



BULLETIN

3 – MONTHLY/NR. 15
JANAR – MARS 2006

ALBANIAN HELSINKI COMMITTEE BULLETIN

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No. 15

JANUARY – MARCH 2006

This publication is drafted in the context of the transparency with the public and is funded with the financial support of CORDAID “CATHOLIC ORGANISATION FOR RELIEF AND DEVELOPMENT”

The organization's self-evaluation

In the context of the organizational consolidation and drafting of the new strategy for the period 2007-2010, throughout the period of January 2006, AHC conducted a self-evaluation of the organization's performance. This self-assessment process had the commitment of the entire AHC staff and was assisted by a Dutch expert.

The aim of this self-assessment was improving the work of the organization by means of highlighting the strong and weak spots of the organization, analyzing the human rights situation in which the organization operates, analyzing the human resources, vision and its values, comparing the activity results with the utilized resources, highlighting difficulties in order to overcome and improve the work in the future.

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Anti-corruption and nepotism can not be legitimized by violating the constitution & human rights

On the date February 10, 2006, the Ombudsman, Albanian Helsinki Committee, the Albanian Group for Human Rights and the Center of Parliamentary Studies, as an alliance for human rights submitted a request to the Constitutional Court with the following object:

Abrogation of the three decisions of the Council of Ministers Nr. 43, 44 and 48 dated 27.01.2006, considering that they do violate the fundamental human rights, as they do not respect the constitutional principles.

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1. OBSERVATIONS

1.1 Observance of the detainee and convicted rights in some prisons

Albanian Helsinki Committee during the months of *February-March 2006* accomplished a monitoring mission in the correction institutions in Krujë, Lezhë, Peqin, Burrel and Rrogozhinë. The aim of these monitoring missions was the observance of the rights of people who serve their punishment in these institutions as well as the work of the staff of this administration.

The observers identified such problems as the food intake rate of the convicted, overpopulation of some prisons, their attitude and their correction in the prison facilities, the transfer of the mentally disabled people in the specific institutions, the lack of the employment of the convicted in prisons, the lack of modern and necessary literature in the libraries of these institutions as well as other issues that are in contradiction with the legal provisions into force.

In conclusion of these monitoring missions, AHC sent a letter to the Ministry of Justice and General Directorate by means of which concrete recommendations related to the improvement of the situation of convicted rights, living conditions in these prisons, of the respective legislation and the practice as well as capacity building in the administration of these institutions.

The monitoring was held by a group of lawyers and assembly members of AHC¹.

1.2 Observance of the rights of Albanian migrants at the cross-border points²

During January 2006, AHC conducted some monitoring missions in the cross-border points with the neighboring countries. The monitoring round was in continuation of some monitoring held by the end of the year 2005. During this period the influx of the Albanian migrants is huge.

These monitoring aimed at gaining knowledge on the observance of migrant rights and the observance of the procedures on the part of the Albanian and Greek Border police forces. Meetings were held with the heads of the border police (Albanian and Greek) and Port Police (Vlora Sea Port), meetings with the migrants etc.

The achievement of these monitoring missions at the border helped the gathering and enrichment of AHC information related to the treatment of the migrants from the Greek and Albanian police. Also they created cooperation bridges with the central and local border authorities in order to have a better observance of the rights of Albanians at the cross-border points. The monitoring was conducted from AHC correspondents at the cross-border points in Kakavija, Kapshtica and the Sea Port of Vlora.

¹ The monitoring was held in the context of the project “Reforming prisons and the role of the civil society in Albania – Monitoring the human rights in prisons and the pre-trial detention sites as well as the awareness raising of the public administration and their acquaintance with the human rights and also the enforcement of the laws in this field” funded by the Swedish Helsinki Committee.

² The monitoring was held in the context of the project “Monitoring the observance of migrant rights from the Albanian and Greek Border Police” funded by the Norwegian Helsinki Committee.

2.1 Setting into motion the Constitutional Court³

On February 10 2006, AHC together with the Ombudsman and the Albanian Group of Human Rights addressed the constitutional Court with the request of abrogating the three decision of the Council of Ministers (Decision Nr.43, dated 27.1.2006 “Avoiding nepotism and the influence of power in staff recruitment and promotion of the tax administration: decision Nr.44 dated 27.1.2006 “Avoiding nepotism in the public administration” and decision Nr. 48 dated 27.1.2006 “On some supplements to the decision of the Council of Ministers Nr.205 dated 23/4/1999 as anti-constitutional

These decisions prohibit the hiring of people that have family, kinship or marriage relation with the President of the Republic, his/her political staff, prime minister, deputy prime minister, ministers and deputy ministers, members of the political staff of the Prime minister and the Minister of Finance, MPs, People’s Advocate, High State Commissions, etc.

These decisions also provide for the dismissal from the positions in the customs and taxation offices of the people that have been hired, but that have family, kinship or marriage relations with the people that are employed in the above-mentioned positions. The main reasons these decisions are submitted in the request to the Constitutional Court are as follows:

- a) Violation of the employment right
- b) Violation of the principle of equality before the law (discrimination)
- c) Violation of the article 17 of the Constitution that provides for the restriction of the citizen rights only by means of laws passed by the parliament.
- d) Violation of the law “Status of the civil servant” where the employment and dismissal criteria are defined. This law guarantees the professionalism and job promotion.

Prior to the adoption of the Council of Ministers decision by the government, AHC responded with a press release, by means of which AHC suggested to the government not to adopt the decision, because they were in contradiction with the Constitution of the Republic of Albania, but this was not taken into consideration.

On the date of March 21, 2006, a hearing session was held in the Constitutional Court where the legal arguments of the legal representatives of the Council of Ministers and AHC, Ombudsman were forwarded. The Constitutional Court in this hearing made the intermediary decision for the suspension of the decisions of the Council of Ministers Nr.43, 44 and 48 and defined them as decisions that violated the human rights.

To sue the Government to the Constitutional Court doesn’t mean to oppose its good aims in combating corruption and nepotism in the Albanian public administration, but this shall be within the recognized framing of the observance of human rights and fundamental freedoms, recognized by the Albanian Constitution and the international acts.

2.2 Providing expertise and legal challenge

2.2.1 Legal Expertise related to the draft-law “On the Moratorium of the navigating vessels”⁴

³ Funded by “Capacity building of the organization and the consolidation of internal organization”, CORDAID

⁴ The expertise has been offered in the context of “ The capacity building of the organization and the consolidation of the internal organization “ funded by CORDAID.

On February 15, 2006, AHC by means of a letter addressed to the Commission on Legal, Public Administration and Human Rights Matters voiced its own recommendations regarding the draft-law that prohibits the movement of boats and navigating vessels over a period of three years along the Albanian coast.

AHC is doubtful whether the restriction of the right is in proportion with the aim that it intends to achieve and with the imposed need. This law has now entered into force.

2.2.2 Legal Expertise related to the draft proposal “On the classified secret state information”⁵

AHC during the month of February offered its expertise on the draft law “On the Classified secret state information”.

Based on the forwarded draft-law, the law “On the Classified secret state information” was supplemented according to which “The restricted Information” is envisaged when ‘the unauthorized coverage can be harmful to the normal activity of the state and the interests or efficiency of the state bodies”

Following the study of the draft-law, AHC assessed that the amendment that was supposed to be attached to the article 3 of the law Nr. 8457, is serious, highly disputable and can bring an unjustified restriction to the constitutional right of information. Now the law has been adopted by the Parliament and decreed by the president.

2.2.3 Challenge to the draft-law "On the Public Cooperation in combating corruption"⁶

Throughout the month of March 2006, AHC got acquainted with the draft-law the Public Cooperation in combating corruption”. After its study, AHC assessed that this draft-law had inaccuracies and gaps that directly or indirectly could violate the legal rights of the citizens and the credibility of the state authority that will be charged with the enforcement of this law.

