

REPORT

***ON THE SITUATION
OF RESPECT FOR HUMAN RIGHTS
IN ALBANIA DURING 2014***

Tirana, December 2014

This report was drafted in the context of the project *“Improving the situation of human rights in Albania through strengthening the rule of law – Legal Clinic VIII,”* implemented by the Albanian Human Rights Committee with financial support from Civil Rights Defenders.



**KOMITETI SHQIPTAR I
HELSINKIT**



**CIVIL
RIGHTS
DEFENDERS**

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ABBREVIATIONS

AHC	Albanian Helsinki
CRD	Civil Rights Defenders
IDRA	Institute for Development Research and Alternatives
AKU	National Food Authority
CoM	Council of Ministers
NUCI	National Urban Construction Inspectorate
GDP	General Directory of Prisons
CPD	Commissioner for Protection against Discrimination
HSA	High State Audit
ALUIZNI	Agency for the Legalization, Urbanization and Integration of Informal Areas/Constructions
ARCP	Agency for the Return and Compensation of Properties
ECtHR	European Court of Human Rights
RTSH	Public Radio & Television
HIDAA	High Inspectorate for the Declaration and Audit of Assets
HCJ	High Council of Justice
ECHR	European Convention of Human Rights
IEPD	Institution for the Execution of Penal Decisions

INTRODUCTION

The Albanian Helsinki Committee prepared this report on the situation of respect for Human Rights in the country during 2014 and hopes that it will be welcomed by the public but also that it will encourage state institutions to reflect in a positive manner through their activity and further increase their care for respect for human rights and freedoms. We also hope this report will be of use for civil society organizations in their activity.

In drafting the Report, we used: findings emerging from AHC's monitoring activity, especially in prisons, pre-trial detention centers, police commissariats, hospitals and health centers; problems emerging from the requests and complaints submitted by citizens to our organization; information obtained from local media; as well as reports by national and international organizations.

During 2014, the situation of Human Rights began to take a positive turn, in some sectors, but overall, violations and infringements of freedoms and rights were visibly highlighted this year too. Our report does not address the full scope of human freedoms and rights sanctioned in the Constitution and international acts, applicable for the Republic of Albania. We looked at and addressed part of them, especially the rights and freedoms that appeared most violated and that were often the subject of reactions by citizens, as well as themes of our activity. The report addresses problems dealing with violations of human rights related to life, health, and property of citizens, freedom of expression, the right to due legal process, the right to information, the involvement of citizens in issues of public interest; we have also addressed major problems of concern to the country, such as corruption and environmental protection, which influence directly or indirectly the rights of citizens.

We devoted special attention to the situation of respect for the rights of persons deprived of their liberty. Without seeking to show prejudice toward the conduct and fulfillment of duties by the officers of these institutions, it should be admitted that the persons accused or suspected of committing offences, by being isolated in prisons, pre-trial detention centers, and in police commissariat premises, they carry a potential risk for the violation of their rights, because they are under the stress of isolation and away from the eyes of public opinion and their families. Therefore, the protection of the rights of this category of persons is important also because, during isolation, they are completely under the custody of state

structures, which are expected to give the best model for respect for legislation on human freedoms and rights.

It is important to bring to the attention of the public that with regard to the problems and concerns mentioned in this report, AHC has made the necessary reactions and interventions with relevant bodies or has addressed public opinion when the issues addressed were grave, flagrant, or repeated. There have also been cases of penal suits against encountered violations. In order to learn about our reactions and interventions, you may consult our internet website or our Facebook account, which feature our reports, research studies, statements for the press, as well as other documents produced by AHC. You may also contact us electronically or by mail, should you need materials or further details about the situation of human rights in the country.

Vjollca Meçaj

Executive Director

EXECUTIVE SUMMARY

2014 was an important year for Albania. The country was granted EU candidate country status, thus marking an important step in our path toward European integration. With the status, the EU laid out 5 important duties to be fulfilled that were carried over from previous periods of the integration process. These duties mainly relate to fighting crime and in general and organized crime in particular; fighting corruption; creation of a qualified and depoliticized public administration; improvement of the performance and strengthening of the independence of the judiciary, and protection of human rights.

In spite of the polarized political situation the country went through, due to the opposition's boycott of Assembly work, a series of reforms have been undertaken that were mainly oriented toward the organization of local governments and the fight against corruption, as well as to fight impunity for actions that violate the law. Good efforts were made also with regard to expanding the possibilities for informing the public about the activity of state structures as well as to build bridges of cooperation with the civil society. Important reforms were initiated and are underway also in the area of education, social services and health care, which are expected to have a positive impact on respect for the rights of citizens in these areas.

The state has the obligation to demonstrate high interest in the protection of life and health of citizens, by organizing an appropriate system for the provision of health care services, improving and overseeing the movement of citizens on the streets, improving environment conditions and guaranteeing the trading of food items and goods that do not harm the health of citizens, etc. During 2014, a series of legal provisions were approved or amended that seek to improve the provision of health care services, such as "Law on the Doctor's Order," "Law on Dentists," Law "On emergency services." The new list of reimbursable medicaments was also approved and 56 new medicaments were added to it. Nevertheless, the health care sector still features numerous problems, related to corruption, poor standards of services offered, infrastructure and organization. Especially problematic is secondary health care service, hospitals for severe illnesses, those for mental illnesses and gynecological services, where it appears that interruptions of pregnancy were decided on the basis of gender preference of the fetus. The media have reported that

many hospitals and public health care clinics in the country are in miserable conditions.

The life and health of citizens were also harmed because of criminality, which remained at high levels during 2014. Murders, threats, injuries, domestic violence, violation of traffic rules were some of the penal offences that infringed upon the life and health of citizens. Statistics show an increase in the number of female victims due to murders. In some cases, it was disturbing that there was a lack of safety for life and health in school premises.

Police bodies improved the services of control over traffic; however, until the end of October 2014, there had been 1,599 traffic accidents that had caused 209 deaths, 297 serious injuries, and 1701 light injuries. Lack of respect for traffic rules, the technical condition of roads, lack of appropriate signage are among the main causes of the death or injuries to passengers and pedestrians.

Domestic violence also appears at high levels. About 30% more protection orders were issued in Tirana; 79% of violators are male and 21% female, while recidivism is another phenomenon related to domestic violence. Child abuse is caused mainly by the father and is addressed toward male children in 52% of the cases and toward female children in 48% of the cases.

The phenomenon of blood feuds remains a problem and continues to claim lives. According to the media, only in Shkodër there are officially 53 families isolated because of this, while the Nation Reconciliation Committee claims that number of those killed because of blood feuds has dropped by 25% and of suicides because of blood feuds by 50%, however, public institutions have not publicized statistics about the spread of this phenomenon, while many citizens who claim to be in such situations have requested asylum in EU countries.

Control of the quality of food items is important for citizens' health. The NFA has conducted controls. Many sellers left the sidewalks, but their goods were sequestered because they failed to meet the required standards.

Damage to health took place often in mines. Although penal prosecutions began on all cases, it is important that the relevant ministry carry out more frequent and better controls on working conditions and safety measures in mines.

The right to property has been seen and assessed not only as a subjective right, but also as a basis for the country's economic development. In this regard, we appreciate the initiative of the CoM to make available to the ARRP an area of about 23,000 square hectares of agricultural land and 1.4 billion Lekë, for 2015, for the physical and monetary compensation of the former owners. The amendments to law *"On the legalization, urbanization and integration of illegal constructions,"* amended,¹ have facilitated the way in which the fee is paid to the state. An unresolved issue is the situation of the shelters of the Roma community, or of citizens with poor incomes, whose illegal constructions do not meet the criteria of shelters envisioned by the law on legalizations, while these constructions represent the only shelter for their families. There is also a need for an appropriate solution to the sheltering of about 60 families of the Roma and Egyptian families who risk their shelters because they cannot benefit from expropriation given that they possess no orderly ownership documentation although they have lived in those premises for a long time. Ownership security continues to be problematic. Conflicts regarding ownership are numerous and they last for years, thus making the effective use of property impossible. The NUCI has undertaken a broad operation for the demolition of illegal constructions in order to free public spaces that have been occupied irregularly; there have also been cases when the owners of these premises have claimed they possess orderly ownership documentation that has not been considered or verified by the National Urban Construction Institute (NUCI) before the demolition was carried out. There have been violations of the right to ownership and family life by private activities conducted in near their homes, especially those for the extraction and processing of oil.

With regard to freedom of the media, the "Freedom House" Report has considered that the country has partially free media and ranks 98th, among the 197 analyzed countries, losing two spots in this ranking. Meanwhile, problems remain with regard to reporters' work without any labor contracts and that of the lack of their professional independence, which influences the standards of the media and the level of information of the public. We express concern with regard to RTSH, a public outlet, funded by taxpayers, which should address more issues of general interest and expand free cooperation with the civil society in order to address these issues.

¹ Panorama Newspaper, Dated 03.11.2014, p. 7

The proper functioning of the judiciary has been one of the priorities of AHC's work because the activity of this branch is of importance for the consolidation of the democratic state for respect for citizens' rights and freedoms. Legislative and organizative initiatives have been taken on this sector but they have not yielded evident results. Justice reform needs broad parliamentary consensus as well as the involvement of the system itself because the reform cannot be conducted successfully without the participation and involvement of judges, prosecutors, lawyers, and other justice employees. Likewise, political rhetoric should be abandoned as it tries to tell judges and prosecutors how and how much they should punish persons who commit legal violations.

According to the EU Progress Report on Albania of October 2014, "*...The functioning of the judicial system continues to be affected by politicization, limited accountability, poor interinstitutional cooperation, insufficient resources, lengthy proceedings and backlogs. Corruption in the judiciary also remains a concern.*"

There are no visible changes with regard to perception of corruption in judicial activities, or with regard to the speed of trial processes, unjustified procrastination of judicial processes, respect for deadlines for the publication of decisions, communication with parties on trial, etc. We have noticed lack of respect for deadlines by the Administrative Courts, which appear very overburdened. Problems also appear in the way justice is delivered, with a lack of unified understanding and application of legislation in force, which also derives from the fact that the High Court and the Prosecutor General's Office, in their activity, have not played the role they should in this regard. The relevant bodies should find mechanisms to better adjust the distribution of the number of judges in the courts, in accordance with their caseload while the HCJ should oversee and analyze better these aspects of the judiciary, looking at judges who manifest cases of serious or repeated violations.

