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### Информация, представленная Управлением Народного защитника Албании (Омбудсмен)\*

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## Приложение

*[English only]*

### **Albanian People's Advocate (Ombudsman) report on the human rights situation in Albania**

**1. Strengthen internal policies that guarantee all the rights of the child, paying attention to the fight against children labour and the enforcement of the Directives for the Children's Alternative Care, in accordance with the resolution 11/7 of Council for Human Rights and draft-resolution A/C.3/64/L.50 of General Assembly.**

**2. Strengthen the national system for the protection of the children and guarantee full enforcement of it; increase the efforts for public awareness against children trafficking for sexual exploitation and forced labour, in the framework of National Strategy for Fight against Human Rights Trafficking, also in the framework of other programs and policies; approve the appropriate mechanisms for the rehabilitation and reintegration of victims.**

Albania has a legal framework generally completed for the protection of children's rights. Convention on the rights of the child was ratified by the Parliament of Albania on 27 February 1992 and entered into force in March 1992.

Since 4 November 2010, the country has a law on protection of child's rights (law no. 10347, dated 04.11.2010 "On the protection of child's rights").

The Albanian National Strategy for the Children 2012-2015 and the Action Plan 2012-2015 provide the application of an inclusive and deep reform in the system of social protection for children and aims to identify the ways to reduce poverty and to create a qualitative system of social services for them.

Some projects funded by donors, mostly UNICEF, have made efforts to define measurable indicators on the situation of children in Albania- economic, social, educational, medical, developmental, etc. that will contribute to continuous improvement of children situation.

In accordance with the law on children's rights, is set up the Governmental Agency for the Protection of Children. Despite its setting up, the lack of experience, the lack of an proactive approach and collaboration with groups of interest and other organizations that operate in this area, have made that its work in favor of children is not applied to much on the ground. The Units for Children's Rights are set up in 12 districts of the country. However, the situation of children at risk in Albania, remains difficult and problematic. Negative phenomenon such as children's labor, their trafficking, pornography of minors, children's poverty, remain important challenges for the effective protection of children at risk, due to lack of specialized services such as psychological intervention and alternative proper care, thorough protection scheme for children in need, etc. The country has not set up the national mechanism of referral for trafficking children and the children that are victim of domestic violence.

Actually, State Social Services are in restructuring process, which also will bring its effects in the services for the children, including placing children in institutions, custody and providing specialized services for them.

There is still no independent complaints mechanism for children, despite repeated request made to the government from the Albanian People's Advocate and organizations that deal with children's rights. In the framework of Optional Protocol 3 of the Convention on Child Rights, this kind of mechanism should be set up with the People's Advocate. However, in the framework of these requirements, by the end of 2013, Albanian Parliament approved People's Advocate's request to increase the structure of the institution with two other assistant commissioners who together with other assistant commissioners will treat exclusively the issues related to children, as part of a subsection/special department within the institution. This department/subsection will also provide a continuous communication and interchange with the Units and as a result a 24 hours coverage of children's problems all over the country.

### **3. Establish separate prisons facilities for minor prisoners.**

There are taken general actions to establish prisons facilities, separate for minor prisoners. In 2012 was put in function the Special Institution for Minors, in Kavaja city, according the highest international standards. In this Institution, suffer the punishment all the minors after taking the final decision by the Court. There are also set up special detention section for minors, separated by sections of adults, in Lezha, Jordan Misja, Korca.

## **Women**

Domestic violence is a worldwide phenomenon, which affects physical, psychological, economic and social integrity, especially of the most vulnerable part of society: women, children and older people. This phenomenon which is caused by various factors like: cultural influence with deep bases in old and patriarchal traditions, unhealthy life situations, gender discrimination, unemployment, the control between generations in the family etc. is a growing concern for Albanian society, government, the People's Advocate, civil associations and donors that operate in the country.

