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## مجلس حقوق الإنسان

الدورة الثالثة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

### تقرير المقرر الخاص المعني بحالات الإعدام خارج القضاء أو بإجراءات موجزة أو تعسفاً، كريستوف هايتر

إضافة

متابعة التوصيات القطرية: ألبانيا\*

موجز

يتضمن هذا التقرير تحليلاً للتقدم المحرز في تنفيذ توصيات المقرر الخاص السابق المعني بحالات الإعدام خارج القضاء أو بإجراءات موجزة أو تعسفاً، فيليب أليستون، عقب زيارته الرسمية لألبانيا في الفترة من ١٥ إلى ٢٣ شباط/فبراير ٢٠١٠ (A/HRC/17/28/Add.3). وخلال تلك الزيارة، وثق المكلف السابق بهذه الولاية، ظاهرة القتل من أجل الثأر، بالإضافة إلى حالات القتل الناجمة عن تفشي العنف المتري. ودرس كذلك حالات القتل التي وقعت في السابق وشدت على ضرورة المحاسبة عليها. وكان الغرض من تلك التوصيات مواصلة تقليل مستوى القتل خارج نطاق القضاء في ألبانيا، والتصدي للإفلات من العقاب وتحسين الأداء العام للقضاء.

\* يُعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق الموجز، فيعمم باللغة التي قدم بها وباللغة الفرنسية فقط.

وخلال الفترة المشمولة بالاستعراض، استمر حدوث ظاهرة القتل بسبب العنف المتزلي، كما استمر وقوع حالات القتل من أجل الثأر، غير أن الافتقار لبيانات موثوقة في هذا الصدد يجعل من العسير تحديد الأرقام ومعرفة دينامية هذه الظاهرة.

واتخذت حكومة ألبانيا عدداً من الخطوات، وبخاصة في مجال مكافحة العنف المتزلي. وفي حين يمكن الوقوف على بعض النتائج، فإن ثمة حاجة إلى تكثيف الجهود لمكافحة العنف المتزلي. وبالنسبة إلى حالات القتل من أجل الثأر، لا تزال الحاجة قائمة إلى إجراء بحوث ودراسات استقصائية إحصائية جادة بهدف فهم هذه الظاهرة ومعرفة نطاقها ومظاهرها في ألبانيا.

وفيما يتعلق بالمحاسبة على انتهاكات الحق في الحياة التي وقعت في الماضي، يرحب المقرر الخاص بتعاون ألبانيا مع بعثة الاتحاد الأوروبي المعنية بسيادة القانون في كوسوفو من أجل التحقيق في الجرائم المزعومة التي يُحتمل وقوعها في ألبانيا عقب النزاع المسلح في كوسوفو\*\*. ومع ذلك، ثمة حاجة أيضاً إلى اتخاذ تدابير لمعرفة الحقيقة وكفالة المحاسبة على حالات القتل وغيرها من الانتهاكات التي ارتكبت إبان نظام الحكم الشيوعي.

وفي مجالي العدالة والإصلاحات الرامية إلى مكافحة الفساد، أُتخذت تدابير هامة تهدف إلى الحد من حصانة كبار المسؤولين، فضلاً عن اتخاذ بعض الخطوات لكفالة استقلال القضاء ونزاهته. وينبغي للحكومة مواصلة الإصلاح في هذا المجال توجهاً لمواجهة التحديات الخطيرة التي لا تزال قائمة.

وبصفة عامة، لا يزال تنفيذ التشريعات وتدابير السياسة العامة محدوداً وينبغي أن يحظى بأولوية عالية لدى السلطات الألبانية.

\*\* ينبغي فهم أي إشارة إلى "كوسوفو" في هذا التقرير، سواء فيما يتصل بالإقليم أو المؤسسات أو السكان، بالمعنى الوارد في قرار مجلس الأمن ١٢٤٤ (١٩٩٩) ودون المساس بوضع كوسوفو.

## Annex

[English and French only]

### Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

#### Follow-up to country recommendations: Albania

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## I. Methodology

1. In paragraph 8 of its resolution 17/5, the Human Rights Council urged States to, *inter alia*, cooperate with and assist the Special Rapporteur on extrajudicial, summary or arbitrary executions in the performance of his tasks, supply all necessary information requested by him, and ensure appropriate follow-up to his recommendations and conclusions, including by providing information on the actions taken on those recommendations.
2. The Special Rapporteur shares the views of the previous mandate holder on the importance of follow-up reports as an essential element of his work after the conduct of country visits and the formulation of recommendations on the protection of the right to life. Follow-up reports offer the opportunity to examine the progress made in respecting the right to life and the status of implementation of the respective recommendations within a certain time frame, thus ensuring continuity in the efforts to uphold human rights in the country visited.
3. In accordance with the established practice,<sup>1</sup> the present report concerns the follow-up to the recommendations made by the previous mandate holder, following his visit to Albania in 2010.
4. The report was prepared on the basis of all available information, including that requested from the Government and other actors, on the measures that had been taken to implement the recommendations formulated by the Special Rapporteur's predecessor. Information on the non-implementation of recommendations was also sought. Further information was gathered on the current situation concerning extrajudicial executions in the country, including on the extent to which the situation has improved, deteriorated or remained the same since the visit took place.
5. The Special Rapporteur expresses his gratitude to all stakeholders who contributed to the preparation of the present report. He is particularly grateful to the Government of Albania for the information provided on measures taken to implement the recommendations made by his predecessor.
6. The present report was finalized on 9 April 2013.

## II. Introduction

7. In the present report, the Special Rapporteur analyses the steps taken by Albania to implement the recommendations made by the previous mandate holder, following his visit to the country from 15 to 23 February 2010. The findings of the visit and the recommendations thereof were contained in the country visit report (A/HRC/17/28/Add.3), presented to the Human Rights Council at its seventeenth session.
8. In the country visit report, the previous mandate holder acknowledged the progress made by Albania in the field of human rights protection and rule of law. In parallel, he highlighted the major challenges that persisted in the country, such as corruption, limited resources and a tense political situation. With respect to the right to life, the previous mandate holder drew attention to the phenomenon of blood feud killings, as well as to the pervasive level of domestic violence against women, which had resulted in victims' deaths. He also examined killings which occurred in the past, in particular the killings and related

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<sup>1</sup> In 2006, the previous mandate holder initiated the practice of preparing follow-up reports on country visits to examine the extent to which States implement recommendations formulated in the country visit reports. The practice has been followed by the Special Rapporteur on a regular basis.

disappearances following the armed conflict in Kosovo<sup>2</sup> and during the communist era, as well as the unlawful deaths that occurred after an explosion at an Albanian military ammunition base in Gërdec in 2008. The previous mandate holder concluded that there was a need to ensure accountability in all cases of killings, in particular those perpetrated in the past. He put forward a series of recommendations to further decrease the current level of extrajudicial killings in Albania, fight impunity and improve the overall functioning of the justice system.