According to IDRA, it results that 84% of those surveyed think that judges are not impartial in Albania. This is an indicator of the major crisis of confidence in the country's judges,² although we cannot prejudice all of them in this regard. 85% of citizens said corruption is "*a great problem,*" and 37% of these considered it the main problem in the country.³ It results

² Slide no. 49, Draft Report on Impunity, IDRA

³ Slide no. 9

that some proceedings have been initiated by HIDAA for a number of judges accused of committing the penal offence of hiding their assets, money laundering, and corruption.⁴

With regard to the provision of free legal services, it appears that lawyers assigned by the court and the prosecutor's office, because of the low payment, do not always carry out their defense duties with high professionalism. It remains a problem that the lawyer assigned for the defendant, who cannot afford one, is assigned by the case prosecutor, who is not interested to face a very professional attorney during the relevant trial process. Citizens do not have the necessary information or the necessary trust in the services of lawyers offered by public institutions. This service does not function as it should, is not transparent on the activity it carries out, and still lacks the necessary budget. The sub-legal acts that would make it possible to address requests to this institution are lacking.

There is a need for increase investments and capacities in the tracking and investigating processes in order to better use forensic evidence and not resort only to evidence of witnesses, who for a wide variety of reasons, in some cases have been insufficient for proving the guilt of the defendants. The Prosecutor's Office should undertake investigations upon its own initiative, more than it does at present, following with attention the concerns conveyed by public opinion with regard to violations of the law.

There are about 150 citizens who instead of being treated, as ordered by court ruling, have been dispatched by prosecutors *"to receive such service"* in prison, in violation of the law. We have also found that the prosecutor's offices apply different practices for the execution of such court decisions. We have identified scarce cases when this medical measure has been executed at psychiatric hospitals, thus causing even discrimination against citizens because of their health conditions. In an escalation of our intervention about this case, in July 2014, we filed two penal lawsuits on this situation.

Monitoring the situation of respect for the rights of persons deprived of their liberty has been and will be one of the targets of AHC's activity. Overcrowding was the greatest problem of the penitentiary system during 2014; it reached up to more than 32% of the current capacity of the institutions, while in some pre-trial detention institutions, overcrowding

⁴ Panorama Newspaper, dated 03.09.2014/ Pp.9; Panorama/ dated 17.07.2014/ p .2;

goes up to 100% more than the capacity of the relevant infrastructure. The situation has led to disrespect for the legal norm regarding the space that persons deprived of their liberty should have available; putting them to sleep on the ground using overused sheets; delays in receiving health services, or a decline in the quality of such service; inability to enjoy the rights, to the extent and with the quality prescribed by law, etc. The causes for this situation are: courts' giving priority to the security measure of 'arrest in prison;' low use of alternative sentences; prolongation of trial processes; the procedure law's making complicated and difficult the request for pardoning; the sending of persons sentenced to medical measures of "*compulsory medication in a health institution,*" in an unlawful manner, to prison institutions; numerous legal changes that have lead to an increase of penal sentences of arrest in prison, increase of pressure on law enforcement institutions by politics to harshen security measures and sentences on illegal actions such as theft of electricity, violation of traffic rules, as well as problems with inmate administration, etc.

While applauding the initiatives to establish lawfulness in the country's life, we express concern with regard to the tendency to see the solution in harshening prison sentences, while our penitentiary system is overcrowded and features numerous deficiencies. We think that it is necessary to make interventions in the legislative, organizational, and professional training fronts, for judges and prosecutors, in order to understand better the purpose and impact of security measures and sentences of imprisonment, as well as the importance of alternative sentences. Likewise, greater use should be made of legal instruments that interrupt a prison term for persons meeting the legal conditions.

In spite of improvements and the serious efforts of the administration of the General Directory of Prisons (GDP), infrastructure in prisons still faces major problems. There is a lot of humidity, lack of sufficient natural lighting; lack of beds; poor hygiene, especially in toilets and showers, or in shared preises; lack of quilts; lack of personal hygiene items and running water, or warm water.

The quality of health care services is one of the most tangible problems for persons deprived of their liberty. In some extreme cases, we have engaged to address these problems in court, based on the argument that the Strasbourg Court has presented on similar cases, against Albania and beyond, related to inhuman and degrading treatment. We have received

numerous complaints also about the lack of medicaments in prison and pre-trial detention center pharmacies. Fortunately, there have been scarce cases of the use of violence, but cases of suicides in prisons are disturbing and they should be analyzed well and measures should be taken for their prevention.

With regard to State Police, it results that credibility in these bodies has increased. A research conducted by the Institute for Development and Research Alternatives (IDRA), it appears that 53% of those asked maintain that State Police is the institution they have most confidence in.

There has been greater engagement of police structures in the fight against the production and trafficking of narcotics and there are continued efforts to respect citizens' rights better; there is a good approach to openness to receiving and listening to citizens, through a marked improvement of premises and services for this purpose. Police bodies are making efforts to be transparent in their activity and to cooperate with citizens, especially with civil society organizations, particularly those whose mission it is to protect human rights and freedoms. Nevertheless, there are still inappropriate premises in police environments where citizens are treated, while there have been leaks of State Police operations by members of the force, which harms the role, effectiveness, and image of these bodies in front of public opinion. Overcrowding of police commissariat premises; lack of special premises, in few cases, for the treatment of juveniles and women; lack of toilets in cells; lack of beds and other living essentials; complaints about the violation of procedures about the notification of citizens handled by police; complaints and claims of maltreatment by police officers; these are deficiencies that create the conditions that could lead to inhuman and degrading treatment of citizens. The Ministry of Interior and the Internal Control Service, upon our notifications, have reacted positively. There were problems with regard to guaranteeing health services and regular food for accompanied, detained, and arrested persons. Also disturbing was inter-institutional cooperation, between the State Police and the GDP, for the transfer of persons put under 'arrest in prison' by police to pre-trial detention centers, or prisons.

We note with satisfaction that investments of recent years in Border Crossing Points have created good infrastructural conditions in these institutions; problems remain with translation into relevant languages for persons committing illegal border crossing. On the other hand, there have

been numerous requests for asylum in EU countries by Albanian citizens who have crossed the border with regular documents.

The increasing activity of the Commissioner for Protection against Discrimination (CPD), as well as the activity of civil society organizations with regard to this topic have led to an awakened interest on this right and the use of the guarantees it provides for. During 2013, the CPD received 256 discrimination complaints, of which 17 were presented by organizations with a legitimate interest and 31 cases were reviewed on its own initiative. In 27% of the reviewed cases, discrimination was found. In this regard, particularly active have been organizations protecting the interests of the LGBT community, the disabled, Roma community, Egyptian community, etc.

The office of the Ombudsman has undertaken a series of initiatives and has made important recommendations that seek to improve the situation of the Roma community. Nevertheless, relevant public bodies have not done enough in this regard. Inhabitants of the Lezhë District have complained about discrimination toward their children in school, lack of access to the labor market, the numerous needs for housing, etc. Similar complaints have been presented by the Roma community of the cities of Korçë, Elbasan, etc.

With regard to persons with disabilities, in spite of increased interest and improvements that have been made, there are still delays with receiving the payments that this community obtains, in the country's more peripheral areas. There are problems with their education, the provision of medical and rehabilitation services, etc. There have been complaints and claims of discrimination, due to disability, and these have been submitted to the CPD; in 6 of these cases, the CPD found discrimination.⁵

The fight against corruption and against abusive behavior toward office remains one of the severe problems that the country needs to resolve and at the same time one of the duties established by the EU in the context of European integration. European Union officials have said that corruption in the judiciary is particularly a very serious problem in Albania.⁶ In its report for 2014, Transparency International ranked Albania in the red area.⁷ According to the ranking, the country is last in the region, with the main

⁵ Annual Report, 2013, "Commissioner for Protection against Discrimination," p. 29.

⁶ Shqip newspaper, date 21/05/2014

⁷ Shqip newspaper, date 3.12.2014 <http://gazeta-shqip.com/lajme/2014/12/03/ti-shqiperia-dhe-kosova-ne-zonen-e-kuqe-te-korrupuarat-ne-rajon/>

problem being corruption in the public sector. Compared to the previous year, according to the analysis of Transparency International, Albania appears 6 slots higher than last year, in the world ranking, being 110th with 33 points. The sectors where corruption is more evident is justice, public administration, health care, education, and police.

Nevertheless, 2014 marked a visible turn with regard to tackling corrupt behaviors and those in breach of duty, committed by public employees, given that there is a considerable increase in reporting and in holding these persons penally accountable, while we await their adjudication and sentencing, and expect this behavior to continue. What the media reports as information about an increase by 2.64 times of the number of actions suspected of money laundering is disturbing.

Regarding abuse in Albpetrol,⁸ the High State Audit (HSA) has filed penal suits against several persons who were suspected of having created a structured criminal group that operated abusively with funds, causing a colossal damage of several millions of Euros to the company. A lot of attention was devoted to the scandal of the theft at the Bank of Albania, whereby its former employees were accused of having stolen an amount of about \$7 million. In the context of investigations, violations have been found in tender procedures, abuse of payments and perdiems for employees, as well as irregularities related to the process of the Bank's internal auditing.⁹

During 2014, some judges of different levels were placed under investigation upon suspicion of committing the penal offences of corruption, abuse of office, and money laundering. There were also suspicions of corruption in the health care system, the education system, public administration employees in the tax sector, cases of corruption of ALUIZNI employees, etc.

Environment protection has been and continues to remain one of the main concerns in the country. It is a factor that influences the present and future of citizens' lives. Investments continued into the construction and reconstruction of national and local roads, there was greater care against illegal forest cutting and efforts are being made to improve the quality of air. The European Environment Agency declared that Albania has climbed

⁸ Panorama Newspaper, date 10.10.2014/ p.10

⁹ Shqiptarja.com newspaper 23.10.2014/ p. 2; Shqip newspaper 17.09.2014/ p. 3; Shqip newspaper 11.09.2014/ p. 2; Shqip newspaper, 12.09.2014/ p.3.

