



KOMITETI SHQIPTAR I HELSINKIT
ALBANIAN HELSINKI COMMITTEE



REPORT ON THE SITUATION OF RESPECT FOR HUMAN RIGHTS AND FREEDOMS

IN ALBANIA DURING 2017



**REPORT ON THE SITUATION OF RESPECT FOR
HUMAN RIGHTS AND FREEDOMS**

IN ALBANIA

FOR 2017

Tirana, March 2018

This report was prepared in the context of the project *“Improving the situation of human rights in Albania through strengthening the rule of law – Legal Clinic XI,”* implemented by the Albanian Helsinki Committee and supported financially by the organization Civil Rights Defenders, with funds from the Government of the Kingdom of Sweden.



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Dear reader,

The year 2017 saw important challenges and developments in the situation of human rights and the rule of law, which was also reflected in voluminous, significant and responsible activity on the part of the Albanian Helsinki Committee (AHC).

The annual report on respect for human rights and freedoms in Albania for 2017¹ seeks to inform the public, institutions and international organizations accredited to the country, as well as to increase the responsibility and accountability of public bodies to strengthen the culture of lawfulness and improve their activity for better protection of and respect for fundamental human rights.

The modest contribution of our organization during 2017 was oriented toward quality and concrete impact for people, having in mind mainly the focus on monitoring the start of the implementation of justice reform, the general parliamentary elections of June, the provision of legal critique in the law-making process, following and representing cases in the domestic courts, the Constitutional Court and the European Court of Human Rights, the proactive monitoring of respect for human rights by public administration bodies and the judicial system, the conduct of research studies and the drafting of research studies, the realization of legal education activities and the prevention of harmful phenomena to the society such as violent extremism, the contribution with alternative reports for international organizations such as the European Commission against Racism and Intolerance and the Committee for the Prevention of Torture, etc.

During 2017, AHC's activity had in focus a variety of areas, such as justice, the fight against corruption, the prison system, border crossing points and institutions where irregular migrants are held and asylum-seekers' centers, transparency of institutions, consultation of groups of interest in decision making processes, protection against violent extremism, radicalization, discrimination, freedom of expression and free speech, good governance at the central and local level, respect for the rights and freedoms of groups in need, environmental protection, free and fair elections, etc.

The reactive force and the proactive nature of AHC's activity continued to be felt in public opinion thanks to coverage in the print and broadcast media, increased activism in social media and the outreach of the organization's activity in different areas of the country.

I take advantage of this occasion to express profound gratitude and to thank for the support given for the realization of AHC activity during 2017 the Assembly and decision making Board of the organization, the executive staff, external consultants and the dedicated and tireless observers, partner organizations, the counterpart Helsinki Organizations in the region and beyond, the donors who supported financially the activities of the organization, namely Civil Rights Defenders, the Embassy of the United States of America, the Open Society Foundation for Albania, the Embassy of the Netherlands, the Embassy of Great Britain, the European Union Delegation in the country, the Open Society Institute, the USAID Project "Justice for All," and the European Roma Center.

Sincerely,

Erida Skëndaj
Executive Director

¹ The findings resulted from information obtained until the end of December 2017

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EXECUTIVE SUMMARY

During 2017, delays were observed in the establishment and functioning of the new institutions of the justice system. The polarization of the political situation in the country, the appeal of the vetting law in the Constitutional Court and other issues of an organizational nature had an impact in this regard.

In the selection of members of the vetting bodies, AHC observers noticed elements of formalism due to the absence of part of the members of the *ad hoc* parliamentary committees or the indifference shown by them during the hearing session. A large number of candidates for these bodies were not selected, although their education and experience in western countries were estimable. The strong constitutional and legal criteria in this regard were another obstacle.

During 2017, the Directory for the Security of Classified Information (DSCI), the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI), the General Prosecution Office and the High Council of Justice did not demonstrate full transparency and within the legal deadlines for providing statistical information resulting from their activity as auxiliary bodies of the vetting process for its three components – *professional capability, integrity and the assets of judges and prosecutors*. Therefore, AHC submitted a complaint to the Commissioner for the Right to Information, who in February 2018 found a violation of the right to information by the DSCI, and HIDAACI. In our opinion, the lack of transparency toward the public does not have a positive impact on the trust that people should have in the vetting process.

Delays were noticed in the establishment of the governing bodies of the justice system, such as the High Judicial Council and the High Prosecutorial Council (*HJC* and *HPC*), as well as the Judicial Appointments Council, which led to the failure to complete vacancies in the High Court, the appointment of a Prosecutor General with a full mandate, and the failure to establish specialized anti-corruption structures on time. The selection by lottery of non-judicial and non-prosecutorial candidates for the HJC and HPC, in the absence of consensus between members of the parliamentary sub-committee, although a way to unblock the process, in our opinion did not guarantee fully the selection of members of these bodies on the basis of merit and integrity.

The fight against corruption requires serious engagement by specialized law enforcement institutions in increasing tracking, discovery, prosecution and conviction of the perpetrators of these offenses, without any distinction based on status or official post. Citizens' trust in this fight remains in low levels. Their complaints highlight that corruption continues to undermine the country's well-being and economic progress, affecting particularly the society's poor strata. Citizens expect concrete results, with investigated and tried cases that will deal blows to this phenomenon in the highest levels of its display or for affairs involving considerable amounts of funds. With support from the UK Embassy, AHC has established a new network of lawyers for the punishment of corruption and financial fraud when these offenses harm public interest.

The interparty political agreement of May 18 for the Parliamentary Elections in the country, though a tool to unblock the political impasse, did not respect the constitutional principle of lawfulness and juridical certainty. Some issues of this agreement were not accompanied by the necessary amendments in the Electoral Code. The monitoring of elections by AHC highlighted that there were violations of the deadlines envisaged in the electoral Code in force in force, delays in the establishment and poor quality training of commissioners of the second and third-level commissions of electoral administration, mutual accusations by political parties for vote buying,

government inaugurations during the electoral campaign, violation of electoral silence by some electoral subjects, some incidents during the campaign and on voting day, etc.

The engagement of the Assembly to realize electoral reform failed due to extreme political polarization, which did not allow the sitting of all parties at a round table in order to place the need to implement OSCE/ODIHR recommendations above political interests.

During 2017, AHC reacted publicly in 46 cases and a total of 235 complaints were addressed and handled. Approximately half of these cases continues to be dominated by complaints by persons deprived of their liberty in the prison system. Complaints for advocacy services represent 24% of the total, while property conflicts and the need for economic welfare or social protection about 11% of the total.

In our communication with public administration institutions, often there have been formal reactions and avoidance of competences of an oversight and accountability nature toward the public, but also between supervisory bodies and subordinate ones. However, we also found positive instances, where it is worth highlighting the collaborative spirit and positive reactions for undertaking measures in some cases by the Ministry of Justice and the General Directory of Prisons. Also with independent institutions such as the Commissioner for the Right to Information and the Commissioner for Protection against Discrimination, AHC had mainly positive experiences for the referral and resolution of cases, with the exception of some delays noticed in their decision-making on these issues.