9. The Special Rapporteur would like to take note of the information received regarding recent unlawful deaths in Albania that were not addressed in the country visit report, and therefore will also not be examined in this follow-up report. In particular, he was informed of deaths that occurred in the context of a demonstration held on 21 January 2011 by the Albanian Socialist Party in Tirana, in front of the Prime Minister's Office. As a consequence of clashes between the demonstrators and law enforcements officers, four persons were fatally shot.<sup>3</sup> On 7 February 2013, two senior members of the Republican Guard, charged with murder, were reportedly acquitted by Tirana District Court. The Special Rapporteur notes that an appeal has been filed by the prosecution to challenge the acquittal decision, as well as that reports indicate risks of improper influence on the investigation, prosecution and trial processes. He therefore underscores the importance of ensuring impartial, thorough and prompt proceedings, with the aim to bring all those responsible to justice.

### **III. Killings related to blood feuds**

10. In the country visit report, the previous mandate holder analysed in detail the phenomenon of blood feuds and related killings, which were defined by him as premeditated revenge killing by a member of a murder victim's family, committed to allegedly restore honour lost as a result of the initial killing. The practice of blood feuds derives from a set of culturally embedded rules, known as *Kanun*. The Special Rapporteur found at the time of his visit that, while the killings had decreased steadily, the phenomenon had not yet been eliminated. It had particularly negative consequences on the families of the murderer, who often chose to isolate themselves for fear of lethal reprisal.

11. To facilitate the efforts of the Albanian authorities to further reduce and eliminate blood feuds and related killings, the previous mandate holder put forward a series of recommendations which focused on the need to strengthen policy coordination, gather reliable statistical data and conduct comprehensive research on the scope and roots of the phenomenon in Albania, as well as to develop outreach and relevant education activities.

#### **A. Continued occurrence of blood feud killings**

12. At present, blood feuds and related killings appear to still occur in Albania and constitute an issue of concern. The lack of comprehensive and fully reliable statistical data

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<sup>2</sup> In the present report, all reference to the term "Kosovo", whether to the territory, institutions or population, should be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

<sup>3</sup> The Council of Europe Commissioner for Human Rights conducted a visit to Albania, from 13 to 15 February 2011, to examine the human rights aspects of the events of 21 January 2011. His findings are presented in his special report of 22 February 2011, available from <https://wcd.coe.int/ViewDoc.jsp?id=1750237&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FE65B&BackColorLogged=FFC679>.

renders it difficult to refer to concrete figures of the current scope of the phenomenon and analyse its dynamics. In parallel, information received from various sources confirms that such killings still affect the population in some parts of the country, in particular in the northern areas of Albania.<sup>4</sup> Some families still opt for self-isolation due to fear of reprisal.

13. According to the information provided to the Special Rapporteur by the Government of Albania, the official statistics of the General Directorate of State Police indicate that five blood feud killings and five revenge motivated killings occurred in 2010; five blood feud killings and four revenge motivated killings took place in 2011; and two blood feud killings and two revenge motivated killings were registered in the first six months of 2012. According to the same source, as of early April 2013, there were 67 self-isolated families due to blood feuds, and 33 children not attending school for the same reason. Of those children, 23 were registered in the region of Shkodra, in northern Albania.

14. Furthermore, the current statistical data gathered by the Ministry of Justice from district courts, as made available by the Government of Albania, indicate that 50 cases of revenge and blood feud killings were filed with the courts in the period from January 2010 to June 2012. A total of 24 cases were filed in 2010, 17 cases were filed in 2011, while the first six months of 2012 registered 9 cases. From the point of view of the Government, these figures from the Ministry of Justice indicate a trend of reduction of blood feud crimes during the last two years. However, it is unclear to the Special Rapporteur to what extent the statistical data provided on cases in courts reflect the actual situation of blood feud-related killings in the country. He recalls in this regard the comments made by his predecessor on the challenges to accurately define the extent of the phenomenon, due to the parallel use of several differing definitions and the fragmentation of statistical data, as well as to the possible underreporting by both affected families and officials.

15. According to credible information received by the Special Rapporteur, blood feud killings continue to occur in part due to a tendency of the judiciary to impose lighter sentences on perpetrators, despite the fact that the Criminal Code of Albania provides for serious penalties for blood feud murder or threat. This aspect is a valid concern in cases of domestic violence deaths as well and therefore will be developed in more detail in chapter IV of the present report.

16. The Special Rapporteur received further information that current blood feud killings sometimes no longer follow the traditional pattern established by the Kanun rules, which reportedly authorize the killing of male members of a family, and strictly forbid killing women and children. In the current context, following a conflict situation, there are cases where a person may feel vindicated in killing the other individual or any member of his family, including women and children. In this regard, the Special Rapporteur notes with concern the reported killing, in a blood feud, of a 14-year-old girl in May 2012.<sup>5</sup>

## **B. Measures to define the phenomenon of blood feud killings**

17. The former mandate holder stressed the vital need of measures to study the phenomenon of blood feud killings in Albania, through the elaboration of a single definition, comprehensive collection of statistical data, and conduct of interdisciplinary research. The current Special Rapporteur concurs with his predecessor on the importance of such steps that would enable the authorities in Albania to identify the causes, scope and consequences of the phenomenon, as well as create a solid basis for the elaboration of effective measures to end such killings.

<sup>4</sup> See, *inter alia*, the concluding observations of the Committee on the Rights of the Child on Albania (CRC/C/ALB/CO/2-4), para. 31.

<sup>5</sup> *Ibid.*

18. During the period under review, the recommendation that the National Institute of Statistics conduct a statistical survey and analysis, using uniform and meaningful definitions of the blood feud phenomenon, was not implemented. At the time of drafting the present report, there was not yet a verifiable and reliable source of statistical data on blood feuds in Albania. Furthermore, the Albanian State Police and non-governmental organizations continued to use different methodologies and, as a consequence, report different figures of instances of blood feuds and related killings.

19. In parallel, the Albanian State Police launched, in June 2012, a database of persons directly involved in blood feuds. According to the information received, the database covers the entire country, and includes all physical persons directly identified as involved in a blood feud. The database contains information both on cases submitted to the court and cases that are not followed up through official channels. It is regularly updated. The State Police, the Prosecutor-General's Office, the representatives of the courts, and the People's Advocate are reported to have access to this database. The Special Rapporteur welcomes this initiative, and encourages the Albanian authorities to develop it further in order to reach a comprehensive and reliable statistical source, accessible to all relevant State entities for the purpose of coordination and exchange of information.

20. The Special Rapporteur also underlines that the Government of Albania should prioritize measures on elaborating a uniform and meaningful definition of blood feuds, which should be used by all stakeholders.