13 slots compared to one year ago, ranking 26th. However, problems in this regard are still great. Air pollution remains at high rates; no initiatives are being undertaken for contemporary and long-term solutions for garbage collection and processing; additional green areas and forests are progressing at a low pace. There are cases of environmental pollution by private companies leading to consequences in the health of inhabitants in surrounding areas. Notified about such concerns, the Public Health Institute informs that it does not possess all the necessary tools to analyze the situation. The media report about 200 penal lawsuits filed by the Ministry of Environment, which shows that unlawful activity that impacts the environment is quite spread.¹⁰ Environmental pollution is caused also by hospital waste, which is thrown into rivers or in the vicinity of urban areas and there are cases of pollution by pesticides, which are also quite dangerous for the tourist areas (Lukovë, Sarandë).¹¹

There were floods this year too and some rivers went beyond their beds,¹² but the Ministry of Agriculture states that measures have been taken for the functioning of water pump stations to remove water and that 2,000 m of canals have been cleaned up from Dajlan Bridge to Shkozet of Durrës, and protection sheds have been completed.¹³ Apparently, investments were not efficient.

The approval of the new law no. 119/2014 *“On the right to information,”*¹⁴ led to positive changes in enabling the implementation of the citizens’ right to information. Also, law no. 146/2014 *“On public notification and consultation”* leads to an opening of public institutions toward cooperation with groups of interest and citizens’ organizations in the context of drafting policies, strategies, and new legislation. The parliament also approved law no. 93/2014 *“On the inclusion and accessibility of disabled persons,”* the Resolution *“On the recognition and strengthening of the role of the civil society in the process of the country’s democratic development,”* and in November 2014, the CoM approved the decision for the recognition of sign language as a tool for informing persons who cannot speak or hear. All of these acts, whose drafting was done also with civil society

¹⁰ Shqiptarja.com newspaper, 05.11.2014, p.14.

¹¹ Panorama newspaper, 17.07.2014, p.13.

¹² Standard newspaper, 23.01.2014, p.10.

¹³ Zëri i Popullit newspaper, 23.01.2014, p.6.

¹⁴ Panorama newspaper, 04.09.2014, p.4, referring to parliament’s website http://www.parlament.al/ëeb/pub/ligj_nr_119_dt_18_9_2014_19327_1.pd

contributions, will contribute to better informing and involving citizens in public issues.

AHC and many civil society organizations contributed with their comments and suggestions about changes in legislation. As such we may mention, the law “On the rights and treatment of convicts and detainees,” the law “On legal aid,” amended, the law “On State Police,” the law “On the Ombudsman,” amended, the law “Penal Code of the Republic of Albania,” amended, the law “On Prison Police,” amended, the law “On the Internal Control Service of the Ministry of Justice,” the law “On medical emergencies,” etc.

However, it appears that some laws or by-laws were approved without any prior consultation with civil society or stakeholders. We are particularly concerned about the complete and untransparent work conducted with regard to changes to the Electoral Code; furthermore, some proposals for legal amendments suggested by civil society have not seen any progress; we may mention here amendments proposed by organizations of disabled persons, LGBT persons’ organizations, Roma community organizations, etc.

Of concern is the Order by the Minister of Finance, no. 87, dated 04.11.2014 *“On disciplining the payment of electricity bills by employees of the Ministry of Finance and of subordinate institutions.”* According to this order, all branches of finance departments of institutions are ordered to withhold money from the salaries of those employees who have not paid electricity. Employees who fail to pay relevant dues will receive notes in their Labor Books or other disciplinary measures. The Ombudsman reacted against this Order by asking that it be revised. According to the institution, the order is in violation of basic principles on which the work of administration employees is based. The order is still in force.

It is also suggested that the institutional and financial independence of public institutions established for monitoring and protecting human rights and freedoms, such as the Ombudsman, the Commissioner for the Right to Information and Protection of Personal Data, the Commissioner for Protection against Discrimination, etc., is further strengthened and that their reports and recommendations are reviewed as soon as possible by those bodies they are addressed to.

ACHIEVEMENTS AND PROBLEMS REGARDING RESPECT FOR HUMAN RIGHTS IN THE COUNTRY

2014 was an important year for Albania. The country was granted EU candidate country status, thus marking an important step in our path toward European integration. With the status, the EU laid out 5 important duties to be fulfilled that were carried over from previous periods of the integration process. These duties mainly relate to fighting crime in general and organized crime in particular; fighting corruption; creation of a qualified and depoliticized public administration; improvement of the performance and strengthening of the independence of the judiciary; and the protection of human rights with a special focus on vulnerable groups such as children, Roma community, women, LGBT persons, persons with disabilities, persons deprived of their liberty, etc.

In spite of the polarized political situation the country went through, due to the opposition's boycott of Assembly work, a series of reforms were undertaken during the year. Some achievements have been noticed as a result of their implementation, mainly in terms of improving the organization of local governments, strengthening lawfulness in the country's life and the fight against corruption. The latter focused not only on holding corrupt persons accountable, whose number has increased considerably, but also on taking preventive measures in this regard and to fight the phenomenon of impunity in general. Important steps were undertaken also toward improving the ways and routes of informing the public with regard to the activity of state structures and for building bridges of cooperation with civil society. The approval of the the Resolution *"On the recognition and strengthening of the role of civil society in the process of the country's democratic developments,"* by the Assembly of Albania, the approval of the new law *"On the right to information"* and the law *"On public notifications and consultations"* are a sound legal basis for informing and involving citizens in areas of public interest. Important reforms were initiated and are underway also in the area of education, social services and health care, which are expected to have a positive impact on respect for the rights of citizens and the improvement of their living conditions.

In spite of the results mentioned above, there were also many cases of violations of human rights during 2014 in several aspects, or there were deficiencies in the creation of conditions for their real enjoyment by citizens. Please find below some of them.

1. CRIMINALITY AND ACTIONS AND INACTION THAT INFRINGED UPON THE LIFE, HEALTH, AND PROPERTY OF CITIZENS

The protection of citizens' life and health is sanctioned by the Constitution and a series of legal provisions. In this regard, it is the duty of the state to demonstrate the highest interest and to act to provide security for life, by organizing an appropriate system for the provision of health services, by improving and overseeing the movement of citizens on the street, by improving environmental conditions and by guaranteeing the trading of food items and goods that do not harm the life and health of citizens, etc. The state also has the responsibility to envision and exercise a penal and administrative policy in this regard.

During 2014, there were approved, or amended, some legal provisions that seek to improve the provision of health services, such as the law *"On the Order of Doctors,"* the law *"On the Order of Dentists,"* the law *"On Emergency Services."* A new list of reimbursable medicaments was approved and it included 56 new medicaments. In the approval of this list, the focus was on children, pregnant women, retired women, patients with cancer, cardiovascular diseases, hepatitis, and blind persons. There were positive results in terms of prohibiting smoking in public premises, in the larger towns.

In spite of the mentioned measures, as well as other organizational measures, the health sector has still plenty of problems that are related to corruption, poor standards in provided services, infrastructure and organization. Especially problematic is secondary health care service, hospitals and services for mental diseases and abortion gynecological services, with pregnancy interruptions, on the basis of fetus gender preference, are not only a legal transgression, but also a social phenomenon that should be fought against as early as possible

The media has reported that during 2014, many of the country's public hospitals and clinics were in miserable conditions. They lack basic materials, have poor conditions for patients who sleep there, there is humidity, and citizens often complain they do not receive quality medical services.

Aside from conditions having to do with infrastructure, there are problems also in terms of personnel needs, especially for specialist doctors, in the districts, which leads to an influx of patients toward Tirana. According to the print media, Minister of Health Mr. Ilir Beqaj admitted the problems

and promised that measures have been undertaken so that there will be no more absences of medicaments, equipment, and medical materials.¹⁵ Nevertheless, there is room for improving work and for increasing investments in order for quality services to reach all inhabited areas.

The life and health of citizens were harmed also because of criminality, which during 2014 continued to remain at high levels. Murders, threats, injuries, domestic violence, violation of traffic rules are some of the penal offences that threatened the life and health of citizens. The causes and motives that encourage such criminality vary from poor motives, property conflicts, blood feuds, conflictual relations between citizens or within families, etc. for the period January-October 2014, according to State Police, there were 85 murders and 165 cases of attempted murders. Statistics show an increase in the number of female victims of murder crimes. Public opinion has been dismayed by murders or attempted murders that involved known persons, such as businessmen, children of politicians, public employees, etc., committed in sophisticated manners, by fire weapons or explosives. Lack of security for life and health in school premises in some cases has been disturbing. In murders of 2014, those for poor motives dominate. This situation is a result of shortcomings in the preventive activity and efficiency of police bodies, prosecutor's office, and the court, in exercising their relevant legal duties and competences.

One severe case was that of Tirana where the guard of a civil society-managed 'shelter' for the Roma community was injured with 6 bullets. The heads of the 'shelter' received life threats. AHC conducted on site verifications, met with the victims and senior police officials of the area, and was told that the criminal activity is based on claims on the land ownership and attempts are made to exert pressure in order to resolve the issue outside court, in favor of one party. AHC suggested an increase of patrols by police forces near the building, while the case is under investigation by the prosecutor's office.

In terms of controlling traffic, relevant police bodies have improved services and this has led to results; however, by the end of October 2014, there had been 1,599 car accidents that had caused 209 victims, 297 serious injuries and 1,701 light injuries. The media highlighted that, in some cases, deaths occurred due to failure to provide immediate emergency assistance in the right way, which points to a lack of training in this regard. The lack of

¹⁵ Shqiptarja.com newspaper, 10.09.2014, p.7

respect for traffic rules, the technical condition of roads, the lack of adequate signage are some of the main causes for the deaths or injuries of passengers and pedestrians.

Domestic violence also appears at high levels, while there is more awareness to protect against it and report the violator. During the period January – October 2014 in Tirana, there were 700 requests to courts to issue protection orders, or 30% more than the same period the previous year, while cases of loss of life due to such violence are yet to see a decline. Statistics indicate that 79% of violators are males and 21% are female; the figures show the phenomenon affects both sexes. Recidivism is another phenomenon related to domestic violence; therefore, the need arises to find more effective mechanisms to fight this phenomenon and to have greater engagement by public structures, alongside NPOs that operate in this area with courage, in order to give responses to cases under review.

According to a research study on violence toward children, it results that their physical abuse is mainly caused by the father. It is exerted to male children in 52% of the cases and to female children in 48% of the cases; emotional violence appears to have been exerted to female children in 60% of the cases and to male children in 40% of the cases.