### **4. Implementation of the National Strategy on Gender Equality and Domestic Violence.**

The "National Strategy on Gender Equality and reduce of domestic violence in the family" 2011-2015 and the action plan for its application, is approved with the Decision of the Council of Ministers no. 573, dated 16.06.2011, amended.

The strategy aims the increase of gender equality in Albania through the integration of gender perspective in all aspects of policy development and application. However, despite awareness raising, attitudes regarding violence have not changed much.

The People's Advocate institution, based on legal competencies and following the 11-th Recommendation of Council of Europe in which is requested: "Take concrete steps to strengthen the protection of human rights, especially women, children and Roma people, as well as the effective application of antidiscrimination policies" has continued the work for drafting a special report "For violence against Women" and has attended the continuous inspections in the centers where trafficked women are sheltered in cooperation with non-profit organizations

**5. Develop a legal framework for gender equality and domestic violence, which should include its realization from law enforcement authorities and judicial authorities. Undertake measures for its application and increase public consciousness in small cities and rural areas.**

Sanctioning by law the equality of all citizens before the law (Article 18 of the Albanian Constitution) means men and women as subjects of the right, *de jure* should be treated generally equally which includes same obligations for them too.

The Council of Europe Convention "On prevention and fight against women violation and domestic violence" was ratified by Albanian Parliament with law no. 104/2012, dated 08.11.2012. The law no. 9970, dated 24.07.2008, "On gender equality in society" completed the legal framework related to gender equality in education, employment and decision-making.

There are two other laws that represent the basis for intervention to respect gender equality in Albania: law no. 9669, dated 18.12.2006, "On measures against violence in family relations" as amended and law no. 10221, dated 04.02.2010 "On protection from discrimination".

Also, the Criminal Code contains provisions in protecting human rights and establishes the principle of equality between men and women. The latest changes in the Criminal Code (article 130/a, as amended by law no. 23/2012), increase punishment for domestic violence cases.

The People's Advocate institution has played an important role in monitoring the application of the legislation and measures taken from state authorities responsible for protecting human rights and women's freedom, in accordance with their area of activity.

In the judgment of the People's Advocate institution, based on legal and psychological literature regarding this criminal act, the violence used from these persons is a hidden violence, which in extreme cases degenerates in physical violence. It influences the quality of life and work of the victims and causes physical and psychological trauma which in many cases serious and irreversible repercussions.

It is precisely this form of psychological violence that precedes physical violence and that can degenerate to the murder or suicide of the abused person. In these conditions, we think that the penalizing of these actions will prevent criminal acts of physical violence or murders in families.

The People's Advocate institution has recommended to the Ministry of Justice, the addition of two new provisions in the Criminal Code as follows:

**Moral harassment at work**

The harassment of someone through repeated actions that aim or bring the degradation of work conditions at a level that can lead to the violation of human rights and dignity of person, to affect physical or mental health or to damage professional future, shall be punished by imprisonment up to five years.

**Moral harassment at home**

Harassment of spouse, partner or cohabitant, through repeated actions that aim or bring the degradation of life conditions, leading to destruction of physical or mental health of the person, shall be punished by imprisonment up to three years when these

actions have caused a total incapacity to work for no more than eight days, or when they have not caused any incapacity to work, and up to five years in prison if they have caused a total incapacity to work for more than eight days.

Penalties provided in the above provision shall also apply to harassment committed by the ex-spouse, ex-partner or person with whom the injured person lived with.

**6. Organize and support programs that provide assistance for victims of domestic violence.**

Two new events in the justice area, as the entry into force of the law "On free legal aid" and the setup of Probation Service, offer new possibilities in the fight against domestic violence.

It is still a challenge the increase of the ratio of court decisions that determine the removal of the abuser from the house, compared with the getting away of the victim, aiming to strengthen the illegal nature of abuser's actions and giving sanctions to him, also with the aim to improve the victim's and her children's conditions. This helps to give them the opportunity to have a safe life in economic terms, which leads less chances to return in a violent relationship.