21. With regard to the recommendation encouraging sustained interdisciplinary research on the issue of blood feuds, the Special Rapporteur has not received any information that would indicate any follow-up. He was however informed that, at the time of drafting the present report, the People's Advocate of Albania was in the process of preparing a report on blood feuds.

22. In the country visit report, disputes related to property rights were evoked as a potential major cause of blood feuds which needed further study. Neither at that time, nor at present, have there been attempts to collect data and analyse the correlation between property disputes and blood feuds. The Special Rapporteur therefore would like to reiterate the need to research this aspect. In the meantime, he takes note of reports that some progress has been achieved by Albania in the field of property rights, while challenges persist regarding the completion of the land registry and the unresolved claims for compensation for and restitution of property confiscated under the communist regime.<sup>6</sup> Given the potential link between the situation of property rights and blood feud killings, the Special Rapporteur encourages the Government to continue with firm steps to reform this area.

### **C. Policy coordination and outreach**

23. With regard to policy coordination, the previous mandate holder mentioned the creation in 2005, by the Government, of a high-level coordination committee on blood feuds, with the aim of developing a national strategy on the fight against blood feuds and coordinating the activities of the authorities in this field. Concluding at that time that the committee had achieved very few results in its work, the Special Rapporteur recommended that its secretariat be established. At the moment of drafting the present report, the secretariat of the committee has yet to be established.

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<sup>6</sup> For more details, see European Commission, "Albania 2012 progress report", SWD(2012) 334 final, Brussels, 10 October 2012.

24. The need for a more proactive role of the State in reaching out to the families involved in blood feuds, and in the related reconciliation processes, was also emphasized in the country visit report. The underlying reasons consisted of the need to reduce the influence of the extralegal processes of delivering justice and redress. Education on the individual foundations of human rights, as opposed to the principle of collective punishment under the Kanun, was particularly recommended not only for the families involved in blood feuds, but also for the society at large.

25. According to the information received, the current data of the Ministry of Education and Science indicates that 60 children from self-isolated families participate in educational programmes. There are 35 teachers and psychologists visiting children in their homes. The ultimate objective of the Ministry is to bring these children physically back to regular school classes.

26. In the meantime, it is noteworthy that the Deputy Minister of Education and Science announced, on 20 December 2012, a pilot programme for the establishment of an online communication platform for children isolated by blood feud. The platform would enable the respective children to participate in classes and follow classroom discussions online.

27. With regard to human rights education of the society at large, the Government informed the Special Rapporteur that Law No. 69 of 21 June 2012 on the pre-university educational system in Albania stipulates in its general principles that “in the pre-university educational system, the human rights and freedoms in general, and particularly the children’s rights, are respected, protected and promoted” (art. 6.12). The Ministry of Education and Science reportedly instructed that the subject of blood feud and revenge must be considered and discussed at the level of pre-university education, with an unequivocal condemnation of the phenomenon of collective punishment. Teachers were trained and modules for them were prepared on the manner in which to address in the classroom the issue of blood revenge. According to the information from the Government, the process is ongoing, in particular at the Regional Educational Directorates and local Educational Offices located in the districts affected by blood feuds. While welcoming the steps taken to include human rights and measures to fight the mentality of collective punishment and blood feuds at the level of pre-university education, the Special Rapporteur would like to stress the need to include these subjects in the educational curricula at all levels of the education system in Albania, in line with the recommendation made by his predecessor in 2011.

28. The Government of Albania also informed the Special Rapporteur that two training events are planned to be held by the Magistrate School in Tirana, in June 2013, with the aim of increasing the knowledge and professional skills of judges and prosecutors on issues related to revenge, blood feud and victim protection. The Special Rapporteur further takes note of the Government’s comment that the People’s Advocate Office has been actively involved at central and local levels in awareness-raising activities and actions to eradicate blood feuds in Albania.

29. Finally, the previous mandate holder recommended international donors to be more discerning in their funding programmes, in a context where a limited number of domestic groups tended to overstate the magnitude of the problem of blood feuds in Albania in order to enhance their funding prospects. The Special Rapporteur regrettably received insufficient information to assess the level of implementation of this recommendation. In parallel, he takes note of the information that the European Union funding programmes currently do not support activities related to the blood feud phenomenon in Albania.

## IV. Killings in the context of domestic violence

30. The previous mandate holder raised concerns about the level of domestic violence in Albania, which was widespread and resulted in a number of killings and murder threats, in particular of and against women. While acknowledging the efforts of the Government to address the problem, he concluded that much further work needed to be undertaken, in particular in terms of strengthening prevention mechanisms.

31. According to the official data provided by the Government of Albania, 29 cases of murder occurred within the family in 2011, 15 of the victims being women; and 26 cases of murder within the family were registered in 2012, with 28 victims, of whom 16 were women. In parallel, the Organization for Security and Cooperation in Europe (OSCE) Presence in Albania reported that the number of women who have been victims of violence by their husbands, partners or other family members has increased in the period under review, with at least 23 women murdered in 2012. Moreover, the killings of the majority of them occurred in a brutal manner. At least two pregnant women were killed in 2012.<sup>7</sup> The poor economic situation and alcohol abuse appear to constitute the main factors leading to domestic violence. The case of the killing of Servete Karoshi by her husband in September 2011 was widely reported. It appears that Ms. Karoshi had reported the violence against her, but was not provided with effective means of protection, which eventually led to the breach of protection orders by her husband and her subsequent killing.<sup>8</sup> Such a situation reinforces the urgent need to continue work on strengthening the implementation and effectiveness of the measures taken to prevent and punish crimes related to domestic violence.

32. In parallel, the number of reported incidents of domestic violence continued to increase during the period under review. The Albanian State Police registered 2,526 reported incidents of domestic violence in 2012, which was an increase of 345 cases compared to 2011.<sup>9</sup> According to Amnesty International, 1,683 incidents of domestic violence were reported in the first nine months of 2011, which was an increase of 260 incidents from the same period in 2010; 82 per cent of the victims were women. It is alleged however that most of the incidents, including those involving violence against children, remained unreported.<sup>10</sup>

### A. Strengthening legal and policy frameworks related to domestic violence

33. In the period under review, the Government of Albania has taken a number of significant measures to strengthen the legal and policy frameworks on the prevention of, and fight against, domestic violence.

34. In a very positive step, on 19 December 2011 Albania signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Albanian Parliament approved the ratification of the Convention in November 2012, and it entered into force in the country in February 2013. As a State party to the Convention, Albania is required to take a series of legislative and policy measures to

<sup>7</sup> Submission from the OSCE Presence in Albania.

<sup>8</sup> Amnesty International, *Amnesty International Report 2012: The State of the World's Human Rights* (London, 2012), p. 59.