Some of the most debatable points of the draft law were as follows: *the unclear definition of the mechanisms that will achieve the acceptance and the examination of the denunciations, of the individual or the body that would have the decision-making power i.e. of the initiative of the civil-administrative proceedings as well as the prosecution in the prosecution bodies, procedures that shall be followed in cases when there is a verbal or anonymous denunciations, keeping the confidentiality of the denunciation as well as its content and the author that has forwarded the denunciation , the cases when the denunciations contain elements of the criminal offense and the procedures followed to set into motion the prosecution body, procedures that can be followed during the administrative or criminal investigation of the case, etc.*

2.2.4 Legal challenge to the draft-decision “On the Employment of the convicted people in the penitentiary institutions”

⁵ The expertise has been offered in the context of “ The capacity building of the organization and the consolidation of the internal organization “ funded by CORDAID.

⁶The expertise has been offered in the context of “ The capacity building of the organization and the consolidation of the internal organization “ funded by CORDAID.

During the month of February 2006, AHC offered legal expertise regarding the draft-decision of the Council of Ministers about the development of the work activity for the convicted people in the institutions of the execution of the criminal punishment with the employment of the convicted people in the penitentiary institutions.

AHC assessed the initiative on drafting of this draft-decision, as the employment of the convicted is quite necessary for the improvement of their living in the conditions of the penitentiary and correction institutions and their integration in the society after serving the sentence. In order to discuss further more about this issue, AHC arranged a round table after this.

2.2.5 Legal Expertise in monitoring the National Strategy of Roma People (On-going activity)

Albanian Helsinki Committee in cooperation with the Soros Foundation (OSFA), have been committed to providing expertise about the enforcement of the National Strategy “On the improvement of the living condition of the Roma minority”. The aim of this expertise is monitoring and enforcement under the Albanian reality of the living conditions of the Roma minority respectively in the main fields where the National Strategy of this minority has been concentrated in the field of education, cultural and family heritage, economy and social protection, health and infrastructure as well as justice and public administration. The research of the Roma community has been extended to 5 main towns and respectively in Tirana, Fier, Korça, Elbasan and Shkodra.

The drafted report aims at identifying the facts and the concrete data related to the application of the objectives and the priority measures defined in the National Strategy, awareness raising of the relevant state structures to take the appropriate steps in this field, the sensitizing of the Roma opinion in general and the representative organizations of this minority about the indispensability of their cooperation for the achievement of these objectives as well as the drafting of the concrete recommendation for the state bodies⁷.

2.2.6 Expertise on the situation of the juvenile criminal justice system in Albania⁸

On the dates of April 10 and 11, 2006, AHC was invited to give its own contribution in the round table “The Alternative measures for the juveniles”, organized by UNICEF, Ministry of Justice, Terre des Homme, European Delegation and Sida. AHC submitted a report on the situation of the juvenile justice system in Albania and the implementation of the alternative measures of imprisonment. AHC introduced a tabloid of the gaps in the Albanian legislation related to the content of the alternative measures and difficulties of their practical implementation. Also AHC gave its own recommendations in conclusion of the discussions.

2.3 Capacity building and training activities

2.3.1 Offering technical assistance – Third working Session with the prison administration of Lezha⁹

⁷ This research is conducted in the frame of the project funded by Soros Foundation.

⁸ The expertise has been offered in the context of “The capacity building of the organization and the consolidation of the internal organization “ funded by CORDAID.

⁹ This activity was implemented in the context of the AHC “Reforming prisons and the role of the civil society in Albania – Monitoring the human rights in prisons and the pre-trial detention sites as well as the awareness raising of the public administration and their acquaintance with the human rights and also the enforcement of the laws in this field” funded by the Swedish Helsinki Committee.

In the context of the awareness level of the prison administration and acquaintance with the human rights and law enforcement, AHC arranged the third working session with the prison administration of Lezha on the dates of February 23-24, 2006. The target groups of this session were the managing level, the chiefs of the divisions and the full-dress staff of this prison. The main objective of the session was the professional capacity building of the staff related to the treatment of the convicted people, for a better observance of their rights with the aim of ensuring a human treatment of the convicted people. The Dutch expert Jan van den Brand, offered his expertise in this session¹⁰

This session focused on some significant issues related to the prison management such as: the concepts and the main conditions for the treatment of the convicted people and the entire prison staff, referring to the international standards, classification of the sentenced people, determining the appropriate training in the daily program, regulations about the unexpected events/incidents, functioning of the mechanisms of request-complaint in the prisons as a right of the convicted to have free correspondence. Moreover, this session had a discussion on getting the feedback about the suggestions on the policies that promote the employment of convicted in prisons.

AHC introduced to the administration of this prison and to the General Directorate of Prisons some of the relevant recommendations based on the topics discussed in this working session.

2.3.2 Legal Counseling offered to the administration of the General Directorate of Prisons¹¹

This year the Albanian Helsinki Committee is still offering the counseling of the General Directorate of Prisons related to the prison reforming seen from the perspective of human rights. Starting from January 2005, AHC has offered counseling sessions to the supreme heads of the General Directorate of Prisons (GDP) regarding some important issues in the context of the reforming of this institution. These counseling sessions have been based on the GDP's need from the perspective of the international standards and human rights.

AHC has offered counseling sessions about employment issues of the convicted in the Albanian prisons, the by-laws framework and the form of its organization in practice in a near future as well as the issue of the alternative sanctions in the prisons.

3. SENSITIZING AND EDUCATIVE ACTIVITIES

3.1 The first Film Festival on Human Rights in Albania¹²

On the dates March 16-18, 2006, the Film Festival on Human Rights was arranged for the very first time in Albania in the facilities of Marubi Film & Multimedia School.

The Film Festival on Human Rights was the initiative of the Marubi Film & Multimedia School achieved in cooperation with the International Human Rights Education Consortium, Albanian Helsinki Committee, Utica College, UNICEF, and The Albanian Group for Human Rights, The American Embassy in Albania and the Albanian Media Institute.

¹⁰ Director for Foreign Relations in the Dutch National Agency of the Correction Institutions and at the same time Council of Europe expert for Central and Eastern Europe.

¹¹ This activity was implemented in the context of the AHC "Reforming prisons and the role of the civil society in Albania – Monitoring the human rights in prisons and the pre-trial detention sites as well as the awareness raising of the public administration and their acquaintance with the human rights and also the enforcement of the laws in this field" funded by the Swedish Helsinki Committee

¹² The Film Festival was arranged in the context of "Capacity- building of the organization and the consolidation of the internal organization" funded by CORDAID.

The main activities of this Festival was the showing of some films, among others short-reel movies that tackled the topics of the juvenile rights, their exploitation for labour, the rights of disabled people, the rights of minorities, capital punishment, different life realities compared with the countries of the Balkans, etc.

The main aim of this activity was the awareness raising of the public and the state institutions for a better observance of human rights in general as well as of the vulnerable groups in particular.

The Film Festival on Human Rights is the first edition and the launching of a tradition that will continue in the coming years too

3.2 Sensitizing citizens through art

In the context of the month of the African –American History, the American Embassy in cooperation with Marubi Film & Multimedia School and Albanian Helsinki Committee organized on February 23, 2006, the showing of the film "Malcolm X"¹³. The event was arranged in the facilities of the "Marubi" School. Representatives of the civil society, state institutions, embassies, students of the Faculty of Law and Social Sciences, University of Tirana were invited in this event.

Through the story of this African-American guy, the film conveyed the struggle and the sacrifices of this coloured race against discrimination that they encountered on the part of the white population on the grounds of race and religion.

After the film, the participants discussed about the human rights and especially about the minority rights, this activity was arranged with the students of the Faculty of Law and social Sciences, University of Tirana.

3.3 Sensitizing Campaign on "Counter-discrimination Week"

On March 21 – 24 2006, in the counter-discrimination week, AHC joined the international campaign initiated by the European Network against discrimination on the grounds of race, nationality, fascism, and in support of the migrants and refugees (UNITED) on sensitizing the public and the state institutions regarding the fight against discrimination in general and the racial discrimination in particular.