The latest changes to the law "On violence in families" brought the obligation on coordinated reaction, not only to solve a concrete case, but also to work for the rehabilitation of domestic abuse victims.

According to data obtained from the Police's General Directorate of State for 2013<sup>1</sup>, it results 3020 cases of violence from which 1851 are lawsuits for Order of Defense. For 138 cases is recorded the violation of Order of Defense and are ascertained 28 cases with death of the victim.

The People's Advocate institution following the inspections in the role of the National Mechanism for the Prevention of Torture, has continued monitoring the National Reception Centre of Trafficking Victims.

The identification and the assistance of the potential victims of trafficking is done in full coordination and cooperation with all authorities, state agencies and non-governmental agencies. The commitment of the relevant structures in accordance with the legislation, aims to provide to this category the right for safety, home, privacy, information, legal representation, denunciation against the authors of the criminal act, court hearing, compensation for damages caused to the victim, medical assistance, social assistance etc.

Regarding the problems found in this center, the People's Advocate recommended:

- Taking measures to enable a sufficient budget for this center, to enable funds for reparations and restoration works, in order to eliminate existing problems in existing buildings (reconstruction, maintenance and restoration) also providing living conditions for the beneficiaries in conformity with standards specified in applicable legal provisions.
- Taking measures for concluding an agreement with Tirana Regional Education Directorate to ensure access to education for persons accommodated at this center

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<sup>1</sup> The data include 12 Districts in Albanian.

who are at the age of compulsory education, in order to continue the years of school and not to lose none of them, in accordance with the right of every person for free education. These measures also include children of the age 3-6 years who are at the center.

- Taking measures for setting the rights and obligations of this state institution, the services should give this institution to ensure a normal life for victims of trafficking, and the status, the rights and obligations the persons sheltered at this center have, in accordance with the article 6 of law no. 90/2012, dated 27.09.2012 "On the organization and functioning of state administration".
- Taking measures to equip the sheltered persons with clothes (sweaters, shoes, pants etc.), to treat them with dignity and humanity.
- Taking measures to the playground for the children, to meet their need for entertainment at least inside the center, also to restore the computers and all other computer tools inside the center.

**7. Take measures to guarantee equality between men and women, and the establishment of facilities in terms of women's participation in education, public affairs and labor market.**

The People's Advocate institution has made proposals to revise the Labour Code regarding the inclusion of legal provisions for moral harassment in the place of work. It has been requested by the People's Advocate institution to amend article 32 of the Labour Code, adding as legal provision in paragraph 4 the moral harassment of the employee by the employer, who by repeated actions aims the destruction or degradation of work conditions, violating the rights and dignity/moral and damage his physical and mental health.

In the judgment of People's Advocate institution, as it has also been part of the recommendations of the Special Report, the economic empowerment of women is one of the basic conditions for the achievement of gender equality, reduction of the violence based in gender. Also, mechanisms should be set up for gender equality at national and local level, especially to accelerate the nomination process of gender officials in the structures of Ministries and local officials for gender issues in the municipalities all over the country.

**Persons with disabilities**

**8. Intensify the necessary and appropriate tools to improve specialized services for persons with disabilities, especially in the areas less favorable.**

**9. Develop reliable statistics on persons with disabilities and enable them the approach for basic services.**

The Ministry of Social Welfare and Youth is working on the final approval for the integral law on persons with disabilities, law that will group all categories of persons with disabilities, in order to improve the specialized services for people with disabilities. Also, is being drafted the law for the inclusion and accessibility of the persons with disabilities in approaching of basic services. The draft -laws are in the phase of taking opinions from other ministries.

**LGBT**

**10. Include in public education and in awareness programs the issues related the sexual orientation and gender equality, train the law enforcement officers, judiciary and other relevant authorities regarding this objective.**

On 05/09/2012, the People's Advocate institution sent to the Albanian Parliament and to the President of the Republic of Albania, the Special Report of People's Advocate's activity during 2012 regarding the rights of LGTB persons. This report has not yet been taken into consideration.

