

**REPUBLIC OF ALBANIA**



**ASSEMBLY OF ALBANIA**



**PEOPLE'S ADVOCATE**

# **ANNUAL REPORT**

**On the activity of the People's Advocate**

**1 January – 31 December**

**2006**

**Tirana, 2007**

## TABLE OF CONTENTS

	Page
Speech of the People's Advocate	2
Resolution of the Parliament of the Republic of Albania	4
1. Summary of statistics for the year 2006	6
2. People's Complaint Office	
3. General Opinions on Human Rights in Albania	10
4. Relations with the Parliament of Albania	16
5. Cooperation with the Council of Ministers (Government)	21
6. Activity of Subsection on Children's Rights	24
7. The Right of the People's Advocate for Legislative Recommendations . (Tables 1,2,3)	26
8. Applications addressed to the Constitutional Court	54
9. Cases started at the initiative of the People's Advocate ( ex-officio)	55
Appendixes	60

## **Speech of the People's Advocate**

### **Distinguished Madame Speaker of Parliament of the Republic of Albania Distinguished Members of Parliament**

The annual report, that I have the honor to present today before you, is the seventh in number. People's Advocate is a derivative of this honored Parliament, which created this position legally and institutionally as important element for the balance among legislative, judiciary and executive. Our experience showed that it is not important how the idea of creating an Ombudsman becomes part of political agenda. Beyond this moment important is how such an office manages to adapt itself to the legal system, social, administrative and historical context, that is, how this connection to the three powers works.

Presentation of this annual report before you is not simply to show what we have done and how we have done it. Of course, you will make this assessment too and we shall welcome it as in previous years. Besides this, this report represents in itself an instrument in the hands of this Parliament to know public administration and governance in a country scale, that is, in a central and local level. In spite of individual concerns of our citizens, which are formalized through complaints and applications to People's Advocate, all these together have to do with those concerns or small and big problems that Albanian society and public administration face today. Most of them are caused by bad administration of duty or office by officials of all levels, manifested by lack of information, as the faintest manifestation, up to the use of physiological or physical violence, which constitutes a criminal act, as the gravest manifestation of fundamental human rights and freedoms violation in Albania. There are also complaints or lawful applications that are caused under the effects of corruption, a product of which is the economy insufficiency to meet people's needs, insufficiency of security to guarantee order for citizens, insufficiency of justice to give justice or punishment where there is a crime. All these are translated into a common denomination that is called a poor state because of citizens' poverty. This is also the reason why the international instruments and the civilized world towards which we intend to go, do not treat poverty as a question of mercy, but as a social wound, the worsening of which endangers not only those who suffer individually, but more than this they endanger the citizens wellbeing and security, endangering thus in essence the state good working. We, Albanians have experienced this in some cases dramatically in the recent century.

First point of People's Advocate agenda was, is and shall be to moderate the government authority through protection of human rights on behalf of groups and individuals. As such, People's Advocate needs to be in the center of society's efforts to balance citizens' rights and duties with the obligations that the state and its instruments have towards them. Recommendations, proposals or criticism of People's Advocate, as always, are not made and should not be considered as opposition manifestations, but as opponency for good governance.

Since the beginning of the work of our Institution we always have taken into account that governance challenges have been challenges for the People's Advocate as well.

Foreseen as an institution, which aims to improve the quality and art of good governance, with his activity, People's Advocate tried to address precisely those major problems that have been a concern for the power good functioning, considering the public officials as regular servants in offering public services and the increase of citizens' life quality.

## **Distinguished Members of Parliament**

Taking into account the fact that Albania now has signed the application to be admitted into a big continent in the future, in the European Union, not only geographically, but above all politically, People's Advocate intended to justify its institutional existence in the country not only as another guarantor for the implementation of rule of law and observance of human rights in Albania. With our work we intended to show that Albania has since this stage has important constitutional institutions which meet the standards of their European counterparts and are equal to them.

No one likes the fact that we are under monitoring, and the less does the Albanian administration in the process of its working. This is so, because, however correct, honest and transparent the government performance is, it has always to face increasing demands of the governed. But this is how democracy works, therefore it may not be qualified as a perfect order, but it results to be the best of what has been known and accepted by human society until present.

In the recent days, in the framework of the 50<sup>th</sup> anniversary of Rome Treaty and preparation of Berlin Declaration, European Union Ombudsman, Mr. Nikiforos Diamandouros, wrote to German Chancellor, Mrs. Angela Merkel, in the quality of Presidency of the EU, that addition be made to the Declaration in question, among others it should state: "Promotion of good administration deserves a great attention in the agenda focused on citizens. This means an administration oriented towards the citizens, an open and responsible administration, administration focused on results".

Peoples Advocate is exactly one of those monitoring mechanisms, which through daily complaints received by citizens has the functional duty to knock strongly on the door of public authority, to recall to the latter that regardless of merits that brought him to that position or office, in the final analysis, the purpose why he is there is to serve to other citizens. Every official should regard this not as a burden, but as a reason for his existence in that duty or position.

## **Distinguished Members of Parliament,**

I believe that you will also consider and use this report as an indicator of People's Advocate work, but also as a means to control our administration and good governance standards that it offers. I would also that this report be used as manual for information and implementation of best good governance practices for all levels of public authorities and administration of Republic of Albania.

Thank you.

**People's Advocate**

**Ermir DOBJANI**

**REPUBLIC OF ALBANIA  
PARLIAMENT**

*APPROVED*

**SPEAKER OF PARLIAMENT  
Jozefina Topalli (Çoba)**

**R E S O L U T I O N**

**ON THE ASSESMENT OF PEOPLE'S ADVOCATE INSTITUTION  
ACTIVITY IN 2006**

**Parliament of Albania,**

- assesses People's Advocate activity as a constitutional, independent, non-judiciary institution for protection of human rights;
- it supports this institution's role for raising the responsibility and transparency of public administration, including judiciary and prosecutors' office executive bodies;
- it encourages People's Advocate commitment in finding out and denouncing violations of citizens legal rights by officials;

**It observes:**

- that People's Advocate carried out an activity in accordance with the Constitution and the law in protection of citizens interests in 2006;
- last year in its activity People's Advocate complied to the objectives set by the Parliament in its resolution for this institution's activity assessment;
- this institution's work volume and complaints examined by it, compared to a year ago, have increased, which shows the increase of citizens' trust in it;
- this institution's performance has improved continuously;
- the new initiatives to be as close to the people and their concerns, like "open days", are assessed positively for the impact they have had.

**The Parliament requires that special attention be given in 2007 to the following objectives:**

- reconfirmation of cooperation with the Parliament for information on the degree of human rights observance and encouragement of legislative initiatives;
- protection of human rights by proactive follow-up of cases for large groups of people, strata in need, without excluding typical individual cases;
- strengthening of cooperation with civil society, NGO-s and media in order to exert positive pressure on the administration with the aim of creating good administrative practices;

- continuing the organization of the fruitful practice of “open days” to come very close to the public and to raise its degree of awareness;
- maintaining good relations of cooperation with international organizations;
- continuous denouncing of citizens' rights violations by responsible state administration officials.

19 March 2007

## **1. Summarizing statistics for 2006**

While exercising its functions People's Advocate has aimed at the raising of work efficiency and at the same time promoting rule of law, good governance and human rights protection. The handling of complaints submitted to the Institution of the People's Advocate have made us tackle the problems concerning the citizens not only in Tirana but throughout the country and also undertaking initiatives with the view to further increasing the quality level of services provided to citizens.

As emphasized in previous reports, the People's Advocate target to meet is making great efforts to provide any assistance to the citizens addressing him, to obtain the necessary legal assistance and advices in due time and appropriately. We are convinced nowadays that the citizens would not address us their concerns if they did not believe in them being resolved. During 2006 we proved this trust on us kept on existing. The increasing flow of complaints handled by our institution over 2006 accounts for that.

During the period of January 1 to December 31, 2006, the People's Advocate Office handled 3609 complaints, requests and notifications (including the complaints and requests immediately responded by the People's Complaints Office ). Out of 3609 complaints, 280 had been carried over from year 2005, 2555 are filed over the year 2006 and 774 are cases been immediately responded by the Office of the People's Complaints. Because the Institution of the People's Advocate moved to new premises in August 2006, the number of people addressing the People's Complaints Office came out to be reduced compared to the previous year. Referring to the process of handling the complaints submitted to our Office, it should be pointed out that there are 2835 or 127 more cases than in 2005. Out of them, 226 complaints or about 8% of them should be considered in 2007. During 2006, there have been completed 2623 complaints of which 1192 or 45.4% of them were beyond the jurisdiction and competence, however, an effective work has been done advising the citizens as regards the ways they had to pursue to have their problem resolved.

725 or 27.6% of complaints resulted as groundless whereas 554 or 22% of them are solved in favour of the complainants. Our recommendations concerning 37 complaints or 1.4% of the completed complaints, being addressed to the respective administrative organs on violations committed by themselves are not taken into consideration.

In 92 cases or 3.5% of them, the complainants have given up during the process of examination. For the complaints accepted as grounded, there have been formulated recommendations or written proposals for 100 complaints of them to public authorities with a view to enhancing public administration, thereby safeguarding, and ensuring the standards of good governance. For the rest of complaints, an understanding has been achieved during the stage of receiving the necessary explanations or orally mediating with the public administration authorities, which after communicating with us, finally realized their mistakes, hence giving up their initial negative attitudes. The recommendations made by the People's Advocate and accepted by the bodies addressed to account for argumentative interventions of our institution in order to restore the violated right of the citizen.

In this Annual Report we will present the cases treated by the People's Advocate Office, classified according to the respective Ministries, and the other bodies or entities of the Albanian Public Administration subordinated to them, against which the complaint or request has been submitted.