In the framework of this week, AHC undertook a series of events on sensitizing the young generation and highlighting the negative phenomena.

- **Sensitizing Seminar in the 8-year school "Bajram Curri" and the General High School "Petro Nini Luarasi"**

On March 23 & 24 2006 AHC arranged sensitizing activities¹⁴ in two schools in Tirana, in the 8-year school "Bajram Curri" as well as in the general high school "Petro Nini Luarasi". In both schools a competition for the best creation in prose, poetry and painting was organized with the motto "All different, all equal". A jury of outstanding names in the field of art Mr. Dhimitër Xhuvani and Mr. Xhevahir Spahiu was set up for the assessment of these creations. For the best creations AHC donated fiction books by well-known Albanian authors.

¹³ The event was arranged in the context "Capacity-building of the organization and the consolidation of the internal organization" funded by CORDAID

¹⁴ On the date March, 23, 2006 the events in the context of the counter-discrimination week were held in the general high school "Petro Nini Luarasi" and the Faculty of Law and Faculty of Social Sciencse. On the date March 24, 2006 theevents were held in the 8-year school. "Bajram Curri".

In these schools the seminar with the topic "All different, all equal" was arranged, where there were tackled discrimination issues in general, children rights and cases of their discrimination, minority rights and mainly Roma minority and Egyptian community rights in particular, problems of their discrimination, presentation of some of AHC report findings related to the education of Roma minority, cultural heritage etc. Furthermore AHC donated some of its recent publications to the libraries of these schools.

- **Seminar with the me students of Faculty of Law and Social Sciences**

On the date March 23, 2006 AHC organized a seminar in the auditorium of the Faculty of Law¹⁵ with law and social science students. In this seminar there were tackled issues of discrimination seen from the perspective of the European Convention, issues of labor discrimination. AHC offered a series of AHC publications on human rights and also donated a number of AHC publications for the enrichment of the school and faculty libraries where these seminars took place.

- **Sensitizing Articles and publications**

During the week, the counter-discrimination activities continued with two stories in the print media¹⁶, where there were presented some of the conclusions of AHC research related to the situation of Roma minority in Albania and ECRI recommendations to the Albanian government about Roma minority. In these reporting the Roma minority was seen from several perspectives regarding the implementation of the strategy on Roma people on the part of the Albanian state, their education, family, cultural and tradition situation, the youth integration in the Albanian society, the sports activities, the role of the media etc.

Also in the context of the counter-discrimination week, AHC issued a Bulletin, the extra edition in which there was a presentation of the findings of the work of some students of the Faculty of Law who conducted some observations and meetings with the representatives of Roma minority.

- **Meetings with the students of the Faculty of Law**

In the context of the increase of the number of activists of human rights, a meeting was arranged with the student activists of AHC. AHC awarded these students certificates and donated an English-Albanian Dictionary of Legal Terms.

AHC devoted attention to the capacity building of the young people in the field of human rights.

3.4 Meetings with the state body representatives and local, foreign NPOs and international organizations

- During this period AHC representatives had meetings with the representatives of state institutions and local, foreign NPOs and international organizations. More concretely there were arranged meetings with the representatives of the EU monitoring mission, with representatives of the sub-commission related to the juvenile criminal justice, representatives of the delegation of the Finnish, Dutch Parliament, representatives of the

¹⁵ Faculty of Law , University of Tirana

¹⁶ Date March 25, 2006, the newspaper "Telegraf" the story on AHC researches on the situation of Roma minority in Albania was published.

CPT delegation, representatives of the EURALIUS project, representatives of the General Directorate of Prisons, Foreign Ministry of Holland etc.

- In the context of the cooperation AHC has also arranged activities and meetings with different partners, during the month of March. AHC representatives have participated in the first meeting of the NGO networking related to the migrants, in the meeting of the international consortium, etc.
- On the date January 21, 2006, some non-profit organizations of human rights, among them the Albanian Helsinki Committee arranged a meeting related to the joint civil action about the coming local elections. The aim of this meeting was the launching of the initiative, of the activities that will be arranged and the forms of cooperation. In this process, AHC representative highlighted that the monitoring of the progress of the electoral reform and the electoral process will be a priority to AHC for the year 2006. AHC can offer expertise in amending the legislation, recommendations on its improvement, trainings of its own observers and other organizations observers. AHC will cooperate with other NGOs and the media in sensitizing and better informing the public. Moreover, AHC will be present in the monitoring of the electoral campaign and on the voting day with public reactions and recommendations in cases of the violation of the rights of citizens related to the achievement of the right to vote.
- During the month of February 2006, AHC representatives arranged a meeting with the expert of the penitentiary issues for the Euralius project Mr. Peeter Naks. The aim of the meeting was the coordination of the efforts to organize a round table with the GDP specialists and AHC and Euralius experts regarding the comment on the draft-decision on the employment of the convicted people in the Albanian prisons and the experiences forwarded by the foreign specialist of the respective field

4. OTHER PROJECTS

4.1 Project “Monitoring the exercising of minority rights in the Municipality of Korça

In the context of its activity in the domain of minorities, AHC started the implementation of a new project in the Municipality of Korça entitled ‘Monitoring the exercising of the minority rights in the Municipality of Korça’. Being a town with 3 minorities (Macedonian, Roma, Arumun) and a community, the Egyptian one, Korça was selected as the first model town for the implementation of the project.

The aim of this project was the assessment of the observance of the minority rights in this town and identifying the possibilities for their development. Also, this project intends the participation of minorities in the local decision-making and the strengthening of their relation with the local power. The implementation of this project will give the citizens a means of benefiting from the activity of the local administration and of proposing improvement in their policies on minorities. Meantime it will offer a self-assessment means for the local authorities and will be a way for the improvement of their capacities about the problems addressed by the citizens.

In implementing the project, AHC will have a close cooperation with the local government and concretely with the Municipal Council of Korça. The project will be based on citizen surveys. The all-inclusion of the citizens of the municipality of Korça in general and of the

representatives from the minorities will be a significant element for an objective assessment of the situation of the minority rights in this Municipality.

By the end of the implementation of the project a report will be drafted which will be based in the data processing from the conducted surveys. In December 2006 a round table will be organized where the main findings of the report will be presented. The round table will have the participation of different invited actors of the Municipality of Korça that have contributed in the implementation of the project or interested in this domain.

The Municipality of Korça is the first experience of the kind, and it is thought that it will be extended to other towns of Albania where there are minorities and communities.

This project will be achieved with the financial support of Friedrich Ebert Stiftung.

5. AHC PUBLICATIONS

▪ Human Rights Report 1997 – 2003

AHC published “Human Rights Report in Albania during the period 1997-2003”. This report describes the situation of human rights in some of the main fields over the period 1997 - 2003, but also reflecting special moments of this period (during the period of preparing the publication of the book). The aim of this publication is to introduce the public with the significant moments of the development of the rule of law, democracy and the observance of human rights in Albania, to reflect the improvement of the observance of citizen rights, but also to create a tradition in the analysis of the human rights situation on the part local organizations of human rights.

▪ Report on the situation of the media of minorities in Albania

During the month of February, AHC was committed to draft the report on the situation of media of the minorities in Albania. The report is submitted to the organization **South East Europe Media Organization (SEEMO)**, which will be part of a regional manual on the minority media. In order to achieve it, a significant role is played by AHC correspondents in the districts where there are minorities, Korça, Gjirokastra and Shkodra, who conducted various meetings regarding the development of the media of the minorities. the report will be published in the coming months.

6. ROUND TABLES AND CONFERENCES

6.1 Press Conferences

6.1.1 Press Conferences about the prosecution deposited in the Constitutional Court

On the date February 13, 2006, AHC, Ombudsman, Albanian Group for Human Rights and Center for Parliamentary Studies held a press conference regarding the prosecution in the Constitutional Court. There were journalists of some electronic and print media present in the press conference. By means of them the public was clarified on the aim, motifs and the reasons that led the applicants to address the Constitutional Court to proclaim the anti-constitutionality of the decisions of the Council of Ministers in the context of combating corruption.

