



NEWSLETTER

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ALBANIAN HELSINKI COMMITTEE

NEWSLETTER

October – December 2007

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Greater attention to respect for emigrants' rights

Aiming at monitoring respect for Albanian emigrants' rights by Albanian and foreign police, as well as at highlighting the main problems, the Albanian Helsinki Committee, during the period September-December 2007, carried out observation missions at several border crossing points. In this context, AHC organized 11 observation missions in the border crossing points of Muriqan, Shëngjin, Hani i Hotit, Bajzë, Kakavijë, Kapshicë, Tushemisht, Qafë-Thanë, the ports of Vlorë and Durrës.

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Offering legal expertise on the draft law "On the prevention and control of HIV/AIDS"

With a view to contribute to improving the legal framework for better respect for human rights, upon invitation of the Ministry of Health, AHC offered in November 2007 its legal expertise on the draft law "On the prevention and control of HIV/AIDS."

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Publication of the final monitoring report on the progress of Albania's European integration process

As a member of Network Open Society Albania (NOSA), AHC joined the NOSA initiative to monitor the process of Albania's fulfillment of its engagements in the context of the Stabilization-Association process.

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1. RESPECT FOR CITIZENS' RIGHTS

1.1 Observation missions

1.1.1 More attention toward respect for emigrants' rights

Aiming at monitoring respect for Albanian emigrants' rights by Albanian and foreign police, as well as at highlighting the main problems, the Albanian Helsinki Committee, during the period September-December 2007, carried out observation missions at several border crossing points. In this context, AHC organized 11 observation missions in the border crossing points of Muriqan, Shëngjin, Hani i Hotit, Bajzë, Kakavijë, Kapshticë, Tushemisht, Qafë-Thanë, the ports of Vlorë and Durrës¹.

Beside meetings with senior police officers at the regional directories and with staff of border police, we observed the infrastructure of receiving facilities and other premises at border crossing points. Observers also had meetings with and interviewed Albanian emigrants stopped for illegal border crossing.

Based on the findings of the observations, with a view to improving respect for the rights of Albanian emigrants and of foreign persons crossing through these border points, as well as to encourage the taking of concrete measures, AHC addressed the observed problems, recommendations, and suggestions with the respective state authorities.

1.1.2 Albanian Helsinki Committee observes pre-trial detention institutions

Respect for the rights of persons deprived of their liberty has been and remains a priority of the work and activity of AHC through the years. In this context, during the period November-December 2007, AHC has undertaken a round of observations at some pre-trial detention institutions and prisons, in the districts of Berat, Vlorë, Krujë, Kukës, Tropojë, Korçë, Rogozhinë, Peqin, Lezhë and the Prison Hospital Center, in Tiranë².

The main goal of the observation missions is to look closely at the level of respect for the rights of detained persons in general and of juveniles and women in particular.

Based on the findings of the observations, through a press statement on November 15, 2007, AHC denounced the grave situation at the Vlorë pre-trial detention institution. The Committee also addressed the Minister of Justice, the Deputy General Director of Prisons, demanding the taking of necessary measures for respecting the rights of arrested and convicted persons.

¹ Observations were realized in the context of the project "European standards and respect for emigrants' rights"

² Observations will continue in the following months, in the context of the project "Better respect for the rights of juveniles and women at penitentiary institutions."

1.2 AHC surveys citizens and the municipal administration regarding knowledge of and respect for minority rights

In order to assess the participation of minorities in local government bodies, during the period September-October 2007, AHC realized a survey of the public and a self-assessment of the municipal administration in Tiranë, Elbasan, Fier, and Gjirokastër. 45 students realized interviews at the respective municipalities. The municipal administration and Municipal Councils of these municipalities were also part of the survey. AHC is drafting the respective reports that will be shared with municipal councils, local organizations, and the organizations of minorities and communities.