The phenomenon of blood feuds still remains a problem and continues to claim human lives. According to the media, in Shkodër alone, there are officially 53 families that are isolated because of this cause; the National Reconciliation Committee claims that the number of those killed because of blood feuds has dropped by 25% and of suicides because of blood feud situations by 50%. Public institutions have not publicized official statistics on the spread of this phenomenon; many citizens, who claim to be in such situations, have requested asylum in EU countries or beyond. Representatives of the National Blood Feud Reconciliation Mission have criticized public structures that, in their view, continue to not act against this phenomenon.¹⁶

Control of the quality of traded food items is another activity carried out by the state administration for the protection of citizens' health. During 2014, the NFA carried out such controls. Many street sellers were removed from sidewalks in Durrës because the goods they sold did not meet the required standards. The same operation was undertaken in Llogara and

¹⁶ Panorama newspaper, 14.05.2014.

the area of Palasë in Vlorë, etc. Controls were conducted in Tirana as well and the market by the Dinamo Plant was shut down.¹⁷ The decision was accompanied by protests by the traders and at present it is before a court for review.

Many injuries to health often happened in mines. In Bulqizë, a miner was seriously injured from falling rocks. Another miner died in Bulqizë and it is claimed that he fell from a 160m height in the elevator tunnel.¹⁸ Some other miners who work in a mine, Qafë-Mollë of Mirditë, have come out in protest against working conditions provided for by the company after 3 workers lost their lives there. Although penal prosecutions are underway for all cases, it is important that the relevant ministry conduct more frequent and better controls over working conditions and safety measures in mines.

¹⁷ Shqiptarja.com newspaper, 25.09.2014, p.14.

¹⁸ Shqip newspaper, 03.11.2014.

2. RESPECT FOR THE RIGHT TO PROPERTY

The right to property is seen and valued not only as a subjective right, but also as the basis for the country's economic development. Increasing security for this right has a direct impact on the development of a free market economy. In this regard, AHC appreciates the decision of the government to make available to the ARCP a surface of about 23,000 square hectares of agricultural land and 1.4 billion Lekë for 2015 for the purpose of physical and monetary compensation of the former owners. Nevertheless, it is necessary that with regard to financial and physical obligations to owners, there is more transparency and more structured information is provided. The ARCP should complete as soon as possible the review of 8,340 unaddressed claims.

Changes to the law *"On legalization, urbanization, and integration of illegal constructions,"* amended,¹⁹ have facilitated the way in which citizens pay their dues to the state as well as the procedures for obtaining ownership certificates, and have reduced by 70% the tariff for registering the legalized property, thus helping the process conclude as soon as possible. However, one persisting unresolved problem is that of the shelters of the Roma community, or citizens with low incomes, whose illegal constructions do not meet the criteria of households envisioned by the law on legalizations, while these constructions represent the only household for their families. Sheltering these citizens deserves an adequate legal solution before the quarters they live in are demolished. The state should take legal measures to avoid discriminating against this category in comparison to other citizens whose illegal constructions are being legalized. The continuing construction of the Tirana Large Ring Road has highlighted the problem of sheltering about 60 families, mainly from the Roma and Egyptian communities, who risk losing their shelters because they cannot benefit from expropriation given that they do not possess regular ownership documentation although they have been living in those premises for a long time. Such problems are encountered also in other areas of the country. AHC and other civil society organizations have followed some of these cases closely. Some of the households, although in a legalization process, were notified for demolition before their subsequent shelter was resolved. Fortunately, a way was found to stop this from happening.

Security of property continues to be problematic. Conflicts related to property are numerous; they last for years and make it impossible to effectively use property. Immovable property registration offices are often the cause of these

¹⁹ Panorama newspaper, 03.11.2014, p.7

conflicts because of inaccurate registrations they have conducted. In the rural areas, especially in tourist areas, the registration of properties is not complete yet and this harms the security of property for persons who possess these properties, for different legal motives. The ECtHR continues to punish the Albanian state for failure to execute ARCP decisions, on the return and compensation of properties, or judicial decisions regarding properties.

Meanwhile, in recent months, the NUCI has undertaken an extensive campaign for the demolition of illegal constructions, in order to free up unjustly occupied public spaces. Nevertheless, there have also been cases when those possessing the properties have claimed they hold regular ownership documentation, which was not taken into consideration or for verification by NUCI before the demolitions. AHC deems that rigorous respect for official documentation regarding property, during the process of expropriation for public interest, or the demolition of illegal constructions, is an obligation of the rule of law. Increasing the competences for this public structure should be accompanied by even more attention and control on it for its respect for human freedoms and rights.

AHC has received complaints by different groups of citizens who claim that the right to property and family life has been harmed by commercial operations taking place near their places of residence, especially those for oil extraction and processing. State structures should do a better job of overseeing and preventing environmental pollution and the violation of the right to ownership by such operations.

The situation appears very disturbing in Belsh, Elbasan,²⁰ whereby about 4 months after an earthquake, the owners of damaged houses seek to reconstruct or repair them and this has not been allowed. One of the inhabitants who made restoration work on his house found himself facing proceedings by the prosecutor's office. Inhabitants express concern and note that while the state does not compensate for their damages, they should at least be allowed to repair their houses as damaged roofs pose a serious safety risk. Inhabitants should be given as soon as possible a solution by competent bodies. The chair of the commune asked that these families are not penalized until they receive compensation in Lekë. In the Cërrik area too,²¹ inhabitants affected by an earthquake of 19.05.2014 express concern about their being homeless. Many of them live with their relatives and say they received no compensation from the state.

²⁰ Shqip newspaper, 01.10.2014, p.15.

²¹ Panorama newspaper, 17.06.2014, p.13.

3. FREEDOM OF THE MEDIA

Freedom of the media is of special importance for a democratic society as it is closely related to the right to information, freedom of speech and of thought. For 2014, the report of “Freedom House” concludes that there is partial freedom of the media in the country and Albania ranks 98th, among the 197 analyzed countries, losing two spots in the global ranking compared to the previous year.

Criticism with regard to independence of the media from politics and the level of their professionalism has been raised by international bodies that monitor the country as well as by organizations of this sector. Meanwhile, the problem of reporters’ work without labor contracts persists, as does that of the lack of their professional independence, which has an impact on the standards of the media and the accurate informing of the public.

Public structures in the media have manifested problems in respect for relevant legislation. Political power has not succeeded in building legislative consensus or consensus for the appointment of leading bodies of these institutions, leading not only to their malfunctioning, but also to a decline in standards of oversight on the private media regarding law enforcement in this area, etc.

AHC expresses concern that RTSH, as a public broadcaster, funded by taxpayers, should address issues of broad public interest, more than to date, and expand free cooperation with civil society on addressing these issues.

4. RESPECT FOR THE RIGHT TO DUE LEGAL PROCESS

The proper functioning of the judicial system has been one of the priorities of AHC's work because the activity of this branch is of fundamental importance for the consolidation of the democratic state in the country and for respect for citizens' rights and freedoms. During 2014, work continued with legislative and organizational initiatives regarding this branch, but they have not yielded visible results. AHC is of the opinion that justice reform needs not only broad parliamentary consensus, but also an extensive involvement of the system itself because this reform cannot be carried out successfully without the participation and involvement of judges, prosecutors, lawyers, and other system employees. The ways and tools should be found to involve in this process the best professionals of the system with the highest integrity because there is no shortage of them. Political rhetoric that tries to tell judges and prosecutors how and how much violators should be sentenced should be abandoned because that is a competence of the judicial power. Pressure by any side of politics to influence the activity of judicial bodies and the prosecutor's office should stop and there should be better use of constitutional mechanisms for checks between the powers.

According to EU's Progress Report on Albania, of October 2014, "...*...The functioning of the judicial system continues to be affected by politicization, limited accountability, poor interinstitutional cooperation, while claims of corruption within the justice system remain a serious concern.*"

Based on a study by IDRA, which focused on citizens' perception of the judiciary, it results that 84% of those polled think that judges are not impartial in Albania, thus expressing the profound crisis of credibility in them.²²

a. Length of judicial processes

The length of civil and penal processes has improved in ordinary courts, but there is lack of respect for legal deadlines by the Administrative Courts, which appear to be overburdened. Lengthy proceedings, beyond reasonable deadlines, continues to be a characteristic of Albanian courts, which leads to a considerable reduction of the system's effectiveness because delayed justice is denied justice, ECtHR says. During this year,

²² Slide no. 49, Draft Report on impunity, IDRA

public opinion was struck by the judicial process against defendant Dritan Dajti,²³ whereby numerous postponements of trial hearings, caused by the absence of defense attorneys, blocked the adjudication and thus demonstrated the inability of the system to tackle such deformations. The adjudication ended at the First Instance Court of Serious Crimes, after 276 trial hearings, with a sentence of life imprisonment for the defendant.

Other flagrant cases are those of an American citizen who had to follow 65 trial hearings about the division of property,²⁴ or the other case of a conflict on the legalization of a building taking five years to review.²⁵

b. Corruption in the judicial system and problems with the exercise of functions

Based on the mentioned IDRA research study, 85% of citizens said corruption is “a great problem,” and in fact is considered as the leading problem in the country by 37% of them.²⁶ On the other hand, according to the Ministry of Justice portal, there were over 700 complaints by citizens for alleged violations by judges and prosecutors.²⁷ It appears that some proceedings have been initiated by HIDAA on a number of judges who are accused of committing the penal offence of hiding of assets, money laundering and corruption.²⁸ With regard to this penal offence, a judge of the Pogradec Court of First Instance was arrested and tried for bribery; the former chief justice of the Pukë Court of First Instance and the former prosecutor of the Pukë Prosecutor’s Office are the only officials of this level to have faced penal proceedings for the charge of “passive corruption.” It is clear that the reaction of relevant bodies to this negative phenomenon in the justice system is still weak and does not correspond to the public’s evaluation, that of international bodies and the country’s other branches of government.

On the basis of monitoring and research undertaken by AHC, it has resulted that the justice system during this year, did not see visible improvements with regard to the perception of corruption present in its activity or with regard to the speed of adjudications, unjustified

²³ Shqip newspaper, 29.05.2014/ p.5.

²⁴ Shqip newspaper/ 14.01.2014 / p. 4.

²⁵ Shqiptarja newspaper, 26.08.2014/

²⁶ Slide no. 9.

²⁷ Shqiptarja.com newspaper, 20.03.2014 / p. 7.

