



REPUBLIC OF ALBANIA

PEOPLE'S ADVOCATE

**Summary of the People's Advocate recommendation on the hunger strike
by the tenants in apartments of former owners, near “Petro Nini Luarasi”
school (Tirana)**

May 2013

-Non official translation-

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On April 24th, 2013, the People's Advocate started with initiative the case regarding the hunger strike of 14 families that were renting their apartment from former owners in Street “Margarita Tutulani”, Municipal Unit no. 5, Tirana.

By taking into examination this case, the People's Advocate addressed the official letter “*Request for information*” to Police Station no. 2 in Tirana, seeking information on procedural actions conducted by the State Police on the violent actions of the private bailiff and of the police against residents.

Furthermore, to the Tirana District Prosecutor's Office was addressed the official letter “*Request for information*” on whether the Prosecutor's Office had started criminal proceedings after the charges made by the damaged residents.

Currently, it is under preparation a recommendation for the Tirana District Prosecutor's Office “To start investigation for the criminal offense of '*falsification of documents*' and '*abuse of office*' against the employees of Tirana Immovable Property Registration Office and the National Housing Agency, and to start investigation for the criminal offense of '*committing to arbitrary actions*' against the private bailiff”.

Moreover, given the developments related to this issue, a recommendation was sent to the Minister of Health, on the progress of the hunger strike being held by these individuals. In this recommendation it is stressed out that the People's Advocate has from long time been committed to addressing the problem of tenants in the houses of former owners expropriated by the state. It is also highlighted that special attention has been given to the sensitivity that this problem created to the public and there has been set up a working group to review the case. The working group has been meeting on daily basis with the tenants and with the hunger strikers in particular, by listening to them for all their claims and demands. The working group has as well constantly monitored the progress of the strike.

For the monitoring done to the strike it results that there is a lack of continuous medical service in the facilities of the hunger strike. Specifically, it is evidenced the absence of the ambulance vehicle needed for these cases, along with the relevant medical staff, for providing medical service 24/24 hours. First of all this situation is of concern in the human aspect, since the choice made by these individuals has serious consequences for their health and lives. Due to food refusal for long time and to weather conditions that adversely affect a number of vital indicators, their conditions aggravate every day more. In this recommendation it is explained that, legally and institutionally, doctors are responsible for managing the living conditions of the hunger strike, given the guaranteed individual's right to health care and that the provision of this service shall be provided under acceptable and qualitative standards in respect of human rights.

In this context, we have concluded that these rights can not be considered guaranteed, particularly in terms of a hunger strike when emergency medical treatment is a major problem when our public health system does not provide availability and qualitative standards required for medical service.

Based on these finding, in accordance with Article 21 of the Constitution of the Republic of Albania, to protect with law the person's life, as well as a number of international acts that regulate the hunger strike, namely the *The Hunger Strike Declaration* (The Malta Declaration of 1991, reviewed in 1992)”, approved by the 43rd World Medical Association, held in Malta, in November 1991, reviewed by the 44th World Medical Association, held in Marbella, Spain, in September 1992 and by the 57th World Medical Association, held in Pilanesberg, South Africa, in October of 2006; *Tokyo Declaration* - instructions for medical doctors concerning torture and other cruel, inhuman, and degrading treatment or punishment, approved at the 29th Medical Assembly, held in Tokyo, Japan, in October 1975, reviewed at the 170th session of the Council of the World Medical Association, held in Divonne-Les-Bains, France, in May 2005; *Recommendation R (96) 11* of the Committee of Ministers of the Council of Europe and despite the absence of a special law that would regulate this relationship, we recommend:

Responsible health care institutions should urgently take the needed measures in providing medical service 24/24 hours within the premises where the hunger strike takes place.