2. ADVOCACY AND LOBBYING TO PROTECT HUMAN RIGHTS

2.1 Offering expertise in the area of legislation and its implementation

Offering legal expertise for the improvement of Albanian legislation in the area of emigration

In the context of its mission to contribute to improving the legal framework toward respect for human rights, during the period November-December 2007, the Albanian Helsinki Committee engaged in preparing two legal critique papers of the draft law “On control and supervision of state borders” and the one “On foreigners”. AHC experts engaged in preparing the legal reviews, using their many years of professional experience in this area, offered constructive legal reviews, using Albanian legislation and international legislation in the area of emigration. Valuing the importance of the draft laws for the protection and respect for the rights of Albanian and foreign emigrants, the legal opinions and reviews were sent to all responsible state institutions, which are working on their drafting and review.

Offering legal expertise on the draft law “On the prevention and control of HIV/AIDS”

With a view to contribute to improving the legal framework for better respect for human rights, upon invitation of the Ministry of Health, AHC offered in November 2007 its legal expertise on the draft law “On the prevention and control of HIV/AIDS.” The legal views and opinions of AHC and other civil society actors regarding this draft law were submitted to the working group of the Ministry of Health and the UNDP. These opinions were also presented at a round table organized for this purpose. AHC appreciates the initiative to draft this law, considering that the existing law does not meet the requirements and needs of the reality and that its revision is part of the legal initiatives of the Ministry of Health, in the framework of fulfilling the obligations deriving from the National Plan for the Implementation of the Stabilization Association Agreement. AHC recommended to the Ministry of Health to review the draft law “On the prevention and control of HIV/AIDS” in accordance with international human rights standards.

AHC offers its views on the draft law “On the protection of personal data”

During December 2007, AHC studied the draft law “On the protection of personal data,” offering comments and suggestions that may help guarantee and strengthen the rule of law as well as respect human rights in general and the right to privacy in particular.

Among other things, AHC suggested that the Draft, before approval by the Assembly’s commissions and the plenary session, be the target of discussion and debate from a broader group of specialists of constitutional law, the procedural-criminal and administrative areas, including the civil society and its contributions.

Albanian Helsinki Committee offers opinions on the draft law on the employment of persons deprived of their liberty

In response to the request of the Ministry of Justice to generate feedback on the draft law “On the development of employment activity at institutions for the execution of criminal decisions and criteria for rewording such employment,” AHC submitted a series of suggestions on the improvement of this draft decision³. In the course of the review of the decision, the Committee considered whether the draft is in accordance with human rights standards, constitutional principles, and legislation in force, and also offered suggestions for enabling the just implementation of this decision in practice.

AHC offers opinions on the Draft National Strategy of Integrated Development

In the context of drafting the National Strategy for Development and Integration 2007-2013, the Albanian Helsinki Committee offered its views and suggestions in some areas of the Strategy, such as: the prison and detention system regarding training of prison personnel, empowering the prison administration training center, the sub-legal framework and practices on realizing employment in prisons, the application of alternative punishment in the Albanian penitentiary system, and juvenile justice reform. Furthermore, AHC offered its views regarding minority rights and police. AHC presented its views at round table discussions held for this purpose and submitted them in writing to competent authorities.

2.2 Legal advice, addressing complaints, and interventions at state institutions⁴

Albanian Helsinki Committee offers free legal aid to Albanian emigrants and returned persons

In order to offer legal assistance to Albanian emigrants and returned persons; increase their access to AHC services; address and mediate their cases with Albanian and

³ During the period 2006-2007, AHC offered international expertise throughout the process, from the conceiving of the initiative to draft a sub-legal act that would regulate employment to the provision of concrete suggestions and comments on the preliminary versions of this draft decision.

⁴ Addressing letters and complaints is done in the context of the legal clinic, supported financially by the Swedish Helsinki Committee

international state institutions in cooperation with the Greek Helsinki Monitor, to represent the cases of Albanian emigrants in Greece before Greek courts and in certain cases before the European Court of Human Rights in Strasbourg, during the period September-December 2007, AHC published in *Gazeta Shqiptare* the newspaper “Emigrant;” on the website of Balkan Web, it publicized the announcement on the functioning of the telephone line for the protection and respect for the rights of Albanian emigrants and returned persons. AHC has appealed that all Albanian emigrants and returned persons are entitled to free legal aid, if their rights are violated by Albanian state authorities or those of the countries they live in.