Citizens continue to face lack of security for their lives and health due also to different forms of criminality, while domestic violence remains disturbing and as a result of it, several girls and women lost their lives during 2017. Environmental pollution in some areas of the country, as well as absences in health infrastructure and medicaments in public hospitals, have in some cases posed a serious threat to the life and health of citizens. Local government bodies continue to face insufficiency of funds for integrated management of urban waste. In some cases, we have noticed that there has been considerable pollution of public spaces, particularly riverbeds.

During the previous year, AHC set in motion upon its own initiative or represented some citizens in cases of public interest before domestic courts, the Constitutional Court and the Strasbourg Court. The represented cases have had as a subject the violated rights of citizens for water, the provision of adequate health care, a clean and healthy environment, the right to not be subjected to torture, inhuman and degrading treatment, the right to indemnification in cases of natural disasters, the right to information, public consultation, etc.

We deem it necessary to emphasize that our 2 requests to the Strasbourg Court during 2017 have to do, first with the violation of the right to vote for a category of inmates, and second, with the violation of due process during preliminary investigations by the prosecution office. At present, the court is reviewing three other cases filed by Albanian citizens represented by AHC during 2016.

The rights of persons who had been detained and arrested in flagrante do not appear to have been respected in fully by criminal justice bodies. The monitoring of 400 trial hearings and the study of 1800 judicial decisions on personal security measures in the judicial district courts of Durrës and Tirana highlighted an excessive use of the security measure “arrest in prison.” It is our opinion that this trend of the court has been influenced also by the harshening of criminal policy. Arrest in prison is applied at a high percentage even when detainees are accused of criminal

offenses that do not pose a serious social threat, toward juvenile detainees, youngsters of 18-21 years old, and women.

AHC has conducted about 22 complaint verification missions in the prison system. Overcrowding remains disturbing particularly in the pre-trial detention sectors, causing the placement of detainees and inmates in separation rooms, where only persons with a disciplinary measure should be kept. The non-approval by parliament of an amnesty for 2017 and the invalidation of article 478 of the Criminal Procedure Code (release of convicts due to illness), represent regress in terms of standards required by temporary criminal policy that should be permeated by humanism and humane treatment.

In part of the Institutions for the Execution of Criminal Decisions, particularly that of Krujë (Zahari), Saranda, Lezha, Vaqarr, Burrel, etc., the conditions did not meet even minimal requirements and they even contain elements of inhuman and degrading treatment. In sporadic cases, AHC found signs of violence on inmates who claim that they were violated by prison staff in uniform. There were also five cases of suicide in the prison system, which raises questions on the elements of security and oversight.

Deficiencies in medical personnel and medicaments, lack of proper attention to education and rehabilitation programs, accommodation in violation of the law of over 160 persons with mental health problems, placed under medical measures in the prison system, inappropriate infrastructure of some institutions and the limited number of social workers and psychologists, complaints about corrupt practices in the award of permits and sentence reduction represent the basis of problems encountered in prisons and pre-trial detention facilities during 2017.

For 2017, monitoring conducted in the Police Commissariats were scarcer and did not encounter cases of violence. Infrastructure conditions of detention/arrest facilities in commissariats need considerable investments. Monitoring at border crossing points and other institutions for handling asylum-seekers and refugees to Albania point to deficiencies in infrastructure, personnel and services. Migratory flows are still unstable in the region and in the event to an emergency situation, the country might face very limited reception capacities. A research study by AHC on the decisions of domestic courts on migrants going through the border crossing points in Albania highlights that they have been sentenced to imprisonment in violation of international standards, giving priority to our Criminal Code, toward foreigners entering irregularly, including Syrian citizens who left their country because of the war.

Failure to respect legal deadlines for the notification on the demolition of 250 homes in Shkoza and the lack of sustainable housing alternatives for people in need has violated the right to property and a calm family life. Decisions of the Strasbourg Court for indemnification for violation of the right to property create an obligation of the Albanian state to pay very high amounts, which are a burden for Albanian taxpayers. On the other hand, the former owners continue to wait since 27 years now to enjoy their legitimate ownership rights. The partial compensation of the former owners, in instalments over a long period of time, has caused constant concern among them, a feeling of injustice and disrespect for the principle of juridical certainty.

AHC also contributed to the improvement of laws and bylaws, including on the legal package for justice reform. We also monitored the implementation of laws, whereby we may mention the law on public notification and consultation. The law appears to have been implemented at very low levels or with notes of formalism by institutions and the national level; requirements on deadlines and procedures for public consultation are not respected, thus violating the principle of

transparency and open government. On the other hand, we have noticed a lack of confidence by stakeholders themselves in the public consultation process and in institutions carrying it out.

AHC has undertaken an awareness and prevention campaign on extremism and radicalization in the country. The high level of use of the digital space by Albanian-speaking extremist groups to recruit mainly youth using social media requires full human resources and infrastructure support for specialized law enforcement agencies and a coordination of measures to prevent and address this phenomenon.

The influence of developments in the digital era, the inappropriate connections between business interests and politics with the media, the violation of the basic rights of journalist jobseekers, lack of solidarity among journalists, the use of *fake news*, as well as labelling with offensive tones toward the media continue to harm free speech and the moral and professional integrity of journalists.

MAIN FINDINGS

1.1 The right to life and health

As is common knowledge, the right to life is a fundamental right and a precondition for effectively enjoying and exercising every human freedom or right.² The state has not only the negative obligation to not violate this right but also the positive obligation to protect the life and health of citizens.

According to information in the media and complaints directed at AHC, it results that citizens continue to face the lack of security for their life and health, also due to the different forms of criminality. Citizens face threats as a result of the still powerful activity of organized crime, raised as a concern by the U.S. Department of State in the 2017 Crime and Safety Report for Albania.³

AHC appreciates the fact that recent statistics indicate a decline in some important categories of crime,⁴ including murders, attempted murders, violent or armed robberies; however, there is a need to undertake more effective measures to reduce and prevent “street crime,” such as property theft or domestic violence, as a result of which some girls and women lost their lives during 2017. Concretely, State Police highlighted about 250 more cases of domestic violence compared to the previous year, 16 victims of this violence leading to death and 60 more requests for protection orders, compared to the previous year. Victims of this crime continue to be massively women, children and the elderly, who do not yet enjoy adequate protection by the state.

Health care remains a serious problem in the country, as care beyond primary care is limited and there are no trauma hospitals outside Tirana.⁵ Deficiencies in the health care system in Prisons, Pre-trial Detention Facilities, Commissariats or Border Crossing Points, the need for medicaments or medical equipment in the Hematology service of the TUHC or for enabling hearing for minors, environmental pollution in some areas of the country and inappropriate infrastructure conditions in penitentiary institutions represent a serious threat to the life and health of citizens.

During 2017, AHC continued to follow with specialized institutions or in court the lack of special medical equipment for minors who are hearing impaired, from birth, securing drinkable water for inhabitants of the Visokë village, Mallakastër Municipality, the lack of medicaments for patients at the Hematology Department at the “Mother Teresa” University Hospital Center.

Despite the constant media address on the need to improve infrastructure and road signage, remains disturbing the lack of road safety and road accident cases with serious consequences for people's lives and health.

1.2 The right to elect and be elected

² Article 15 of the Constitution: “Fundamental human rights and freedoms are inseparable, inalienable, and inviolable and are at the foundation of the entire juridical order. Institutions of public health, pursuant to their duties, should respect fundamental rights and freedoms, as well as contribute to their realization.”