<sup>9</sup> Statement by the Director General of the State Police, 1 February 2013. Available from [www.asp.gov.al/index.php?option=com\\_content&view=article&id=2986%3Afjala-e-plote-e-drejtorit-te-pergjithshem-te-policise-se-shtetit-ne-analizen-vjetore-2012&catid=42%3Afirstones&lang=sq](http://www.asp.gov.al/index.php?option=com_content&view=article&id=2986%3Afjala-e-plote-e-drejtorit-te-pergjithshem-te-policise-se-shtetit-ne-analizen-vjetore-2012&catid=42%3Afirstones&lang=sq) (in Albanian only).

<sup>10</sup> Amnesty International, *Report 2012*, p. 59.

improve the prevention of violence against women, including domestic violence; to improve the protection of victims; to prosecute perpetrators; and to put in place comprehensive, multidisciplinary policies to end violence against women and domestic violence. The Convention also requires the adequate allocation of human and financial resources to effectively implement the necessary policies to end all forms of violence against women. It also calls on State parties to collect national data and support research, to recognize and support the role of non-governmental organizations, and to encourage the media to set guidelines and self-regulatory standards to help prevent violence against women and to respect the dignity of women who are victims of such violence.

35. The Government of Albania informed the Special Rapporteur that, in the framework of the obligations arising from the Convention, a study was under preparation on “mapping and evaluating costs for providing services to victims of domestic violence”, with the support of the United Nations Entity for Gender Equality and the Empowerment of Women.

36. At the national level, Law No. 10329, amending Law No. 9669, dated 18 December 2006, on measures against domestic violence, was adopted on 30 September 2010. The law is aimed at addressing the challenges identified in the implementation of previous laws and regulations related to domestic violence.

37. In June 2011, the national strategy on gender equality, violence against women and domestic violence was endorsed for the period from 2011 to 2015. The Government of Albania has started implementing the strategy,<sup>11</sup> in accordance with the plan of action prepared to this end. Furthermore, a national referral mechanism (NRM) was established on 17 February 2011, with measures to protect, assist and support victims of domestic violence.

38. With a view to facilitating access to justice for victims of domestic violence and other vulnerable persons, the State Commission for Legal Aid was established within the period under review. Relevant by-laws were adopted in 2011 and 2012 to render the Commission fully functioning, and to improve access to free legal aid.

39. With regard to the punishment of the crimes of domestic violence, on 1 March 2012, the Albanian Assembly adopted Law No. 23/2012, introducing amendments to the Criminal Code, which are aimed at, inter alia, addressing domestic violence. The qualification of domestic violence as a criminal offence, as well as specific criminal offences related to domestic violence and stronger penalties – up to five years of imprisonment – were introduced. Among them, the offence of serious threat of murder, with a penalty of up to three years of imprisonment, is stipulated. The new amendments provide also for the introduction of a security period during which a convicted offender cannot enjoy early release on parole if the crime has been committed, among others, against children, pregnant women or persons who cannot defend themselves, or against persons of the same family.

40. According to the information received from the Government, the Ministry of Justice is in the process of working on proposals for additional amendments to the Criminal Code and the Criminal Procedure Code which would envisage stronger penalties for other criminal offences related to domestic violence.

## **B. Implementation results and challenges**

41. The Special Rapporteur welcomes the series of legal and policy measures undertaken by the Albanian authorities to tackle the problem of domestic violence. However, bearing in mind the serious persistence of the problem, including in terms of killings and death

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<sup>11</sup> For more details, see European Commission, “Albania 2012 progress report” (footnote 6).

threats, he would like to stress the crucial need to focus on the implementation of these and other measures.

42. As a positive example, the OSCE Presence in Albania informed the Special Rapporteur of a change witnessed in the attitude of police officers in the process of handling domestic violence cases, which may be partly due to the training received in the last years by the special police units in charge of domestic violence. The number of immediate protection orders issued against perpetrators has also significantly increased.<sup>12</sup>

43. The Special Rapporteur takes note in this regard of the information provided by the Government on the fact that, at the time of drafting the present report, 100 police officers, as well as 1,800 health and social workers, have been trained on issues related to domestic violence. Moreover, the State Police is currently implementing Action Plan No. 3731/1 of 23 September 2011, devised under the national strategy on gender equality, violence against women and domestic violence, and containing, inter alia, provisions on immediate assistance for victims as well as related training programmes. In the Government's view, the amendments made to the Criminal Code in March 2012 have also led to better protection of the victims, and to the increase in the number of arrests made, from 63 perpetrators arrested in 2011 to 119 perpetrators arrested in 2012.

44. At the same time, a change in attitude is still needed among prosecutors and judges, who apparently tend to consider domestic violence as a private family matter, and therefore may impose lighter penalties for the crimes perpetrated in this field. In this regard, the OSCE Presence in Albania informed the Special Rapporteur that perpetrators in cases of domestic violence are often not properly prosecuted and punished by the courts. For instance, the classification of a crime as a simple murder, rather than as a murder resulting from domestic violence, may lead to the possibility that the perpetrator receives a lighter punishment.<sup>13</sup> Amnesty International further reported that, in 2011, courts rarely imposed imprisonment sentences for those who violated the terms of protection orders, which is punishable with fines or up to two years of imprisonment.<sup>14</sup>

45. The Special Rapporteur would like therefore to underscore the significance of proper crime classification by the prosecution offices, and proper punishment by the courts, as vital elements to contribute to the prevention and decrease of killings resulting from domestic violence. He was informed in this context of the need for training of judges and prosecutors on issues related to domestic violence, in particular in the light of the adoption of the new amendments to the Criminal Code.<sup>15</sup> The Government of Albania informed the Special Rapporteur that some training of judges and prosecutors on gender equality and the fight against domestic violence had taken place in 2012, and additional sessions were planned in 2013. The Special Rapporteur encourages the Albanian authorities to pay further increased attention to the need to train judges and prosecutors in this area.

46. With regard to the mechanisms of assistance and support for the victims of domestic violence, the Government informed the Special Rapporteur of the establishment of the NRM in 24 municipalities. According to the progress report of the European Commission for 2012, progress in strengthening the NRM network is ongoing, although at a relatively slow pace.<sup>16</sup>

47. The first national shelter for victims of domestic violence opened in April 2011 at a non-public location at the outskirts of Tirana, and is currently operational. At the time of drafting the present report, there was thus one national shelter in Albania with a reported

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<sup>12</sup> Submission from the OSCE Presence in Albania.

<sup>13</sup> Ibid.

<sup>14</sup> Amnesty International, *Report 2012*, p. 59.

<sup>15</sup> Submission from the OSCE Presence in Albania.