The Stabilization and Association Agreement between Albania-EU and the Recommendation of the year 2010 in the European Commission's Opinion have estimated the application of the principle of "equal treatment in employment legislation" as a fundamental element for approaching Albanian legislation with *acquis communautaire* of EU. The People's Advocate has sent a recommendation to the Minister of Labour, Social Affairs and Equal Opportunities, in which is proposed to change the article 9 of the Labor Code. In this recommendation is proposed the inclusion (in the point 2 of this article), of the causes for discrimination, and "sexual orientation and gender identity" and at the end of the article the inclusion of a new paragraph, that will define which party has the burden of proof, in the cases where is pretended to have discrimination of the person.

Following Recommendation no. 11 of the European Commission, and on the basis of LGBT community proposals, the People's Advocate initiated a comparative study of criminal law, in relation with the protection guaranteed to the members of this community. From the study of the criminal legislation in other countries, it results that they have developed the concept of "hate crime" providing this act in the Criminal Code as a crime, or as a mitigating circumstance. The People's Advocate has sent to the Minister of Justice a recommendation, in which has proposed that in article 50, letter "j" of the Criminal Code should be added as aggravating circumstance the conducting of the criminal act, induced by motifs that have to do with sexual orientation and/or gender identity through the computer network. Both recommendations were taken into consideration by the Ministry of Justice, but in the last moment the Law Commission of the Parliament has not included the second recommendation in the approved law.

The People's Advocate, after being informed from the Pink Embassy and LGBT Pro Albania, for the concern over some textbooks in the Faculty of Law and Faculty of Medicine of the University of Tirana which contain unscientific elements and definitions and discriminatory for the LGBT community, addressed a recommendation to the Ministry of Education and Science, responsible for the quality and standards in public and private institutions of higher education in Albania (article 63 of law no. 9741, dated 21.05.2007, as amended), to take all necessary measures for application of the legislation on the protection of human rights and fundamental freedoms. In this recommendation is noted that there is a strong need to review the programs and educational materials, and it is the duty of all state structures, to help reducing this phenomenon.

The People's Advocate has recommended to the Ministry of Education and Science the inclusion in curricula and educational programs of knowledge and information for the LGBT community, to educate students/pupils in a safe environment without violence, insult, social exclusion or inhuman treatment on the basis of sexual orientation or gender identity. The People's Advocate has also recommended the training of academic staff for not allowing any form of discrimination because of sex orientation, providing protection and discipline in educational institutions.

In a joint work with the Council of Europe, the People's Advocate and civil society have jointly prepared a set of recommendations for legislative changes in the frame-

work of the rights of LGBT persons, including changes in the Family Code. It is recommended to provide in this Code the cohabitation between people of the same sex.

### **Roma people /minorities**

#### **11. Amend legislation as a matter of priority, as well as take measures to ensure the application of the law on birth registration.**

The People's Advocate institution has submitted to the relevant authorities of public administration 3 recommendations, respectively:

- Undertake measures to improve the living conditions of the Roma ethnolinguistic minority;
- Amend law no. 69 dated, 21.06.2012 "On high school educational system in the Republic of Albania" which will provide and guarantee the integration in education of Roma children, from pre-school, and to other higher levels of education;
- Amend article 1 of law no. 10221, dated 4.02.2010 "On protection against discrimination", including in this article as reasons for discrimination: nationality; the declared intention to discriminate and encouraging discrimination.

Regarding the necessary measures that should be taken in context of the law on birth registration (law no. 10129, dated 11.05.2009 "On Civil Status"), it is needed the facilitation of some procedures for registering just born babies in the civil state registers, for certain vulnerable categories in the country, e.g. Roma people.