³ Albania 2017 Crime & Safety Report

⁴ <http://www.instat.gov.al/al/temat/treguesit-demografik%C3%AB-dhe-social%C3%AB/krimet-dhe-drejt%C3%ABsia-penale/#tab2>

⁵ <file:///C:/Users/user/Downloads/Albania%202017%20raport%20OSA.C.pdf>

As in the past, AHC monitored the Parliamentary Elections of June 25, 2017 and, in July 2017, published the final monitoring report.⁶ Although our monitoring was partial, taking into consideration also the final OSCE/ODIHR report, we reach the conclusion that electoral legislation on some issues needs to be reviewed. In this regard:

Based on the several months of monitoring, AHC found a violation of deadlines envisaged in the Electoral Code, the delayed and poor-quality training of second and third-level members of electoral administration commissions or absence thereof, mutual accusations by political parties for vote buying, government inaugurations during the electoral campaign, violation of electoral silence by some electoral subjects, some incidents during the campaign and on voting day, etc. The encountered problems and others highlight the need for a legal regulation of the coverage of the campaign of political subjects while respecting the media's editorial freedom, the importance of depoliticizing electoral administration bodies at all levels, equal respect for the rights of civil society organizations' observers and party observers, the need to amend the Electoral Code to prevent interferences or obstruction of the vote counting process due to the presence of candidates in vote counting sites, guaranteeing the moral and professional integrity of journalists monitoring and reporting the electoral campaign in the media, etc.

The May 18 interparty political agreement, although it served as a tool to unblock the political impasse, did not respect the constitutional principle of lawfulness and juridical certainty. Some issues of this agreement were not accompanied by the necessary amendments in the Electoral Code, particularly the replacement of the CEC Chair.

The electoral reform that should have preceded these elections failed due to extreme political polarization, which did not enable the sitting of all parties at a round table to place the need to implement OSCE/ODIHR recommendations above political interests. Even with the establishment of the new Electoral Reform Commission after the June 28 elections, we still notice that there are delays and the political will is lacking to amend the Electoral Code. Public interest and orientation toward international standards and OSCE/ODIHR recommendations should prevail and AHC has addressed its suggestions through official letters.

Taking into consideration that the limiting criteria on the right to vote for prison inmates according to Law 138/2015 on decriminalization are not proportional or argued and, as such are in contravention of the Constitution and Protocol 1 of the ECHR, in February 2017, AHC addressed the Constitutional Court with a request to invalidate some articles of this Law. Given that we considered the arguments presented in the Decision no. 43 (2017) of the Constitutional Court unfounded, we have addressed the Strasbourg Court, after securing the Authorizations from some citizens serving their prison sentences in the IEPD Peqin and IEPD Vaqarr.

1.3 The right to property

Article 41 of the Constitution envisages the limitation of the right to property ownership only for public interest, while the state should guarantee in any case the essence of this right due to its importance in a democratic society, with a functional market economy.

The historical unresolved problem of respect for the right to property in the country continues to obstruct economic development and consolidation of law enforcement.

Complaints received by AHC during 2017 highlight that 7.2% of citizens complain about a violation of the right to property ownership, marking a slight reduction in cases compared to the previous

⁶ <http://www.ahc.org.al/wp-content/uploads/2017/07/Raporti-per-Zgjedhjet-per-Kuvendin-25-Oershor-2017.pdf>

year. Failure to respect legal deadlines for notification on the demolition of 250 homes in Shkoza, the inappropriate timing of their demolition, and the lack of sustainable housing alternatives for vulnerable groups, particularly poor ones or the Roma-Egyptian minorities, are violations of the right to property that were noticed during 2017, which placed certain social groups in discriminated and unprotected conditions, in violation of the international spirit and standards that are compulsory. AHC has also received complaints by inhabitants of other municipalities of the country claiming the lack of notification or the violation of notifications or the violation of administrative procedures on the demolition of buildings that citizens use as homes, without first ensuring real opportunities for housing.

It is worth mentioning as a positive development the concretization of the government initiative to draft a new draft law on social housing, which seeks to create a new legal framework for providing social housing and the process of administration and planning of social programs in this area, in accordance with international acts and standards.

Claims of unjust compensation of misappropriations due to the implementation of the TAP project were noticed during joint monitoring missions by AHC with the organization Bankwatch. Decisions of the Strasbourg Court on indemnification for the violation of the right to property create an obligation for the Albanian state to pay very high amounts of funds that are a burden for Albanian taxpayers. On the other hand, former owners continue to wait for 27 years to enjoy their legitimate ownership rights. Partial compensation of former owners through installments over a long period of time has created among them constant concern, a feeling of injustice, and a violation of the principle of juridical certainty.

1.4 Freedom of the Media

During 2017, AHC continued to assess information provided in the media, increasing the number of verified cases and public reactions on violations of the rights and freedoms of citizens. AHC monitored in the field some cases that have to do with good governance with an impact on violating the right to life, health, ecologically clean environment and housing, in some areas of the country, thanks to leads from investigative programs aired in the media.

Freedom of the press and journalists in the country has evident and serious problems, a conclusion also of the annual report on Freedom of the Press by the Reporters without Borders,⁷ while Freedom House ranks Albania among the three last countries in Europe for 2017. Information of state institutions is viewed as limited and hard to obtain both by journalists and by citizens. This situation has a direct impact on the violation of the media's mission to obtain and convey information to the public.

AHC has reacted publicly⁸ by highlighting political influence, the lack of a fully safe environment for journalists, the lack of professionalism and impartiality due to the violation of the economic-social status established by law, the need to respect journalism ethics that avoids hate speech and inappropriate language, as well as the concern about the violation of proportionality between the independence of journalists and respect for the constitutional principle of the presumption of innocence.

⁷ <https://rsf.org/en/albania>

⁸ Joint statement with the Media Council on the occasion of the international day for media freedom, on 03.05.2017

The conference organized by AHC on freedom of the press and journalists during 2017 highlighted the inappropriate connections of business and political interests with the media. Of concern is the fact that the media itself continues to admit that there are still journalists who are not paid and do not have social insurance, that there is lack of solidarity among them, that in some cases *fake news* is used as a counter weight to go against the media. Labelling with insulting tones toward the media and journalists continues to harm free speech and the moral and professional integrity of journalists. On the other hand, there is a need to respect journalism ethics and for greater attention by media for groups in need. Referring to research presented at this conference, the media becomes a source of discrimination through images loaded with “values” that reflect stereotypes on various social groups, particularly toward the Roma and Egyptian communities, persons with different sexual orientation (LGBTI), persons with different abilities or gender-based stereotypes.

1.5 Justice

1.5.1 Reform in the Justice System

While awaiting the first results of the implementation of justice reform, which is very important for reinstating the confidence of citizens in justice bodies, during 2017, we noticed delays in the timely establishment of new justice bodies. In some cases, these delays were unjustified and came because of political polarization or the lack of political dialogue and consensus, regarding decision-making related to the activity of the Assembly and parliamentary bodies.