<sup>16</sup> European Commission, "Albania 2012 Progress Report", p. 19.

capacity to host a total of 30 persons, namely victims and their children. According to Government information, another public entity in Tirana and seven non-public entities also provided residential services for victims of domestic violence: two in Tirana, and one each in Berat, Korca, Elbasan, Vlora and Gjirokastra. At the same time, credible sources informed the Special Rapporteur of the very limited hosting capacity of the centres, such as a reported capacity of 21 persons in the shelter in Elbasan, and of 20 persons in the shelter in Vlora.

48. The Special Rapporteur is concerned about the current figures on shelter capacity, which indicate the very insufficient capacity of the existing shelters to host victims, compared to the level of reported incidents and the prevalence of domestic violence in Albania. While welcoming the creation of the first national shelter, he urges the Albanian authorities to intensify efforts to establish additional shelters and significantly increase their hosting capacity.

49. Furthermore, the current public funding of shelters appears to be very limited compared to the needs in this area. The European Commission reports, for instance, that the national shelter still relies largely on external funding.<sup>17</sup> Additional information received by the Special Rapporteur from credible sources indicates that the annual budget for the national shelter is very low compared to its needs. It is reported that the Government of Albania limits its funding of the shelter to the payment of the salaries of the staff, the costs of maintenance of the shelter, and the supply of food and other subsistence means to survivors. It relies in parallel on United Nations agencies in terms of support for infrastructure, regulatory framework and capacity-building. In the area of the fight against domestic violence in general, the Government reportedly limits its funding to the salaries of the staff and very few operational expenses.

50. Another concern reported by various sources indicates an insufficient level of professional preparation of the staff from the system of assistance, including shelters, who are not sufficiently specialized and are frequently unaware of the policies conducted by the central authorities. In this regard, the Special Rapporteur notes with concern the developments of 2011 at the national shelter for victims of domestic violence, when victims reported that they had been mistreated and verbally abused by the director of the shelter. In another incident, a victim was not provided with a security escort to accompany her and her children to school, and was subsequently attacked and seriously injured by her former husband. Non-governmental organizations, as well as the People's Advocate, called for the director's dismissal, as well as for proper investigation and liability measures. While the director was removed from her post, it is regrettable that not only were other measures of investigation and accountability not taken, but also that the respective person was appointed in another official management position. In this respect, the Special Rapporteur takes note of the information provided by the Government of Albania regarding the training sessions undertaken in 2011 and 2012 for the staff of the national shelter, and calls upon the authorities to intensify preventive as well as accountability measures for any reported omissions or violations committed by the staff of shelters.

51. Shortcomings are also reported in the functioning of the newly established legal aid system. For instance, the Council of Europe Commissioner for Human Rights raised with the Government of Albania the following challenges: a very low number of applications and processed requests by the State Commission for Legal Aid; administrative obstacles for some categories of population to apply for legal aid; a very limited number of lawyers providing legal aid; as well as lack of transparency in their selection and the fees received by them; and lack of the possibility for the courts to exercise discretion on exemptions or reduction of court fees in order to enable vulnerable persons to seek justice.<sup>18</sup>

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<sup>17</sup> Ibid., p. 19.

<sup>18</sup> For more details, see the correspondence from the Council of Europe Commissioner for Human Rights to the Minister of Justice of Albania, dated 15 October 2012, available from

### C. Awareness-raising and role of the media

52. A series of awareness-raising campaigns have been undertaken in Albania since 2010 on matters related to domestic violence. The increase in the number of reported cases of domestic violence to the police is believed to be, at least partly, a result of awareness-raising campaigns.

53. As part of the annual global campaigns to fight violence against women (16 Days of Activism to End Violence against Women), the Ministry of Labour, Social Affairs and Equal Opportunities, together with United Nations agencies and partner non-governmental organizations, conducted in December 2012 a campaign against domestic violence, entitled “Violence is crime. Act now. A real man never hurts a woman.”

54. Another example is the “Bus Art” campaign, organized in 2012 by the OSCE Presence in Albania, in cooperation with the Tirana Police and the Municipality of Tirana. Posters aimed at preventing and combating domestic violence, as well as at encouraging reporting of instances of domestic violence, were placed on urban buses in Tirana.

55. However, the Special Rapporteur takes note of the information received that efforts in this field need to be further intensified. For instance, the OSCE Presence in Albania reported on the need to develop significantly campaigns that would address men, stressing that domestic violence cannot be tolerated and that it constitutes a severely punishable crime. It also shared its views that, in order to make the society at large more aware of the risks of domestic violence, there is a need to include such issues in elementary school education curricula, so that the younger generation is educated to have a zero tolerance against violence in general and domestic violence in particular.

56. With regard to the recommendation of the previous mandate holder on the responsibility of the media in reporting on domestic violence, the Special Rapporteur notes that the media coverage of domestic violence issues has increased during the period under review. However, some media appear not to respect the law on data protection, by disclosing personal data, or images of the faces or homes of the victims and their children. Furthermore, the manner in which cases of domestic violence are reported frequently includes an attempt to justify the violence and shift the blame to the victim and her or his behaviour. The Special Rapporteur shares, in this respect, the views of the OSCE Presence in Albania that journalists should receive adequate training on the manner of reporting news on domestic violence.<sup>19</sup> He takes note of the information provided by the Government of Albania on a study conducted in 2012 on media monitoring in relation to human rights, non-discrimination and gender equality policies, and hopes that its findings will enable the authorities to design appropriate training for the media workers in this field.

### V. Killings and disappearances following the conflict in Kosovo

57. The previous mandate holder mentioned in his report allegations made regarding the abductions of a few hundred people by the Kosovo Liberation Army (KLA), following the armed conflict in Kosovo from 1998 to 1999, as well as the transfer of those persons to alleged KLA camps in Albania, where some were victims of, inter alia, organ trafficking, and some were killed. Referring to the investigations conducted at that time by the European Union Rule of Law Mission in Kosovo (EULEX) and the Council of Europe, he recommended that the Government of Albania cooperate fully with EULEX and other independent investigation mechanisms in this field.

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<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2175139&SecMode=1&DocId=1948282&Usage=2>.

<sup>19</sup> Submission from the OSCE Presence in Albania.

58. Following the adoption of Senator Dick Marty's report, entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo", by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), PACE adopted on 25 January 2011 resolution 1782 on investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo.<sup>20</sup> In the resolution, PACE, inter alia, invited EULEX to persevere with its investigative work in the field of the alleged serious crimes that may have occurred after the conflict in Kosovo, and invited the Albanian authorities to cooperate unreservedly with EULEX on this matter.

59. As a consequence, EULEX, with the full support of all European Union member States, decided to establish in 2011 the Special Investigative Task Force (SITF) to pursue an impartial and professional investigation into the allegations contained in the Council of Europe report. The SITF was consequently formed in September 2011, and Ambassador Clint Williamson was appointed as the Lead Prosecutor for the SITF in October 2011. The SITF is based in Brussels and consists exclusively of international staff.