6.2 Round tables

6.2.1 Round table on awareness raising of the prison administration

In the context of the awareness raising level and acquaintance with the human rights and law enforcement on the part of the prison administration, on the date January, 20, 2006, the Albanian Helsinki Committee hosted a round table regarding the improvement of the request-complaint mechanism, disciplinary measure and inspections in the prisons as well as the definition of the concrete strategy for the application of the Code of Conduct for the pre-trial detention and prison system.

In the round table contributed with their participation representatives of the penitentiary institutions in Albania at the management level as well as representatives of AHC. AHC invited in the capacity of the expert, the Dutch expert Mr. Jan van den Brand. The methodology used in this round table was interactive as it aimed at the confrontation of the local legal context with the international one and its practical implementation.

There were discussions in this round table related to the aforementioned tackled topics, theoretical and practical examples referred to the Albanian legislation and international were provided and there were made concrete recommendations on the improvement and the most efficient application of the laws in practice.

6.2.2 Round Table “ The anti-corruption policies and the implementation of the international standards on human rights”

On the date March, 20, 2006, in the context of the initiatives launched by the civil society about the increase of the citizen participation in decision-making, some non-profit organizations in cooperation with “Soros” Foundation hosted a round table with the topic: “The anti-corruption policies and the implementation of international standards about human rights”¹⁷. The aim of this round table was drawing the attention of the state authorities and especially of the parliament and the government that are responsible for the legislative initiative and that carefully assess the observance human rights and fundamental freedoms in any initiative they launch, despite their aims and objectives.

The emphasis of this round table was laid on the discussion of some governmental legal initiatives of the recent times in the context of the anti-corruption policies such as the draft-law “On the cooperation of the public in combating corruption”, the decisions of the Council of Ministers about avoiding nepotism in the public, tax and customs administration, the draft law “On some changes in the law Nr. 8457, dated 11.2.1999 “On the classified state information” as well as the moratorium on the navigating vessels. The participants in this round table shared the opinion that the anti-corruption policies were indispensable initiatives for the development of the country and consolidation of democracy that are supported by the civil society and the citizens in general and shall not be in contradiction with the Constitution of the Republic of Albania.

6.2.3 Round Table “Presumption of innocence and the media”

On the date March 15, 2006, Albanian Helsinki Committee, in cooperation with the Center for Parliamentary Studies and the Forum of Free thought, hosted the round table with the topic “Presumption of innocence and the media”

¹⁷ This activity was hosted by the Albanian Helsinki Committee, the Albanian Group for Human Rights, Center for Parliamentary Studies, Centre for Human Rights, Centre for Civil Legal Initiative as well with the support and the funding of Soros Foundation “Open Society for Albania”.

The main aim of this table was to attract the attention about the importance of the observance of the principle of the presumption of innocence on the part of the media and the other public actors, for the maintenance of the human dignity and human rights in general.

This table tackled the topic of the principle of the presumption of innocence, its importance and the negative consequences that they bring if it is not applied especially by the media that plays an important role in providing information.

This round table intended at the improvement of the terminology used by the media for its coverage and also the language used by the Albanian politics where the presumption of innocence is violated in a flagrant way.

Some of the conclusions of this table were the necessity to treat this problem in the circles of the politicians in general, the sensitization of the citizens about the role and the importance of the institutions regarding this issue, there should be a better coordination between the ministry of the Interior, the prosecutor's office body and the court, that are the main resources of providing news.

7. CITIZENS ADDRESS AHC

7.1 Complaints

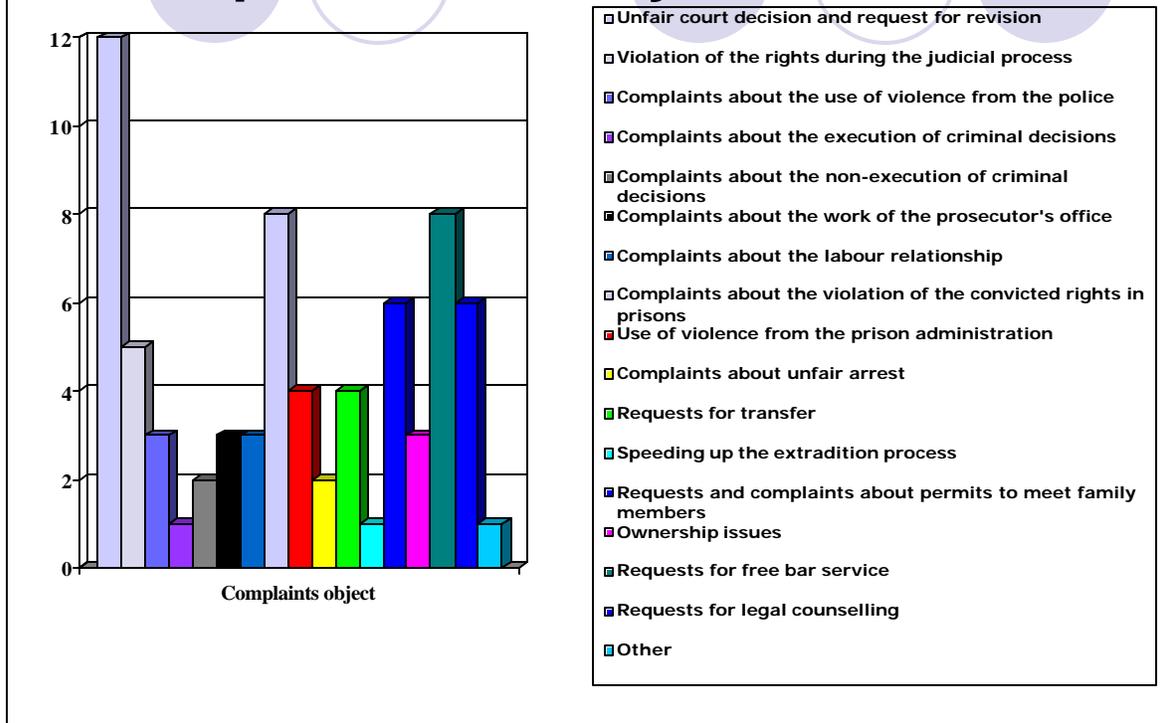
During the months of January-March 2006, AHC has tackled **77 complaints and letters**. Their object is different such as: unfair court decision and complaints for their revision. Complaints about the exercise of violence on the part of the law-enforcement, violations of the rights from the prison administration, requests for transfer to other penitentiary institutions, requests for free legal and bar counseling etc.

The complaints have been forwarded in the meetings with the lawyers of AHC, through letters addressed to AHC, legal counseling etc.

AHC has responded to all the citizens by providing the respective counseling and has also asked from the Albanian authorities to intervene to settle the concrete cases.

Following you can find the graphical presentation of the complaints:

Complaints January – March 2006



7.2 Cases identified by AHC

Apart from the treatment of the letters and complaints of the citizens, AHC has identified cases where there have been claims of the flagrant violation of human rights.

- On the dates February **18 – 20 2006**, based on the notification from the citizens, AHC through its correspondent achieved a number of verifications about the death of the patient Gj.S in the psychiatric hospital in Vlora. The aim of the verification is the non-execution of the autopsy of the patient as well as the conditions he lived in the hospital. The cause of his death was the myocardial vascular heart failure, a diagnosis accepted by the medical. During the verification it resulted that the autopsies of 15 other people were not executed. For this verified case, a letter was submitted to the Ministry of Health and the Directorate of Psychiatric Hospital that responded by means of a written answer about the verifications made by AHC.