For the establishment of vetting institutions, AHC observers noticed that during the monitoring, although the first ad hoc parliamentary commission found that some candidates met the formal legal criteria, prejudicial and biased questions were asked of the candidates, putting them under political-psychological pressure. The hearing session with these candidates should have had as an objective the test of their professional level and integrity. Besides, in the two other ad hoc parliamentary commissions for the selection of candidates, elements of formalism were noticed, due to the absence of part of the members of these commissions or the indifference shown by them during the hearing session. It was also noticed that there was a high number of candidates who were not selected, although they had had admirable experiences in western countries. The strong constitutional and legal criteria were obstacles in this regard.

However, AHC has noticed that during 2017, the progress of Justice Reform was slowed down also due to causes related to the exercise of appeal mechanisms, such as the use of the right of judges and prosecutors' associations to oppose some of the justice system laws in the Constitutional Court, *especially the law on vetting no. 84/2016*. This led to delays in the establishment of vetting bodies, its implementation and the setup of justice system governing bodies (HJC and HPC). Delays in the establishment of the HJC and HPC were also the strong constitutional and legal criteria for non-judge and non-prosecutor members, particularly for the post of the civil society member.

Delays in the establishment of the High Judicial and Prosecutorial Councils (HJC and HPC) as well as the Judicial Appointments Council have had a chain reaction on the failure to fill the vacancies in the High Court, the Constitutional Court, the appointment of the Prosecutor General with a full term, and the failure to establish on time the specialized anti-corruption structures, which are much awaited to fight corruption and its impunity. All of these delays have created subsequent obstacles in the activity of existing institutions, causing harm to the efficiency of adjudications and the justice sought by citizens, particularly in the Constitutional Court and the High Court. It

is worth mentioning that the latter, presently, continues to face a very heavy case log due also to cases carried over from previous years.

The election of the Temporary Prosecutor General, as envisaged in the law, was polarized in an extreme manner, which had a negative impact on achieving consensus and was accompanied by violent actions outside the Assembly but also in the premises of the plenary session, in open violation of parliamentary ethics and civility. AHC reacted publicly by saying that the opposition to decisions that are considered unconstitutional, in any case, should be realized through legal and peaceful means, in respect of the principle of lawfulness, stability of institutions and the rule of law.

To monitor the vetting of judges and prosecutors, AHC has collaborated with the Open Society Foundation for Albania. Among others, we have noticed lack of transparency toward the public on data that are not sensitive and that could contribute to greater activism and confidence of the public in the first phases of the implementation of the vetting process. Due to the failure of assisting vetting bodies to provide necessary statistical information, AHC presented four administrative complaints to the Commissioner on Freedom of Information about the Prosecutor General's Office, the DSCI, the HCJ and HIDAACI. The decisions of the Commissioner on Freedom of Information, although delayed on three of these institutions, in the end, concluded with the Commissioner finding that the DSCI and HIDAACI had violated the freedom of information right.

AHC has monitored partially the process for the selection of non-prosecutorial and non-judge members of the HJC and HPC, which has taken place in a very polarized political environment, before and during the procedures carried out in the parliamentary commission. The selection of candidates by lottery, in the absence of consensus between members of the parliamentary sub-committee, although a way to unblock the process, in our opinion did not fully guarantee the selection of HJC and HPC members entirely based on merit and integrity.

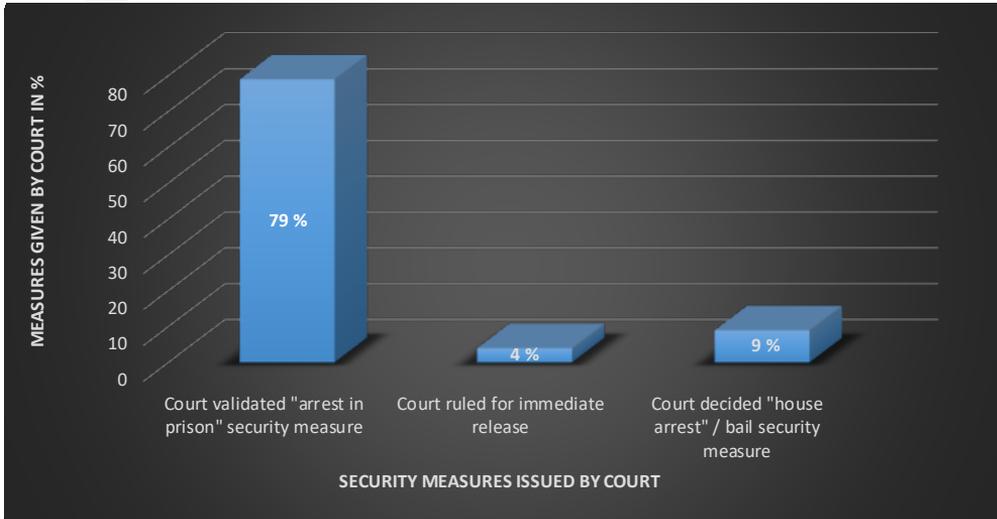
Due to the importance of civic and civil society participation in the implementation of this reform, with support from the Embassy of the Kingdom of Netherlands in Albania, AHC implemented the initiative to promote civic participation from 2016 until the start of 2017, by informing students, civil society organization representatives, lawyers and professionals of the law on the novelties of the constitutional amendments and the first six material laws of the justice system. The changes are radical and the justice reform package is voluminous and therefore citizens still need more awareness raising about the new elements of the reform and particularly on the changes to the organization and functioning of the judiciary and their access to courts.

1.5.2 Complaints about the Judiciary and the Prosecution Office

During 2017, about 7.66% of the complaints received in our office of the Free Legal Clinic have to do with the judicial system, namely, unjust judicial decisions, surpassing of pre-trial detention deadlines, violation of due legal process, unjust and arbitrary decisions of the prosecution office, lack of information from courts, and fewer complaints about unjust, arbitrary actions and procedural investigative violations by the prosecution office. Complaints to AHC about lawyer services are at 24.25% of the total and indicate the need of citizens for effective legal protection and, on the other, the credibility of non-governmental organizations in providing legal services.

Procedural rights and guarantees related to freedom and security, guaranteed by article 5 of the European Convention of Human Rights, in many cases were not respected by the police or the prosecution office and the court. This has to do with the detention, arrest in flagrante and the evaluation of personal security measures. Based on the monitoring of 400 judicial hearings and the study of 1817 cases of judicial decisions to evaluate the detention/arrest and personal security

measures in the judicial district courts of Tirana and Durrës, AHC has found a high and disturbing level of the security measure “arrest in prison.” The harshening of the criminal policy by the parliament has influenced this. In 64% of the cases, the prosecution office requests the application of this personal security measure for a high number of criminal offenses that do not pose a high social threat, such as “irregular driving of vehicles,” “robbery,” “stealing of electricity and telephone impulses,” etc., while the court has validated the arrest measure in 79% of the prosecution requests. Alternatives to “arrest in prison” are applied very little (e.g., house arrest and bail represent together 9% of the personal security measures issued by the court”).



The lack of consistency in judicial practice, the high number of personal security measures of arrest in prison for relatively light criminal offenses, the passive role of the court in finding procedural violations and procedural freedoms of detainees/arrestees and the lack of formal-judicial arguments on the circumstances of the fact by the court in some cases, are the most important problems resulting from the AHC research study.

