



ALBANIAN HELSINKI COMMITTEE

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Prepared by: Erida Skëndaj
Office administrator /
Legal assistant
Edited by: Marie Mato

For more information, please contact us at:

ALBANIAN HELSINKI COMMITTEE

Rr. "Gjin Bue Shpata", pall. 5/1,
ap.4, Tirana, P.O Box no. 1752
Web-site: www.ahc.org.al

Tel: 04 22 33 671
Cel: 068 20 23 699;
E-mail: office@ahc.org.al

1. Monitoring respect for citizens' rights

1.1 Monitoring detention and accompaniment facilities of some police commissariats

During the period September 29 – October 14, 2008, AHC, through its correspondents, conducted observation missions in detention and accompaniment rooms in police commissariats in: Korçë, Fier, Shkodër and Elbasan, in order to observe respect for the rights of detained and accompanied persons. Conditions in the accompaniment and detention rooms were below the standards required by law.

On the encountered problems, AHC sent a letter to the General Director of State Police, suggesting the taking of concrete measures to improve conditions in the facilities. AHC suggested the coordination of work between State Police with the General Directory of Prisons for the timely transfer of persons who have remanded to arrest in prison.

The missions were made possible thanks to support from the Swedish Helsinki Committee.

2. Citizens' rights and the reinstatement of violated rights

2.1 Citizens address AHC

During the period July 1 – September 30, 2008, ahc received 63 complaints from detained and convicted persons, citizens complaining about relations with the public administration, ownership problems, undue legal processes, use of violence by police, communication with the prosecutor's office, and free lawyer services. Beside addressing the complaints, AHC offered legal counseling for complainers. Regarding encountered violations, it raised the concerns with competent authorities.

This service was made possible thanks to support by the Swedish Helsinki Committee.

2.2 Public reactions on violations of citizens' rights

During the period July-September 2008, the Albanian Helsinki Committee reacted through open letters and public declarations in 6 cases, regarding issues such as: demands of miners and requests for more sensitivity and transparency toward them by the government; regarding the need to end violations of privacy; justice reform and the need for discussions with and participation of interest groups therein; freedom of the media and pressure on television News 24; progress of electoral reform and its transparency.

Furthermore, AHC launched in July 2008 the start of the implementation of the project "For better respect for human rights, health and social care in children's centers." For more information, visit our website www@ahc.org.al.

3.0 Legal critique ligjore

During the period July-September 2008, the Albanian Helsinki Committee offered its legal expertise on draft laws and draft regulations discussed in parliamentary hearing sessions organized in the Assembly of Albania as well as in round table discussions organized by the civil society.

3.1 Draft- General Regulations of Prisons

In the context of improving respect for the rights of detained and convicted persons, supporting initiatives to rapproach Albanian legislation with international standards and particularly with European Union legislation and the European Regulations of Prisons (ERP), the Albanian Helsinki Committee (AHC) offered its views regarding the draft on the “General Regulations of Prisons.” Its views and suggestions were submitted to the Ministry of Justice in September 2008.

3.2 Draft law on “Some additions and changes to the law no 8737, dated 12.02.2001, “On the organization and functioning of the Prosecutor’s Office in the Republic of Albania”

In the context of strengthening the independence of constitutional institutions and the institution of the prosecutor’s office; appreciating the independence of this institution as one more guarantee in respecting human rights and another effective means for reinstating violated rights, AHC, after becoming familiar with the draft law “On some additions and changes to the law no. 8737, dated 12.02.2001, “On the organization and functioning of the Prosecutor’s Office in the Republic of Albania,” amended through law no. 9102, dated 10.07.2008, presented some views and suggestions for the improvement of the draft of this law.

3.3 Justice reform and electoral reform in the focus of AHC

Open letter on justice reform

On July 25, 2008, representatives of the Albanian Helsinki Committee with representatives of the Union of Judges of Albania, the National Association of Prosecutors, and the National Judges Association, met to discuss the progress of reform in the justice system.

At the conclusion of the meeting, representatives of these organizations came out with an open letter highlighting the primary problems that have a negative impact on conducting this reform, such as delays and its fragmentation. Also, the organizations made some recommendations regarding the involvement of interested actors in drafting the reform (human rights organizations, judges and prosecutors associations, independent experts) and making important laws the object of broad public debate during the drafting phase. Please visit www.ahc.org.al for more information on the contents of the letter.

Open letter regarding progress in electoral reform

On September 16, 2008, the Albanian Helsinki Committee sent an open letter to Mr. Ilir Rusmajli and Mr. Fatmir Xhafa, the two co-chairmen of the Special Parliamentary Commission on Electoral Reform, regarding progress of work in electoral reform.

Through the letter, AHC re-expressed its profound concerns regarding marked and unjustified delays in compiling the Electoral Code and presented the need for transparency of the process, the publication of provisions reviewed and approved by the Commission, the discussion of the draft in public and with interest groups, before its

submission to the Assembly. For more information on the contents of the letter, please visit www.ahc.org.al.