Citizens address complaints to AHC

In the context of the Legal Clinic project, supported financially by the Swedish Helsinki Committee, a number of services were offered. During this period, the Clinic **addressed 97 complaints**. In **49 of those cases** the Clinic conducted verifications at certain institutions, primarily those for serving prison terms and detention institutions; in 49 cases, the Clinic offered legal counseling to persons requesting such assistance. There were fewer cases in which the Clinic offered assistance with completing documentation for the Court and the monitoring of judicial processes. In **84 cases** of complaints, the Clinic sent letters to state institutions exerting pressure regarding verifications of cases and the reinstatement of citizens’ rights.

The main target during this period involved complaints toward judicial bodies and the prosecutor’s office as well as requests for legal counseling and representation in court on different cases. A large number of complaints came from convicts complaining about violation of their rights in prisons and detention facilities. There were also cases of claims for use of violence on the requesters.

During this period, the largest number of complaints involved article 6 of the European Convention of Human Rights. Also, during the period **October – November 2007**, the Clinic represented in the Shkodër Appeals Court a juvenile from the Roma minority. Claims raised by AHC in the judicial process involved irregular proceedings because of the absence of a defense lawyer during the investigation process. ***For more information, please visit our website.***

3. CAPACITY BUILDING AND TRAINING ACTIVITIES

3.1 Boosting professionalism for the management of Albanian prisons and senior officials of the General Directory of Prisons⁵

With a view to improving respect for the rights of persons kept in pre-trial detention facilities and in prisons, AHC appreciates the role of increasing the professional capacities of senior leadership levels at penitentiary institutions. During December 11-13, 2007, the Albanian Helsinki Committee (AHC) organized a working session on some

⁵ This event was organized in the context of the program Human Management of Prisons’ CARDS 2004, which is supported financially by the European Commission Delegation in Tirana.

strategic issues regarding the management of Albanian penitentiary institutions. The working session concentrated on “translating” into practice some international rules and recommendations in the penitentiary area by prison personnel at their penitentiary institutions; planning and control; delegation of competences, and the implementation of the Code of Conduct by personnel in their daily work at the institutions⁶.

Participants presented their most important concerns and priorities, on which concrete suggestions were offered on how to improve the situation. Participating at the working session were senior officials of the General Directory of Prisons and all directors of detention institutions and prisons.

3.2 Working meeting on human resources policies of the Albanian prison system⁷

During October 15-17, 2007, the Albanian Helsinki Committee (AHC) organized a working meeting on the management of human resources at Albanian penitentiary institutions. The main purpose of this meeting was the drafting of policies and strategies that will be useful in developing human resources at the penitentiary institutions, such as the General Directory of Prisons (GDP) and local penitentiary institutions.

This event sought to present the principles and models of staff development, the career system, and benefits of such policies/strategies, with a view to building a sustainable institution regarding human resources and the good overall functioning of the institution.

Participating in this event were senior GDP staff, particularly the human resources directory, the training sector, the legal and social issues directory, the police directory, and the senior staff at local penitentiary institutions.

3.3 Support for the General Directory of Prisons for the good management of Human Resources⁸

With a view to helping the prison system and particularly the human resources sector at the General Directory of Prisons (GDP), as well as to improve the personnel selection system and the current job descriptions, on November 21-23, the Albanian Helsinki Committee (AHC) organized a working session. The meeting addressed the drafting of some job profiles for some positions at penitentiary institutions, as well as for some oral interview and written test models for persons to be recruited in the prison system.

For the realization of this system, the Albanian working group had the support of experienced international experts, such as Mr. Cees Boeij – General Director of Dutch

⁶ The session also included the expertise of international experts such as Z. Cees Boeij and Z. Jacques van Huet, Regional Prison Governor of the Dutch Correction Agency of Prisons.