The following is the presentation of the number of complaints, requests and notifications dealt with by the Institution of the People's Advocate during the year 2005:

<b>1. Council of Ministers</b>	<b>- 80, of which</b>
Government itself	- 18
a- Directorate of Government Services	- 9
b- Supervisory Group for the Pyramid Schemes	- 4
c- Institute of Integration for the Former Politically Persecuted Individuals	- 5
d-Agency of ownership restitution and compensation	- 44
<b>2. Ministry of Justice</b>	<b>- 331, of which</b>
Ministry itself	- 12
a- Prisons	- 115
b- Bailiff's Office	- 116
c- Tangible Properties Registration Offices	- 88
<b>3. Judiciary</b>	<b>- 374</b>
<b>4. Prosecutor's Office</b>	<b>- 197</b>
<b>5. Ministry of Interior</b>	<b>- 564, of which</b>
Police	- 215
<b>Local Government Bodies</b>	<b>- 349</b>
a. Commune	- 83
b. Municipality	- 216
c. Prefecture	- 13
d. District	- 12
dh. Registry office	- 25
<b>6. Ministry of Defence</b>	<b>- 61</b>
<b>7. Ministry of Labour, Social Affairs &amp; Equal Opportunities</b>	<b>-159, of which</b>
Ministry Itself	- 19
a. Social Insurance Institute	- 132
b. State Social Service	- 8
<b>8.. Ministry of Public Work, Transports and Telecommunications</b>	<b>-181, of which</b>
Ministry itself	- 40
a. Construction Police	- 70
b. Water pipeline, canalisation	- 18
c. Albtelecom and mobile telephony	- 23



d. Albanian Post-Office	- 7
e. Railway service	- 1
f. National dwelling body	- 22
<hr/>	
<b>9. Ministry of Economy, Trade and Energy</b>	<b>- 111, of which</b>
Ministry itself	- 57
Electric Power Corporation	- 54
<hr/>	
<b>10. Ministry of Finance</b>	<b>- 61</b>
<hr/>	
<b>11. Ministry of Education and Science</b>	<b>- 76</b>
<hr/>	
<b>12. Ministry of Health</b>	<b>- 47</b>
<hr/>	
<b>13. Ministry of Foreign Affairs</b>	<b>- 34</b>
<hr/>	
<b>14. Ministry of Tourism, Culture, Youth and Sports)</b>	<b>- 13</b>
<hr/>	
<b>15. Ministry of Environment, Forests and Administration of Water</b>	<b>- 5</b>
<hr/>	
<b>16. Ministry of Agriculture , Food and Consumer Protection</b>	<b>- 19</b>
<hr/>	
<b>17. Complaints against the administration of State Intelligence Service</b>	<b>-11</b>
<hr/>	
<b>Others</b>	<b>- 231</b>
<hr/>	
<b>TOTAL</b>	<b>- 2555 complaints</b>

Over the year 2006 a considerable number of complaints (577 complaints) got to be solved in the favour of the complainant due to the mediation work of the People`s Advocate with the central and local public administration organs.

## **2. People`s Complaints Office**

### **a) Summary of statistics**

Based on the number of individuals approaching our institution and the various issues made present , the following is an introduction of the People`s Complaints Office annual activity chart in figures.

In the year 2006, the overall number of complaints submitted to the People`s Complaints Office consisted of 1624 complaints or requests. In the following chart you can find the number of complaints received each month and the number of

complaints accepted as within jurisdiction and the competence of the People's Advocate.

Month	Complaints in all	Complaints accepted
January	171 complaints	82 complaints
February	178 - "-	89 - "-
March	193 - "-	89 - "-
April	193 - "-	95 - "-
May	172 - "-	100 - "-
June	157 - "-	83 - "-
July	116 - "-	78 - "-
August	---	
September	112 - "-	69 - "-
October	95 - "-	57 - "-
November	114 - "-	53 - "-
December	123 - "-	55 - "-
<b>Total</b>	<b>1624 - "-</b>	<b>850 - "-</b>

As clearly seen from the total number of complaints or requests submitted to the People's Complaints Office, 850 of them were accepted for investigation which can be found in other parts of this report relating to the public administration organs and fields of activity.

During 2006, the People's Complaints Office received, advised, gave orientation and responded immediately to 774 complaints and requests after recognising them as beyond the jurisdiction and competence of the People's Advocate. However, all the complainants were provided with professional advice and were shown the legal and institutional ways to follow with the complaint.

### **b) "Open Days" – An experience to continue**

Under the circumstances of the increasing decentralization favouring local government competence, the People's Advocate thinks that the problems should be given a solution at the place where they appear and with the people who purposely or by imprudence create them. This is the reason why we have consolidated the practice of organizing a direct communication form with the citizen, the so-called "Open Days".

We have considered the practice of "Open Days" as very efficient that reduces considerably the bureaucratic procedures, the long routs to Tirana, the financial costs and why not the abuses with the citizens rights. If the procedures are carried out properly the citizen become more trustful of the state, institutions and the legislation and this begins right with the smallest administrative unit.

During the year 2006, the legal experts of the People's Advocate organized "open days" in 32 municipalities and one commune, in Lazarat. There were received in all 672 complainants of which 489 complaints were accepted. Whereas, 183 complainants were given explanations and advice on the spot.

The "Open Days" were anticipated by several local television shows with experts from the Office of the People's Advocate or the announcements made by the respective municipalities officials. During the meetings with citizens it resulted that

most of the complaints were related to social problems (employment, housing and social welfare), the non-execution of the court decisions, the procedures applied by the Offices for the Registration of the Real Estates, job related conflicts and different kind of pensions and other problems.

The experience gained from “Open days” or inspections carried out in prisons and meetings with soldiers in their soldier units etc. in order to get acquainted with the violation of rights, has made necessary its further continuation in the future.

### **3. General Opinions on Human Rights Situation in Albania**

The People's Advocate is the only national institution holding the constitutional status for protection of human rights and freedoms in Albania. Every year in our annual reports we have given our particular or general opinions on human rights issues. However, regarding the human rights and freedoms in Albania, we have expressed our opinions not only in the annual reports of each year, but even in the analyses conducted, discussions made or recommendations formulated on certain cases or aspects. Whereas, as regards the problems we are introducing in the following, we have relied not only on the complaints submitted to our Institution, but also in the information received by the non-profit organizations, and surveys published in the Albanian media, or even the reports focusing on Albania submitted by the prestigious bodies and institutions, such as the European Union, Council of Europe, US State Department, Human Rights Watch, Amnesty International, Freedom House, various Human Rights Committees of the United Nations Organization, Albanian Helsinki Committee, etc.

As we all know and have it highlighted in all Reports made by the monitoring international institutions and bodies, in the Republic of Albania, the specific laws relating to human rights implementation and protection have all been adopted. The Albanian Constitution of 1998 is in the first place providing: “the fundamental human rights and freedoms are indivisible, inalienable, and inviolable and stand for anyone at his birth”. It also emphasizes: “the recognition and implementation of human rights is the state duty”. But the drafting of the new laws is not sufficient. The well implementation of law is a basic element guaranteeing the democracy and the ruling of law. It is a fact in Albania nowadays that the efficient implementation of the positive legal framework comes across various serious problems seeking for solution. Therefore, in our daily life we experience many negative occurrences that are substantially violations of human rights and freedoms.

The right to life was the main focus of the National Conference organized by the People's Advocate in December 2001. The Conference aimed at initiating a joint national strategy by all the state bodies and NGOs, as regards the imperative and sustainable preventive measures in defence of the right to life, especially targeting the phenomenon of blood feud. The conclusions and Recommendations drawn by the Conference have been published since early 2002. It is important that the Assembly has passed the law no. 9389, dt. 04.05.2005 “On the establishment and the functioning of the Coordinating Council in combating blood feud”. But unfortunately, until now, after about 20 months, the Coordinating Council has never convened. The Council of Ministers, too, has not issued the respective by-laws pursuant to this law. We have raised the issues to the President of the Republic, the Prime Minister and all members of the Coordinating Council. So far, it is important that all

government institutions have realised that they should be more actively engaged and take actions to abolish this “wound” that put Albania into an inferior position and not compatible for membership into European family. Yet, we haven’t seen any new development or any important government initiative to be taken, except for the non-governmental organisations.

The right to life, as one of the fundamental human rights, remains in danger, as long as weapons stay in hands of people out of control, who use them everyday to take other people’s lives, including here crimes committed within family, suicides, crimes done intentionally or by imprudence. As we have mentioned in the previous reports, the law on collecting weapons hasn’t been effective and the structures have failed to put it into implementation. Although police has successfully busted some weapon trafficking places and the implementation of the law on illegal weapons has had better results, the number of the illegal weapons possessed by citizens is still high. To give an end to this situation, we can’t expect only the structures of the Police Forces to be involved in disarmament process. Other solutions ought to be given way to, like either by paying for every weapon handed over or by legitimising the right of possession to any individual being adult, responsible and with no criminal precedent. People psychology helps to understand that the conflict among people does not degenerate to the extent of using weapons if they are aware of the legitimate possession of weapons by everyone. We are aware of the fact there are countries, USA included, which legitimise the right of possessing legal weapons to any individual being adult, responsible and with no criminal precedent.

Individual freedoms and rights such as freedom of expression, press, media and television, freedom of conscience and religion, individual freedom, inviolability of habitat, freedom of privacy and correspondence are guaranteed by law. There are and will be complaints, or their defence through People’s Advocate or the judicial processes organised, but in our opinion, the individual rights and freedoms have in general been respected. Therefore, the violators of human rights and freedoms have been punished, in cases when the individuals whose rights have been violated have proven such violations after having addressed to the People’s Advocate or the judiciary.

With respect to freedom of press, media, and television, it should be admitted that such freedom has been exceeded in several instances. But our media has become aware that they must take into consideration what is foreseen in the regulated provisions of Law No. 8517, dated 22.07.1999, “On Protecting Personal Data Confidentiality”. Not infrequently used our Media to provide detailed personal data, which violate the right of privacy according to the aforementioned law. This phenomenon is far more pronounced in cases of charges on criminal offences, even more in cases when the children (minors) have been accused and inflicted detriments or cases involving trafficking in women. Less than in previous years, the journalists have run to take photos or interviews and provide the whole identity of the suicide children or violated and trafficking women and ignoring that such actions cause irreparable damages to the auditorium and especially to the abused victims. The last case was that of the Office for the Protection of Citizens and TV Klan ( “ Zone e Lire” TV. Emission ) which presented the interview of a husband claiming to be ill-treated by his wife, but none paid attention to the feelings of their 2 children, minors, who became traumatized. It is due to the lack of proper education or poor juridical and cultural knowledge that injured people have not submitted complaints or lodged

a suit, but this doesn't mean that there is no violation. A great preventing role should be played by the journalist associations through their professional maturity. Even the People's Advocate Institution can do more in this aspect by instigating public sensibleness against such violations.

Freedom of religion and belief is recognized and implemented by the state.

People's Advocate treated also the complaints related to observance of freedom of expression and faith privately and publicly and in every case managed to reach a solution of these cases with good understanding, which were made public not as an aim in itself but to create a positive example of their treatment in conformity to law and under the spirit of international Conventions.