²⁸ Panorama newspaper, 03.09.2014/ p. 9; Panorama newspaper, 17.07.2014/ p. 2.

procrastinations of trial processes, respect for deadlines to publicize decisions, communication with parties in trials, etc. There were even flagrant cases of the lack of integrity on the part of a judge, prosecutor, or lawyer. Problems are manifested also in terms of delivering justice, whereby we notice the lack of an unified understanding and application of legislation in force that, among others, derives also from the fact that the High Court, or the Prosecutor General's Office, with their activity, did not have the impact they should have in this regard.

The professional level of judges is questioned also because of the fact that there is a high number of decisions overturned by higher-level courts. This concern has been raised also by the media, which have noted that Courts of Appeals have an extensive practice of overturning decisions by first instance courts.²⁹

On these concerns, AHC has made its views known through press statements. It is our opinion that the relevant bodies should find mechanisms to better match the distribution of judges to courts in accordance with their caseload, while the HCJ should better oversee and analyze these aspects of the activity of courts by looking at judges that manifest such serious or repeated cases, in accordance with the law.

c. Free legal services

The right to defense by a lawyer, in a penal and civil trial process, is an important part of the right to due legal process, but referring to the problems raised with us by different citizens as well as the verifications that our organization has conducted, it results that many citizens are unable to afford costs for receiving legal aid offered by private attorney services. AHC and some other NPOs have helped in this regard, to the extent it has been possible provided by different international donors, mainly CRD, but that has not been sufficient. On the other hand, it results that lawyers assigned by the courts and prosecutor's office, due to the low payment they get for their work, do not always carry out their defense duties very professionally and efficiently. It remains a problem that the defense attorney of the defendant who cannot afford a private one is assigned by the prosecutor of the case who is not interested in facing a very professional attorney during the case trial. In this regard, greater

²⁹ Panorama newspaper, 17.07.2014/ p.10; 19.03.2014 / p.13; 10. 03.2014; Shqiptarja newspaper, 07.03.2014/ p. 6.

importance should be devoted to informing the defendant of the guaranteed right to have a free attorney and the relations he/she should have with his/her defense lawyer.

With regard to free legal services, which are to be offered by public structures in the Ministry of Justice, based on law no. 10039, dated 22.12.2008, "On legal aid," amended, we find that citizens do not have the necessary information or the proper confidence in this service. The service does not function as it should, since the time of its creation; it is not transparent about the activity it carries out and is yet to receive an adequate budget compared to the numerous needs of poor citizens, in order to provide free legal services. The by-laws that would make it possible to address requests to this institution are lacking.

d. Protection of rights by bodies responsible for penal proceedings

The mission of the prosecution body, in essence, is to conduct penal prosecution and represent charges in court, on behalf of the state. These bodies have a special role for the execution of penal decisions. As a result, it is expected that the activity of the prosecutor's office, in collaboration with other bodies tasked by law, would influence the timely discovery and punishment of criminality and its mitigation, in order to provide more security to the society and greater credibility to the rule of law.

During 2014, the Prosecutor's Office had to investigate into some very sensitive issues, some of which were complex. We are hereby referring to cases of murders of construction businessmen, the murder of banker A.S., the massive theft at the Bank of Albania, the investigation for corruption of some former high profile officials, including former officials of the HCJ, etc. The need is felt to increase investments and capacities in the process of tracking and investigation in order to better use forensic evidence and not reduce only to witness evidence, which, for a wide variety of reasons, in some cases have proven to be insufficient for proving the guilt of defendants. However, according to a research study published by AHC last year, it results that the prosecutor's office should work harder to increase the effectiveness of their operation, especially the speed, objectiveness, and comprehensiveness of the investigations into reported offences, without differentiating between 'small' cases and highly sensitive ones. These bodies should undertake investigations upon their own initiative, more than they have done so far, by following with attention the concerns

that public opinion conveys with regard to legal violations. Citizens have the right to report legal violations they encounter, but their activism may subside if the prosecutor's office does not attach maximal appreciation according to the law and their competences.

One of the issues that AHC has been following for years is the unlawful execution of judicial decisions that have ordered "*compulsory medication in a medical institution*" by the prosecutor's office. There are about 150 citizens who instead of being cured, as the court has ordered, have been sent to "*receive such service*" in prison. Keeping them in the prison system, in the absence of appropriate medical treatment, creates the conditions for their inhuman and degrading treatment, categorically forbidden by article 25 of the Constitution and article 3 of the ECHR. The claim of the prosecutor's office that the public health system lacks a special institution, described by law for this purpose, does not justify the flagrant and multiple violation of the rights of these ill citizens, such as the right to personal freedom, the right to protection, the ability to act and the right to health care, also guaranteed by the Constitution. Nevertheless, based on AHC's monitoring, it results that the prosecutor's office applies different procedures for the execution of these judicial decisions given that a few cases have been identified when the medical measure has been executed in psychiatric hospitals, thus leading to discrimination toward citizens because of their health condition.

In an escalation of our intervention about this issue, which we have been following for years, in the absence of any reaction by relevant bodies, in July 2014, we filed two penal lawsuits against the Tirana prosecutor's office officer who executes decisions as well as toward the head of the Special Prison Health Institute, namely for the penal offences of 'abuse of office,' 'keeping someone in prison in the absence of a decision,' which we will follow consistently, exhausting all legal means foreseen for the protection of the rights of these citizens.

5. RESPECT FOR THE RIGHT OF PERSONS DEPRIVED OF THEIR LIBERTY IN PENITENTIARY INSTITUTIONS

The observation of the situation of respect for the rights of citizens deprived of their liberty has been and will remain one of the objectives of AHC's work because their being deprived of liberty increases the risk of violation of their rights. For this purpose, the penitentiary system has been monitored extensively during this year by the Ombudsman, AHC, and other civil society organizations. In this regard, it is worth applauding the leaders of this system for having the right concepts in terms of monitoring of operations in their institutions by outside actors. They should be thanked for their understanding and cooperation in this regard.

In reviewing 2014 developments, we also need to highlight as positive the investments for the construction of new institutions in Berat, Shkodër and Tropojë or for shutting down the Kukës institution, and for accommodating some categories of pre-trial detainees, juveniles and women, in more appropriate premises in Tirana.

Nevertheless, based on monitoring missions that AHC carried out during this year in the Albanian system of prisons and pre-trial detention centers, it results that there are real problems with regard to living conditions, affected also by high overcrowding, as well as the lack of financial and material resources to meet needs.

a. Overcrowding

Overcrowding was the greatest problem of the penitentiary system during 2014 and it reached about 32% more than the actual capacity of institutions; in some pre-trial detention facilities, overcrowding reaches up to 100% more than the capacity of the relevant infrastructure. The overcrowding situation has caused: disrespect for legal norms regarding space that persons deprived of their liberty should have available; their sleeping on the ground on overused sheets; delays in receiving health care or a decline in the quality of this service; inability to enjoy rights to the extent and in the quality sanctioned by law, such as use of toilets, showers, airing premises, participation in sports/entertainment activities and social ones, as well as regarding leave. There were also extreme cases when, due to overcrowding, inmates lacked a personal bed or when inappropriate premises were used for sleeping or they used buckets because there was no toilet in their rooms.

Law no. 22/2014, dated 10.03.2014 “On amnesty,” caused a reduction of prison population but overcrowding remained a problem due to the priority given by courts to ‘arrest in prison’ as a security measure; the low implementation of alternative sentences; prolongation of judicial processes beyond limits; the procedure for demanding a pardon of the remaining sentence was made more complicated and more difficult due to legal changes; sending, illegally, persons remanded to “*compulsory medication in a health institution*” to prison institutions; problems with the administration of inmates and detainees by the GDP. Another cause was the numerous legal changes of recent years, which have increased penal punishments and the increased pressure on law enforcement institutions to harshen security measures and punishment of illegal offences, such as electricity theft, violation of traffic rules, the application of arrest in prison, etc.

AHC has noticed that following the initiative of the government to collect delayed payments for used electricity, it appears that penal proceedings were initiated against many citizens for whom ‘arrest in prison’ was issued by courts, although article 137 of the Penal Code envisions that illegal connection with the electricity network represents a penal offence and is punishable by a fine or imprisonment up to two years, while electricity theft is punishable by a fine or by imprisonment of up to three years. The tendency to harshen penal sentences is seen also in legal initiatives undertaken by the government, which proposes amendments to article 199/a of the Penal Code,³⁰ so that persons who do build illegally, or build beyond the construction permit, are punishable by imprisonment up to 8 years, while the current provision envisioned up to 1 year of imprisonment. The draft provision extends penal responsibility also on the entrepreneur, overseer, and implementer of works. AHC, while lauding the initiatives for establishing lawfulness in the country’s life, has expressed concern about the tendency to see the solution in harshened imprisonment sentences, while our penitentiary system is overcrowded and features numerous shortcomings and problems. On the other hand, amending punishment measures foreseen by the Penal Code, without first conducting a comprehensive study of the penal policy contained in the Code, upsets punishment levels that are envisioned and are established

³⁰ Referring to the official website of the Parliament of Albania: file:///C:/Documents%20and%20Settings/User/My%20Documents/Downloads/pligtj_ndryshim_7895_kodi_penal.pdf

keeping in mind the social risk of the penal offences, the consequences, and the danger posed by the subjects that commit them.

AHC is of the opinion that there is a need for interventions in the legislative, organizational, and professional training aspects for judges and prosecutor in order to better understand the intent and effects of security measures of imprisonment as well as the importance of alternative sentences to imprisonment. Furthermore, better use should be made of legal instruments that interrupt imprisonment for persons who meet the legal requirements; not only simply to lower overcrowding and spending in this regard, but also because that is part of the concept of penal sentences in a democratic society.

b. Infrastructure and living conditions

In spite of improvements and efforts of the GDP administration, infrastructure in prisons still features major problems, which are more evident in some older institutions, inherited from the previous system. There appears to be greater presence of humidity, lack of sufficient natural lighting, lack of beds, poor hygiene, especially in toilets and showers or shared premises, lack of mattresses, lack of personal hygiene items and running water, or warm water; there is a lack of appropriate airing premises at times of rain, etc. These deficiencies cause a violation of rights sanctioned by law for these persons.

c. Psycho-Social Services

Provision of psychosocial services is another right that detained/convicted citizens have, during their stay in penitentiary institutions. Such service is realized through the organization of activities designed for this purpose and that help their re-education. Individualization of the way a prison term is served³¹ is another legal right that completes the framework of the treatment that should be provided in these institutions. Observations have shown that these rights³² are partially respected in penitentiary

³¹ According to article 10, Law no. 8328, dated 16.04.1998, amendment no. 40/2014 "On the rights and treatment of those convicted to imprisonment or of detainees."