⁷ This activity is part of the program “Managing of prisons in a human way” financially supported by the European Delegation in Tirana, in the framework of CARDS programs 2004

⁸ This activity is part of the program “Managing of prisons in a human way” financially supported by the European Delegation in Tirana, in the framework of CARDS programs 2004

Prisons, Mr. Frank Borst, Deputy Director of the Prison Training Center, and Mr. Jan van den Brand, General Director of Dutch Prisons.

3.4 Working Session on progress in the Action Plan for the Prison Training System⁹

During November 21-23, 2007, the Albanian Helsinki Committee (AHC) organized a working session on progress in the Action Plan 2008-2010 of the Prison Training Center (PTC). Considering the current situation of the PTC and the need to transform it into a contemporary center, the working session sought to offer its contribution and support to the Albanian working group for improving and regulating the PTC action plan¹⁰. The working session was a continuation of the assessment mission conducted in September on the transformation of the CPT. The Albanian working group consisted of specialists of the training sector, directors of penitentiary institutions with experience in training, and mid and high level representatives in the General Directory of Prisons (GDP).

3.5 AHC trains reporters¹²

Appreciating the role of the media in preventing different forms of discrimination; appreciating the role of media professionalism in the treatment of minorities in general, and the Roma minority and Egyptian community in particular, on December 17, 2007, the Albanian Helsinki Committee organized a half-day training course with reporters of the print and broadcast media. Reporters participating in the training had the opportunity to enhance their knowledge regarding concepts of explicit and implicit discrimination in the media, intolerance, the treatment of special society groups, international standards, and professional ethics in their daily work.

Part of the trained group were representatives of the Roma and Egyptian organizations, thus offering an opportunity to representatives of the media and the communities to establish contact and enhance cooperation.

Besides reporters, participating in the training course were representatives of Roma and Egyptian organizations, thus giving them the opportunity establish connections with media representatives and present their concerns in this context.

⁹ This event is organized in the context of the program 'Human Management of Prisons' CARDS 2004, which is supported financially by the European Commission Delegation in Tirana.

¹⁰ The session also included the expertise of international experts Ms. Vesna Babic, Director of the Training Department at the Croatian General Directory of Prisons, Mr. Frank Borst, Deputy Director of the Training Center of Dutch Prisons, and Mr. Jan van den Brand, General Director of Dutch Prisons.

¹² This event was realized in the context of the project "Increasing the role of the civil society and state institutions in the promotion of and better respect for minority rights."

4. ADDRESSING HUMAN RIGHTS PROBLEMS AT STATE INSTITUTIONS

4.1 Meetings with state authorities

During the period September-December 2007, AHC realized a number of meetings with different central state authorities responsible for the protection of the rights of emigrants and returned persons, as well as with representatives of local and international organizations working in this area. The purpose of the meeting was to exchange information regarding the initiatives and contribution of each actor in the field of respect for the rights of emigrants and returned persons. Furthermore, another purpose of the meeting was the strengthening of cooperation and the finding of different forms of coordination in order to coordinate activities that are in the focus of both sides for better respect for emigrants' rights.

4.2 AHC addresses authorities regarding minority rights

During the period October-December 2007, AHC sent letters to authorities regarding different issues affecting minorities. In this context, AHC communicated with the General Directory of State Police, the National Chamber of Advocates, the State Committee on Minorities, the Office for Monitoring the National Strategy for the Improvement of Living Conditions of the Roma Minority, the Ministry of Education, the Ministry of Foreign Affairs, etc. Communication consisted mainly in raising different problems affecting minorities, such as education, free legal assistance for discriminated groups, their treatment by police forces, etc. Furthermore, AHC requested from state institutions an increased cooperation to have better results of work toward protection of minority rights.

5. RAISING AWARENESS REGARDING HUMAN RIGHTS

5.1 Public reactions by AHC

During the period October-December 2007, AHC was sensitive to developments in the Albanian society and reacted publicly through press statements, on issues such as the situation at the Vlorë detention facility, the draft law on some changes and additions to the law "On the Academy of Sciences of the Republic of Albania," the killing of an Albanian citizen by a Greek police patrol, etc. For more, please visit: <http://ahc.org.al/kshh/DEKLARATA.html>

5.2 Round table discussions

In the context of contributing to better respect for human rights in general and minority rights in particular, the Albanian Helsinki Committee, in cooperation with the Ministry of Foreign Affairs, organized on December 7, 2007, the round table discussion "Strengthening cooperation between the civil society and state institutions for better respect of the rights of the Roma minority and the Egyptian community in Albania."