We expressed the opinion that procedure of licence issuance for such buildings, the documentation to be filled in and the body that should be competent to approve the building licence, should adapt to a specific legal rule and concretely, we have proposed the completion of the Law "On City Planning" providing that KRRTSH (Council of Territory Adjustment of Albania) be the only body to approve the decision to issue building licences for cult objects after having taken the opinion of the State Cults Committee.

In the conditions when solidarity inside the religion comprises an observable norm of the faith, the state should consider this fact to confront and prevent the real consequences that might be brought by such acts for the present and the future of the country and its citizens. People's Advocate joined the statements of the religious leaders that faith is preserved in the soul and consciousness and is manifested inside the cult institutions and buildings. But Albanian state and Public Administration, etc. should not remain indifferent but be liable for and legally regulate the religious phenomenon and activities that jeopardize the state laity and religious harmony in Albania. (More information is provided in page 325 of the complete Annual Report).

Law guarantees political freedoms and rights, such as the right of election, organization and assembly; hence they are generally respected. But there are still disputes and distrust as regards the previous parliamentary elections. There will be different opinions given in this respect, for sure, especially the ones coming from political parties. People's Advocate has been strongly based on the principal of impartiality and never been involved in the instinctive frustration of the political parties which associate the electoral racing for central and local power. People's Advocate has been positive to the legislative and administrative steps towards the implementation of the ODIHR Recommendations. When it was the case, we got engaged with a view to respecting the fundamental right of free vote for every citizen of the Republic of Albania by making concrete recommendations against any possible manoeuvring of either political wing or electoral subject.

We have in mind that since 2002, given that the names of the dead appeared to be still registered in the registry office, People's Advocate recommended the removing of the dead from the list of voters. This recommendation was considered, and the law "On Civil Registry Office" was regulated, allowing the civil registry offices to clear off dead names at their initiative and accordingly the electoral lists. It is positive the fact that work has been kept on doing to make full clearance of the list.

We have insisted that, apart from creating an accurate voters' register, and providing the citizens with identity cards, the Electoral Code needs to be changed and amended and for the counting of votes in the upcoming elections, we recommend the use of electronic scanner instead of the counting teams, the same as the Universities made the students evaluation process. This does not only exclude people's subjectivity, but it is also a good economic advantage. It appears that the Election Central Commission planned the allocation of 6000 USD, converted to 58.000.000 Leke, from the state budget for the 2007 local government elections to pay for the counting teams. If the electronic means (scanners) are purchased with this money there will be no need to spend more for the elections to be held after 2007. It could have been given way to the election of 18 February 2007 as a pilot project to some of communes and municipalities, but this proposal has not been supported.

The Institution of the People's Advocate is in support of the idea for the amendment of the Constitution concerning the Assembly to be composed of 100 MPs, elected under the proportional system. Accordingly, the legislative body would become less expensive for the Albanian taxpayers and the electoral campaigns thereafter would be more peacefully conducted without personal campaigns of the candidates in their electoral zones. The political parties could be able to include in their lists women, their active individuals and professionals like lawyers, economists, sociologists etc. in order that the Parliament to be more qualitative in performing its activity.

As regards the trafficking of human beings there has been a positive development recently especially on the controlling of the borders. It is a fact nowadays that the illegal passing to Italy has been reduced and Albanians have been caught while trying to go through transit countries, like Croatia. The trafficking of women for prostitution reason and the trafficking of children of any form have been diminished and every day we hear about perpetrators been brought to justice.

The People's Advocate during the examination of each case especially on abuse of children, has considered the obligations issued by international conventions and internal laws. In these cases the interventions of the People's Advocate have been fruitful not only because the structures of bailiff offices, of school and social assistance have been put to motion, but some cases are made public and we have created the positive precedent and Recommendations are made to the Ministry of Justice, Ministry of Public Order, Ministry of Labour and Social Affairs, Ministry of Education and other structures in order to alert them about the importance of the issue and to remind them to take complete control of their depending structures in achieving the obligations emanated from international and Albanian laws protecting the rights of children. The organisation of our National Conference "All together in protecting children's rights", in December 2005, aimed at achieving this goal. Its respective Recommendations have been forwarded to all state institutions and bodies since January 2006. We can consider a success even to ourselves the signing of the Agreement between the Albanian and Greek Governments, on 27 February 2006 "For the Protection of and the Assistance to the children, victims of trafficking".

In cooperation with "Save the Children", since 2004 have been established the Subsection for Children's Rights within our Institution, which deals specifically with children issues. The aim is that also in Albania, in the current situation, a strong state structure is needed, which will promote and protect children's rights from

abusive behaviour of state authorities and individuals. This requires political and financial commitment and a legislative reform as well, which need time to be fulfilled. This project has already found financial support for 3 years provided by Swedish International Agency for Development (SIDA). For further information see page 359 of the complete Annual Report.

It is also the Ministry of Justice along with the European Commission, Unicef and Sida, that have started a 3- year special project on drafting a package law on juvenile justice, which includes the establishment of a separate penitentiary judiciary system for children, a centre of rehabilitation for minors and possibly a prison specially for children.

With regard to the women's rights, the trafficking on women has been lowered over these last years mainly due to the awareness campaign of women NGO's on Media, schools , universities etc. But it has been crucial the rigorous application of law against the perpetrators, the adoption and implementation of specific policies and programmes in support of the trafficking victims as well as the monitoring of this process by the respective bodies assigned by the governmental structures. But cases relating to violations within the family, against wives and daughters, are considerable. The situation gets improved slowly therefore the preventative work should not be shifted to the NGO-s only.

The International organisations continuously recommend that Albanian state should take immediate steps to change the public attitude towards the participation of women in public matters as well as to consider the adoption of a positive policy of action in this regard. It should take appropriate measures to secure the effective participation of women in the political and public life and other state sectors . The changing of the electoral system will provide much more space for women to take part in the public life and develop a better level of their representation in the elected organs. For further information see page 41 of the complete Annual Report.

The reconstruction of the Ministry of Labour and Social Affairs, and Equal Opportunities that took place in 2005, should make use of effective means in order to have the rights of women maintained and implemented , to enhance the woman's position and treatment within her family and the Albanian society. It is also much appreciated the setting up of the subsection for Minors Issues and Gender Equity to the Standing Parliamentary Commission on Labour, Social Affaires and Health of the Albanian Parliament.

Treatment of prisoners and detainees in isolation rooms to police stations remains very problematic even though there have been some improvements over the years. Treating the mentally sick persons in our mental hospitals remains a great concern as well.

The Albanian Government, should strengthen its control role on the justice institutions, police and health institutions in order to make them put its decisions into practice and separate each responsibilities. We can say that this Government has started to better carry out this task and obligation because it is decided that very soon the Ministry of Justice will have pre-detention rooms under its control.

The Institution of the People's Advocate is aware that even though there has been made improvements in the treatment of the prisoners in detention centres at the police stations, there are many complaints and requests of which we have cooperated

with the Ministry of Justice and that of Interior. For further information see pages 97-185 of the complete Report.

We have conducted relevant investigations on cases of arbitrary arrest and custody, of violation committed by the police officers, maltreatment of the detainees while in custody to admit delinquency. We have also recommended rigorous measures to be taken for all maltreatment cases by the police officers. For further information see pages 155-195 of the complete Report.

The number of complaints submitted to the People's Advocate against the prosecution office and the court continuous to be considerable, especially the ones relating to the unnecessary delays (procrastinations) of court procedures, with the request of getting the detainees to trial as soon as possible.

Therefore, we recommend that it is needed to continue to improve the legal framework of which we have made concrete proposals on issues like combating corruption inside the judiciary system, the implementation under no conditions of court decisions, the approaching of the national legislation with the international standards and mechanisms, improvement of the relations between General Prosecutor's Office, Police and Courts, fighting organized crime etc.

To better ensure the right to life and individual human rights and freedoms we reiterate the proposal on the drafting of a law regarding the private Investigator and the Advocate of the injured person ( the victim) since the very beginning of the investigation, the same as it is in other countries of the civilized world. These two functions holding the right and procedural obligations, will help to increase the eventuality of crime revelation , avoid the delays in the investigation process and trial, and above all will keep away the corruption existing in the prosecution office and court. The judge and prosecutor training and examination process should keep going on under strict professional ability criteria and control. They should be ensured better living conditions and life safety.

It should be taken into consideration that pursuant to the article 116/1 b, of the Constitution of the Republic of Albania, the ratified international agreements are in power throughout the territory of the Republic of Albania and based on the article 117/3, they must be declared and published in the Official Paper to gain the juridical power.

In this context, it results that out of a total of over 120 international acts being ratified, about 75 of them have not been translated or officially published.

There is another big problem here, because these texts have not yet been available for all the interested official institutions and the Albanian courts in particular.

How can these texts be put to practice, if they are not physically available? The Recommendation REC (2002) 13 of the Ministers Committee of the Council Europe member states, adopted on 18 December 2002, requires that the member states to “ ensure the European Convention of Human Rights be translated and distributed to the national authorities, especially to the courts, and moreover they have access in the country language to the developments of the European Court of Human Rights jurisprudence”. For further information see page 95 of the complete Report.

Finally, we can say it is widely known that the Parliament and its Government are responsible for the citizens human rights and freedoms situation in any country. In this framework, everyone should do his work. People's Advocate is aware of his



role, and has a clear vision of his constitutional responsibility and duties in protecting the fundamental human rights and freedoms of citizens in the Republic of Albania.

#### **4. Relations with the Parliament of Albania**

After about 7 years of activity of People's Advocate Institution, it is clear for all that, the Parliament of the Republic of Albania had a great influence on strengthening and consolidating it. This is so because it is known now that 'Ombudsman is Parliament's extended arm over Public Administration, so that, during Law implementation, it works to achieve the legislative goals'. During 2006, like in all years since its creation, People's Advocate continued to inform frequently, orally or in writing to the Parliament Presidency and respective Parliamentary Commissions about its activity or cooperated with groups of deputies on special issues.

We have taken part in discussion and we have given opinions on draft Laws and recommendations on various issues. The aim was not only to inform the deputies of Parliamentary Commissions about our activity and opinions but that they undertake the legislative initiative for amendments and improvements of Laws when they judge that our recommendations are proper.