- During the month of **March 2006**, AHC verified another case after the notification received from the print and electronic media in the district of Gjirokastra through its correspondent. The citizen S.M from Tepelena, was charged for theft, at the time when he appeared before the courtroom for the security measure, he had signs and evident violent injuries. This was not an isolated case when the defendant complained about the exercise of violence and ill-treatment on the part of the police. AHC correspondent verified the case in question by having meetings with the Chief of Police, The Chancellor of the Court of the Judicial District of Gjirokastra as well as the Chief Prosecutor of the district. The signs of violence were evident but this case has gone to the prosecutor's office for verification.

8. PUBLIC REACTIONS OF AHC

During the period January – March 2006, AHC has treated through **14 public declarations and 3 press releases** about some issues such as the election reforming, violation of the citizen rights about unemployment and the illegal dismissal from their positions, convicted people that suffer from health problems, fights against corruption and nepotism, police violence against media representatives, etc ¹⁸. AHC by means of these public releases raise its voice in cases of the violations of human rights thus serving as a constructive opposition.

▪ COMMUNICATIONS WITH THE STATE AUTHORITIES AND THE ORGANIZATIONS

AHC during this period has had ongoing contacts with the state institutions. The correspondence has mainly consisted in handling the complaints addressed to AHC, in showing the range of problems coming from the monitoring, providing recommendations for the solution of various legal and practical issues, etc.

The issues have been communicated to the institutions such as the Parliament, the Commission for Legal, Public administration and Human Rights Matters, the General Directorate of Prisons etc.

9. AHC AND THE MEDIA

The activities of AHC organized during the period January-March 2006 had a wide coverage in the media. AHC has provided its own opinion and by means of articles, interviews and programmes. AHC declarations have been covered **47 times** in the print and electronic media during this period and also its activities **26 times**. AHC has been invited in **4 TV shows, has given 10 interviews, opinions and reports**. The main issues tackled in them were the electoral reform, dismissal of citizens, the Albanian migrants in the host countries, the reform of the judiciary, prisons etc.

10. THE INSTITUTIONAL DEVELOPMENT OF THE ORGANIZATION

10.1 The strategic Plan and the business plan of AHC 2007 - 2010

In the context of the organization consolidation and drafting of the new strategy for the period 2007-2010, during the month of January 2006 AHC conducted a self-assessment of the work of the organization. The entire AHC staff was involved in this self-assessment process and a Dutch expert assisted it. The aim of this self-assessment was the improvement of the work of the organization and identifying the strong and weak spots of the organization, analysis of the situation of human rights in which the organization operates, analysis of the human resources, vision, their values, comparison of the results of the activity with the resources used, identifying the difficulties in the work of the organization accompanied with the relevant recommendations for their overcoming and the improvement of the work in the future.

¹⁸ For more information see Appendix Nr. 1

The assessment of the organization went through two stages:

During the first stage there was the self-assessment of the organization and its staff. The methodology used was the drafting of a questionnaire that covered issues that were related to the work of the organization, the functioning of its structures, as well as the internal and external communication. This questionnaire was drafted based on the standards defined by the European Foundation for Qualitative Management.

During the second stage there was a monitoring of the self-assessment process and an external assessment of the organization from an external expert that conducted meetings with the staff, members of the Assembly and the AHC board. Also it achieved a series of meetings with Albanian NPOs, international organizations and state institutions, AHC partners.

In conclusion of this process a report was drafted on the part of the AHC staff itself and another report is going to be drafted from the external expert. This self-assessment was conducted in the context of the project.

The capacity building of the organization and the strengthening of its internal organization were funded by the Catholic Organization for Relief and Development – CORDAID

10.2 AHC CAPACITY BUILDING

▪ TRAININGS

1. On the **dates February 2-4, 2006**, The Institute of Public Health hosted a training for Health and human rights. In this training there were provided main concepts about the health and its relation with human rights. The final aim of the training was to create a group that would monitor the health and human rights in Albania, a part of which would be AHC. This training was participated Ms. K.Alikaj, Lawyer/ administrative assistant.
2. On the **dates March 27 –31, 2006**, AHC staff participated in a 5-day training organized by AHC with the financial support of CORDAID for the drafting of the strategic plan and the business plan. AHC was assisted by Mr. Klaas Astma during this process.

▪ PARTICIPATION IN DIFFERENT ACTIVITIES

1. On **January 27, 2006**, the Memorial Day for the victims of the communist period was arranged by the General Directorate of Prisons in form of an exhibition. This meeting had the participation of Ms. E.Papavangjeli, AHC representative.
2. On the date **January 30, 2006**, the Center for Legal Citizen Initiative hosted the round table “For a better law enforcement in protection of the victim of violence from the justice bodies”. The representative of AHC. Ms. K.Alikaj participated in this round table.
3. On **February 1, 2006**, the round table for the creation of the coalition “On promoting the participation of women and youth in decision-making” was organized by the Independent Forum of Women, The Albanian Center for Population and Development and CRCA. Ms. E.Saliu, lawyer/ project coordinator participated in this round table.
4. On date **February 2, 2006**, the national workshop “Recommendations of the Committee Against Torture regarding the application of the Convention against Torture (CAT) in Albania” was organized by 4 Albanian NPOs; CRCA, The Albanian Group for Human Rights, QNL, the World Organization Against Torture related to the state violence in Albania. The project coordinator Ms. E. Papavangjeli took part.

5. On **3 February 3, 2006**, there was arranged the conference for the analysis on the women representation and the political situation in the post-electoral stage in Albania hosted by the Independent Women Forum. It had the participation of Ms E.Saliu, lawyer/ project coordinator.
 6. On **3 February 3, 2006**, there was organized the conference for the presentation of “The 3 year Project related to the integration and empowerment of the Roma children and youngsters” by the Christian Children Fund (CCF). AHC was represented by Ms. E. Sefa lawyer/ project assistant.
 7. On **March 3, 2006**, the first meeting for the NPOs networking for migrants was organized. This meeting was participated Ms. V.Hysi, executive director.
 8. On **March 7, 2006**, the meeting “The Center of Migrants” was organized by IOM. This meeting had the participation of Ms. V.Hysi, executive director.
 9. On **March 8, 2006**, the meeting of the international consortium was organized. The meeting was participated Ms. V.Hysi, executive director.
 10. On the date **March 10, 2006**, the meeting of the Sub-Commission related to the juvenile criminal justice was organized. In this participates Ms. V.Hysi, executive director
 11. On **March 27, 2006**, OSCE office in Tirana organized a table with the topic “Coordinating meeting with the issues of the Roma minority”. In this meeting AHC representative Ms. E.Sefa, lawyer/ project assistant took part
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ANEX NR.1 – DECLARATIONS

1. We Condemn the Barbaric Murder

Tirana, January 5, 2006

The Albanian Helsinki Committee condemns the murder of 17-year old Albanian citizen Edison Jahja in Greece. The murder took place several days ago in Rethino, Crete.

The AHC, on this occasion, commends the actions of Greek authorities, which acted promptly to detain those involved in the crime. *We would like for the investigation of this case to be fair, profound, and objective, due to previous experience with the investigation and adjudication of cases involving Albanian damaged parties or victims, which has been biased and not transparent, which runs against domestic legislation as well as international documents.*

The AHC also expresses its concern and at the same time the profound regret that a democratic EU member country like Greece *time after time is the place of vicious xenophobic and racist tendencies, which neither sound Greek public opinion has reconciled with.*

The AHC expresses its conviction that this separate happening will not lead to harming the spirit of understanding and cooperation between our two countries.

The AHC also uses this opportunity to convey to the Albanian government that, in the future, it should be more attentive toward protecting the legitimate interests of our citizens working and living in other countries.

The protection of the rights of Albanian citizens residing temporarily or permanently outside the country's borders is a constitutional duty.

2. Illegal Dismissals and Failure to Execute Civil Service Commission Decisions for Resumption of Jobs Violate Human Rights

Tirana, January 9, 2006

The Albanian Helsinki Committee has received these past two months complaints from several individuals claiming to have been unjustly dismissed from their jobs. They also claimed that they were not granted the opportunity to provide clarifications or defend themselves regarding the disciplinary measure undertaken toward them.