At the round table, participants presented problems affecting the Roma minority and the Egyptian community, as seen from the standpoint of implementation of ECRI recommendations, and civil society actions and initiatives in the field of minorities. Furthermore, the round table created the possibility for identifying joint actions and campaigns of the civil society and state institutions for better lobbying to protect the rights of the Roma minority and the Egyptian community.

Participating in the round table discussion were representatives of the Roma minority and the Egyptian community, state institutions, local and international organizations, etc.

5.3 Study and research reports

5.3.1 Summary of recommendations of local and international organizations regarding minorities in general, focusing on the Roma minority and the Egyptian community in particular

During the period September-November 2007, AHC prepared a research report whose target was Albania's implementation of recommendations of the 3rd European Commission Report against Racism and Intolerance (ECRI), as well as some other particular issues regarding the stance toward the Roma minority and the Egyptian community, their participation in political life, representation in public institutions, implementation of the Roma strategy, trafficking of Roma and Egyptian children, and discrimination because of the Egyptian identity.

This report seeks to provide a general overview regarding the implementation of recommendations by the European Commission against Racism and Intolerance for the period January 2005 – October 2007, as well as measures that should have been undertaken in the context of the implementation of the national plan for the implementation of the Stabilization Association Agreement. The report was presented at the round table organized on December 7, 2007, organized in conjunction with the Ministry of Foreign Affairs (see above).

5.3.2 Publication of the final report of monitoring Albania's European integration process

As a member of the Network Open Society Albania (NOSA), AHC joined NOSA's initiative to monitor the process for fulfilling engagements taken by Albania in the context of Stabilization-Association. The monitoring report covers the period June 2006-September 2007 and is based upon Albania's engagements undertaken in accordance with the Stabilization-Association Agreement, the European Partnership Document, the European Commission annual progress reports on Albania, and the National Plan for SAA's implementation

The report makes an analysis of progress made and measures undertaken to fulfill the engagements of Albania vis-à-vis the European Partnership Document. Furthermore, the main shortcomings and problems affecting the non-fulfillment of envisioned measures by

established deadlines were analyzed. In realizing the report, we exploited information taken from state institutions at the central and local level, local and international organizations contributing to this area, at interviews and round table discussions with local and international experts.

6. INSTITUTIONAL DEVELOPMENT OF THE ORGANIZATION

6.1 Capacity building for AHC staff¹³

AHC continues to devote importance to building the capacities of its new staff members. During December 2007, Ms. Klejda Ngjela and Ms. Valmira Kallushi, participated in the training course “Time management” offered by the training center “NET.” The purpose of the course was to offer knowledge on how to manage time as best as possible.

In December 2007, three members of the AHC staff: Ms. Klesta Alikaj, Ms. Etilda Saliu, and Ms. Ersida Sefa participated in the training course “Competent decisions, responsible actions,” organized by the “NET” Training Center.

6.2 Capacity building for AHC correspondents¹⁴

On October 19, 2007, in the context of the Legal Clinic project, supported by the Swedish Helsinki Committee, AHC organized a training course for its correspondents regarding methodologies and some legal aspects. The course addressed aspects of the Legal Clinic, its activity, aspects of the methodology of observation at special institutions, the methodology of obtaining complaints and addressing it, the methodology of increasing citizens’ access to AHC. The course also included legal aspects of the most important articles of the European Convention on Human Rights, as well as organizational aspects of correspondents’ activities in their districts.

On December 18-19, 2007, AHC correspondent in Elbasan, Mr. Ymer Leksi participated in the training course organized by the OSCE “Commenting draft legislation.”