As in previous years, AHC found the application of the “*Abbreviated Adjudication*” procedural institute even in cases when the criminal offense led to very serious consequences, for the state or for citizens. The position that AHC has continuously expressed on the need to amend the Criminal Procedure Code and a unified practice for courts, in order to deter favoring by reducing the sentence by 1/3 for recurring violators or persons who pose a high social threat, has not been addressed in the latest Criminal Procedure Code amendments.

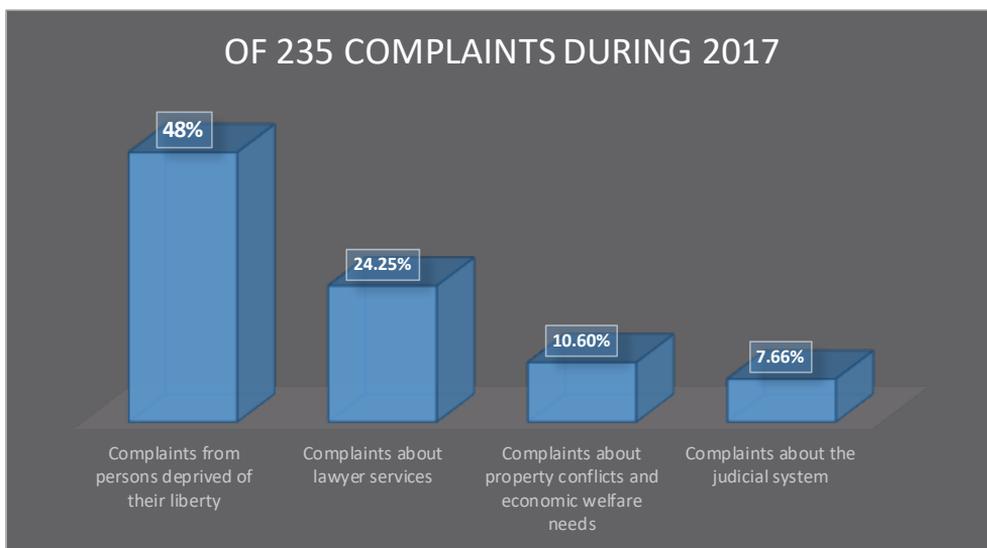
Based on findings from the monitoring of the use of court rooms and the audio recording system of trial hearings in all of the country’s courts, the Ministry of Justice, Ministry of Finance and Economy, the Assembly and the High Judicial Council to be established, need to draft policies and strategies or create financial support for overcoming difficulties, especially infrastructural ones, encountered by the courts, with the final goal being the 100% use of court rooms and the audio recording systems. With regard to the use of the audio recording system, the monitoring conducted by Albanian Helsinki Committee observers during the period January-March 2017 (mentioned above) highlighted that in total, the volume of hearings recorded through this system reached 91.5% in all of the country’s courts. However, this percentage varies from one court to another, where there are those using the system 100%, those that use it a lot but not 100%, and those that use it scarcely.

1.5.3 Free legal services

The lack of effectiveness and professionalism of lawyers assigned by prosecution bodies, as well as the insufficient financial and human resources capacities of the State Commission on Legal Aid remained the main reasons why citizens turned to civil society organizations for free legal aid.

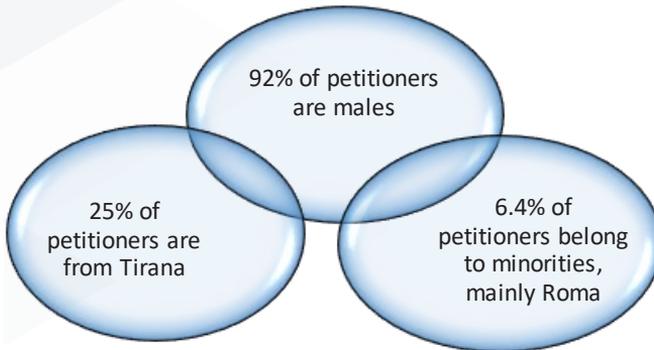
AHC continued during 2017 to contribute in providing free legal services through the Free Legal Clinic office for groups in need, in the context of support by different donors. Some of the social groups that benefited from counselling, assistance with completing documents, verification on site and institutional interventions, and representation in court included persons deprived of their liberty, members of the Roma and Egyptian communities, persons with different abilities, persons unable to afford a lawyer, juveniles and ill persons, citizens in rural areas with deficiencies in accessing public services, etc.

During 2017, we addressed about 235 complaints. More concretely, 48% of these cases is still dominated by complaints by persons deprived of their liberty in penitentiary institutions, on violation of their rights by the prison administration, inappropriate accommodation conditions, failure to provide health care or social care in prisons, claims of use of violence, irregular transfer/non-transfer to another institution or within the same institution. 7.66 % of complaints have to do with the judicial system while complaints for lawyer services made up 24.25% as highlighted earlier in this report. Complaints about property conflicts and the need for economic welfare aid or social protection represented about 10.6% of the complaints.



AHC has reacted publicly on 46 occasions, 16 of which spurred by information from the media. Our reactions have been on violations of rights in the prison system, the violation of parliamentary ethics and the need to strengthen parliamentarism, the lack of transparency and public consultation in decision-making processes, the frequent or sporadic pollution of the environment in some areas of the country (*Mallakastër, Librazhd, Krujë, Tërkuze, etc.*), the need for Electoral Reform and violations of the Electoral Code during the pre-election process, of voting and vote-counting in the General Elections of 2017, for greater attention to the fight against the use of narcotic substances by juveniles and their effective protection from violence in the pre-university education system, the isolation of some minors due to the inability of the state vis-à-vis the phenomenon of blood feuds, on domestic violence and its tragic consequences, etc.

Petitioners belong to different age groups, almost all adults, a broad geographic spread, and linked particularly with the location of penitentiary institutions, but with a concentration of about 25% of them in Tirana. Individuals who addressed AHC to address their concerns belong to both sexes, with adult males dominating by about 92%. About 6.4% of the complaints come from citizens belonging to minorities, mainly from the Roma minority.



During 2017, cases of strategic litigation increased considerably. In these cases, through the legal representation of the rights of one or more citizens for a specific case, we seek a solution for a broader group of persons who are in the same or a similar situation.

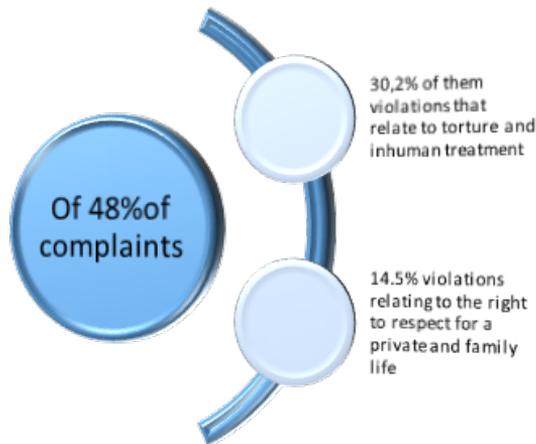
To represent these cases, AHC has addressed the Constitutional Court, the Administrative Court of First Instance in Tirana, the Administrative Court of Appeals, the Vlora Court of First Instance, the Durrës Administrative Court, the Kruja Court of First Instance, the Tirana Court of Appeals, etc. We have pursued 15 cases with these courts, defending causes that have to do with the right to life, health, ecological environment (Kruja, Kamza, Mallakastra, etc.), the right to vote, the right to due process, the right to a calm family and private life through the obligation for drinkable water supply (e.g. in Visokë village, Mallakastra), the retirement pension, the right to non-discrimination due to race, social-economic condition, social or health condition, etc. The object of research in these processes has had to do with the actions or inaction by public administration bodies, central or local ones, directly or indirectly responsible for these cases.