The AHC suggested to these individuals to file complaints with the relevant bodies within legal deadlines. However, independently from the fact whether their claims were founded or not, the **AHC considered the issue to be related to respect for human rights.** For that reason and in order to obtain more accurate and more complete information, the Committee addressed the **Civil Service Commission, which, as is known, is an independent institution appointed by the Assembly of Albania and is assigned specifically to address complaints by civil service employees.**

AHC representatives became familiar with complaints filed with this Commission and it resulted that, during December, *out of 34 decisions issued by the Civil Service Commission, 30 of them dealt with the customs' administration, and out of these 19 individuals had been dismissed for participation in political activity. On these 19 cases, the Commission was not supplied with any evidence whatsoever to prove that such participation was in contravention of any law or sublegal act. Four others had been dismissed for having been voting center commission members in the last July 3rd elections.*

The Civil Service Commission, finding the dismissals in the above-mentioned cases unfounded, decided to authorize their resumption of their jobs.

AHC representatives were also notified that the public administration had refused to implement many such Civil Service Commission decisions authorizing the return of these individuals to their jobs.

While the AHC does not prejudge the potential decisions that might be issued by courts on these issues, it deems it necessary to highlight the fact that ***the refusal to execute Civil Service Commission decisions for return to previously-held jobs constitutes a legal violation.***

The Committee notes the above because article 8, Item 3, of the Law No. 8549, dated 11.11.1999 "Civil Servant Status", notes expressed that ***"Decisions of the Civil Service Commission...are compulsory for local and national public administration institutions."***

Something else also draws the attention of the AHC: the relatively large number of Civil Service Commission decisions authorizing the return to previously-held jobs of individuals in comparison to addressed and resolved cases.

In closing, the AHC deems it necessary to emphasize that in the cases of undertaken disciplinary measures mentioned above, two principles sanctioned in the law on the "Civil Servant Status" were not considered as necessary: article 3 notes, ***"The Civil Service is built and acts on the basis of professionalism, independence, and integrity, political neutrality, transparency, service to the public, continuity of career, responsibility and correctness in enforcing legislation in force,"*** as well as article 25, item 2 that requires the public administration to guarantee to the civil servant who may be subjected to disciplinary measures ***the right to be informed, to be heard, to protect himself/herself, and to complain.***

The failure to rigorously enforce the above legal provisions violates citizens' rights and that harmful consequences ensue.

3. The Violation of Citizens' Rights to Employment and their Illegal Dismissal should not be allowed

Tirana, January 16, 2006

In recent days, print and broadcast media notified that soon the Council of Ministers would approve a draft-decision that ***forbids family members and relatives of current and former government officials to work in the customs, taxation, and public procurement sectors.***

The news was also confirmed by the Prime Minister who said the government would soon pass this decision.

The Albanian Helsinki Committee, although not yet fully familiar with the contents and details of this project, ***for sensitization and prevention reasons, decided to publicly submit the following objections:***

- 1. The approval of this decision, in spite of good intentions, would directly harm the legitimate rights of citizens*** sanctioned in ***article 18 of the Constitution***, which says, "All are equal before the law. No one may be unjustly discriminated against for reasons such as sex, race, religion, ethnicity, language, political, religious, or philosophical beliefs, economic condition, education, social status, or ancestry," ***in article 49*** of the Constitution, which notes, "Everyone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, as well as his own system of professional qualification," as well as in ***article 107*** of the Constitution that reads, "Employees in the public administration are selected through examinations, except when the law provides otherwise. Guarantees of tenure and legal treatment of public employees are regulated by law."
- 2. The Labor Code of the Republic of Albania says, "Any discrimination in the area of employment and profession is forbidden; that 'discrimination means any distinction, exclusion, or preference based on race, color, sex, age, religion, political beliefs, national origin, social background, family relations, physical or mental handicaps that violates the right of the individual to be equal in employment and treatment.'"***
- 3. The AHC is of the opinion that such cases may not be included in the notion of "conflict of interest." Extended and subjective interpretations related to conflict of interest would seriously harm citizens' legitimate rights and, as a result, might be accompanied by harmful consequences.*** The concept of "conflict of interest" is ***real, not supposed. It relies upon legal criteria.***

In the opinion of the AHC, if cases of forbidding employment or dismissals, envisaged to be approved in the decision of the Council of Ministers, would be considered legitimate, it would then be reasonable to enforce the same criterion in other sectors as well, such as the prosecutor's office, courts, the High State Audit, the Inspectorate for the Control and Verification of Assets of Public Officials, etc., which, as is known, are important and delicate sectors.

4. The AHC also deems it necessary to highlight the fact that law no. 8549, dated 11.11.1999 "Status of the civil servant" determines the *rules for hiring and dismissing civil service employees*, which rely on the principles of professionalism and transparency, responsibility, and correctness in enforcing legislation in force (article 3).

With regard to ethics regulations in the public administration, *law no. 9131, dated 8.09.2003 is relevant*. This law deals with conflict of interest (article 4) and avoiding conflict of interest (article 5).

5. The AHC also takes into consideration law no. 9367, dated 7.04.2005 "On the prevention of conflict of interest in exercising public duties." The law provides a definition of the notion of "conflict of interest" (article 3). Whereas article 32 of the above law deals with definitions *for the tax or customs administration official*. This provision provides for no prohibition in hiring or dismissing persons who may be family members or relatives of senior officials, government, or former government members.

The AHC is of the opinion that the contents of this statement might be useful to a review of this issue, which deals with respect for the Constitution and legislation in force.

For the above-mentioned reasons, the AHC suggests to the government to not approve the decision in question.

4. Those responsible should be held accountable – Conflict should be prevented

Tirana, 23 January 2006

According to information from the print and broadcast media, inhabitants of the village of Nepravishtë, Gjirokastër, protested against "Alfa-Glina," when the latter began installation of water pipes to take out drinkable water from the source of "Vriz".

Reportedly, the water pipes were to take out 4-6 liters of water per second, and the water would afterwards be bottled. **According to the village inhabitants, this would seriously harm their interests, particularly, considering that it is state property and their consent should have been obtained on an issue related to their needs.**

Police and rapid intervention forces arrived at the site. Instead of preventing the conflict, **the use of violence by police forces further inflamed the situation**. Footage aired by private TV stations evidently showed **the use of violence toward inhabitants in the protest**, although Gjirokastër Police officials claimed that inhabitants had in fact attacked the police forces. In the confrontation, 4-5 other individuals were hurt, beside Member of Parliament Vangjel Tavo.

The AHC is hereby reacting toward this happening that could and should have been prevented. This conflict is an early one. The AHC is also reacting because the Committee has had to publicly denounce the maltreatment of citizens by police officers several times.

The AHC also commends the immediate assessment of this happening by Interior Minister Mr. Sokol Ollashi who ordered the clarification of the case.

The AHC suggests to the prosecutor's office to give priority to an objective and thorough investigation on the case.

Considering that the issue of water supply is vital for the inhabitants of Nepravishtë who protested, **we call upon the national and local government bodies to instruct and undertake measures for the prevention of this conflict that may be followed by harmful consequences.**

The AHC deems it necessary to also highlight the claims of MP Vangjel Tavo and Commune Chairman Krenar Kulla that ongoing work in the village was illegal because the company had not obtained the necessary permit, while the case remains an object of adjudication in Court.

5. Privacy Rights Should Not Be Violated

Tirana, February 7, 2006

The Albanian Helsinki Committee has followed with attention news reports regarding complaints by some health sector employees, after they were asked to sign a document authorizing relevant authorities on preventing conflict of interest **"to collect information** and to inspect at any public and private institution **personal data**, anywhere they are registered, inside and outside the territory of the Republic of Albania."