The Resolution of the Parliament of Republic of Albania of 20 March 2006 'On Assessment of the Activity of People's Advocate Institution in 2005', required special attention to be attached to these objectives in 2006:

- continuation of cooperation with the Parliament for information on the degree of human rights observance and Public Administration violations in Albania;
- increase of level of cooperation with Albanian Public Administration for the increase of governance standards and strengthening of cooperation with civil society;
- organization of open days in various areas of the country periodically in order to increase the public awareness and implementation of other forms to come closer to it;
- continuous publication of Public Administration violations in the field of human rights, demanding also measures against accountable people pursuant to the Law;
- qualitative increase of level of reporting to international organizations;
- increase of our institution insistence to follow up the recommendations given for Albanian Public Administration, including the judiciary and the prosecutor's office.

As it appears from this report and the respective figures on the concrete activity, we may declare that in general good work was done to meet the above objectives.

A- In our annual Reports from 2001 and on, we informed the Parliament that we have recommended to the government to take measures for the preparation of some Laws and other acts in order to fulfil the obligations stemming from the Constitution of the Republic of Albania.

On this occasion, we inform the Parliament of Albania that the obligations provided for in articles 10 and 44 of the Constitution, have not been met properly for two issues:

1. Obligation of the Government to sign agreements with religious communities and these agreements be ratified in the Parliament as required by Article 10 of the Constitution. For more, read page 402 of this Report.

2. Issuance of Law on rehabilitation and indemnification from state bodies illegal acts or actions, as required by Article 44 of the Constitution. Until now, only Law No. 9381 of 28.04.2005 'On Compensation of Unjust Imprisonment' has been adopted. However, it is known that the rehabilitation and indemnification notions are much larger than the compensation of unjust imprisonment. Therefore, another Law should be issued. We will never stop recommending proper implementation of Article 44 of our Constitution.

B - During 2006, we sent directly to the Parliament these Recommendations for Laws improvement of with the purpose that MP-s take legislative initiative:

1. Recommendation addressed to the Parliamentary Commission on Human Rights, concerning calculation of days for sentenced people, who have been in pre-detention rooms beyond after their ruling had taken a final form. This time should be calculated according to Article 57 of Criminal Code, that is, one day pre-detention equal to one day and a half of imprisonment. Recommendation was accepted and a group of MP-s presented our Recommendation in the form of a draft Law. In May 2006 the draft was discussed in the Commission of Legal Affairs, Public Administration and Human Rights, was accepted in principle as a just issue, but it was postponed in order to find another form of legal wording.

2. Four Recommendations for amendments and completions for Law No. 9087 of 19.06.2003 'Electoral Code of the Republic of Albania' have been sent on 20.10.2006 and 25.10.2006 to Parliamentary Commission for Electoral Reform.

I. Pursuant to point 3 of Article 45 of the Constitution of the Republic of Albania 'The convicted people who are having their sentence of imprisonment, have only the right to elect'.

Point 3 of Article 63, Law No. 9087 of 19.06.2003 'On Elections and Local Referenda', states '40 days before the voting day, the manager of the special Institution prepares the list of voters who reside in the constituency, where the institution is situated and hands it over to the chairman of the respective local government unit'.

Pursuant to this provision, the practice of 2003 local elections showed that most of the people sentenced with imprisonment were deprived of the right to elect. This was so because Law provides for and was implemented only for the sentenced people, who resided in the place, where the institution (the prison) was situated, to be included in the voters list. In practice, this occurs rarely because, for example, in Tirana prisons there are hundreds of sentenced people who reside in other cities. Pursuant to the existing Law, they can not be registered in the voters' lists, as a consequence they do not vote.

Seeing that the Electoral Code itself in Article 63, point 3, has become an obstacle for the sentenced people to practice their electing right recognised by our Constitution in point 3 of Article 45, we recommended Electoral Code improvement by substituting the word 'reside' with the word 'sojourn'.

II. We proposed that the function of municipality or commune deputy chairperson be also included in direct elections. Because it prevents mayors' and heads of communes' elections provocation very often as a result of death, imprisonment, emigration, etc, In this way the local government units do not remain without representatives elected by the people and no expenditures are made for re-elections in municipalities and communes which remain with no chairperson.

III. We repeated the recommendation that the Electoral Code should provide for political forces of the country not to involve children in electoral meetings. Starting from the images of all previous Electoral campaigns, there were many cases when we observed an active participation of children in each political party electoral campaign. We should not forget that children do not have the intellectual, physical or mental maturity as adults, and frequently they themselves do not understand the purpose of these organisations or meetings. For this reason, Law provides for the age of 18 to elect and to be elected. This is exactly the reason why they need special protection. They should be protected not only from negligence or abuse but also from responsibilities that are beyond their capacities. There are many cases when conflicting language and respective very heavy accusations find expression in meetings.

Respecting the fact that in our society diversity is respected and demanding that children's rights be taken into consideration in every case and that no child feel excluded, we have very often suggested publicly that all political forces in our country should not use of this part of society for electoral needs.

People's Advocate Institution recommended that one special point should be added to definitions and principles chapter of Electoral Code, in Article 3 or in Article 5, expressly as follows: 'Involvement or participation and commitment of children under 18 in political parties' meetings is prohibit is prohibited'. However, this age may be lowered to 16.

IV. Civil Society in Albania, concretely the Coalition for the promotion of participation of women and young people in politics, women's political groups, and international organisations have recommended that Albanian state should undertake immediate steps to change the public behaviour towards participation of women in public affairs and should take into consideration the approval of positive political action in this regard.

Participation of women in public and political life in Albania and in decision taking process remains limited. Currently, Albania marks the lowest standard of women representation in Europe, having only 7.1% women in the Parliament, though the Ethics Code signed by all political parties in the framework of Parliamentary Elections of 2005 stressed expressively: *'We shall increase and support concretely the full participation of women, either as candidates or as members of commissions in the electoral process'*

Regardless of the above commitment, the results were entirely unsatisfactory and the reality shows that women's participation in politics in Albania has decreased from year to year. In order to improve this situation Electoral Code needs an adjustment, establishing the quotas system and the 'defined seats' in Parliament, Municipality and Commune Councils together with sanctions for their non-implementation.

There are different systems of electoral quotes. They maybe implemented with the purpose to reserve a certain number of seats for women in elected bodies offering support to them in order to come out of political isolation. They intend to guarantee at least a critical minority for women from 20%, 30% or 40% up to the guarantee of real gender balance of 50% men and 50% women.

Though in many states, which provide for quotas, no time limits have been established for their implementation, it seems that the recent tendency is to support more the systems of temporary quotas. The purpose of this is to show the temporaries of state political action until the abolishment of all barriers that exist in the electoral

patriarchal reality. Such a thing can be easily observed also in the recommendations that the United Nations Committee for Elimination of Discrimination against Women made to Albanian State after the first report of our state for the implementation of Convention 'On Elimination of All Forms of Discrimination For Women, section 28, 13 – 31 January 2003.

Among others, the Committee quotes:

'Whereas the Committee welcomed the use of minimal quotas by some Albanian Political Parties for women candidates in local elections, the committee expresses the concern for the low representation of women in high elected and nominated levels and *calls on the Albanian Government to take measures to include improvements in electoral Law, to increase women representation in elected and nominated bodies by implementation of specific temporary measures*, with the purpose of realising women's rights to be included in all fields of public life, especially in high levels of decision taking'.

Regarding the above, we express the opinion that it is necessary to establish the electoral quota in advance at least 30% for women. This dictates necessarily new legislative provisions in Electoral Code for compulsory quota of women representation in elected bodies, in local or political elections.

For the above, Electoral Code should provide for:

a) Regarding lists with one - name:

Every political party presenting candidates for MP-s, candidates for mayors and communes' heads or counsellors in municipality or commune council should present 30% women or girls candidates.

Political parties or coalitions, member parties that won together more than 20% of votes in previous general elections are obliged to present a minimum of 30% women and girls candidates in all constituencies.

b) Regarding lists with many names:

Listing of candidates is decided by the electoral subject presenting it, always preserving a fair gender balance, with no less than 30% women or girls.

One in three names of the list presented by the electoral subject should be a woman or a girl.

Unfortunately, as it is known, the Parliamentary Commission on Electoral Reform failed. Consequently, the above Recommendations and Proposals have not been examined seriously and institutionally. Therefore, we shall propose them again after elections for local government bodies to be held on 18 February 2007.

3. Recommendation to include in the fiscal package the legal initiative undertaking for legal provision of the term 'direct tax' in Law No. 8977 of 12.12.2002 'On System of Taxes in the Republic of Albania' and in Law No. 8982 of 12.12.2002 'On System of Local Taxes' concerning legal qualification of kinds of 'direct local taxes' for the effect of excluding war veterans, the disabled and the blind. Recommendation has been accepted officially by the Ministry of Finance. It does not have financial consequences and we shall follow it up in order to be approved as soon as possible in 2006.

C - In 2006 Parliament Presidency or Parliamentary Permanent Commissions have been informed in the writing about:

1. Recommendations on duties that rise for all state bodies in the spirit of the National Conference 'All Together to Protect Children's Rights' on 12.01.2006.

2. Information on Recommendation addressed to the Government for the need of issuing secondary legislation to implement Law No. 9389 of 04.05.2005 'On Creation and Working of Coordinating Council in the Fight against Blood Feud of 02.02.2006.
3. Information for Recommendation addressed to the Minister of Justice and General Directorate of Prisons to prohibit unjustified use of violence in prisons and finding the Responsibility for these violations, of 02.03.2006.
4. Information addressed to the Parliamentary Commission for Legal Affairs, Public Administration and Human Rights on problems raised by the sentenced people in Greece, having the sentence in Albania, of 02.03.2006.
5. Information for Recommendation addressed to the Regulatory Entity of Energy not to accept proposal of KESH sh.a. for the increase of electric power price for family consumers, of 03.04.2006.
6. Information for Recommendation addressed to the Prosecutor's Office and Ministry of Interior for the beginning of investigation on offence of 'Torture' and expulsion from state police of police officers Altin Gusho and Altin Lullalli and taking disciplinary measures against Mr. Ilia Nasi, Chief of Korça Police Station and Mr. Elidon Veizi with the duty of Chief of Criminal Police in Korça, on 23.06.2006 (related to the question of suicide of the youngster Amarildo Përfundi).
7. Information for Recommendation addressed to Ministry of Interior and General Directorate Police to take necessary measures to allow that the lawyers access police premises to meet their clients since the first moments of escort, detention or arrest, on 11.07.2006.
8. Information for Recommendation addressed to the Ministry of Interior and the Ministry of Finance for the need of creating a financial fund in the local police bodies to pay the social workers and the defence lawyers protecting the minors, of 12.07.2006.
9. Opinions Addressed to Parliamentary Commissions for the draft law 'On Salaries, Remunerations and Structures of Constitutional Independent Institutions and Other Independent Institutions Created by Law', of 13.07.2006.
10. Information for non-implementation of Law and non-execution of legal action to vacate buildings of students occupied illegally, of 04.10.2006. This issue has been procrastinated; we shall speak for it in detail in the chapter for complaints against the Ministry of Education.
11. Information for Recommendation addressed to the Ministry of Public Works and Transport etc, to take measures for the creation of acceptable conditions in the passengers' service for the railway transport, of 01.12.2006.
12. Opinions on new draft law 'On State Police' addressed to Parliamentary Commissions, of 05.12.2006.