#### **12. Undertake necessary measures to promote the registration of all children, paying special attention to vulnerable and differentiated groups.**

The People's Advocate institution has submitted to the relevant authorities of public administration, recommendations focusing on the Roma community. These recommendations consist in, *taking measures for registration of members of the Roma minority in the registers of the civil offices in the local units where they have actual residence, to amend the Decision of the Council of Ministers no. 787/2005 "Setting the criteria", procedures and the amount of aid "(as amended). Amending the law 9232/2004 "On social programs for housing of the residents in urban zones"(as amended).*

#### **13. Encourage equal and unconditional approach for education of all citizens.**

The People's Advocate institution is of the opinion that law no. 69, dated 21.06.2012 "On high school educational system in the Republic of Albania" needs improvements, in order to provide and guarantee the integration in education of Roma children, from pre-school, and to other levels of higher education.

#### **14. Fully implement the action plan for improving the living conditions of minorities, especially of Roma people.**

Effectively, this measure is one of the measures which are still far from realization, despite the work that has already started by the current government to take some steps in this direction. Finally, in this framework, the People's Advocate institution has recommended:

- Amending law no. 10129, dated 11.05.2009 "On Civil Status", so within a limited period of time (at least until 31.12.2015), to be facilitated from the terms specified in the law, and to be recognized the possibility of registration or change of resi-

dence even if they do not meet the documentation provided for this purpose in the civil state office where they are currently settled.

- Amending the Decision of the Council of Ministers no. 787/2005, "Setting the criteria, procedures and the amount of economic aid".
- Set the transitional provisions limited in time, in the law no. 9232/2004 "On social programs for housing residents in urban zones" (as amended), which should be considered as temporary and special measures for Roma community, of benefiting from housing programs, or their social integration.

A necessary condition is the approval of a law in which should define the minorities and the *de jure* recognition criteria, in accordance with the provisions of Convention of the Council of Europe "On protection of minorities", ratified by law no. 8496, dated 03.06.1999, legal basis which still lacks in the country. For the above recommendations we clarify that we still have no answer from the public administration authorities.

### **Health**

The People's Advocate institution has reached these conclusions:

- Medical treatment of mentally sick persons remains problematic and tends to increase the level of infringement of patients' lawful rights and interests.
- The Ministry of Health, Ministry of Justice and other competent state institutions providing mental health assistance, should take into serious consideration cases that concern this category of persons, by enhancing the image of this service.
- State organs should address with particular interest the legal and sub-legal acts that necessitate changes or adoption, the objective being to improve public health infrastructure and services from many viewpoints.
- Steps should be undertaken that a new mentality prevails in state administration promoting new approaches versus people in need, sick persons, in particular.
- Healthcare service should be responsive to and aligned to the standards to be observed for mentally sick people, develop strategic policies attracting new physicians to this service and ensure healthcare facilities, which are indispensable for the medical and support personnel.

### **Property**

#### **15. Take effective measures to accelerate the consolidation of the rights to property**

The property and rights relating to estate property still continue to be problematic due to the inability of state structures to guarantee and provide adequate and long-term solution of these accumulated problems over the last 20 years.

Frequently, the People's Advocate has done recommendations to responsible authorities. The People's Advocate addressed the Ministry of Justice the request for taking legislative initiatives to have a specific law on restitution of movable property, but there was no reaction.

Also, in the framework of the key priorities derived from progress report of European Commission, the People's Advocate asked explanations to the National Agency of Restitution and Compensation of Properties regarding the physical and financial fund for the compensation process, but still there was no answer.

The People's Advocate is also addressed to ALUIZNI about the self-declared files and finished ones from the date of entry into force of law no. 9304, dated 28.10.2004, the number of files with which is working, and measures should be taken to finish them, the number of subjects who have received financial compensa-

tion from the illegal buildings in their private lands, and how much is the total amount that is paid, if are provide legal initiative to accelerate the process, how the financial fund for the expropriated until the end of process will be, which are the reasons for the delay in the legalization process, which is the final deadline for the legalization of unauthorized buildings, if still stands the electoral promise to legalize free, if so, how the funds will be raised, which are the actual informal areas in the entire territory.