On some of the cases it has been pursuing, AHC has exercised the right to a complaint in court against decisions of the Commissioner for Freedom of Information and the Commissioner for Protection against Discrimination, when we deemed that their decisions on freedom of information and discrimination issues were not in accordance with legislation in force. It is worth mentioning that for most cases addressed with these two independent institutions, decision-making has been in favor of resolving the AHC petitions for information and protection against discrimination.

During 2017, AHC addressed the European Court of Human Rights (ECtHR) with 2 complaints on the violation of the right to vote of inmates due to prohibitions in the “*decriminalization*” law and when observing undue legal process toward a citizen during preliminary investigations. At present, the court has under review another three cases of citizens defended by AHC, deposited during 2016.

1.6 The rights of persons deprived of liberty

As has been highlighted earlier in this report, 48% of complaints to AHC have been claims for violation of the rights of inmates and detainees in the penitentiary system. Of these complaints, 30.2% and 14.5% of them refer respectively to violations related to article three (prohibition of torture and inhuman treatment) and eight (the right to respect for private and family life) of the ECHR, specifically by persons deprived of their liberty.



In the context of addressing complaints, AHC carried out 22 verification missions in Prisons, Pre-Trial Detention Facilities and Police Commissariats. Concretely, monitoring missions focused on IEPD Peqin, IEPD Vaqarr, IEPD Fushë-Krujë, IEPD “Jordan Misja”, IEPD Fier, IEPD Burrel, IEPD Krujë, IEPD Durrës, IEPD Saranda, as well as IEPD Lezhë.

Overcrowding remained disturbing, particularly in the pre-trial detention system. Amnesty at the end of the year could help alleviate this phenomenon, but the Assembly did not approve an amnesty law in 2017, which is in contradiction of the standards of a human and temporary penal policy, which AHC has spoken about publicly.⁹ The reasons for this phenomenon have mainly been the high level of application of the security measure “arrest in prison,” the high level of application of imprisonment sentences instead of its alternatives, as well as the application at inadequate levels of the law “On the electronic monitoring of persons whose movement is limited by judicial decision.”

Poor infrastructure, lack of necessary living items and physical conditions in contravention of what is envisaged in international and domestic legislation, particularly in IEPD Krujë, (Zahari), IEPD Saranda, IEPD Lezhë, IEPD Vaqarr, IEPD Burrel, etc., claims of exercise of violence by security personnel (encountered in IEPD Peqin, IEPD Fier, IEPD Durrës), accommodation of convicts/detainees without a disciplinary measure in isolation or observation premises beyond legal deadlines (e.g. at IEPD Fier, IEPD Fushë-Krujë, IEPD “Jordan Misja,” etc.), marked lacking of effective educational and rehabilitative programs, or the inability to realize these due to deficiencies in infrastructure conditions and in specialized social personnel, are some of the problems encountered by AHC in our penitentiary system that continue to be raised as concerns by the Committee for the Prevention of Torture (CPT) and Amnesty International.

⁹ <http://www.ahc.org.al/aministia-tregues-i-nje-politike-penale-hu-manë/>

Inhuman and degrading treatment of convicts at IEPD Kruja would be avoided if the new prison in Shkodra had been made operational. Based on conditions of inhuman and degrading treatment of imprisoned convict F.Z. who has not been offered specialized surgical intervention based on the recommendation of orthopedic doctors, AHC has submitted a Request seeking release because of illness before Criminal Procedure Code (article 478) was invalidated that envisaged this opportunity for convicts suffering from serious illnesses. In parallel, AHC continues to represent this case at the Strasbourg Court.¹⁰

During 2017, persons accommodated in the prison system claimed the exercise of violence in five instances, with such violence attributed to security personnel in the system in three of these cases. The most flagrant case was the one verified on 04.10.2017 at the High Security Sector of IEPD Peqin, where the alert Prison Police Group, according to monitoring data, is suspected to have violated convict V.G. with batons in different parts of the body, such as his back, belly and feet. The forensic expert part of the AHC group found on the convict's body four ecchymosis on his back and one on his right leg, above the knee, about 5-15 cm, and a hematoma in his belly, on the left, about 10 cm, in marked dark blue and reddish color. Injuries were easily visible and fresh. These actions, in our opinion, represent elements of a criminal offense envisaged by article 86 of the Criminal Code "Torture." While appreciating the reaction of the Ministry of Justice through administrative measures for this concrete case,¹¹ we express our concern for the efficiency of the prosecution office regarding these cases.

During 2017, there were five instances of suicide in prisons, such as in IEPD Lezhë, Krujë, Rogozhina and on "Mine Peza" street. These cases highlight the need to increase oversight measures and security in the prison system, particularly given the worn-out conditions of buildings or the places where convicts with mental health problems are kept. Enhanced and comprehensive administrative and criminal investigation into the suicide cases is a standard developed by ECtHR. Based on our communication with the prosecution office also about cases of suicides in previous years, there appears to be no criminal charges in court for the suicides in the penitentiary system but it has been decided to not initiate criminal proceedings or to close the cases.

Accommodation in the prison system of over 160 persons with mental health problems, who were remanded to compulsory medication in a medical institution, is a flagrant violation of human rights and legislation in force. This disturbing problem that continues for over two decades should receive an immediate solution from the state, with the main responsibility lying with the general prosecution office that executes these measures in the wrong manner, with the prison system that admits these persons in violation of the law to institutions it supervises, as well as with the Ministry of Health for not taking measures to build a specialized medical institution for these citizens.

Convicts/detainees submitted complaints that show a high perception of corruption in the prison administration (such claims came mainly from IEPD Peqin, Fier, Burrel, Fushë-Krujë, Rogozhina, etc.), mainly regarding the issuance of reward permits, practices of sentence reduction, accommodation in rooms, etc.

The frequent reshuffling of prison personnel, mainly those in leadership positions, over a short period of time, has had an impact on the normal conduct of work, causing delays or failure to provide responses regarding the review of requests for reward permits at the GDP or other

¹⁰ We expect the ECtHR to issue a decision on the Complaint of convict F.Z., for the violation of articles 3, 6/1, 13 and 14 of the ECtHR.

¹¹ <http://www.ahc.org.al/multimedia/deklarata/>

requests/complaints. It is a known fact that in our prisons, time after time, certain officers have been dismissed or prosecuted for corruption or abuse of office.

Rehabilitation of inmates is far from required standards as long as the number of psychologists and social workers is very low compared to security personnel. Also, prison personnel should be empowered in terms of capacities and sustainability in order to guarantee effective rehabilitation of inmates. Recruitment in the prison system does not enable the hiring of persons with integrity, qualified and financially motivated. The implementation of programs aiming at rehabilitation of inmates may only be understood by those employees who willingly and professionally engage to reduce suffering from the sentence, normalization of life in prison conditions, encouragement of hope for post-prison life.