Not being self-conceited for the above, for the future, we feel it as a duty to inform the Parliament more on our activity, and the situation of legality and implementation of human rights by Albanian Public Administration. Likewise, we should use more the possibility to recommend the Parliamentary Commissions for the MP-s to take direct legislative initiative in the interest of human rights and freedoms protection in Albania.

## **5. Cooperation with the Council of Ministers (Government)**

In implementation of its main duty, protection of fundamental human rights and freedoms in Albania, we have had complaints, applications or notifications for which we have moved the Government. Therefore, People's Advocate has informed, recommended or has proposed to the Prime Minister and the ministers for all the principal issues that came up during his work and when their commitment was needed. Regardless of the form in which the raised questions has been presented I think that in one way or the other they have influenced on the increase of standards in favour of good governance and Albanian executive performance.

From January until December 2006, we sent to the Government headed by Prime Minister, Mr. Sali Berisha, the following recommendations, proposals or information:

1. Recommendations for the tasks coming out for all the state bodies in the spirit of National Conference organised by Peoples' Advocate with the topic: 'All Together to Protect Children's Rights', sent on 12.01.2006.
2. Recommendation addressed to the Government for the need of insurance of secondary legislation to implement Law No. 9389 of 04.05.2005 'On Creation and Working of Coordinating Council in the Combat against Blood Feud', sent on 02.02.2006. We repeated the recommendation on 25.09.2006. The deputy Prime Minister informed us that Ministry of Justice and Interior have been ordered to prepare the draft secondary legislation and present them for approval to the Government. We shall continue to follow the problem.
3. Information for Recommendation addressed to the Ministry of Foreign Affairs and Ministry of Labour, Social Affairs and Equal Opportunities to accelerate the work on Greek-Albanian technical agreement drafting for the benefit of social insurance by the citizens of both countries, sent on 15.02.2006.
4. Information for Recommendation addressed to the Ministry of Justice and General Directorate of Prisons to prohibit unjustified use of violence in prisons and finding out the responsibility for these violations, sent on 02.03.2006.
5. Information for Recommendation addressed to the Ministry of Interior and the General Director of State Police for preparation of draft decision of Council Ministers for implementation of Articles 8, 9, 10 and 11 of Law No. 8661 of 18.09.2000 'On Supplementary Social Insurances Of State Police Employees' and sending for approval to the Government, sent on 03.03.2006. Reply was sent saying that the drafts are being prepared.
6. Information for Recommendation addressed to the Ministry of Economy, Trade and Energy to draft and send for approval to the Government the draft decision that should be issued to implement Article 57 of Law No. 9135 of 11.06.2006. 'On Consumer Protection', sent on 20.03.2006. Ministry of Economy (METE) replied that 'By order of the Prime Minister No. 236 of 02.10.2006 the inter-ministerial Group has been established headed by the deputy Prime Minister, which commissions METE and MBUMK (Ministry of Agriculture) to manage the process of preparation of an inter-sector strategy for Consumer Protection and Market Supervision'.
7. Information for the suggestion addressed to the Ministry of Foreign Affairs, Ministry of Interior and General Prosecutor to enable sending to Greece as witnesses 4 Albanian children 'lost' in Agia Varvara centre of Athens, sent on 23.03.2006. The witnesses were required by Greek Prosecutor's Office, but with all our commitment, their sending to Greece has not been made possible.
8. Information for Recommendation addressed to Ministry of Finance and Ministry of Justice for acceleration of procedures to issue the secondary

- legislation to implement Article 9/2 of Law No. 9381 of 28.04.2005 'On Compensation of Unjust Imprisonment' sent on 27.03.2006. They replied that the two ministries issued the relevant guidelines.
9. In order to help with positive experience in the fight against corruption on 27.03.2006 we sent to the Prime Minister the practice of legislation against corruption in Macao.
  10. Information for Recommendation addressed to ERE (Electric Energy Regulatory Body) not to accept the proposal of KESH sh.a. for the increase of electric energy price for family consumers, sent on 03.04.2006 and 22.05.2006. It is public knowledge that the Government has supported this recommendation.
  11. People's Advocate assessment for Government's commitment to respect sentenced people rights and improve conditions in prisons and in pre-detention places, sent to the Prime Minister on 07.04.2006. It demands that the telephone line for direct communication from police commissariats for pre-detained people be established also for People's Advocate institution, Ministry Justice and Ministry of Interior as suggested by the Prime Minister. In fact, until now this positive commitment of the Government has not been realised in practice.
  12. Request for reply to our repeated recommendation for amendment and improvement of the Decision of Council of Ministers No. 552 of 27.11.1999 for the police officers murdered or injured in the period 1991 - 1998 to benefit economic and financial treatment, sent to the Government on 12.04.2006.
  13. Information for Recommendation addressed to the Ministry of Economy, Trade and Energy to compile the draft decision of Council of Ministers in implementation of Article 62 of Law No. 9072 of 22.05.2003 'On Electric Energy Sector', sent to on 20.04.2006.
  14. Information for Recommendation addressed to Ministry of Justice for finding out that the order of Prisons General Director No. 1522 of 01.03.2006 'On Organisation and Making of Special Meetings in Prisons' is an invalid administrative act, sent on 20.04.2006.
  15. Recommendation for implementation of Government Decision No. 334 of 20.05.2005 'On opening of border crossing point in village Borje of Kukes in the state border with Kosovo' addressed to Prime Minister and Minister of Foreign Affairs on 11.05.2006. The Minister responded that the main obstacle was by UNMIK and the transfer competencies to the Government of Kosovo is expected to fulfil the application of Borje village community in Kukes.
  16. Information for the recommendation addressed to the Ministry of Economy, Trade and Energy in order to avoid the abuses and incorrect actions of Public Administration in the field of small local hydropower stations, by restitution of freedom of effective private undertaking and lawful rights of serious investors, sent on 17.05.2006. We have received positive reply from Ministry of Energy.
  17. Recommendation addressed to Prime Minister and Minister of Justice to issue secondary legislation for implementation of Article 10 of Law No. 9110 of 24.07.2003 'On Organization and Working of Heavy Crimes Court', regarding the security and special protection of working environments, because physical protection of judges' families and properties, sent on 24.05.2006. We had a reply on 12.10.2006 from the Prime Minister's Office stating that Ministry of Justice is preparing the necessary legal framework about this program. But the case of an attempt to murder the judge Irena Maneku, in January 2007, in Fier, shows that this problem may not be postponed further.

18. A copy of the recommendation 'On approval of default draft regulation for the right of information (RTDI) was sent and we required cooperation to implement it, sent to the deputy Prime Minister of 13.06.2006',
19. Information on recommendation for the beginning of investigation on criminal offence of 'Torture' provided for by Article 86 of Criminal Code for police officers Altin Gusho and Gezim Mullali and taking disciplinary measures for Mr. Ilija Nasi, Chief of Police Station and Mr. Elidon Veizi, Chief of Criminal Police in Korça, sent on 23.06.2006. This issue relates to self hanging of juvenile Amarildo Përfundi from village Pirc of Korça.
20. Information for recommendation addressed to the General Police Directorate on the right understanding and implementation of Law during the escort of persons by police, sent on 28.06.2006.
21. Opinions on draft law 'On Salaries Remunerations and Constitutional and Other Independent Institutions Created by Law' sent to the Prime Minister on 30.06.2006. Our opinions were not taken into consideration, Law was adopted and therefore we required in October 2006 from the Constitutional Court to invalidate it partially.
22. Information for recommendation addressed to the General State Police Directorate in order to take necessary measures to allow the lawyers to enter police premises in order to meet their clients since the first moments their escorting, detention or arrest, sent on 11.07.2006.
23. Recommendation addressed to the Government in order to make a proposal to the Parliament of Albania for the improvement of Law No. 8950 of 10.10.2002 'On Registry Office' aimed at regulating registration of born children remained unregistered, sent on 12.07.2006.
24. Information for recommendation addressed to Minister of Finance and Minister of Interior for the creation of a financial fund in local police bodies for payment of social employees and lawyers for juveniles, sent on 12.07.2006.
25. Recommendation addressed to Prime Minister and Minister of Interior for improvement of registry office services in favour of citizens, avoiding practices that trigger excessive expenditures, unnecessary volume of work and long queues, sent on 14.07.2006.
26. Information for recommendation addressed to Ministry of Economy and Energy and Electric Police General Directorate for the immediate correction of Electric Police activity in the framework of imposing damages on private subjects that are not justified by Law and finding out concrete responsibility for these violations, sent on 19.07.2006.
27. Recommendation for execution of final form court ruling in favour of citizens Rexhep and Zoje Rama, sent to the General Secretary of the Council of Ministers and Minister of Finance on 20.07.2006. This ruling is not yet executed because of Ministry of Finance.
28. Information on recommendation addressed to Minister of Public Works, Minister of Health Minister of Interior and Minister of Environment, etc, in order to follow up and finally fulfil obligations for the increase of Bovilla water quality and taking measures to maintain this reservoir, sent on 21.07.2006. We have had positive reply from the Ministry of Public Works and Ministry of Health.
29. Information sent to the Prime Minister and Minister of Economy on the request addressed to the Director of Albtelecom and its Supervision board to take measures and concrete decisions in order to implement Law No. 9135 of 11.09.2003 'On Consumer Protection' in the framework of improving the Services of fixed telephony offered by Albtelecom sh.a., sent on 25.09.2006.