The Albanian Helsinki Committee is also aware that the People's Advocate is pursuing this issue. In fact, the People's Advocate has even recommended the **suspension of the request to sign this authorization until it (PA) has completed a review of the case.**

However, considering that the AHC has been receiving the same complaints, after reviewing the relevant documents, the Committee hereby submits its objections as follows:

First: The authorization refers to law no. 9376, dated 7.IV.2005 "On avoiding conflict of interest." It does not mention the respective provision of this law that obliges service heads to issue such an authorization of the authority responsible for preventing conflict of interest.

We consider it necessary to emphasize that the highest central authority responsible for the implementation of this law is the High Inspectorate for the Disclosure and Control of Assets (see article 41). The Inspectorate has, among other things, the competence to monitor, control, and assess the compatibility of sub legal acts and internal regulations, approved by public institutions on conflict of interest with the principles and obligations of this law and to determine **the model of disclosure, as well as to issue sub legal acts in the form of orders and instructions (see article 42).**

On this occasion, the AHC applauds the setting to motion, regarding this conflict, of the High Inspectorate for the Disclosure and Control of Assets **to verify the contents of the authorization disseminated to heads (of sectors) of the QSUT (Tirana Hospital University Center) "Mother Teresa".**

Second: The AHC considers irregular and inaccurate the general wording of the authorization, which deals with collecting information through controls at any public and private institution, inside and outside the territory of the Republic of Albania.

This general and not concrete phrase may leave room for the collection of data of a private or personal nature, which is in contravention of relevant provisions of law no. 8517, dated 22.VII.1999 "On the protection of personal data." Article 10 of this law says: **"Handling of personal data by other persons is allowed only if the subject of these data has expressly given his/her consent".**

The AHC is of the opinion that it is necessary to define what personal data this verification is seeking for. **The AHC is convinced that this problem will be resolved in keeping with the Constitution and laws in force.**

6. Accusations and Counter-Accusations Do Not Justify Delays in Improving Electoral Legislation

Tirana, February 15, 2006

The Albanian Helsinki Committee regretfully finds that from the publication of the OSCE/ODIHR November 7, 2005 report on the July 3, 2005, elections, with the exception of the special parliamentary committee, no concrete step has been undertaken.

Almost all political forces have spoken out for the implementation of OSCE/ODIHR recommendations, **but to date, they have not gone beyond general declarations.**

Small political parties claim that the two largest parties seek to dominate decision making for narrow party interests, whereas the two largest parties continue to make accusations and counter-accusations toward each other about the delays.

In the opinion of the AHC, such attitudes are a continuation of the past. They are an expression of the lack of political will. All OSCE/ODIHR reports, while making various recommendations for amendments to the Electoral Code, there has been constant emphasis on the lack of political will. **It is exactly the lack of such political will that has had a negative impact on fair elections, thus leading to failure to achieve required standards.**

In AHC's view, it is an immediate need that the special parliamentary commission on electoral reform be made functional.

The AHC is aware of the need to intensify reforms, particularly in some priority areas. *Nevertheless, we are of the opinion that reform in the field of electoral legislation is of special significance.*

All accept that the elections' will was deformed due to the "Dushk" phenomenon. Nevertheless, to date, nothing concrete has been suggested for its prevention. There may be discussions on changes to the electoral system, or other interventions in the Constitution, **but if preparations for the election of local government bodies are delayed, consequences may be harmful because guaranteeing elections according to international standards may be put to question.**

To that effect, the AHC is aware of the fact that it is not recommendable to make changes to the Electoral Code during the six-month period before the elections.

The AHC deems it necessary to appeal on parliament, which is the highest lawmaking body, and on all parliamentary parties that have representatives in the special commission on electoral reform, to resolve issues that are partially of a procedural character, with consensus and tolerance.

The electorate follows attentively the attitudes of every political party in this field. It is very sensitive and does not delay with delays that may affect the normal conduct of the coming elections.

It would be unpardonable to conclude at the end of the local elections that those elections were free but were not fair at a time when it is well known that it is exactly fairness that represents the main element of required standards.

7. Press Statement the Fight against Corruption and Nepotism cannot be legitimized by Violating the Constitution and Human Rights

Tirana, 13/02/2006

On February 10, 2006, the People's Advocate, the Albanian Helsinki Committee, the Albanian Human Rights Group, and the Parliamentary Studies Center, as the Human Rights Alliance, sent to the Constitutional Court a request to: invalidate three decisions of the Council of Ministers, no. 43, 44, and 48, dated 27.01.2006, considering that they violate fundamental human rights while being in contravention of constitutional principles.

Before the approval of these decisions, the AHC reacted through a press statement that suggested to the government not to approve the decisions, because they were in contravention of the Constitution of the Republic of Albania. This was not taken into consideration.

In terms of checks and balances of powers, Civil Society bodies and Constitutional Institutions active in the field of human rights protection cannot remain indifferent and reduce their identity into institutional decoration of power.

We are public watchdogs of fundamental rights and freedoms in Albania. Therefore, we cannot only remain within the limits of statements. For that reason, we decided to use all institutional routes allowed by the Constitution of the Republic of Albania. Suing the Government in the Constitutional Court does not mean that you are going against its good intentions in the fight against corruption and nepotism in the Albanian public administration. We have demanded that this “fight or reform” remain within the accepted framework of respect for fundamental human rights and freedoms, recognized by the Albanian Constitution and international acts.

The main argument presented in our request to declare the above-mentioned decisions as anti-constitutional is the fact that, according to article 17 of the Constitution of the Republic of Albania, **the competent body to decide the limitation of the rights** of citizens provided for in the Constitution **is the Parliament**. This article says that the **limitation** of these rights can **only be imposed by law**. This means that the Council of Ministers does not have the right to make such illegal decisions, because the Government is hereby assuming the competence of Parliament. As such, these decisions are automatically anti-constitutional.

The fight against corruption and conflict of interest cannot be legitimized through sublegal acts, which create room for selective and disproportionate implementation. This would compromise the very praiseworthy purpose for which they were issued.

These decisions violate the constitutional principle of legal guarantees for employees, protected by law, and represent violations of the law “On the status of the civil servant,” and the Labor Code. These are causes that should be considered before one enters into employment relations and can never have retroactive power.

In our view, these decisions also violate the Constitutional principles of equality before the law and that of non-discrimination. The decisions of the Council of Ministers also harm citizens’ rights for employment and guarantees for their profession and career. These decisions are also in contravention of the European Convention on Human Rights.

Beside the above, we are in the circumstances of a decision making process, which sidesteps the Constitution and is done without prior consultation with interested groups, the civil society, and human rights institutions, which would provide critique for good governance through laws.

The press statement is signed by:

Prof.as.dr. **Vasilika HYSI**
Executive Director
Albanian Helsinki Committee

Prof.as.dr. **Ermir Dobjani**
People’s Advocate

Elsa Ballauri
Executive Director
Albanian Human Rights Group

Sokol Berberi
Executive Director
Parliamentary Studies Center

8. Lack of Respect for the Rights of Mentally Ill Persons in the Prison of Krujë

Tirana, March 6, 2006

In the context of a round of monitoring missions undertaken by the Albanian Helsinki Committee, a **group of AHC experts conducted an observation at the Krujë Institution for the Execution of Penal Decision, on February 28, 2006**. The purpose of the observation was to look at respect for the rights of persons serving their sentences in this institution, and particularly convicts who are ill.

In the course of the observation, it resulted that medicaments for convicts were entirely missing in the Krujë prison. A **total of 52 mentally ill convicts** are kept in this institution. Every medicament for the treatment of these mentally ill convicts was missing. Furthermore, the absence of a specialist psychiatric doctor was noticed.

It is worth mentioning that the above situation is in contravention of **law no. 8328, dated 16.4.1998 "On the rights and treatment of persons sentenced to imprisonment,"** which in article 26 on "Health Service" provides for *"Health service should ensure the supply of medicaments and medical materials."*

Furthermore, the treatment of mentally ill convicts in this institution is in contravention of **article 22, item 1 of the United Nations Document "Entirety of Standard Minimum Rules for Treatment of Prisoners,"** which sanctions that *"At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry"* and article 82, item 2 and 3 that says "Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management. During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

AHC suggests to the Ministry of Justice, in conformity with the law, its duties and competence, to treat the problem in question seriously and to undertake immediate measures to ensure medicaments for the ill in the Krujë prison, and especially the mentally ill and those who are stationary paralyzed convicts.

