constitution states that women shall enjoy equal rights with men in work, pay, holidays, social security, education, sociopolitical activity, as well as in the family. Information on the extent to which these rights are exercised

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is not available. Women participate equally in obligatory labor and military service programs. No information is available on the extent to which violence against women is practiced or what, if anything, the regime has done on the issue.

Section 6 Worker Rights

a. The Right of Association.

Workers do not have the right to associate freely. Nearly all Albanians belong to trade unions that are part of the United Trade Unions of Albania (UTUA), an arm of the APL. These unions have no significant independent voice in the field of labor relations, but they play a key role in indoctrinating and propagandizing the workers, in maintaining labor discipline, and in organizing the periods of so-called voluntary manual labor in which all Albanians are expected to take part. A seat is reserved for the UTUA as an affiliate of the Communist-controlled World Federation of Trade Unions, but the Albanians have not participated in this organization since the mid-1960's. Albania withdrew from the International Labor Organization (ILO) in 1967.

Despite the lack of a right to strike, a brief strike reportedly occurred in Berat in the spring of 1990, when, according to press reports, about 2,000 textile workers protested against low wages.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize freely and to bargain collectively. There are no special economic zones.

c. Prohibition of Forced or Compulsory Labor

Little information on forced labor is available. In 1971 the ILO Committee of Experts, which still considers Albania bound by those ILO Conventions it had ratified before its withdrawal, noted that provisions of the Labor Code of 1966 restricted workers' ability to choose and terminate employment. It is believed that one form of punishment is internal banishment to a labor camp. The prisoners do not have a choice of work but are paid for their labor.

d. Minimum Age for Employment of Children

According to the Labor Code of 1980, amended in 1981, the minimum age for employment of children is 15. Those under 16 years of age may not work more than 6 hours per day. Information on enforcement of this law is unavailable.

e. Acceptable Conditions of Work

According to the Labor Code, the workweek is 48 hours. Pregnant women, children under 16 years of age, and persons with a doctor's certificate may not work between 10 p.m. and 6 a.m. Women, young persons under 18 years of age, and those with a doctor's certificate are prohibited from working underground. Workers in arduous and dangerous jobs are provided appropriate protective clothing and special food rations. The Labor Code contains regulations pertaining to occupational health and safety, but there is no available information on the effectiveness of enforcement. Minimum wage information is not available.