30. Information addressed to the Prime Minister on recommendation for taking measures to create acceptable conditions in the service of railway passengers transport addressed to Ministry of Public Works, and Transport, Ministry of Interior, Ministry of Health, etc, sent on 01.11.2006.
31. Proposal to make an analysis of KESH sh.a. management indicators and taking measures to improve Economy and Energy and KESH sh.a. Supervision Board, of 14.12.2006.
32. Recommendation addressed to the Government to invalidate point 3 of Decision of Council of Ministers No. 87 of 15.02.2006 'On administration and covering of expenditures of reimbursable prescription', sent on 21.12.2006.

It is apparent that the Government was be informed more than every other year before, about many problems that People's Advocate Institution found out during its activity. They are also related to its objectives that is good governance and combat against corruption. In general, the Government welcomed our recommendations and it has a good understanding to deal with the problems and a commitment to solve them.

## **6. Activity of Subsection on Children's Rights**

Subsection on Children's Rights was created as an embryo in April 2004, as a part of General Section of People's Advocate Institution, on the basis of an agreement between the People's Advocate Institution and the Organization 'Save the Children'. People's Advocate intends to give a special contribution to the fight for Children's Rights protection, addressing individual complaints and investigating with his own initiative the publicised cases. In addition, we shall make legislation examinations and recommendations for amendments or necessary improvements.

Local and foreign non-profit organizations play any important role, guaranteeing various services to victim-children, free legal assistance. They make research work, publish reports on children's rights situation, and they organize various training for the education of public officials raising their awareness. For this reason, important is the creation of mechanisms for cooperation with them. In this framework cooperation of our office studied with Save the Children. In January 2006 the project was re-dimensioned with a three year duration and financial support of SIGMA (Swedish Agency for Development).

The project includes many activities for the protection of children's rights in accordance with Convention, other international instruments, Laws and secondary legislation in force in the Republic of Albania. The project includes also raising the public opinion awareness for the mission and the role of the Subsection of Children's Rights, capacity building, technical assistance, infrastructure support, institutional strengthening, research work, direct intervention in cases of violation of Children's Rights, participation of children, etc. More concretely, some of the most important activities of the project are the creation of a single environment only for the children in People's Advocate in Tirana, establishment of two regional centres for children, active commitment in drafting alternative reports for the implementation of the Convention, enlargement of Subsection staff not only with lawyers but also with social workers, psychologist, sociologist, physicians, etc, establishment of a library on

children's rights, cooperation and coordination of work with state institutions and civil society, monitoring of current legislation and proposals for amendments, etc.

*Results expected from project with 'Save the Children'*

1. Strengthening and further qualification of human capacities of People's Advocate office and in particular of Children's Rights Subsection in order to make a better and professional protection of children's rights.
2. Creation of a special library for Children's Rights, which will serve for collection of information on best practices regarding protection of Children's Rights.
3. Creation of a necessary basis for a friendly environment for children in Subsection's work.
4. Consolidation of communication with Children by opening a direct telephone communication line for complains and a website.

*Further improvements*

1. In 2006 a comparative study of Albanian legislation on Children and United Nation's Convention on Human Rights started. This study is expected to be completed in 2007. Based on its findings concrete recommendations will be prepared for legislation improvements.
2. The Subsection has a lot to do in the framework of raising the awareness of public opinion about the existence, the work and its mission to protect children's rights. For this, promotion campaigns will be carried out and regular contacts will be maintained with media. In 2007, we shall work to raise the Children's awareness about their rights.
3. We shall work in the direction of raising the reference system of cases for children with the participation of civil society and state institutions, which offer services for the children. The first step shall be the identification and mapping of institutions/organizations and services that they offer and later a coordination of cases.
4. We should work with the local media, not only in the direction of receiving information on violations of children's rights, but also for the promotion of children's rights.

Currently the Subsections has three offices: one in People's Advocate Central Office and two Regional offices, one in Shkoder and one in Korçë. In each office, two lawyers work. Therefore, staff lawyers have been attached to People's Advocate and Institution, paid by 'Save the Children'.

In 2006, the Subsection for Children's Rights worked mainly for SCR regional offices establishment, staffing them and for the Subsections promotion in a national and regional level.

Regarding Subsection's activity in 2006, as an organic part of People's Advocate activity we may focus on and sum up these main direction:

## **7. The Right of People's Advocate for legislative recommendation**

### **(Tables 1,2,3)**

Article 24 of Law 'On People's Advocate' provides for People's Advocate rights for legislative recommendations. This provision foresees that 'When People's Advocate observes that it is the Law content itself or other regulating acts and not their implementation the cause that creates premises for human rights violations, recognized by Constitution or other laws, he has the right:

- a. To recommend to the bodies that have the legislative right to make proposals for amendments and improvements of laws;
- b. To propose the amendment or improvement of secondary legislation to administration bodies; the non-examination of proposal within 30 days brings about the consequence of suspension of force of secondary legislation that causes rights and freedoms violations.
- c. To make the Constitutional Court act at the request for invalidation of such acts'

Since the beginning of the activity in June 2000 until the end of 2006, our institution used very often this right, when, during the examination of complains, applications or notifications, it found out that the above conditions are met to make recommendations for legislation improvement.

As it appears from table No.1, during the period 2000 – 2006, 41 are recommendations addressed to bodies having the legislative right (MP-s, Prime Minister and Government members), so that they make proposals for amendments or improvements of laws. Out of 41 recommendations, 28 were accepted that had 20 amendments or improvements of laws; 8 are in the draft stage to be adopted in the Parliament; 5 have been refused; 4 are being examined and 4 do not have an official reply.

Table No. 2 reflects the recommendation for changes or completions of secondary normative legislation that Council of Ministers (Government) has the competence to issue for the period 2000-2006. Out of 33 recommendations 26 have been accepted, which had 16 amendments, issuance or improvement of secondary legislation by the Government; 10 are in the draft stage; 2 are refused; 3 are being examined and 2 do not have an official reply.

Whereas Table No. 3 reflects the recommendations for amendments and completions of secondary normative legislation in the competence of Ministries and other central institutions managers. Out of 32 recommendations 25 have been accepted, from which 21 have had amendments or improvements, 4 are in the draft stage, 4 have been refused, whereas 3 have no reply.

As a conclusion, taking into account that out of 106 recommendations, proposals or applications with legislative character, 79 of them have been accepted until now in total or about 75%, we can say that the results are satisfactory.

**Table No. 1**  
**Evidence of recommendations on supplements and amendments of Albanian Assembly Laws**  
**for the period 2000-2006**

<i>No</i>	<i>Complaint</i>	<i>Content of recommendation</i>	<i>Addressed to</i>	<i>Sending date</i>	<i>Conclusion</i>
1	Complaint of 70 ex-military men discharged of their duty	Recommendation: " On the amendment to Law No. 8087, dated 13.03.1996 " <i>On supplementary social insurance for military men of Armed Forces of the Republic of Albania concretely the article 19/1 in changing the term "duty abandonment"</i>	Parliamentary Commission for Defense which took the legislative initiative	16.03.2001	Recommendation accepted. Law No. 8948, dated 03.10.2002, came into effect. It amended the article 19/1 based on the recommendation of the People's Advocate.
2	Complaint of the citizen K.D.	Recommendation: "Initiating the issuing of a law regulating the religious symbols in public schools"	Prime Minister, Minister of Education and Science	26.04.2001	Minister of Education agreed to issue a guideline for settling this problem, but so far nothing has been done
3	Federation of Transport Unions	Recommendation : " Amendment of Law No. 8435, dated 28.12.1998 " On taxation system in the Republic of Albania" , relating to the vehicles annual registration tax and the tax for axis.	Ministry of Transport, Ministry of Finance, General Directorate of Road Transport	20.07.2001	Recommendation accepted. It came into effect Law No. 8840, dated 11.11.2001, which raised the percentage of General Directorate of Road Transport as a taxing agent of 20%, by changing the article 4 of the law.
4	Complaints	Recommendation: "Proposals on amending the Law No. 7665, dated 21.01.1992 " For the	Parliamentary Commissions of Law, Economy		Recommendation accepted. Abrogated with the article 30 of

	of ex-landowners	the Law No.7665, dated 21.01.1993 " For the development of zones having tourism as priority", for the invalidation of its articles 7/ç and13.	Law, Economy and Finance. Minister of Tourism and Territory Regulation.	12.10.2001	law No. 9235, dated 29.07.2004 "For the restitution and compensation of property"
5	Complaints of the citizens	Recommendation: To Ministry of Labour and Social Affairs " On some supplements and amendments of Law No. 8097, dated 21.03.1996 " On supplementary state pensions for persons accomplishing constitutional functions, and for state employees".	Ministry of Labour and Social Affairs . Parliamentary Commission for constitutional issues and law.	14.12.2001 Reiterated on 06.03.2003	Recommendation accepted in principal, but not adopted in the amendments made to the law.
6	Complaint of the citizen J.L.	Recommendation: " On the amendment of article 6, point 2, Law No. 8360 dated 10.06.1998 " On the criteria and the way to distribute the property of no banking juridical persons having borrowed from public"	Deputy Prime Minister and Minister of Labour and Social Affairs. Parliamentary Commission for Labour and Social Affairs	14.12.2001	No response
7	Complaints of the citizens	Recommendation " Making proposals on taking legislative initiative for the enhancement and amendments of legal acts and sublaws regarding the termination of the	Minister of Agriculture	26.12.2001	

		and sublaws regarding the termination of the process on the re-evaluation and re-distribution of the ex- agricultural cooperatives properties, as well as the amendment of Law 8435 , dated 28.12.1998 " On the taxation system in the Republic of Albania".	Agriculture, Minister of Finance, Prime Minister.		No response
8	Complaints from the military men	Recommendation : “ On the legal regulation for the extra working hours and the 24 hours in service"	Minister of Defence	2001	Recommendation accepted and regulated with the article 31 of the Law " On the status of the military men" and on this ground, with the regulation of the Ministry of Defence.
9	At the initiative of the People`s Advocate	Recommendation: “For the preparation of Law "On the compensation of the injured persons" pursuant to the article 44 of the Constitution of the Republic of Albania.	Prime Minister and the Minister of Justice	24.12.2001	Recommendation accepted partially. Law No. 9381, dated 28.04.2005 “ On the compensation for unjust imprisonment" came into effect.
10	At the initiative of the People`s Advocate	Recommendation: “ For the implementation of article 10 of the Constitution of the Republic of Albania on making agreements with the religious communities and their adoption at the Albanian Assembly".	Sent to all Prime Ministers.	16.01.2002 Reiterated on 09.12.2005	Recommendation accepted partially. There was made an agreement only with the catholic community under Law No. 8902, dated 23.05.2002.
11	Complaints from the association of	Recommendation: “ On the necessary amendment of Law No. 8098, dated 28.03.1996 " For the status of blind people".	Deputy Prime Minister and the Minister of	02.04.2002	Recommendation accepted in principle. An inter-ministerial team was created for drafting the national strategy regarding