The People's Advocate requested from the Central Office of Real Estate Registration a general overview on the progress of the initial registration of estate property for the years 2011 and following, in how many cadastral areas is divided the territory of Albania, how many final decisions of CORER in districts and regions are registered in Local Office of Real Estate Registration of regions from the beginning of compensation process, how percent of the lands and territories are still unregistered, how many cadastral areas are not in the process and are not updated for initial registration, which is the reason for this and the total surface of them, which are the reasons that have impeded the initial registration process of estate properties and if there is provided any legal initiative of legal reform to accelerate the process, if its planned any change of the Intersectional Strategy "Reform in the property rights area 2012-2020" and its Action Plan, approved by the Decision of Council of Ministers no. 405, dated 27.06.2012 , etc.

The People's Advocate has recommended to the Prime Minister and to the Parliament to repeal Normative Act no. 3 date 01.08.2012 "On the emptying houses of legitimate owners from the homeless citizens, resident in the buildings ex-property of expropriated subjects of homeless citizens, residing in dwellings former property expropriated subjects".

Respecting the rights of ex-owners to possess their property, the People's Advocate conducted a study, for people and families directly affected by the emptying process of housing and the real opportunity state can meet their requirements for house according to the law. It resulted that for Albanian government, at the moment of implementation of the normative act, was impossible to meet the obligation for accommodation to this group of citizens, to treat them with the same rights as other citizens who benefited from the privatization of state buildings. It was prepared a recommendation regarding the solution of this big social problem.

Regarding the execution of the decisions of the European Court of Human Rights, it results that are generally executed. In this context, the People's Advocate noted with concern that there is an increase of requests and complaints of citizens and ex-owners organizations that are deposited in European Court of Human Rights regarding not applying the article 181 of the Constitution, which provided the drafting of a new legislation for confiscated and nationalized properties before the entry into force of the Constitution. There is a large number of files at the National Agency of Restitution and Compensation of Properties, about 7300<sup>2</sup>. Despite that, the citizens or the heirs of expropriated persons don't have their right of property. There is a lack of transparency in this process and delays in the procedures that should be followed by public administration authorities. There is also a total lack of communication of the Agency with applicants to correct and fill their files. Financial compensation is proceeding very slowly, because the small annual fund, which is projected by the government for the applicants. Financial compensation of the expropriated is realized on

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<sup>2</sup> Information taken from the National Agency of Restitution and Compensation of Properties.

basis of an annual Decision of Council of Ministers in which are given the criteria and the total amount. Last years this amount has been very small, very symbolic.

The total amount for compensation is estimated to be around 20 milliard euro<sup>3</sup>. In a document of the Council of Europe, is noted that the legal framework for the property is fragmented into many different institutions, who often create problems and conflicts with serious consequences.

Regarding the problem of property titles of agricultural lands, Albanian government has recently made legal changes regarding the extension of the deadline of giving land process and its registration in the Estate Registration Office up to 30 June 2016. It's important to say that the problem of properties is very complex. Besides long administrative processes, in which many citizens still have not benefited properties that claim, the People's Advocate noticed unreasonable delay in time during judicial proceedings too.

### **Blood feud / murder for honour**

#### **16. Investigation and effective prosecution of murder cases for honor and murders with violence, especially domestic violence and violence against women and children.**

The investigation and the judgment of the crimes due to feud, from the police, prosecution office and court, is realized normally. It should be more intensive, and to investigate also the collaborators of the authors, promoters, assistants, organizers etc. State authorities are more sensitive and more responsible regarding the investigation and judgment of domestic violence cases against women and children. Police offices have intensified their work to prevent and prosecute these cases. Recent years, court authorities have increased the number of decisions for issuing the Instant Orders of Protection and Orders of Protection for victims of domestic violence.