7. INCREASING COOPERATION BETWEEN AHC AND LOCAL AND REGIONAL NPOS

7.1 Increasing local NPO access to AHC¹⁵

During November, the AHC correspondent in Elbasan participated in the activity organized by the social worker at the “Aleksandër Xhuvani” University in Elbasan. In the activity, the correspondent made a presentation of AHC’s activity in general and the

¹³ AHC staff training is realized in the context of the project “Observing human rights and institutional strengthening of the organization”

¹⁴ Activities were realized in the context of the project “For better protection of victims of human rights violations” – Legal Clinic, financially supported by the Swedish Helsinki Committee

¹⁵ Activities were realized in the context of the project “For better protection of victims of human rights violations” – Legal Clinic, financially supported by the Swedish Helsinki Committee

program of the Legal Clinic in particular. He presented the objectives and services offered by AHC through this Legal Clinic.

7.2 Increasing AHC's cooperation with local NPOs¹⁶

During November, correspondents in Elbasan and Korçë held meetings with different NPO representatives at the local level. Meetings were held with representatives of the Women Forum in Elbasan, local NPOs in Korçë, reporters and NPO representatives in Gjirokastrë. During the meetings, correspondents made presentations of AHC's strategic objectives and the Legal Clinic program. They also discussed about more fruitful cooperation in the future.

7.3 Strengthening regional cooperation on minority rights

During November 23-25, 2007, Friedrich Ebert Stiftung based in Skopje, organized a meeting on "Minority participation and minority rights implementation." Participants in the meeting presented prepared papers regarding the topic. For the Albanian Helsinki Committee, the paper was presented by Dr. Gjergji Sinani, expert of the Committee. Participating in the working meeting were representatives and experts of associations working in the area of minority rights in the Balkan region.

Beside the presentation of prepared studies by participating associations, participants in the meeting also established priorities on which cooperation will continue during 2008.

8. INCREASING CITIZENS' ACCESS TO AHC¹⁷

8.1 Through sensitizing materials

In order to increase the public's access to AHC-provided services, during November and December 2007, AHC published a Leaflet and pocket Calendars 2008. Through these tools, AHC familiarized citizens with the legal assistance that AHC offers through the Legal Clinic.

The informative materials were distributed in Tiranë, Korçë, Fier, Elbasan, Shkodër, Gjirokastrë and other districts through AHC correspondents, observers, and staff. Sensitizing materials were distributed at public premises, Courts, Prosecutor's Offices, universities and schools, civil registry offices, police commissariats, press distribution points, some NPOs, the Roma and Egyptian communities, etc.

¹⁶ Activities were realized in the context of the project "For better protection of victims of human rights violations" – Legal Clinic, financially supported by the Swedish Helsinki Committee

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8.2 Print and electronic media – a useful tool for increasing public access to AHC

With a view to increase AHC access to the public in general and victims of human rights violations in particular, during November and December 2007, AHC publicized the services offered by the Legal Clinic. During November 2007, AHC publicized on News 24 TV an announcement about the services offered through the Legal Clinic, free legal aid, target groups, etc. AHC also realized brief announcements at some local television stations where AHC correspondents work, such as TV Korça and the Gjirokastër Public Television.

AHC correspondents had an active role by giving interviews to the local media, making brief presentations of the objectives and offered services, AHC activities in their districts, etc. Such interviews were conducted by the Gjirokastër correspondents at local television stations, such as TVGJ, TV ALPO, TV Channel7.

Furthermore, during this period, AHC also organized several local TV and radio programs to sensitize citizens on the services offered by the Legal Clinic for all citizens claiming that their rights have been violated. On December 13, 2007, Ms. Kaliopi Bici, AHC correspondent for Gjirokastër, organized a program on TV Gjirokastra on this topic.

AHC completed successfully the process for the preparation and approval of its strategic plan 2008-2010

In the context of increasing organization standards and sustainability, during October-December 2007, AHC staff worked and managed to complete successfully the process for drafting AHC's strategic plan for the period 2008-2010. This draft document was discussed and approved at the meeting of the Board and then the Assembly of the Albanian Helsinki Committee.

Soon, the approved document will be made public for all interested persons.