9. Collective Electricity Cuts Are Not Legal

Tirana, March 1, 2006

During February 2006, the Albanian Helsinki Committee followed attentively complaints of many citizens of Tirana and other districts in the country.

There is a lot of unhappiness not only regarding **prolonged electricity cuts, but also collective electricity cuts,** which harms a considerable number of citizens that *are regular payers of dues* owed in bills as can be verified in relevant electricity payment books and documents.

Energy Corporation (KESH) officials' responses to these complaints **that the level of these cuts depends upon collection of bills at the city, municipality, or commune level is not legal because citizen-KESH contracts are individual** and not collective.

The AHC calls upon KESH to respect the contract in its entirety. We also call upon all citizens to fulfill their obligations deriving from the contracts.

It is worth mentioning that the consequences of electricity cuts have had a negative impact also on business activity, the health and education sector, as well as in the normal supply of bread and water.

The AHC also draws attention to complaints by members of some families that home appliances such as TV sets, computers, air conditioners, etc., have been damaged or permanently destroyed as a result of fluctuations in electricity supply.

AHC suggests to KESH to look at this problem with appropriate seriousness and objectiveness in order to find the real reason for such consequences. *Protecting or securing electricity distribution stations is not a duty of citizens.* They may only be held accountable when damage results from their actions.

In closing, the AHC views it necessary to suggest to KESH officials at the corporation's headquarters and branches that, with the exception of sudden failures or major causes, ***to undertake the appropriate measures for a regular supply of electricity.*** Accelerating the installation of electricity meters for every family or individual would be helpful in this regard. ***This would also bring an end to the use of flat rate bills.***

AHC is also of the opinion that in spite of objective difficulties, more transparency and on-site verifications of numerous daily complaints are needed, including those coming from certain communes and villages.

10. The Image of Albania's Assembly should not be violated

Tiranë, më 3 mars 2006

The Albanian Helsinki Committee feels an obligation to become the carrier of the general public's profound concern over the sudden turn that things have taken in recent days in the Assembly. It is understandable that political forces, those of the majority and the opposition, confront each other on acute problems of the country's development. **One of these problems assuming priority significance at this moment is undoubtedly the fight against corruption and criminality.**

This has been precisely the topic on which the recent debate in the high lawmaking body concentrated upon. Nevertheless, in the face of the situation that has been created, it is legitimate to conclude that debate has reached beyond the limits of a normal confrontation. *Political forces should call more on reason to not violate the image of the Assembly not only in the eyes of domestic public opinion, but also of the international one.* Without underestimating the acuteness of the problem in question, the broad public inside the country, but also outside it, expect the parties to find common language and resolve problems through constructive dialogue so that the debate will not degenerate into a dead-end clash. In these circumstances, more cool headedness and more tolerance is called for, otherwise the situation might spiral out of control. *It is required that parties strictly adhere to democratic standards and the norms of the rule of law. They should reflect profoundly on the great responsibility they bear for the peace and wellbeing of our society.*

The AHC expresses its confidence that relations between the majority and the opposition will not lead to a crisis and political forces will demonstrate maturity and prudence in solving the created situation in a way that is well-mannered and that respects the rule of law.

11. Press Release

Tirana, March 15, 2006

On March 15, 2006, the Albanian Helsinki Committee, in collaboration with the Forum of Free Thinking, and the Parliamentary Studies Center, organized a round table discussion on "Presumption of innocence and the role of the media."

The round table discussion sought to draw the attention of the media and other public actors to the importance that respect for the constitutional principle of the presumption of innocence bears in protecting human dignity and human rights in general.

Attending the discussion were different representatives of the media, state institutions, the civil society, journalists, lawyers, etc.

Participants' discussions pointed out the special importance of the principle of presumption of innocence and a more accurate concept of this principle on the part of media representatives. Discussions also included negative experiences when this principle has been violated.

In organizing this round table discussion, the purpose was to sensitize media representatives about protecting individuals' reputation and human dignity in the important process of providing information.

Respect for the principle of presumption of innocence does not obstruct conveying information, but does call for an improvement of the language that is used. In this context, it is necessary to use the correct language that does no harm to news or to fundamental rights sanctioned by the Constitution for its citizens.

All speakers raised the issue of language used by public administration officials, mainly state officials, in which the principle of presumption of innocence is violated flagrantly, although there are rare cases of criminal proceedings following verbal accusations that politicians launch against each other.

To that effect, the round table discussion suggested that article 30 of the Constitution of the Republic of Albania on presumption of innocence be addressed also among parliamentarians and officials.

Discussions at the round table meeting also highlighted decisions of the European Court of Human Rights and those of the Constitutional Court regarding the significance of this principle.

This round table discussion was only the start of a long process in reforming provision of information to the public in keeping with constitutional principles and rights.

12. Dialogue, Not Violence, is the Way to Resolve Conflicts

Tirana, March 16, 2006

The Albanian Helsinki Committee, through television reports, followed with great concern and profound regret **the violent and shameful event in front of the Parliament's entrance between the Republican Guard and opposition MPs.**

Without going at all into the details that provoked this event, **the AHC denounces the actions of stopping opposition MPs from entering Parliament's premises. They are legitimate representatives of the people and enjoy parliamentary immunity.**

The AHC is aware of the disciplinary measure that the Assembly's Bureau decided on MP Petro Koçi, suspending him for 15 days from the proceedings of parliamentary sessions. **However, such a measure does not also imply stopping him from freely entering the Assembly's premises.**

According to the last paragraph of item 2 of article 66 in the Assembly's Regulations, if MP Petro Koçi would attempt to enter the plenary session hall or commission halls, the measure that was taken on him could be doubled.

The AHC considers it necessary to also emphasize that **according to article 122 of the Assembly's Regulations, security service staff in the Assembly, outside the plenary session hall, may only act in conformity with rules defined by the Assembly's Bureau.**

The AHC calls upon the Assembly and especially its leading officials to undertake respective measures so that events of this kind, which seriously tarnish the image of the Assembly inside and outside the country, will not be repeated.

The AHC is confident that conflicts can only be resolved through dialogue and tolerance, in keeping with the Constitution, laws, and the Assembly Regulations.

13. Threats to Human Rights in Albania; Statement by the International Helsinki Federation for Human Rights and the Albanian Helsinki Committee

Tirana, Vienna, 17 March 2006. The new government of Albania, which took office in September 2005, launched rigorous legal and institutional reforms to address widespread corruption and organized crime. While many of its initiatives were welcomed by civil society, others raise human rights concerns and question the government's commitment to the rule of law.

In the implementation of its anti-corruption program, the government has on several occasions violated constitutional rights and freedoms. For example, it proposed to limit the immunity of members of parliament without amending constitutional provisions guaranteeing immunity, and to exclude employment in public administration, customs and tax authority positions virtually any relatives of authorities already holding high positions in government or public administration. Moreover, it appears that a number of state employees have been dismissed following procedures that lack transparency.

Government officials have publicly implicated individuals in corruption before their cases have been investigated and tried, possibly violating the right to be considered innocent until proven guilty in a fair trial.

In addition, the government has proposed amendments to legislation on state secrets that, if adopted, could seriously limit access to information of public importance or interest.

Also, the government has failed to promptly propose changes to the election code despite the fact that the recent elections have continued to fall short of international standards. The IHF and AHC urge the

government to respond to relevant recommendations submitted by Organization for Cooperation and Security and Europe (OSCE).

The IHF and AHC acknowledge that the Albanian government made it a priority to combat corruption and organized crime, but we are concerned about the means used, some of which violate Albania's international commitments. Careful adherence to those standards and transparent cooperation with civil society will ensure that the rights of all are respected.

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