60. While part of the administrative structure of EULEX, the SITF is given full autonomy for its investigative and prosecutorial functions. It has the authority to conduct investigations both inside and outside Kosovo, including on the territory of Albania. Its investigations are currently ongoing.

61. During the period under review, the Government of Albania continued to reject the allegations of organ trafficking and related crimes that allegedly occurred on its territory following the armed conflict in Kosovo, and in particular the content of Mr. Marty's report.

62. In parallel, Albania took a number of steps to demonstrate its readiness and willingness to cooperate fully with EULEX in the process of investigation of the allegations raised in the PACE resolution. Albania voted in favour of PACE resolution 1782, and reiterated at a high level its willingness and openness to cooperate fully with the SITF and EULEX, including by creating all necessary facilities for this investigation.<sup>21</sup>

63. In a very important development, the Albanian Parliament unanimously adopted on 10 May 2012 Law No. 53/2012 on jurisdictional relations in criminal matters with the Special Investigative Task Force of EULEX, which enables EULEX to carry out investigations on the territory of Albania and provides for full judicial cooperation from the Albanian authorities.

64. The Special Rapporteur takes note in this context that the European Commission acknowledges the fact that "Albania has cooperated fully with EULEX to allow full investigation of allegations raised in the resolution adopted by the Parliamentary Assembly of the Council of Europe".<sup>22</sup> He welcomes the steps taken by the Albanian authorities to advance cooperation with EULEX during the period under review, and encourages them to continue to cooperate fully with EULEX and other independent mechanisms on the investigations conducted in these allegations.

## VI. Deaths in Gërdec

65. In his visit report, the former mandate holder referred to the challenges of investigation and prosecution in the case of the explosion of obsolete munitions at the

<sup>20</sup> Available from <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta11/eres1782.htm>.

<sup>21</sup> Reply of the Government of Albania, dated 22 December 2011, to the Allegation Letter ALB 1/2011, dated 28 October 2011, sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on trafficking in persons, especially women and children. The reply is available from [https://spdb.ohchr.org/hrdb/19th/Albania\\_22.12.2011\\_\(1.2011\).pdf](https://spdb.ohchr.org/hrdb/19th/Albania_22.12.2011_(1.2011).pdf).

<sup>22</sup> European Commission, "Albania 2012 Progress Report", p. 23.

Albanian military ammunitions base in Gërdec on 15 March 2008. The explosion resulted in the death of 26 persons, hundreds of individuals injured or left homeless and grave destruction of property. In this regard, he recommended full investigation and prosecution of all those involved.

66. The verdict of the District Court of Tirana, as a first-instance court, in the Gërdec case was delivered on 12 March 2012. The charges by the Prosecution Offices included, among others, the offence of murder, brought against four defendants.<sup>23</sup> Prison sentences ranging from 6 to 18 years were given to 5 of the 29 accused individuals, while the other accused persons received lower sentences or were acquitted.<sup>24</sup> Following appeals from both the Tirana Prosecutor's Office and the defendants, the Court of Appeals of Tirana started hearings in the appeal proceedings on this case on 31 October 2012.<sup>25</sup> On 13 February 2013, the Court issued its ruling, upholding the decision of 12 March 2012 by the District Court of Tirana. The sentences for the main defendants were reduced to between 5 and 12 years of imprisonment, and one defendant was acquitted. On the basis of the Prosecutor's appeal, four other defendants, who were previously acquitted, were sentenced to between one and eight years of imprisonment. At the time of drafting this report, the Government of Albania informed the Special Rapporteur that the Prosecutor General's Office was challenging this ruling before the Supreme Court.

67. According to reports of various stakeholders,<sup>26</sup> the trial at the District Court of Tirana, launched in 2009, registered a number of serious flaws which cast doubt on the proper respect of the principle of fair trial. The excessive length of the trial, due in particular to unjustified delays and postponements of proceedings, as well as frequent absences of the parties involved, are the main elements that raised concerns in this regard. According to the Albanian Helsinki Committee, of the approximately 200 hearings held in this trial, 70 featured the absence of the defence lawyers or of the defendants, and 36 featured the absence of witnesses, thus leading to numerous postponements of sessions. Other reasons for the postponement of the hearings included reaching the end of official work hours, failure to constitute the panel of judges, and the request of the prosecution to postpone the session.<sup>27</sup>

68. In parallel, concerns have been expressed regarding failures to prosecute the official holding the post of Minister of Defence at the time of the incident for his alleged responsibility in the explosion. Given the fact that the respective person became a Member of the Albanian Parliament in 2009, the Supreme Court of Albania dropped charges against him due to the applicable parliamentary immunity. It is reported that, during the period under review, the Prosecutor-General's Office did not seek a renewed lifting of his immunity.<sup>28</sup> However, it is noteworthy that the Constitutional Court of Albania overturned in May 2012 the decision of the Supreme Court. By consequence, the Supreme Court is currently expected to reconsider the matter.

69. The Special Rapporteur will continue to follow closely the Gërdec case. He strongly encourages the Albanian authorities to take note of the concerns expressed, and ensure that prompt, impartial and effective judicial proceedings are conducted, with the aim of bringing

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<sup>23</sup> Submission from the Government of Albania.

<sup>24</sup> European Commission "Albania 2012 Progress Report", p. 13.

<sup>25</sup> Submission from the Government of Albania.

<sup>26</sup> For example, the submission from the Albanian Helsinki Committee; the report of the Head of the OSCE Presence in Albania to the OSCE Permanent Council (20 September 2012); and European Commission, "Albania 2011 Progress Report", SEC(2011) 1205 final, Brussels, 12 October 2011.

<sup>27</sup> Submission from the Albanian Helsinki Committee.

<sup>28</sup> Ibid. See also the report of the Head of the OSCE Presence in Albania to the OSCE Permanent Council, 20 September 2012, p. 4.

all those responsible to justice. He also recalls in this regard the recommendation of his predecessor that, where necessary, immunities should be lifted.

## **VII. Communist-era executions and other violations**

70. After analysing the need to establish the truth and ensure accountability on the numerous killings and other serious human rights violations that occurred in Albania during the communist regime, the previous mandate holder recommended that a national commission be established to investigate those crimes. As an interim measure, the newly established Institute for the Study of Crimes and Consequences of Communism (ISKK) in Albania should have been granted comprehensive access to all sources of information about that era, including to the archives of the communist-era security services, as well as the power to refer cases to the prosecution.

71. The Special Rapporteur regrets that, according to the information received, almost no specific developments have taken place during the period under review to implement the recommendation of his predecessor. He takes note however of the information provided by the Government of Albania that one of the current main activities of the ISKK consists of collecting evidence from survivors of the communist regime, as well as conducting extensive research in the archives of the former Albanian intelligence agency.