³² Especially pursuant to article 32 of the law "...The objectives of the psycho-social treatment seek the development of individual capabilities and skills for reintegration into the society, through the involvement of detainees and convicts in education, vocational training,

institutions, except for IEPD “Ali Demi” in Tirana and the Special Juvenile Institution in Kavajë where diverse programs are offered with a high level of professionalism. We have found that the psycho-social service personnel of IEPDs across the country lacks financial and material resources as well as appropriate premises for fulfilling legal requirements in favor of persons deprived of their liberty, which has a negative impact on the process of their re-education.

d. Health Services

The quality of health services is one of the most sensitive problems for persons deprived of their liberty. During 2014, AHC received numerous complaints in this regard. In some extreme cases, we were engaged to address these problems in court, in terms of inhuman and degrading treatment, based on the arguments of the ECtHR in similar cases, against Albania and elsewhere.

We have encountered cases when inmates are denied curing through surgeries because of the lack of tools. For persons deprived of their liberty, the state bears the burden and responsibility to secure all necessary means in order to provide health services, free from discrimination, for this category of persons.

We have received numerous complaints regarding the lack of medicaments in IEPD pharmacies or about delays in supplies of medicaments for different medical diagnoses, especially for cases of illnesses not covered by the reimbursement scheme. The main cause of this problem is the scarce budget available to institutions of the penitentiary system for this purpose (about 10.000 Lekë annually), as well as poor management.

Based on article 55/1 of the Constitution, which sanctions that “*citizens enjoy equally the right to health care from the state*” and based on the fact that the responsibilities and competences for this service is borne by the Ministry of Justice, we suggest that this ministry extend its oversight also on health service in the prison system.

employment programs and in cultural and sports activities, psychological and social counseling.”

e. Cases of exercise of violence

Fortunately, there were few cases of use of violence. However, we received complaints from inmates in IEPD Vlorë, IEPD Burrel, IEPD Korçë, etc., about use of violence by institution staff. Being sensitive to such behavior, we have referred these complaints to relevant bodies, which have often notified us about measures they have taken in response, sometimes even suspension from duty of the violating employees (IEPD Vlorë). Also disturbing are cases of suicides in prisons, which should be analyzed well and measures should be taken for better prevention in the future. In this regard, prison health service and psychological service play a special role as they can help prevent such phenomena but also help highlight cases of violence, when accurately reflecting the health and psychological condition of inmates. More work should be done to increase the professional capacity and independence of these prison employees.

f. Keeping persons in isolation

The disciplinary policy³³ implemented in penitentiary institutions has received special attention during AHC observations in penitentiary institutions. The application of this policy is related to disciplining the behaviors of inmates and detainees, whose violation leads to legal consequences for them and for their re-education. Therefore, it is important that the implementation of these procedures is done in the proper way and in keeping with legal and professional standards.

In comparison to the previous year, there is an improvement in the implementation of this procedure. With the exception of extreme cases, we did not encounter the use of isolation premises when not part of disciplinary procedures. The issuance of disciplinary measures is used as a last resort, which deserves positive evaluation. Nevertheless, there is a need to improve the conditions in isolation rooms; their conditions, in some cases, could cause inhuman and degrading treatment³⁴ of persons isolated in them. Furthermore, isolation premises should not be used for non-disciplinary reasons;³⁵ such use should always be in keeping with the standards of the Committee for the Prevention of Torture.

³³ Articles 51-54 of the mentioned law.

³⁴ Such as the isolation rooms in IEPD Rrogozhinë, etc.

³⁵ Often, isolation rooms were used also for inmates who would be inappropriate to keep in other sectors of penitentiary institutions.

6. RESPECT FOR THE FREEDOMS AND RIGHTS OF CITIZENS TREATED BY STATE POLICE

The institution of State Police has carried out extensive activity during 2014 both because of legislative changes that expanded the scope of their responsibility, but also because of the increase in efforts to fight criminality, especially organized crime. As a result, there was an increase in confidence in these bodies. The research survey conducted by IDRA indicated that 53% of those polled say State Police is the institution they have most confidence in.

In particular, we noticed a great engagement of police structures during 2014 in the fight against the production and trafficking of narcotics, with operations culminating in the massive and organized interventions in the villages of Lazarat and Malësi e Madhe, etc. Public opinion, national and international, welcomed this activity and the results of police operations in this regard. The operations, which should continue, have made it possible to arrest the persons conducting such unlawful activity and to hold them accountable. It has been noticed that efforts are being made to better respect citizens' rights, by shutting down many inappropriate premises, that were available to police for treating the citizens it deals with, particularly those in detention. Furthermore, there is an approach for openness toward receiving and listening to citizens, by considerably improving the premises and services for this purpose.

State Police bodies are making efforts to be more transparent in their activity and to cooperate with citizens and particularly civil society organizations, especially those whose mission it is to protect human freedoms and rights. They have been open and collaborative toward improving the standards for respect for such rights as well as the qualification of their staffs in this regard.

Police bodies are fighting also corruption cases among their own ranks. They claimed that corruption has been fought by 63% more during 2014,³⁶ but data show that corruption is still present in police structures. Many police officers have been sued for the penal offence of corruption, for fraud in exchange of bribes, etc.³⁷ Citizens' attempts to offer bribes to

³⁶ Shqip newspaper, 02.10.2014, p. 15.

³⁷ Shqip newspaper, 12.09.2014, p. 14.

police and traffic police officers have been reported and, in some cases, the latter have faced penal proceedings on such charges.³⁸

Nevertheless, problems have also been encountered in the functioning of police bodies, such as leaks of police operations by their own members, which damages the role, efficiency of work, and image of these bodies in front of public opinion. There were also problems in other directions, which are mentioned below in a summarized form.

a. Respect for the rights of accompanied, detained, and arrested persons in premises of State Police

The greatest problem encountered during 2014 with regard to respect for the rights of accompanied, detained, or arrested persons by State Police, has to do with overcrowding of police commissariat premises. This problem, coupled with poor infrastructure conditions of the premises where accompanied, detained, and arrested persons are kept, cause a serious violation of the rights of these citizens. The causes of overcrowding are similar to those mentioned above with regard to the situation in penitentiary institutions.

AHC has received complaints also about the violation of procedures that police should follow in notifying citizens of their rights in the process of accompaniment, detention, or arrest. In some of these cases, petitioners complain that they were not made aware of the right to have a defense lawyer assigned by the state and, as a result, they were not able to exercise their right to defense through an attorney. In such cases, after becoming aware, AHC has advised citizens about all legal possibilities and the rights reserved by law to citizens at the time of arrest/detention.

Of concern is the level of interinstitutional cooperation between State Police and the GDP for the transfer of persons ordered in 'arrest in prison' by police in pre-trial detention institutions. Based on legislation in force and the functions of State Police, the premises available to them do not have the proper conditions for keeping citizens for long periods of time. Therefore, the transfer of arrested persons, because they had been wanted to serve a prison term, or of persons ordered in 'arrest in prison' toward penitentiary institutions is directly connected to the possibility of respecting their their rights.

³⁸ Panorama newspaper, 10.11.2014, p. 8; Panorama newspaper, 22.10.2014, p. 9.

In some cases, we have found that there is a lack of special premises, in police facilities, for juveniles and women; there are no toilets in cells; beds and other essential materials are lacking, thus creating the conditions that could lead to inhuman and degrading treatment of citizens placed in those premises. This is a serious violation of the rights of these persons (encountered in Commissariat no. 1 of Tirana, Commissariat of Berat, Commissariat of Lushnje, etc.).

With regard to these serious problems, AHC has reacted by addressing relevant institutions or through press statements. To address the problem, we also facilitated a round table discussion with the heads of the mentioned institutions. Such meetings should be more frequent because, in spite of ministerial divisions, all state structures need to act together in order to respect human freedoms and rights. For citizens, there is only one state; it is undivided and should act as such.

During this period, AHC has received complaints and claims of maltreatment by police officers toward detained/arrested citizens. Unfortunately, from our verifications, we have found cases of the use of violence by police officers in Lezhë, in the Elbasan Police Commissariat, and we also received numerous complaints about such actions by officers of Berat Police Commissariat, whereby, in violation of the law and the agreement signed with the GDP, we were not allowed to meet with the arrested person. The Ministry of Interior and the Internal Control Service at this ministry, upon notification by us, notified us that it began investigations and had passed on investigative acts to the relevant prosecutor's office. We are waiting for a reaction also for the case of the Berat Police Commissariat.

In this regard, there is room for a lot more work to uproot the mentality of police officers to obtain confessions through the violation of the suspected person or to exercise violence even when it is not necessary. The Interior Ministry's Internal Control Service should react continuously and more strongly in this regard, as they have done in some cases.

We noticed problems also with regard to guaranteeing health services and regular nutrition for accompanied/detained/arrested persons. In general, we found that police bodies made up for the absence of health personnel through good cooperation with public health institutions, although such an important issue may not be left up to spontaneity and the good will of some employees, but rather should find a solution through normative acts and be accompanied by the necessary personnel and funds.

b. *Respect for rights at Border Crossing Points.*

Part of AHC's attention has also been the situation of respect for the freedoms and rights of persons who, for different reasons, are stopped and handled by personnel at Border Crossing Points. We note with satisfaction that the investments of recent years in these premises have created good infrastructure conditions for these institutions and for the citizens who go through these points or are stopped there for different legal reasons. Border Crossing Points feature special premises for holding Albanian citizens who have problems with their documentation, for those deported from neighboring countries, as well as for foreign citizens who commit illegal border crossing. The premises are generally spacious, with adequate lighting and conditions, but still lack cleaning personnel and funds for improving/replacing overused equipment. A problem remains with translation into relevant languages for foreigners who cross the border illegally. Police institutions need to resolve this problem through the recruitment of personnel that know foreign languages, offering courses for this purpose, or by hiring part-time persons who know these languages, because provision of information in a language someone understands is an important human right.