	blind people		Labour and Social Affairs		national strategy regarding disabled people. The document was sent to the Council of Ministers.
12	At the initiative of the People's Advocate	Recommendation: " For some amendments of Law No. 8388 dated 05.08.1998 "On collecting weapons and military munitions"	Prime Minister, Chairman of the Assembly .	16.04.2002	Recommendation accepted partially. The Assembly extended the term of law application by adopting Law No. 9018, dated 06.03.2003 "On collecting weapons, munitions and other military materials".
13	Community inhabitants in Tirana, Durrës and Librazhd	Recommendation: " For the preparation of legislation supplement drafts on health protection of people and environment against the non ionized radiations of the mobile telephony".	Minister of Environment, Minister of Health, Minister of Justice.	13.05.2002 Reiterated on 27.10.2004	The Ministries responded. Laws have been drafted but have not been sent to the Government yet.
14	Complaint of the citizen B.I.	Recommendation: " For a supplement to the Law no. 7710, dated 18.05.1993 " On social assistance and care", regarding the anticipation of the administrative complaining procedure against the decisions taken by the respective sections of municipalities and communes.	Deputy Prime Minister ,  Minister of Labour, Social Affairs and Equal Opportunities.	09.05.2002	Recommendation accepted and resolved with the article 25 of Law No. 9355, dated 10.03.2005 " On social assistance and care".
15	Complaint of the citizen Th.K	Recommendation: " For the amendment of Law No. 7889, dated 14.02.1994 " On the status of the handicapped" for a monthly additional benefit besides their handicapped	Deputy Prime Minister,  Minister of	12.06.2002	Recommendation accepted and the problem was solved with the article 17 of Law No. 9418, dated

		pension, to all who met with an accident while carrying out military service"	Defence		20.05.2005 "On supplementary social insurance for the Military Forces of the Republic of Albania"
16	National Conference	Recommendation " On the measures to be taken for implementing the Recommendations of the National Conference" <i>State and civil society in protecting the right to life" for the creation of a state body to take charge of blood feud etc.</i>	Prime Minister, and several Ministries	10.09.2002	Recommendation accepted Law No. 9389, dated 04.05.2005 " On the Coordinating Council for the fight against blood feud" came into effect.
17	At the initiative of the People`s Advocate	Recommendation: " For taking measures to come to the amendment of Law No. 5840, dated 20.02.1979 " <i>For the registration of the civil registration acts</i> " with a view to remove the names of the dead from the lists of election.	Prime Minister, Chairman of the Assembly	11.09.2002	Recommendation accepted Article 57/7 of Law No.8950 ,dated 10.10.2002 allows the civil registration offices to give way to the problem, by addressing it to the court themselves.
18	Complaints of ex-proprietors	Recommendation: "For the acceleration of the legislative process according to article 181 of the Constitution on adoption of sublaws regulating the ownership issues, of not given the title " stimulated person in the field of tourism", bringing to a stop the alienation of the registered state ownership , bringing to a stop the denationalisation or the renting out of any state object or sites around them".	The Chairman of the Assembly, Parliamentary Commissions, and the Government	19.09.2002	Recommendation accepted. The Albanian Assembly issued its Resolution No.9, dated 03.10.2002 which asked the Government and the bodies of the local government not to allow the alienation and the renting out of state properties until



					the new draftlaw was designed " On the restitution and compensation of property"
19	Complaints of ex-proprietors	Recommendation: “ For measures to be taken pursuant to the articles 41/1 and 181/2 of the Constitution of the Republic of Albania”, with a view to a just and final regulation of the ownership issue.	Prime Minister, Chairmen of the Assembly.	19.09.2002	Recommendation accepted The Laws No. dated 29.07.2004, No. 9388 dated 04.05.2006 “On the restitution and the compensation of property" came into effect.
20	Complaints of ex-proprietors	It is recommended that the Verdict no.26, dated 24.04.2001, of the Constitutional Court regarding the draft law "On the restitution and compensation of ex-proprietors" to be taken into consideration.	Chairmen of the Assembly, Assembly Parliamentary Commissions	28.10.2002	Recommendation accepted Article 8/2 of Law No. 9235 dated 29.07.2004 “On the restitution and the compensation of property to the ex - proprietors"
21	At the initiative of the People`s Advocate	Recommendation: For the supplementing of Law No.8328, dated 16.04.1998 " On the rights and treatment of the prisoners"	Law and Human Rights Commission to the Assembly which took the legislative initiative.	25.11.2002	Recommendation accepted.  Law No. 9071, dated 22.05.2003 for an amendment to Law No. 8328 dated 16.04.1998, “On the rights and training of prisoners” came into effect.
		Recommendation: “ For the enhancement of	Law and Human		The parliamentary session

22	The notification of Mr. Pjetër Arbnori	article 4 of the Law No. 8292 , dated 25.02.1998 “ <i>On Special Forces and Rapid Intervention Forces</i> ”, because the policemen part of these forces are not allowed to be investigated when accused of criminal actions.	Rights Commission to the Assembly which took the legislative initiative and presented it to the Assembly.	26.11.2002 Reiterated in 2006	didn't pass the draftlaw. The proposal has been reiterated, addressed to Law and National Security Commission, as well as in the draftlaw " For the State Police".
23	At the initiative of the People`s Advocate	Recommendation “For the supplementing of Law No.8609, dated 08.05.2000 “ <i>The Code of Election of the Republic of Albania</i> ” giving the opportunity of voting in the local government election to the prisoners.	Assembly Bi - partisan Commission	13.02.2003 Reiterated on 20.10.2006	Recommendation accepted in principal, but no changes appeared in the Code of Election.
24	Complaint of the citizen S.H.	Recommendation: “ For the application and enhancement of legislation in the field of social insurance" where it was proposed " the amendment of article 59 Law No. 7703, dated 11.03.1993 “ <i>On social insurance in the Republic of Albania</i> ”.	Prime Minister, Minister of Labour and Social Affairs , Parliamentary Commission of Labour and Social Affairs	23.09.2003.	Recommendation accepted. It came to effect Law No. 977, dated 21.04.2005 “On some amendments and supplements to the Law No. 7703 dated 11.05.1993 “ On social insurance in the Republic of Albania" article 18 amended.
25	Complaints from citizens and associations.	Recommendation: “ For some supplements and amendments to Law No. 8087, dated 13.03.1996 “ <i>On supplementary social insurance for the military men of Armed Forces, Ministry of Public Order and</i>	Prime Minister	19.11.2003	Recommendation accepted. Resolved with the coming into force of the Law No. 9418, dated 20.05.2005 “On supplementary social

		<i>Intelligence Service".</i>			insurance for the military men of Armed Forces of the Republic of Albania Article 14, point 6 " .
26	A big number of convicts suffering their sentences in prison.	Recommendation: "Proposal put forward for the amendment of Law No. 7941, dated 31.01.1995 for coming into effect of the Law No. 7895 dated, 27.01.1995 " <i>On the Criminal Code in the Republic of Albania</i> ".	Human Rights Commission to the Assembly. A group of MP-s took a legislative initiative.	20.11.2003 Reiterated on 08.03.2006	The draftlaw was discussed in May 2006 with Law Commission and has remained to be reformulated.
27	Complaint of the ex- general Y. D.	Recommendation: "Making a special status for major military men taking into account the case of the ex - general Y.D".	Minister of Defence	24.03.2004	It was taken into consideration the amendment of Law No. 9171, dated 22.01.2004 " On the military grades and career of armed Forces of the Republic of Albania , concretely Point 2 of Article 22 stating : " The military generals' status after being released of their duty is regulated under the Council of Ministers Decision (CMD)..... CMD No.542, dated 12.08.2004 "On the status of the major military men of

					Armed Forces after release" came into effect.
28	Complaint	Recommendation: "On supplementing the article 28 of the Law " <i>On the status of the military men</i> ".	Ministry of Defence	03.11.2004	Recommendation accepted as correct and the Ministry of Defence prepared the draft.
29	At the initiative of the People's Advocate	Recommendation: " Proposals for the enhancement of the Code of Election" with a view to have the votes in each electoral zone counted by three judges.	Co-Chairmen of the Parliamentary Commission for the Election Reform	22.11.2004	Recommendation not accepted.
30	Complaint of the citizen D.M.	Recommendation: " For a supplement to the article 40 of Law No. 7703, dated 11.05.1993 " <i>On Social Insurances in the Republic of Albania</i> ", in order that after the death of a spouse, it is benefited a family pension by the other spouse or the student spouse under the age of 25	Law Commission to Assembly Social Insurance Institute	28.01.2005 16.03.2005	Recommendation not accepted.
31	The Association of Albanian Builders	Recommendation " Proposal on some amendments to the Law No. 9209, dated 22.03.2004 " <i>On the legalisation of the additions in construction</i> " to simplify the legalisation procedures and reduce penalty amounts.	Prime Minister, Parliamentary Law Commission, Parliamentary Commission for the Activity of Production, Trade	16.03.2005 Reiterated on 16.09.2005	Recommendation accepted. Law No.9482, dated 16.02.2006 " On the legalisation, urbanization and the integration of the construction without permit" where the recommendation

			and Environment.		of the People`s Advocate was included, came into effect.
32	At the initiative of the People`s Advocate	Recommendation: “ For some supplements and amendments to the Law No.8454, dated 04.02.1999, supplemented with Law no. 8600 dated 10.04.2000 <i>"On the People's Advocate"</i> .	Chairmen of the Assembly A group of MP-s took the initiative.	01.04.2005	Recommendation accepted. Law No. 9398, dated 12.05.2005 came into effect.
33	The national Unity Association	Recommendation: “ For unblocking the situation created because of not made use of the government securities and the privatisation vouchers”	Prime Minister. Minister of Finance. Minister of Economy and Energetic. .	12.10.2005.	Recommendation accepted. Law No.9516, dated 18.04.2006 came into effect.
34	At the initiative of the People`s Advocate	Recommendation: “ Proposal on an amendment to Law No.8436, dated 28.12.1998 <i>"On the organisation of judiciary in the Republic of Albania"</i> , deciding upon the time limits in duty of the courts` chairmen and their deputies.	Chairman of the Assembly. Chairman of the Parliamentary Commission for legal issues. Prime Minister.	08.11.2005	Recommendation accepted in principal. The draftlaw "For some amendments to the law "On the organisation of the judiciary" has been submitted to the Assembly.