72. Credible reports received furthermore suggest that the transparency and efficiency of the work of the ISKK could be further strengthened by facilitating public access and strengthening transparency on its activities, and by considering possibilities for the public to participate in the Institute's work.

73. In parallel, the Special Rapporteur takes note of the very tense situation that has emerged in Albania on the issue of financial compensation for victims of the communist regime. Complaints regarding the limited implementation of the 2007 law on the compensation of those formerly politically convicted by the communist regime, and other related laws and requests, have led to a very tense 31-day hunger strike by those formerly convicted, which took place in Tirana, from 22 September to 22 October 2012. It is reported that, during the period of the hunger strike in Tirana, two individuals set fire to themselves, one of whom subsequently died.

74. In accordance with the 2007 law on compensation, financial compensation by the Government of Albania is provided for surviving former political prisoners of the communist regime; for the families of the victims executed; and for persons who were interned or deported to camps. For instance, family members of those who were killed as a result of political persecution are entitled to receive 2,000 Albanian leks daily, for a period of eight years. Given the compensation rates established, as well as the number of eligible persons, this law is faced with challenges of implementation. Information received by the Special Rapporteur suggests, at the same time, that the successful implementation of the law may reduce tensions in Albanian society.

## **VIII. Justice system reforms**

75. The country visit report highlighted to a large extent the weaknesses of the criminal justice system in Albania at every stage of the judicial process, which considerably undermined public trust in the capacity of the Albanian judiciary to deliver justice. Corruption among the judiciary and high officials, and improper influence on the judiciary, constituted serious impediments in the efforts to ensure accountability in cases of killings and related violations. To this end, the former mandate holder put forward several

recommendations aimed at strengthening the independence and impartiality of the judiciary in Albania, as well as at ensuring the criminal accountability of high officials and judges.

76. As general developments, during the period under review, Albania adopted a judicial reform strategy and a plan of action thereto, which the authorities started implementing. An anti-corruption strategy continued to be implemented, in accordance with the relevant plan of action adopted for the period from 2011 to 2013; however, the European Commission reported a slow pace in this regard.<sup>29</sup>

77. The present chapter will not present an exhaustive overview of the measures and developments that have occurred in the field of the judiciary and the fight against corruption in Albania during the period under review.<sup>30</sup> It will focus solely on examining follow-up to the specific recommendations made by the previous mandate holder.

## **A. Independence and impartiality of the judiciary**

78. One of the recommendations in the country visit report suggested that the Government of Albania adopt, through legislation, criteria and procedures to ensure the professionalism, independence and integrity of judges. Given the concerns surrounding transparency in the process of appointment of judges at the Constitutional Court and the Supreme Court, as well as their independence, the adoption of changes applicable to these two courts should have been particularly prioritized.

79. In this regard, a package of new rules on the transfer of judges, based upon their merits and other objective criteria, was adopted in September 2012. According to the new rules, the High Council of Justice will decide upon the transfer of judges, based on a system of evaluation that will take into account competences, professional experience, age and other elements related to the place of duty or family circumstances.

80. However, the process of appointment of judges at the Constitutional Court and Supreme Court still raises concern, in a context where the reform of the relevant procedures and legal acts is still pending.

81. Measures to reform the functioning of the Supreme Court are more advanced. In this respect, a draft law amending Law No. 8588 of 15 March 2000 on the organization and functioning of the Supreme Court of the Republic of Albania was finalized. The draft law defines, *inter alia*, the procedures for the appointment of the members of the Supreme Court through the establishment of criteria on the professionalism and integrity of the members, as well as measures to improve the status of judges at this court. In parallel, no such criteria and procedures are established with regard to the appointment of the Chairperson of the court.<sup>31</sup> According to the information received from the Government, the Parliament of Albania is at the final stage of adoption of the amendments to Law No. 8588.

82. With regard to the Constitutional Court, the Ministry of Justice has launched a process to amend Law No. 8577 of 10 February 2000 on the organization and functioning of the Constitutional Court, as well as a set of internal regulations of the court. The respective amendments are not yet finalized, which regrettably perpetuates the situation described in the country visit report, with some members of the court continuing to hold their positions, despite the expiration of their mandate.

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<sup>29</sup> European Commission, "Albania 2012 Progress Report", p. 14.

<sup>30</sup> For a comprehensive overview of developments in the field of the judiciary and the fight against corruption, see, *inter alia*, European Commission, "Albania 2012 Progress Report" and "Albania 2011 Progress Report".

<sup>31</sup> Submission from the Albanian Helsinki Committee.

83. The Special Rapporteur welcomes the measures taken to establish objective criteria and transparent procedures of appointment and transfer of judges in Albania, and invites the Albanian authorities to address in a comprehensive manner the reform of all other aspects related to the independence, professionalism and integrity of the judiciary. At the same time, he would like to underline that there is an urgent need to complete modifications to the organization and functioning of the Constitutional Court and the Supreme Court, in order to ensure the independence, professionalism and integrity of their members, as well as of their respective chairpersons. Last but not least, the effective and swift implementation of the legal measures taken will constitute the ultimate test of the Albanian efforts to ensure the independence and impartiality of its judiciary at all levels.

## **B. Aspects related to the criminal justice system**

84. To ensure a proper accountability process in criminal justice matters, as well as to deter further corruption risks, the previous mandate holder recommended that the Albanian authorities amend the Criminal Procedure Code so as to enable the Prosecutor-General's Office to commence investigations of high officials, without the need to first lift their immunity.

85. In an important development, the Albanian Parliament adopted on 18 September 2012 Law No. 88/2012, which introduced amendments to the Constitution of Albania. The constitutional amendments provide for the restriction of the general immunity from criminal investigation and prosecution of all elected officials, including Members of Parliament, Members of the Government, the People's Advocate, and other high-level officials, as well as of judges, including those at the Supreme Court and the Constitutional Court. According to the new provisions, investigation and prosecution of high officials and judges can proceed without prior authorization.

86. To give full effect to these amendments, the Albanian Code of Criminal Procedure still needs to be amended. The Special Rapporteur welcomes the adoption of these important constitutional amendments, and encourages the Albanian authorities to proceed swiftly with the necessary modifications in the Code of Criminal Procedure.

87. Another recommendation highlighted the need for a sound collection of statistical data on criminal justice matters, and the development of the statisticians' capacity to collect, analyse and report data related to criminal justice in accordance with internationally accepted standards.

88. While the Special Rapporteur did not receive information that would enable him to analyse the level of follow-up to this specific recommendation, he was informed that the capacity to collect sound statistical data is still very limited in Albania. The Albanian Helsinki Committee, for instance, reported that while the courts are equipped with electronic systems of case management, the data in the Prosecutor-General's Office is still recorded and kept manually. According to the same source, the Ministry of Justice has a system of collection and analysis of data, although this data is not complete and the system is not aligned to the international standards on data collection and reporting.