AHC has monitored the case of Macedonian citizen J.G. who was detained by Albanian authorities. He claimed that at the time of the arrest, he was not made aware of procedural guarantees envisioned in article 31 of the Constitution with regard to becoming aware of the charge as well as the possibility for assistance from an interpreter given that he did not speak Albanian. He had signed the process-verbal of the personal inspection and the process-verbal of personal items, which had only been drafted in Albanian, without becoming aware of their content. He also claimed that the interpreter provided later by the prosecutor's office, during investigation actions, was not able to conduct accurate interpretation because he did not know Macedonian.

Because of its geographical position, this year, the country's land territory was used as a passage for emigrants from countries in armed conflicts, such as Syria, citizens from countries of the Middle or Far East, Africa, etc. In general, these persons pass from the Albanian territory, having EU countries as a destination. As a result, numerous persons have been stopped in the Albanian territory and are treated by border police and Ministry of Interior authorities. These bodies need to take all measures to guarantee respect for the rights of these foreign citizens.

On the other hand, Albanian citizens have used generally correctly the right to move in the Schengen area and beyond, but there have also been violations of free movement rules. Increased requests for asylum in receiving countries by Albanian citizens have not been welcomed by these countries and have caused concern. This has resulted in their forced return to Albania of many Albanian citizens.

The safety of citizens at border crossing points is also important. One severe maltreatment case at the border during 2014 was that of two women (mother and daughter) violated by Macedonian police. Their documents were withheld and they were stopped to travel to Albania for a five-day period. They were maltreated and violated physically by that border police, something claimed by them and also made public by media in our country.³⁹

³⁹ Shqip newspaper, 21.07.2014, p. 5

7. EQUALITY BEFORE THE LAW AND PROHIBITION OF DISCRIMINATION

Protection from discrimination is already an objective included in the activity of civil society organizations and many public institutions; this right is mainly addressed by the CPD, the Ombudsman, as well as other institutions. Protection against discrimination has turned into an objective and topic of debate and initiatives that seek to encourage the development of vulnerable groups. The 5-year period of implementation of the law "On protection against discrimination," the increasing activity of the CPD as well as the activities of civil society with regard to this topic, have made possible the awakening of interest on this right and the use of the guarantees that it provides. During 2013, the CPD receive 256 complaints about discrimination, of which 17 were presented by non-profit organizations with legitimate interest and 31 cases were reviewed based on the initiative of the institution. In 27% of the reviewed cases, discrimination was found. Organizations protecting the interests of the LGBT community, disabled persons, Roma and Egyptian communities, etc. were active in this regard.

As is known, the EU's Progress Report suggested that, in the context of protection of human rights, the Roma, LGBT, disabled communities as well as children and women are a special focus for Albania. In spite of work done to date, of the legislative improvements in favor of these communities, the employment, education, and sheltering remain the main problems of the society's poorest strata, especially the Roma community and persons with disabilities.

There has been a manifestation of discriminating behavior and attitudes toward persons with different sexual orientation. One severe case was the petition signed by some intellectuals, made public on the day of diversity. The petition's essence was the request of the signatories for the LGBT community to not enjoy the right to family life. The statement of the petition contained in itself offensive language that is not in line with the principles of respect for fundamental human rights and freedoms.

Public and civil society structures should work more in this regard while the communities of persons who are victims of discrimination should contribute to informing the broader public about the individualities that characterize them and strengthen capacities for cooperation, inside civil society, to fight discriminating behavior and to ensure better integration in the society.

a. *Discrimination of Roma Minority*

The Ministry of Social Welfare and Youth has engaged to draft recommendations about the inclusion of the Roma and and Egyptian communities, in employment and the public administration, in particular, inclusion in free vocational training courses, and for facilitating procedures to benefit economic aid, etc. The office of the Ombudsman has undertaken a series of initiatives and has made important recommendations that seek to improve the situation of the community. However, in concrete terms, what has been done is less than what should have been done.

During this year, AHC has received complaints from citizens belonging to the Roma community, inhabitants of the Lezhë district, for discrimination of their children in school, lack of access to the labor market, numerous housing needs, etc. We have addressed these complaints to the relevant authorities, which have engaged to handle them with priority. Similar complaints have been presented also by the Roma community of the cities of Korçë, Elbasan, etc.

The needs and requests of this community are known, but we still do not see serious initiatives by public authorities to resolve them, particularly with regard to their housing and employment. More attention, investments, and positive actions are needed for this marginalized stratum of the society.

b. *Discrimination of Persons with Disabilities*

The approval of the law no. 93/2014 *“On the inclusion and access for persons with disabilities,”* which seeks to eliminate differences and inequalities in the treatment of persons with disabilities and ensure them the respect for standards of the UN Convention *“On the rights of persons with disabilities,”* ratified by Albania, is an important initiative. In November, the CoM approved the decision to recognize the sign language for persons with hearing and sight difficulties, as a step toward respect for the rights of these citizens. The Ministry of Social Welfare and Youth is the responsible institution for drafting the measures that will help the implementation of this law and which will establish the obligations of public institutions to provide the sign language services. An interministerial Working Group has been established for improving infrastructure in public administration institutions. Nevertheless, a monitoring by AHC at the Lezhë KMCA, the institution where persons with disabilities need to

present themselves for evaluation of their abilities, found that there was no elevator or proper infrastructure for this group, thus making it difficult for them to freely access the institution.

In spite of improvements, there are still delays in payments benefited by the community, especially in the country's peripheric areas; there are problems with the education of these citizens, with the provision of medical and rehabilitation services for them, employment, etc. Work is proceeding slowly for the implementation of standards established by the Convention *"On the rights of persons with disabilities."*

During 2014, there were complaints and allegations of discrimination due to disabilities, which were submitted to the CPD; of these complaints, the CPD found discrimination in 6 cases.⁴⁰

⁴⁰ Annual Report, 2013, "Commissioner for Protection against Discrimination," p. 29.

8. VIOLATION OF THE RIGHTS OF CITIZENS BY CORRUPTION AND THE UNLAWFUL ACTIVITY OF PUBLIC EMPLOYEES

The fight against corruption and abusive conduct with public office remains one of the most serious issues the country needs to resolve and, at the same time, one of the duties set by the EU, in the context of European integration. EU officials have stated that, in particular, corruption in the judiciary is a very serious problem in Albania.⁴¹

With regard to the situation with this phenomenon, IDRA says that 74% of those surveyed said they perceive that impunity for committed unlawful actions is a very serious problem in the Albanian society; 85% think that corruption is *“a great problem,”* and in fact 37% of them see it as the leading problem in the country.⁴² In general, the sectors where corruption appears to be more evident are the justice system, the public administration, health, education, and police.

The organization Transparency International publicized its rankings for corruption and ranked Albania for 2014 in the red area.⁴³ According to this ranking, the country ranked last in the region, with corruption in the public sector being the main problem. Based on a comparison with the previous year, according to Transparency International, Albania ranks 6 slots higher than the previous higher, in the global ranking, being 110th with 33 points. This indicator marks partial progress in the global ranking, but not in the regional one where Albania is last. Also, according to the U.S. Department of State report, corruption in Albania is the main violation of human rights.⁴⁴

This year marks a visible turning point toward attacking corrupt behavior and transgressions by public employees, because there is a considerable increase in reporting and in the penal accountability of these persons, while we await their adjudication and punishment, as well as the continued pursuit of this problem.

HIDAA and HSA, the two institutions tasked by law as guardians of public interest and funds, have found numerous violations during this year. Alarming was the news of the loss of dossiers of assets of senior state

⁴¹ Shqip newspaper, 21/05/2014

⁴² Slide no. 9

⁴³ Shqip newspaper, 3.12.2014 <http://gazeta-shqip.com/lajme/2014/12/03/ti-shqiperia-dhe-kosova-ne-zonen-e-kuqe-te-korruptuarat-ne-rajon/>

⁴⁴ Integrimi newspaper, 28.02.2014, p. 6

officials, from 2003, which raises a big question mark on the functioning of this institution in the past.⁴⁵ Nevertheless, HIDAA has filed lawsuits against a considerable number of officials, including commune chairs, inspectors of the tax administration and health care system, prosecutors and judges⁴⁶ who were sued for failure to meet the obligation of the declaration of their assets, according to requirements of the law.

In this regard, it is disturbing to look at information coming from the media about the increase by 2.64 times of actions suspected of money laundering, an action that may be related to corruption or other criminal activity. The General Directory for the Prevention of Moneylaundering,⁴⁷ after verifications, has undertaken 13 administrative measures based on violations it has found.

During this year, two were the greatest media scandals related to corrupt affairs or abuse of office. We would mention the scandal with Albpetrol sh.a. and that of the Bank of Albania. With regard to Albpetrol sh.a. company,⁴⁸ HSA has filed penal lawsuits against some persons alleging that they had formed an organized criminal group, which operated abusively with funds, causing colossal damage to the company, estimated a millions of Euros. There was a lot of attention to the scandal of the Bank of Albania theft, whereby former employees of the Bank were accused of the theft of about 7 million dollars. During investigations, violations were discovered with regard to tender processes, abuse of payments and perdiems for employees, as well as irregularities related to the process of the Bank's internal auditing.⁴⁹

In the area of justice, it is worth mentioning that some judges of different levels have been put under investigation because of suspicions that they committed the penal offences of corruption, abuse of office, and money laundering. These penal lawsuits were initiated by the HIDAA, which has found irregularities in the asset disclosure statements of the mentioned judges. At the same time, the prosecutor's office has also begun investigations into some prosecutors sued by HIDAA.

⁴⁵ Panorama newspaper, 11.03.2014, p.8

⁴⁶ Shqip newspaper, 25.06.2014, p.10; Shqiptarja.com newspaper, 01.04.2014, p. 5; Shqip newspaper, 04.07.2014, p. 14; Shqip newspaper, 04.07.2014, p.14

⁴⁷ Shqiptarja newspaper, 28.08.2014, p. 16

⁴⁸ Panorama newspaper, 10.10.2014, p.10

⁴⁹ Shqiptarja.com newspaper, 23.10.2014, p 2; Shqip newspaper, 17.09.2014, p.3; Shqip newspaper, 11.09.2014, p.2; Shqip newspaper, 12.09.2014, p.3

There were suspicions of corruption also in the health care system, where abuse was noticed with procedures of tenders for medicaments and hospital equipment; the HSA filed penal lawsuits for several former QSUT directors.⁵⁰ Such punishable behavior includes bribes requested by doctors and assisting medical personnel, from patients, in exchange for access to health care services.⁵¹

In the education sector, too, there were reports and denunciations in this regard. There were bribes in exchange for obtaining diplomas, higher results in exams,⁵² of the issuance of fake documents by officials of educational directories or the country's schools. Officials of educational directories and inspectors of the Ministry of Education were arrested for these charges.⁵³

There were actions against corrupt attitudes by employees of the public administration in the tax department, cases of corruption by ALUIZNI officials, with officials being arrested for abuse of office and corruption,⁵⁴ for abuse of tenders, construction permits, properties of the country's municipalities and communes, and these were accompanied by arrests and penal proceedings against them in several districts, municipalities and communes, such as in Tirana, Vlorë, Shkodër, Librazhd, Bërzhitë,⁵⁵ Gruemirë, etc.