3.4 Draft law “On the Internal Control Service of the Ministry of Interior.”

Upon request of the Parliamentary Commission on National Security, AHC offered its opinion on the draft and participated in some meetings of the Commission.

Appreciating the importance of the draft law for the protection of citizens’ freedoms and rights and to prevent and fight corruption and arbitrary actions by the police, AHC suggested that this law be addressed vis-à-vis the law “*On the organization and functioning of the Prosecutor’s Office in the Republic of Albania,*” the Penal Procedure Code, “*On the organization and functioning of judicial police,*” amended in 2004.

3.5 In the context of empowering the civil society and its support through state funds, AHC offered its views regarding the law on the Civil Society Development Fund. AHC appreciates the need to support the civil society sector through the state budget.

4. Training and awareness-raising activities to prevent discrimination

4.1 Prevention of discrimination against Roma and Egyptian children in schools

In order to build the professional capacities of the teaching staff that works on educating Roma and Egyptian children to prevent open and hidden discriminating behavior, on July 1, 2008, AHC organized a training seminar with representatives of the Educational Directory, heads and teachers of high and 9-year schools of the district of Fier. The training seminar addressed: the origin, tradition, culture, and problems of education of Roma and Egyptian children, familiarization with the recommendations of the European Commission against Racism and Intolerance (ECRI), among other topics. The activity was realized with financial support of the Open Society Foundation for Albania, Soros.

4.2 More qualified police officers for preventing discrimination in policing

On July 3, 2008, AHC, in cooperation with the Center for Economic and Social Research (CESR), organized a training program for police officers of the district of Fier regarding issues of non-discrimination.

Participants became familiar with the national and international standards and practices in the area of preventing discrimination by the police; traditions, culture, and the living of the Roma and Egyptian community; they were also informed about the Albanian legal framework and recommendation no. 11 of ECRI, which addresses the police.

Participating in the program were officers who are in contact with the public and the Roma and Egyptian populations, persons without a permanent place of residence, officers working in the accompaniment and detention facilities, road safety personnel, etc.

The activity was realized thanks to financial support from the Open Society Foundation – Albania, Soros.

4.3 Building the capacities of the Roma and Egyptian populations for better representation in local decision making

On September 9 and 18, 2008, AHC, in cooperation with the CESR, organized training courses for representatives of the Roma minority and the Egyptian community in the districts of Elbasan and Korçë. The courses aimed at building the capacities of representatives of the Roma and Egyptian communities in order for them to better address their concerns and protect their rights at local institutions. Representatives of the Roma and Egyptian communities were informed about the functions of the local government bodies, ways of communicating to address problems and needs, as well as the national legal framework in this area.

The activities were realized thanks to financial support from the Open Society Foundation – Albania, Soros.

5.0 Events to build capacities of the prison staff

5.1 Work continues on drafting the Prison Management Manual

During July 9-11, 2008, AHC organized a working session regarding the drafting of the Prison Senior Management Manual. Albanian and international specialists worked to finish the preliminary version of the Manual.

The activity was organized in the context of the project “Human Prison Management,” supported by the European Commission Delegation in Tirana, in the context of the Cards 2004 program.

5.2 Training of recently hired personnel in penitentiary institutions continues

On July 9-11 and September 8-10 and 24-26, 2008, AHC organized three training programs for recently hired personnel in uniform in the Korçë institution. The programs sought to build the professional capacities of the personnel in uniform of the institution, by equipping them with the basic knowledge of the functioning of prisons and the human treatment of convicted persons.

Some of the issues addressed were: the penitentiary system in Albania, the organizational structure of prisons, care for personnel; selection and basic training, professional skills and treatment of convicts, creation of a safe environment, conflict management, differentiation between convicts, daily activities, code of conduct, convicts and contact with the outer world, disciplinary policies, request-complaints, etc. During the training, group debates were given an important role and so were visits to internal prison premises. 86 officers in uniform were trained and received certificates. International experts made their contribution to these training courses.

The above activities were organized in the context of the project “Human prison management,” supported by the European Commission Delegation in Tirana, in the context of the CARDS 2004 program.

5.3 Second meeting of the Steering Committee of the project ‘Human Prison Management’

On July 10, 2008, AHC, in cooperation with the Dutch Agency of Correction Institutions, the Ministry of Justice, the European Commission, and the General Directory of Prisons, organized the second meeting of the Steering Committee of the project 'Human Prison Management.' During the meeting, participants discussed about the progress and implementation of the project, achievements, difficulties, challenges encountered during the implementation of the project, and plans for continuation.

Participants in the meeting were representatives from other non-profit organizations active in the area, state institutions, and the Euralius Mission.

5.4 Meetings with different actors in the penitentiary field

With a view to better coordinate activities of actors operating in the penitentiary area as well as to discuss the different issues affecting this field, during the period July-September 2008, AHC organized meetings with senior representatives of the General Directory of Prisons, the Euralius Mission, the OSCE, PAMECA, and UNICEF.

The above activities were organized in the context of the project "Human Prison Management," supported by the European Commission Delegation in Tirana, in the context of the CARDS 2004 program and the project "For better respect for the rights of juveniles and women in detention institutions and prisons," supported by UNICEF, Tirana.