#### **17. Pay attention to the blood feud issues.**

Murders for blood feud have become a phenomenon of concern. Because of it, there are some other negative consequences like, confinement of the persons without distinctions of age, gender, denying to them fundamental constitutional rights, like the right of free movement, education, employment, health care benefits, voting, freedom of association, freedom of conscience and its occurrence etc. State authorities have not paying attention to the prevention of this phenomenon. Although eight years before, has been approved the law no. 9389, dated 04.05.2005 "On the establishment and functioning of the Coordination Council in the fight against blood feuds", it has not been implemented, although the People's Advocate has make several recommendations.

Some measures taken to amend the Criminal Code, changing the punishment for the authors of the murder for blood feud (not less than 30 years imprisonment or life imprisonment article 78/a of Criminal Code) and the inclusion of two new criminal acts like the threat to be closed at home (article 83/a of Criminal Code) and the stimulation for blood feud (article 83/b of Criminal Code) for which is provided 3 years imprisonment) are not enough to fight this phenomenon.

To fight this phenomenon, the central and local structures should immediately start drafting and approving the national strategy and action plan for the fight against blood feuds in the economic, social, legislative, plans etc., and defining specific

<sup>3</sup> Referred to the statistic of ex-owners Organization.

tasks for central administration authorities and local government collaborating with schools, religious communities, the media and civil society.

**Torture: prisons, detention places, police**

**18. Trainings on human rights for police employees, prison employees and judicial staff, in order to protect women, persons of minority with sexual direction and gender identity, as well as national minorities.**

The training of police employees, judges and prison employees is a continuous process which is carried out by Albanian institutions and many times even from institutions and foreign experts.

The People's Advocate, OSCE, EU and civil society organizations that have in focus of their activity the protection and promotion of the rights of persons deprived from their liberty and women, children or other persons belonging vulnerable groups and minorities, constantly have offer assistance and continue to assist for all above. The People's Advocate, especially during the period 2014-2015, will provide continuous trainings for the personnel of administration of centers where are kept people deprived of their liberty; will produce and distribute promotional and informational materials related to the duties of police personnel and rights of persons deprived of their liberty.

**19. Strengthen the fight against impunity and investigate all the charges for torture and mistreatment committed by law enforcement authorities, and prosecute responsible persons for these acts.**

Based on available data, so far, state authorities have not taken the necessary measures to guarantee the immediate and full investigation of the claims for torture and other forms of mistreatment from the state police employees and prison police employees, also to guarantee their punishment. In many cases the prosecutions start, but after investigations by the prosecution offices, the prosecutors dismissed them.

The Internal Control Service authorities of the State Police and Prison Police should work more to investigate the cases of conducting criminal acts from the police officers. The prosecution authorities should raise the responsibility to make effective investigations, independent and objective of the torture cases or mistreatments conducted from the state authorities.

**20. Increase the efforts to fight mistreatment by police authorities.**

Although in the laws and in bylaws is provided the prohibition of harassment from police employees, is needed more work to treat them, to investigate and punish from the disciplinary committees and other internal structures.

People's Advocate will launch during 2014-2015 a strong campaign of trainings for police authorities regarding respect for human rights, particularly those persons who were detained or deprived of liberty.

**21. Improve conditions of prisoners and detainees, and prevent any kind of abuse against prisoners by security personnel.**

About 80% of police stations in the country have out of standards (defined in the international acts and internal legislation) the conditions of the rooms and places where are kept the detainees until the court set the extent of security. Although that, it's worth mentioning the progress done in recent years in the penitentiary system related with the improvement of material conditions in prisons / detention. There are built and now are in function: detentions in Vlora, Durrës, Elbasan and Special Insti-

tution for Minors in Kavaja. There are in the final stage of operation, Berat and Trojë detentions also are still under construction the high-security prisons with capacity about 800 prisoners in Fier and Shkodra.