This panorama speaks about the spread of the phenomenon; in order to fight it, aside from targeting the perpetrators, more work should be done to create also a refusing environment toward the phenomenon by public opinion and the private activity sector. On the other hand, there is room for better evaluation of the integrity of persons entrusted with important public functions and their continued oversight in this regard.

⁵⁰ Shqiptarja.com newspaper, 02.10.2014, p. 14

⁵¹ Panorama newspaper, 09.06.2014

⁵² Panorama newspaper, 08.07.2014, p. 13

⁵³ Panorama newspaper, 14.05.2014; Shqiptarja newspaper, 21.02.2014

⁵⁴ Shqip newspaper, 04.07.2014, p.14

⁵⁵ Panorama newspaper, 04.09.2014

9. PROTECTION OF THE ENVIRONMENT

Environment protection has been and continues to be a main concern for the country. The environment is a factor related directly to life, health, property, and economy as well as other rights of citizens. It is a factor that impacts the present and future of citizens' lives.

During 2014, thanks to increased civic awareness and actions in this regard, we noticed an increase in care for environment protection, especially in the larger urban areas, both by the national and the local governments. The voice of citizens, organized in protests, who opposed the import of toxic military waste from Syria was taken into consideration by the government. Before the summer season, a campaign was undertaken to clean up tourist areas and national roads. Investments continued for the construction and reconstruction of some national and local roads, and greater attention was devoted to not allowing the illegal cutting of forests. During the year, the National Environment Inspectorate undertook a campaign focusing on verifying relevant permits and acoustic pollution caused by commercial activities to communities. The fines issued to this end totaled 85,650,000 Lekë, but problems persist with this kind of pollution because of the lack of a sustained pursuit of this problem.

Referring to the media, a report of the European Environment Agency found that Albania had climbed 13 spots in the global ranking regarding environment protection, compared to the previous year, thus ranking 26th. In this sector, it appears that the state has undertaken a series of measures to improve the situation, but problems are still great and there are major damages. Air pollution remains at high levels; there are still no solutions for the collection and processing of urban and industrial waste such that they could provide contemporary and long-term solutions to the issue; the increase of green areas and forestation are continuing at a slow pace and is far from necessary parameters.

AHC has followed some cases of environmental pollution with serious consequences for the health of surrounding areas, caused by private production activity. One such case is that of the Plug village, Golem Commune, in Lushnje where inhabitants have complained about air pollution by a private refinery plant. The Ministry of Environment and the National Environment Agency were notified about this concern and they told us the private enterprise would be forced to secure the protection of air quality in order to avoid harmful consequences on human health, family life, life quality and the environment in general.

Another monitoring process in the area of environment is the one in the villages of the communes of Zharrë, Marinëz, and Vërri in the Fier District where we encountered a heavy and suffocating air because of the high presence of gas released by oil being processed from two wells nearby, by 2 private companies. According to inhabitants, the high level of gas presence in the air and air pollution had caused illnesses in the respiratory tract as well as other severe illnesses in inhabitants; these facts were accepted verbally by employees of the Fier Public Health Center. The same concern was raised by inhabitants of the village of Kozarë, Berat, regarding the exploitation of oil wells by the company operating in the area.

Regarding these problems, we addressed the Minister of Energy and Industry, the Minister of Environment, the Minister of Health and some standing committees of the parliament. Aside from verification of the situation by specialists of the Public Health Institute, who told us that they do not possess all the necessary tools to analyze the situation, the other state institutions have not responded.

The media have often reported on illegal cutting of trees in forests and the undertaking of administrative measures, or about 200 penal lawsuits by the Ministry of Environment, which shows that the activity is widespread.⁵⁶ The media have also covered environment pollution by hospital waste, which is disposed of in rivers or in the vicinity of urban areas. Some of the companies licensed for the processing of such waste did not apply the relevant criteria for such activity were fined; the license was removed for some others.

Problems with environmental pollution have been encountered also in the coastal tourist area. As such, we may mention the case of Golem, Durrës, whereby drinkable water was mixed with sewage water, or the environmental pollution by very dangerous pesticides in the area of Lukovë, Sarandë.⁵⁷

From the start of 2014, there were floods as a result of heavy rainfalls, with Shkodër and Lezhë being among the most affected areas. About 5,000 hectares of land were flooded and some rivers overflowed.⁵⁸ Furthermore, during the peak of rainfalls, inhabitants did not have electricity. The areas were inspected by relevant ministries and emergency

⁵⁶ Shqiptarja.com newspaper, 05.11.2014, p.14.

⁵⁷ Panorama newspaper, 17.07.2014, p.13.

⁵⁸ Standard newspaper, 23.01.2014, p.10

headquarters were created. According to media reports, it appears that the Ministry of Agriculture has taken measures for the functioning of water drainage systems or to deter flooding through actions such as the repair of water drainage system in Velipojë, the installation of pumps at the Ças (Shkodër) and Tale (Lezhë) water drainage systems, cleaning a canal of 2000 meters from the Dajlan Bridge to Shkozet, Durrës, and the completion of a protection dam near Seman River in Fier.⁵⁹

In November, there were rainfalls again and two citizens lost their lives as a result.⁶⁰ The military was mobilized in the Lezhë district as a problematic area. However, there was up to 1 m of water in Lezhë and in Tirana, up to 50 cm, with many houses and businesses being flooded. During November, the heavy rainfalls isolated villages and flooded houses, destroyed bridges and isolated villages in Mat and Kukës, where a 23-year old lost his life.⁶¹ This shows that the efficiency of investment and interventions leaves to be desired and that the life, health, and assets of citizens are at risk.

⁵⁹ Zëri i Popullit newspaper; 23.01.2014, p.6.

⁶⁰ Shqip newspaper, 19.11.2014, p.11.

⁶¹ Shqiptarja.com newspaper, 21.11.2014, p.9.

10. INFORMATION, INCLUSION AND PARTICIPATION OF THE PUBLIC IN PUBLIC MATTERS

The approval of the new law, no. 119/2014 *“On the right to information,”*⁶² brought about positive changes in terms of enabling and implementing the citizens’ right to information. Also, law no. 146/2014 *“On public notification and consultation”* leads to an opening of public institutions for cooperation with stakeholders and citizens’ organizations in the context of drafting policies, strategies, and new legislation. The parliament also approved law no. 93/2014 *“On the inclusion and access of persons with disabilities,”* the Resolution *“On the recognition and strengthening of the role of civil society in the process of the country’s democratic developments,”* and in November 2014, the CoM approved the decision to recognize sign language, as a tool of information for people with hearing and sight problems. All these acts, whose drafting was done with the contribution of civil society, will contribute to informing and better involving citizens in public matters. In this regard, formalism and preferential selection of NPOs to be consulted or included should be avoided.

AHC and many civil society organizations have contributed, with their feedback and suggestions, with regard to changes to the law no. 8328, 16.04.1998 *“On the rights and treatment of convicts and detainees,”* amended; law no. 10 039, 22.12.2008, *“On legal aid,”* amended; law no. 108/2014, *“On State Police;”* on amendments to law no. 8454, 04.02.1999, *“On the Ombudsman,”* amended; on amendments to law no. 7895, *“Penal Code of the Republic of Albania,”* amended; on amendments to law no. 8811, 17.05.2011, *“On the organization and functioning of the High Council of Justice;”* on amendments to law no. 10032, 11.12.2008 *“On Prison Police,”* amended; on law no. 119/2014, *“On the right to information;”* on law *“On On the Internal Control Service at the Ministry of Justice;”* on law no. 147/2014, *“On medical emergency,”* etc.

Suggestions were also provided on some draft laws which are in the drafting process, such as the draft to improve law no. 10 221, 04.02.2014, *“On protection against discrimination,”* the draft law *“On whistleblowers”* and the draft decision of the CoM *“On encouraging and rewarding work by convicts and detainees,”* etc.

⁶² Panorama newspaper; 04.09.2014, p.4 and referring to the official website of the parliament: http://www.parlament.al/web/pub/ligj_nr_119_dt_18_9_2014_19327_1.pdf

However, it appears that some laws or sub-legal acts were approved without consultation with civil society and groups of interest. We are concerned especially about the completed and untransparent work conducted with regard to changes to the Electoral Code. The electoral code focuses on voters and elections are one of the important moments of the exercise of the people's sovereignty in a direct fashion. In this regard, the election law and election monitoring are of high interest to civil society and citizens in general.

The Order of the Minister of Finance no. 87, dated 04.11.2014 "On disciplining the payment of electricity payments by employees of the Ministry of Finance and subordinate institutions" has caused debate in public opinion. According to this order, all financial branches of institutions have been ordered to withhold money from salaries for those employees who have not paid electricity bills. Employees who do not pay relevant bills will receive a note in their personnel file or other disciplinary measures. The Ombudsman reacted against this Order and asked for its revision. According to the institution, the order is in contravention of basic principles on which administration employees is based. The order is still in force. Such actions have also been carried out by other public institutions. While appreciating the government's campaign to encourage the payment of dues, owed by different subjects to companies distributing electricity, water, etc., we see with concern the confusion created in employment relations and contractual obligations of citizens beyond this relation.

It is necessary that to strengthen work toward respect for human rights and freedoms, the institutional and financial independence of public institutions created for this purpose, such as the Ombudsman, the Commissioner for the Right to Information and Personal Data, the Commissioner for Protection against Discrimination, is further strengthened, that their reports and recommendations are reviewed as soon as possible by the bodies they are addressed to, and that their cooperation with civil society organizations is enhanced.