Ms. Edlira Papavangjeli, Program Manager of AHC, represented the Committee in these meetings.

6. Round table discussions and meetings with representatives of the civil society, state institutions, and international organizations

6.1 AHC participates in the meeting of the International Consortium regarding protection of witnesses and collaborators of justice

On July 18, 2008, Ms. Vasilika Hysi, Executive Director of the AHC, participated in the meeting of the International Consortium regarding protection of witnesses and collaborators of justice. During the meeting, she suggested the review of item 6 of article 2 of the draft law on protection of witnesses and collaborators of justice. She also stressed the need to improve legislation in this regard in order for persons collaborating with justice to be included in protection programs.

6.2 AHC participates in the meeting of the International Consortium regarding legal reforms

On July 30, Ms. Vasilika Hysi participated in the meeting of the International Consortium regarding hearing sessions at the Court of First Instance, Tirana and the Court of Appeals; updating the new law on witness protection, transparency of justice reform, and the engagement of civil society actors in this process; discussion of proposed reform in the penal procedure code. Ms. Hysi expressed the concern that many draft laws are approved without broad consultation with interest groups. Furthermore, she brought to the attention of participants the concern of the organizations of judges and prosecutors and AHC itself regarding transparency in justice reform.

6.3 AHC participates in the International Consortium's meeting of the Working Group on Issues of Training and Assistance in Equipment for Albanian Police

On September 4, 2008, Ms. Ersida Sefa, Project Coordinator, participated in and presented to the meeting of the International Consortium, namely the Working Group on Issues of Training and Assistance in Equipment for Albanian Police, the initiative undertaken in cooperation with the Center for Economic and Social Research for building the professional capacities of police officers in the district of Fier, Elbasan and Korçë regarding issues of prevention of discrimination against the Roma minority and the Egyptian community and the implementation of Recommendation 11 of ECRI for the Prevention of Discrimination in Policing.

The General Directory of State Police and participants in these activities expressed interest in improving their professional capacities in the area of human rights and non-discriminating practices.

6.4 AHC participates in the meeting of the Commission established by the Office of the Legal Representative of the Ministry of Foreign Affairs on the implementation of ECRI recommendations

On September 22, 2008, Ms. Ersida Sefa participated in the next meeting of the group for the implementation of ECRI recommendations. Ms. Sefa presented the initiative of the AHC in collaboration with the Center for Economic and Social Research for encouraging cooperation between local government bodies and representatives of the Roma minority and the Egyptian community. AHC's initiative is pursuant to ECRI recommendations for the improvement of professional capacities of the Roma minority and their participation in the administration and in decision making. Furthermore, in the meeting, AHC presented some concerns highlighted by representatives of the Roma minority and the Egyptian community during meetings of the AHC at the local level.

6.5 AHC participates in the meeting of the Commission established by the Office of the legal representative of the Ministry of Foreign Affairs, regarding the implementation of CPT recommendations

On September 23, 2008, Ms. Etilda Saliu, Coordinator of AHC's Legal Clinic, participated in the meeting organized by the office of the legal representative at the Ministry of Foreign Affairs, to discuss the latest report of the Committee for the Prevention of Torture. The report reflected findings of the CPT after monitoring missions in institutions for serving prison sentences, detention, commissariats, and hospitals in Albania. AHC's representative presented the situation of human rights in some penitentiary institutions monitored by AHC and made some recommendations for the improvement of the situation in this field.

6.6 AHC participates in the national conference for the consolidation of interaction between the local and national governments

On September 4, 2008, the Albanian Helsinki Committee participated in the national conference "Toward consolidated interaction between the local government and central institutions at the local level."

During the discussions among participants, Ms. Erida Skendaj, jurist, reported on problems encountered in this area by AHC and presented some recommendations on how to improve the situation in the respective area.

The conference was organized by the Institute for Democracy and Mediation and IDRA.

6.7 Press Conference regarding respect for gender quotas

In the context of engagement in the campaign for increasing women's participation in decision making and because of the low level of representation of women in the country's political life, Ms. Vasilika Hysi, Executive Director of AHC, together with representatives of the women's movement, the civil society, and the academic world, organized a press conference on September 25, 2008.

The conference was organized in the context of efforts to improve Albanian women's political status, requesting from the Assembly of Albania and political forces that they *in real support for gender quotas*, as an important element in promoting gender balance in Albania. At the conclusion of the conference, participants drafted a declaration on their demands for better respect for and implementation in practice of gender quotas affirmed in the law "On gender equality."

7 Capacity building for AHC staff

7.1 AHC participates in the training course on "Internal Organizational Procedures of Organizations"

On September 10-11, 2008, AHC participated in the training program on "Internal Organizational Procedures of Organizations," organized by Partners Albania. The program presented some good practical and functional models of internal procedural organization of NPOs. Furthermore, the program helped the exchange of experiences among participating organizations, with each of the participants sharing the internal organizational model of the organization he/she represented.

Ms. Erida Skendaj, office administrator and legal assistant, participated in this program from AHC.