According to recent international reports (EU Progress Report 2013, and OSCE) is increased the efficiency of the National Mechanism for the Prevention of Torture in his prevention role in prisons / detention centers and police stations and in other institutions (such as psychiatric hospitals or illegal immigration centers, etc.). The volume of monitoring visits, the investigation of pretended mistreatment cases of persons deprived of their liberty and recommendations of the Mechanisms to the law enforcement institutions have increased 40%.

### **Trafficking**

#### **22. Encourage the policies in the fight against child trafficking, define the crime of children sale and the pornography with children.**

In the framework of changes to the Criminal Code, aiming the fulfillment of obligations deriving from international conventions for Albania in which it is party, new criminal acts are foreseen, changes of existing provisions in the Criminal Code.

It is changed the article 117 (pornography) in order to have a harder punishment of pornography (production, distribution advertising, sales, etc. including children, in any form) and Article 128 / b (trafficking of minors) which provides severe penalties for this particular criminal act when a minor is involved, in any form or manner.

#### **23. Continue with the effort to fight trafficking, giving special attention to the protection of victims.**

Besides the Victims of Trafficking Center in Linza, there are some other residential centers that offer their services as civil society organizations, local and foreign, in accordance with the agreements they have with the competent authorities (Vatra, Tjeter Vizion, Arsis, etc.).

Identification of the victims of trafficking in need of help is done in full coordination and cooperation with all authorities and state and non-state structures. The engagement of the relevant structures in accordance with the legislation, aims to offer to this category, the right for safety, shelter, privacy, information, legal representation, denunciation to authors of crime, medical and social assistance, etc.

#### **24. Take further special measures and rehabilitation programs in terms of continuing reintegration of trafficking victims.**

The institutions, part of the Cooperation Agreement parties mainly the Interior Ministry, Ministry of Health, Ministry of Education and Science, Ministry of Foreign Affairs, Ministry of Social Welfare, General Prosecutor's Office, National and International Organizations, are engaged to realize the obligations in conformity with legal predictions. It is again a problem, the treatment of the age groups under 18 years or 18-21 years since this category is not in contact with the educational processes and is not offered the continuity inside the centers (the People's Advocate has recommended it). Observing in continuous their psychological conditions, the People's Advocate conclude that for this category, the staff is insufficient and is not a multidisciplinary team for deeper psycho-social, rehabilitation and reintegration steps.

**Freedom of expression**

**25. Review the compatibility of criminal and civil code with the freedom of expressions provisions in the International Convention on Civil and Political Rights.**

**26. Investigate and punish the attacks and threats against journalists.**

**27. Make all the efforts to guarantee full respect of freedom of expression and the press, in accordance with the international obligations of Albania.**

After numerous discussions of civil society, the political class and the international recommendations was amended the Criminal Code provisions, which stipulated imprisonment for defamation, an act used to attack and punish the journalists who publish information regarding different elements of politic class.

The number of lawsuits against journalists from politics with this legal basis is reduced. Although that, still has pressure on the journalists and various media that have addressed important issues of the society. The legal framework that regulates the media, is incomplete and needs urgent changes and improvements that will not only guarantee the media freedom but also the professionalism and impartiality of it. Particularly problematic is the situation with the press, which operates with a total lack of a legal basis (law or bylaws).

**Corruption**

**28. Take appropriate measures to improve the efficiency and transparency of the strategies and actions against corruption.**

These measures require actions in two basic directions:

- The review and the improvement of legal regime of the right for information in the country, which means improvement, or the entry into force of a new law "On access to information for official documents".
- Improving the legal regime of the classification of documents "state secret" and the creation of an effective legal framework for the protection of individuals "whistle blower", which does not exist in Albania.
- Regarding anti-corruption strategies and their effectiveness, is needed to approve a law for public notification and consultation of these general documents on the phase of drafting and adopting them. Effectively the government is discussing a draft of this kind.

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