89. The Special Rapporteur also received information that, upon a request by the European Union, the Ministry of Justice established a working group to facilitate the collection of statistics regarding corruption and organized crime. The working group aims at harmonizing statistics coming from the Prosecutor-General's Office and the Albanian State Police as well as from the Ministry of Justice.

## **IX. Conclusions**

90. During the period under review, Albania continued to be faced in particular with an unabated level of domestic violence, resulting in killings and murder threats. The Government has taken a significant number of measures to prevent domestic violence and to ensure support and protection to victims, thus following up on some of the recommendations formulated after the visit in 2010. In the Special Rapporteur's view, this demonstrates the commitment of the authorities to fight domestic violence. However, these efforts should be considerably intensified and should prioritize proper implementation.

91. With regard to the blood feuds, such types of killing continued to occur in Albania during the period of review. While acknowledging some steps taken by the Albanian authorities in terms of education and outreach in this field, the Special Rapporteur would like to refer to the pressing need to profoundly and comprehensively study the phenomenon. Research and statistical surveys still need to be undertaken with a view to understanding the roots, manifestations and scope of the blood feuds in Albania, and proposing a single definition to be used by all stakeholders in the country. In parallel, the effective functioning of the judiciary and proper implementation of legislation and policy measures should constitute imperative priorities in the efforts to eliminate this phenomenon.

92. Albania has also undertaken some measures to follow up on the recommendations related to ensuring accountability and redress for the violations of the right to life that occurred in the past. The Special Rapporteur welcomes in particular the signs indicating cooperation of the authorities with the European Union Rule of Law Mission in Kosovo and the Special Investigative Task Force regarding the investigations into the allegations of killings and other serious violations that allegedly may have occurred on the territory of Albania following the armed conflict in Kosovo. He encourages the Government of Albania to continue its commitment to cooperate fully in this area.

93. In parallel, the Special Rapporteur regrets that few meaningful steps have been taken to shed light and ensure accountability in the cases of killings and other serious crimes that occurred during the communist regime.

94. In the present report, the Special Rapporteur also analysed follow-up to the recommendation on the need to investigate, and ensure accountability for, the casualties that occurred during the explosion in Gërdec in 2008. He takes note of the judicial proceedings conducted, while strongly encouraging the Government to address the concerns expressed regarding fair trial irregularities, as well as the need to bring to justice all those responsible.

95. Albania has also taken some encouraging steps to improve its criminal justice system. The Government should effectively pursue reform in this area. Ensuring the independence of the Constitutional Court and the Supreme Court should constitute a priority in this regard.

## Appendix

### Summary of follow-up to each recommendation<sup>a</sup>

#### A. Blood feuds

1. While blood feud killings will soon be largely a thing of the past, a belief in the practice of vindicating honour and blood outside the regular legal system remains well entrenched in certain parts of the society. Its elimination will require additional measures to those taken to date. The Government's understandable desire to see blood feuds as a purely historical artefact should not blind it to the need to consider taking measures such as:

(a) Establishing the secretariat long envisaged but not created for the coordination committee on blood feuds. As a matter of priority, the Government should, through the National Institute of Statistics, conduct a statistical survey and analysis, using uniform and meaningful definitions of the blood feud phenomenon and its prevalence and manifestation in Albanian society;

This recommendation has not been implemented.

(b) Encouraging sustained interdisciplinary research on the issue of blood feuds, including its root causes and means of ending both killings and self-isolation, a task perhaps best entrusted to a new national institute of criminology;

The information provided is insufficient to assess the level of implementation of this recommendation.

(c) Consulting leading scholars and religious leaders to determine how best the Government might (i) conduct outreach to end self-isolation of families in blood feuds, (ii) facilitate more effective forms of reconciliation by community leaders of stature, and (iii) ensure mediators have no potential conflict of interest of any kind in the issue;

While steps have been taken to implement point (i) of this recommendation, the information provided is insufficient to assess the level of implementation of the other aspects of this recommendation.

(d) Ensuring that educational curricula at all levels include an emphasis on individual human rights and specifically rebut the collective punishment message sent by the relevant parts of the *kanun*.

This recommendation is partly under implementation.

2. International donors should be more discerning in their funding programmes, and should be as concerned about broader issues of violence and problematic traditions of collective punishment as they are about the "exotic" notion of blood feud killings.

The information provided is insufficient to assess the level of implementation of this recommendation.

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<sup>a</sup> See A/HRC/17/28/Add.3, paras. 70–79.

## **B. Domestic violence**

3. **The Government should follow through on its assurances to fund programmes and shelters. Domestic violence programmes will need to be long-term to erode the deep-seated patriarchal views facilitating violence and to increase victims' access to justice.**

This recommendation is at an initial stage of implementation and in need of intensified efforts.

4. **The media should be more responsible in its coverage of domestic violence issues.**

This recommendation has not been implemented.

## **C. Disappearances and killings after the Kosovo war**

5. **The Government of Albania should cooperate fully with EULEX and other independent investigations into abuses by the KLA on Albanian territory, including by providing access to Albanian territory for the purposes of evidence-gathering and excavation and by responding to EULEX requests for judicial assistance.**

This recommendation is under implementation.

## **D. Gërdec**

6. **The Prosecutor-General should ensure that the events leading to the Gërdec explosion are fully investigated, that all responsible parties prosecuted, and where necessary, requests for the lifting of immunities are made.**

This recommendation is partly under implementation.

## **E. Communist-era abuses**

7. **The Government should establish a national commission to conduct an independent, systematic and sustained investigation of communist-era abuses. In the interim, it should give the proposed institute for the study of communist-era abuses comprehensive access to all sources of information about that era and enable it to make effective use of its power to refer specific cases to the Prosecutor.**

This recommendation has to date been implemented in a very limited manner.

## **F. Justice system and anti-corruption reforms**

8. **The Government should adopt, through legislation, criteria and procedures to ensure the professionalism, independence and integrity of judges, especially in relation to the Constitutional Court and the Supreme Court.**

This recommendation is at an initial stage of implementation.

9. **The Government should amend the Criminal Procedure Code to enable the Prosecutor's Office to commence investigations of high officials, including ministers and judges, without first having to have their immunity lifted. Immunity need only be lifted once the Prosecutor has sufficient evidence to warrant charges.**

This recommendation is under implementation.

10. **The Government should develop the capacity and expertise of statisticians and analysts at the National Institute of Statistics and in the relevant ministries to collect, analyse and report on criminal justice-related data in accordance with internationally accepted standards.**

The information provided is insufficient to assess the level of implementation of this recommendation.

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