AHC has submitted to relevant institutions a considerable number of recommendations and has suggested the undertaking of measures for the implementation of legislation in force, which have been generally considered in a constructive manner. In particular, we single out cooperation with the General Directory of Prisons and the Ministry of Justice, for the transparency demonstrated and reactions through concrete administrative actions of these institutions regarding issues addressed by AHC. In particular, regarding the keeping of imprisoned persons in isolation and/or observation premises, without a disciplinary measure, beyond the deadline envisaged by law, AHC has addressed this issue through an open letter to the Ministry of Justice and the General Directory of Prisons, on 09.06.2017. The ministry delegated the issue to the General Directory of Prisons, instructing a solution of the situation by undertaking possible measures.

1.6.1 Respect for the freedoms and rights of citizens by police structures and at border crossing points

During 2017, there were no cases of violence highlighted by AHC during monitoring at police commissariats, in spite of complaints raised by some inmates about cases occurring in past years. Infrastructure conditions of detention/arrest premises in commissariats need substantial investment.

Complaints over arbitrary actions by Tirana municipal police toward members of the Roma-Egyptian community, in the context of sequestering unregistered motorbikes that serve to transport recyclable urban waste, continued during 2017 as well. AHC is representing in court some cases of these citizens who claim they were physically and psychologically violated for racial motives by these officers.

Thanks to financial support from the Embassy of the Netherlands in Albania, AHC conducted professional monitoring at border crossing points and other institutions that handle asylum seekers and refugees in Albania, and highlighted infrastructural and organizational deficiencies of institutions responsible for guaranteeing fully human rights and treatment of foreigners in keeping with international standards. In spite of some infrastructural improvements in the closed Center for foreigners in Kareç, or in some Border Crossing Points, as well as the completion of legislation with necessary by-laws, AHC considers that reception and accommodation capacities are limited, which leads to us not being fully prepared in front of an eventual situation of an influx of immigrants from eastern countries.

The increase of the number of specialists and of their professionalism, the taking of effective measures for the presence of interpreters/translators, psychologists or social workers in these procedures, the lessening of punishing measures toward irregular migration, improved legal

services for undocumented foreigners, institutionalization of cooperation between state authorities for the protection of the highest interest of the child and protection of the family, as well as better implementation of international law in the field of migration are some of the needs identified by the AHC monitoring.

The research study conducted by AHC for the decisions of domestic courts on migrants going through Border Crossing Points in Albania (2012-2017) highlights that foreigners entering Albania irregularly, including Syrian citizens who left their country due to the war, have been sentenced to prison in violation of international standards, giving priority to the domestic criminal code.

In the circumstances of new migration dynamics *from* and *to* Albania, it is necessary to draft a multidimensional strategy on migration that would address, among other things, measures that should be taken toward the causes of irregular migration. At present, authorities have placed the main burden for the fight against illegal migration on effective border controls, but there needs to be a comprehensive and efficient treatment of the causes of irregular migration in order for measures toward irregular migration to be successful.

Poverty level, unemployment and lack of hope among young people has led to initiatives to leave for the EU countries, often becoming part of illegal trafficking corridors. The Balkan Barometer survey highlights that 50% of Albanians are considering to leave the country while, according to EUROSTAT, during the second quarter of this year, 6,000 Albanians applied again for asylum, ranking sixth, after middle east countries and African ones in terms of the high number of asylum seekers.

1.7 Fight against violent extremism, equality and prohibition of discrimination

Violent extremism and radicalization of the society are problems concerning all of humankind, while Albania is seen as a country at medium risk in this regard.

Thanks to financial support from the European Union, in cooperation with three counterpart organizations in the region and the organization Together for Life, AHC has undertaken an awareness and preventive campaign on extremism and radicalization in the country. The campaigns carried out in different cities of the country have been welcomed by local organizations, media, pupils and students, as well as the broader public opinion, showing a need for the promotion of tolerance and respect for human dignity against extremist actions. The National Coordinator against Violent Extremism has had an important role toward the prevention and coordination of law enforcement institutions.

The massive use of the digital space by Albanian-speaking extremist groups to recruit mainly youths using social networks seeks full support with human resources and infrastructure of specialized law enforcement agencies in the country as well as the taking of efficient measures to prevent and address this phenomenon.

In support of the principle of equality and the prohibition of discrimination, AHC continued to be active by setting in motion the Commissioner for Protection against Discrimination (CPD), through requests to state discrimination in cases that have been highlighted and reviewed as part of our monitoring activity.

During 2017, AHC raised with the CPD three requests for specialized administrative investigation. For one of the cases, CPD stated discrimination toward patients because of the lack of

medicaments in the Hematology pavilion of the TUHC. The second case is under review, whereby we have referred the discrimination toward some inhabitants in difficult social-economic conditions who do not have access to public services in the Lezhë Municipality. In the third case, AHC has exercised the right to complain to the CPD decision in court, after our request regarding the discrimination of convicts who are awarded at insignificant rates and through non-unified practices in the prison system.

In spite of the important role of the CPD in evidencing discrimination cases, AHC has followed directly the judicial path in order to state discrimination toward citizens of the Roma-Egyptian community by Tirana Municipality and the Albanian government, due to the collection of recyclable waste as the only way to secure their daily living and the lack of the establishment of a living minimum through legal acts or by-laws. The case is under review.

The Tirana Administrative Court of First Instance continues to review a case, brought by AHC, for stating discrimination toward persons with disabilities, namely juvenile patients with hearing impairments, due to the lack of the *Cochlear Implant*.

In spite of the approval of the Action Plan on persons with disabilities 2016 – 2020, AHC deems that domestic legislation is yet to be aligned with the standards of the United Nations Convention on the Rights of Disabled Persons, particularly with regard to the legal capacity to realize juridical actions. Also, providers of the (national and local) Audio-Visual Media Service Providers should advance in providing sign language for persons with hearing impairment, pursuant to the obligation envisaged in Law No. 97/2013 “*On audiovisual media in the Republic of Albania.*”

AHC applauds the approval of the new law on the protection of minorities, drafted in accordance with the Council of Europe Framework Convention for the Protection of Minorities. Now, we need concrete and efficient measures toward its implementation, to improve living conditions, employment, education, housing and integration in society, particularly of members of the Roma and Egyptian community.

In the field of the rights of lesbian, homosexual, bisexual, transsexual, and intersex (LGBTI) persons, AHC has conducted awareness activities through the display of an international photography set that promotes equality and the fight against discrimination. Forums organized by AHC with youth from universities in the premises of this exhibit highlighted the need for further public awareness initiatives because stigmatization toward the community is high and their acceptance in society remains low. During 2017, AHC addressed the complaint of a member of this community toward some officers of Tirana police due to their inaction to provide personal security to the petitioner against the aggression of some citizens due to his sexual orientation.

AHC has reacted publicly, through press statements, also to the disturbing situation of physical and psychological violence toward minors in the pre-university education system,¹² protection of students against the use of narcotics in the premises of education institutions,¹³ as well as against lasting problems of children’s isolation due to the primitive phenomenon of blood feuds.¹⁴

The approval and entry into effect of the Criminal Justice Code for Juveniles is making a positive step toward establishing quality standards regarding criminal responsibility and measures that seek to avoid deprivation of liberty for minors in conflict with the law. A challenge for the country

¹² <http://www.ahc.org.al/shqetesuese-situata-e-dhunes-psikologjike-dhe-fizike-ndaj-femijeve-ne-sistemin-arsimor-parauniversitar/>

¹³ <http://www.ahc.org.al/te-mbrohen-nxenesit-e-shkollave-dhe-te-rinjete-nga-helmimi-i-lendeve-narkotike/>

¹⁴ <http://www.ahc.org.al/te-ngujuarit-sidomos-femijet-kerkojne-nderhyrjen-e-shtetit/>

remains the effective enforcement of new legislation approved for child protection, which seeks planning, budgeting and many more capacities for effective re-education of juveniles in conflict with the law and their protection from re-victimization and recidivism.

1.8 The right to be consulted and informed

AHC gave a modest quality-driven contribution to improve various legal acts that were drafted during 2017 by the executive and legislative branches. It is worth mentioning contribution through legal critique for part of the legal package of justice reform¹⁵ as well as various legal acts and bylaws that affect citizens' rights and freedoms.

AHC has been active in reflecting the situation of respect for human rights in the country, informing international organizations, such as the EU Delegation in Albania, embassies accredited to Albania, the Committee for the Prevention of Torture in the United Nations Organization (UN) or the European Commission against Racism and Intolerance (ECRI), etc.

In cooperation with Open Society Foundation for Albania, AHC monitored during July 2016 – May 2017, implementation of the law on public notification and consultation by central institutions of the executive branch. Overall, we noticed that the law was implemented at low levels by these institutions. The public consultation process remains at unsatisfactory levels and, generally, there are notes of formalism. In most cases, executive institutions sidestepped the requirements dictated by law for respect of deadlines and procedures required for public consultation, thus violating the principle of transparency and open government. We also noticed lack of confidence by groups of interest in the public consultation process and the institutions that realize it, thus leading to low activism of representatives of these groups to provide quality suggestions in decision-making processes.

As part of this monitoring, AHC presented to the Commissioner on the Right to Information and Protection of Personal Data complaints about part of these institutions, which stated 13 instances of violation of the right to access to information in providing information requested by AHC for the implementation of the law on public notification and consultation. In two cases, the Commissioner stated violation of the right to public notification and consultation by two ministries on complaints filed by AHC on the draft law on amnesty and the one on social housing.

During 2017, about 5% of complaints to AHC had to do with the right to be informed, precisely failure to provide responses to requests/complaints of inmates by penitentiary institutions, lack of information from the prison administration on amnesty/pardons, or lack of information from the courts or the prosecution office, etc.

The Commissioner on the Right to Information and Protection of Personal Data has given important contribution for respect of the right to information, stating violations of this fundamental right and ordering public bodies such as the HIDAACI and DSCI¹⁶ to provide transparency on the vetting support process. Nevertheless, there remains a need for better respect by the Commissioner for legal deadlines for the conduct of administrative investigations, taking decisions and the implementation of these decisions by the public administration.

¹⁵ Amendments to the Criminal Code, Criminal Procedure Code, the Law on the rights and treatment of prisoners and detainees, Law on the wiretapping of electronic communications, the Law on Prevention of Organized Crime, trafficking and corruption through measures on assets, the Law on the declaration and audit of assets, etc.

¹⁶ <http://www.ahc.org.al/dy-organet-ndihmese-te-vettingut-detyrohen-te-bejne-transparence-te-plote-pas-ankimimit-te-kshh-se-tek-komisioneri-per-te-drejte-e-informimit/>

1.9 Environmental protection

Exploitation of river materials, dumping of urban waste, building near rivers and lakes, the release of polluting gases in the air as a result of industrial activity in contravention of legal standards, burning of waste near inhabited areas, as well as the presence of polluting agents in wells used for drinkable water, continue to cause considerable damage to the environment and jeopardize citizens' health.

Local government bodies continue to face insufficiency of funds for integrated urban waste management, which in some cases we noticed has caused considerable pollution of public areas, particularly riverbeds.

During 2017, AHC carried out several monitoring missions on environmental waste and thereafter has intervened administratively and pursued some of these cases judicially. To better sensitize public opinion, peaceful rallies were organized in the presence of the media, such as the case of the Visokë inhabitants who have no water and part of them use polluted well water.

Relying on investigative media reports, AHC has verified and observed during 2017 pollution caused by limestone furnaces that have polluted the environment and seriously jeopardized the life and health of inhabitants, in the Krujë Municipality. AHC is representing some of the inhabitants affected by the activity of the furnaces in the Administrative Court of First Instance in Tirana, to oblige the Kruja Municipality to take effective measures for the protection of the quality of air, the land and water from pollution caused by these furnaces.

Because of the alarming situation and the continuity of this situation for years, AHC has realized a research study on the decisions of the Kruja judicial district prosecution office and Court, on the investigation and trial of the criminal offense "air pollution," caused by the illegal activity of limestone furnaces, during the period January 2015 – March 2017. Among others, the research study highlighted impunity of environmental crime in the case of limestone legitimate interest in protecting human rights and freedoms of citizens. This judicial process seeks to encourage accountability and reaction according to legislation in force, in cases of environmental pollution, with actual or potential consequences for the health and life of citizens.

AHC is initially following administratively problems identified by two journalists of PSE, at the Investigative Journalism Lab, in the story "Fuel in Albania, the story of an unpunished crime." The results of the investigation are a presentation of lab tests realized in Greece on eight samples of fuel, five of which were obtained at different spots in our country, namely Tirana, Elbasan, Shkodra and Korça. The samples were examined in the scientific lab NAIAS, in Piraeus, Greece.¹⁷ The tests highlighted that of the five fuel samples obtained in Albania, one of them was at the quality level of 4, one at 2, another at 1, and two samples were 0. Four of the Albanian fuel samples were found too problematic in terms of their contents. The very high content of Sulphur in the samples, as it appears from the investigation, jeopardizes the health and life of citizens living in our country, thus infringing the most fundamental right of the individual, that of life.

furnaces; even in those cases when it was punished, it was not able to generally prevent the criminal offense related to such activity. In no decision of the prosecution office or court that were made available to AHC does it appear that the State Inspectorate for the Environment, Forests and Waters, Durrës or Krujë Municipality denounced negative interventions caused by citizens or

¹⁷ To be then analyzed objectively by an experienced hydrocarbon engineer, who used an evaluation scale of 0 to 5 (stars), where 0 was the lowest quality and 5 was the highest.

different subjects that harmed the environment. The disturbing findings and the recommendations in this research study on the activity of limestone furnaces were followed by an immediate reaction of the Ministry of Tourism and the Environment. Only one week¹⁸ after the Committee submitted the conclusions of the research to the ministry and a series of line institutions and the prosecution office, the actions began to shut down limestone furnaces in Kruja. AHC will continue to follow this case, exercising legal tools for the protection of life and health of inhabitants.

Problems regarding the collection and burning of urban waste near Tërkuzë River, Kamëz Municipality, is part of a judicial process set in motion by AHC, as an organization with a

¹⁸ February 2018.