35	A group of associations	Recommendation: “ For undertaking the legal initiative about the law- term " <i>a direct taxation</i> " to be anticipated in Law No. 8977, dated 12.12.2002 “ On the taxation system in the Republic of Albania" as well as in Law No.8982, dated 12.12.2002 “ <i>On the local taxation system</i> ", specifying legally the kinds of " <i>local direct taxation</i> " to the effect that the veterans of war, the handicapped and blind people be exempted from".	Minister of Finance. Minister of Interior  Parliamentary Commission for Finance and Budget.	23.11.2005	Recommendation accepted in principal. But not yet included among the adopted laws.
36	At the initiative of the People`s Advocate	Recommendation: “ For the amendment and enhancement of the content of article 86 of the <i>Criminal Code</i> , on the criminal doing of “ <i>torture</i> ”.	Minister of Justice.	16.12.2005	Accepted with the official note dated 06.01.2006 of the Ministry of Justice. We got the notification that the draftlaw with amendments to the Criminal Code , ready at the Parliament.
37	At the initiative of the People`s Advocate	Recommendation: “ For taking the initiative on the legal regulation for religious object construction”.	Prime Minister Minister of Public Work etc.	28.12.2005	Recommendation accepted in principal. Included in the city planning new draftlaw.
38	Complaints from NGO-s	Recommendation: “ For the amendment and enhancement of Law N. 8950, dated 10.10.2002 “ On Civil Registry" amended with Law No. 9029, dated 13.03.2003 and Law No. 9229, dated 29.04.2004” for the	Minister of Interior. Prime Minister.	12.07.2006	Prime Minister has forwarded it to the Minister of Interior.

		registration of the unregistered children. .			
39	At the initiative of the People's Advocate	Recommendation: On the draft-law " <i>For the emoluments, awards and structures of independent constitutional institutions and other independent institutions established by law</i> ".	Chairmen of the Parliamentary Commission for Legal Issues. Parliamentary Groups.	13.07.2006	Not accepted. The case has been submitted to be examined by the Constitutional Court.
40	At the initiative of the People's Advocate	Recommendation: For supplementing Law No. 9087, dated 19.06.2003 " <i>The Code of Election of the Republic of Albania</i> ", giving way to three issues: to have the prisoners vote on the local elections; the non participation of children in the electoral campaigns; the appointment directly by people of the Municipality and Commune deputy/chairmen, the same as the chairmen.	Co-Chairmen of the Parliamentary Commission for the Election Reform. Chairmen of the Parliamentary Commission for Legal Issues.	20.10.2006	No official response.
41	Gender equity coalition	Recommendation: " For anticipating to the Code of Election the 30 percentage of women participation in politics.	Co-Chairmen of the Commission for the Election Reform.	25.10.2006	No official response.

**Table No. 2**

**Evidence of Recommendations for issuance, amendments or completions of secondary legislation of Council of Ministers  
for the period 2000-2006**

No.	Complaint	Recommendation Content	Addressed to	Sending Date	Conclusion
1	Complaint of citizen M.SH. etc.	Recommendation: 'Proposal to postpone the force duration of DCM No. 585 of 11.12.1997 <i>'On Registration of Families Who Lost Their Houses from Pyramid Schemes Collapse'</i> , completion of creditors' list.	Prime Minister	16.06.2000	Recommendation was accepted in principle. Creditors' lists were completed in the local government units without DCM issuance.
2	Citizen A.R. land ex owner	Letter 'c' of point 1 of Decision of Council of Ministers No.119, of 18.03.2000 should be invalidated as anti constitutional 'On Procedures of Privatization With Auction of State Packages in Companies Stocks Which Act In Strategic Sectors' and point 4 of DCM No. 438 of 14.08.1995 'On Privatization of State Enterprises Transformed In Commercial Companies' 'On Price of Land Restituted to Ex Owners'	Constitutional Court	15.11.2000	Application was accepted. Constitutional Court by its Ruling No.26, of 24.04.2001 decided: 1. To invalidate as anticonstitutional point 1, letter 'c' of Decision of the Council of Ministers No.119, of 18.03.2000 On Procedures of Privatization With Auction of State Packages in



					Companies Stocks Which Act In Strategic Sectors' 2. Point 4 of DCM No. 438 of 14.08.1995 'On Privatization of State Enterprises Transformed In Commercial Companies'
3	Complaints of citizens	Recommendation: 'On National Privatization Agency Payment of Real Estate Tax Registration Sold to Natural or Private Persons'.	Prime Minister Minister of Finance National Privatization Agency	11.05.2001	Recommendation accepted. DCM No. 386 of 31.05.2001 was issued' On Payment of Taxes for Property Transfer from State Property Privatization'.
4	Associations of 'Fatherland Martyrs', Fier and Krujë Branches.	Recommendation: 'On Insurance of Some Secondary Acts to Implement Law No. 8607 of 27.04.2000 'On Fatherland Martyrs' Status'.	Prime Minister	08.10.2001	Recommendation accepted. DCM No. 151 of 25.04.2002 'On status Fatherlands Martyrs'.
5	Complaints of ex owners	To issue Government Decisions in accordance with Constitutional Court Ruling No.26 of	Minister of Economy	24.10.2001	Recommendation accepted. DCM No.119 of

	associations	24.04.2001			27.02.2003 reformulated letter 'c', point 1 of DCM No.119 of 18.03.2000, pursuant to Constitutional Court Ruling No.26 of 24.04.2001
6	Complaint of a big number of sentenced people who suffer their sentence in prisons	Recommendation: 'To meet the requirements of Law No. 8328 of 16.04.1998 'On Rights and Treatment of People Sentenced with Imprisonment' about remuneration criteria for sentenced people work.	Prime Minister Minister of Justice	13.05.2002	Accepted in principal. DCM has not yet been approved
7	Complaints of citizen A.M.	Recommendation: 'To invalidate point 1 of DCM No.24.10.2001 and Minister of Education's Order 'On Additional Quotas of Higher Schools', which created differentiation among student candidates for in the higher schools	Prime Minister. Minister of Education	04.07.2002	Recommendation was accepted. DCM No. 362 of 18.07.2002 was issued
8	Some family members of police officers murder in action	Recommendation: 'To improve DCM No. 552 of 27.11.1999 <i>'On economic and financial treatment of family people of polices officers, murdered or wounded in duty'</i> .	Council of Ministers. Minister of Public Order	06.12.2002 Repeated some times, last time was date 19.09.2006	Recommendation was accepted. It is in Government for approval
9	Association	To invalidate as anticonstitutional Decision of No.441 of 26.09.2002 of the Council of Ministers	Constitutional Court	13.12.2002	Accepted. Before the case examination in

	of Albanian Builders	'On Immediate Prohibition of Activity of Sand and Gravel Use In Rivers Beds'			Constitutional Court, Government took the Decision No.19 of 10.01.2003 'On Some Changes In Decision No.441 of 26.09.2002
10	Complaint of citizen Q.H	Recommendation: 'To declare (or find) the absolute invalidity of Prime Minister's Order No. 226 of 20.08.2002 'On communication with written and electronic media organs'.	Prime Minister	27.05.2003	Recommendation was accepted. Prime Minister by Order No. 157 of 12.11.2003 revoked Order No. 226 of 20.08.2002.
11	Complaints of citizen Q.H	Recommendation: 'To change DCM No. 64 of 02.02.2001 <i>'On inclusion of military ranks in State Police ranks and establishment of organic functions to be exerted according to them'</i> .	Council of Ministers. Minister of Public Order	29.05.2003	Recommendation was not accepted. However, it had its positive effects. This enabled correction of many cases unjust giving of ranks.
12	Complaints of citizen S.H	Recommendation: 'To improve the Guidelines No. 1 of 24.12.2002 'On calculation and indexing of pension assessed basis'. Implementation of	Prime Minister etc.	23.09.2003	Recommendation accepted. Implementing this

		provisions of Article 61, Point 1 of Law No. 7703 of 11.05.1993 'On Social Insurances in the Republic of Albania' by a secondary legislation and Guidelines No. 1 of 24.12.2002 'On calculation indexing of pension assessed basis'.			Recommendation DCM No. 357 of 01.06.2004 and DCM No. 374 of 31.05.2005 'On definition of coefficients for indexing individual annual assessment basis for pensions initial calculation' was issued.
13	Complaint of citizen XH.K. and a big number of veterans from all the country	Recommendation: 'On undertaking of initiative to compile the draft decision for defining a new deadline, for presentation of documents before <i>Veteran Status</i> Central Commission, with purpose of veteran status recognition'.	Minister of Defense	26.11.2003	Accepted and the issued DCM No.748 of 11.11.2004 extended the deadline until 31.12.2006
14	Complaint of citizen G.D.	Recommendation: 'On compiling a draft decision to treat of obligation to the state, to social insurances and the thirds deriving from implementation of BOT form concession agreement for the factory of ferrochromium Elbasan and the miners of chromium Prrenjas and Pojskë, between Ministry of Public Economy and Privatization and Italian Company Darfo SPA'.	Council of Ministers.	2003	Accepted. Amendments were made to the law which cancel unpaid liabilities to Social Insurances
	Complaint Infosoft	Recommendation: 'On revocation of paragraph that provides for the form of 'Authorization of	Prime Minister		Recommendation was accepted by

15	Infosoft System' SH.A.	that provides for the form of 'Authorization of Producer in chapter three of Guidelines of Council of Ministers, No. 1 of 01.01.1996 ' <i>On Public Procurement</i> ' amended by DCM No.3 of 10.07.2003 'On some amendments DCM. No. 1 of 01.01.1996 'On Public Procurement'.		13.12.2003	was accepted by Public. Procurement Agency but the respective invalidation was not made yet in the standard document which provides for this form.
16	Complaint of citizens N.GJ.	Recommendation: 'Inclusion in list of subjects that benefit supplementary pension of Civil Service Commission employees and People's Advocate'.	Prime Minister. Minister of Labor and Social Affairs	08.07.2004.	Recommendation was accepted, but the respective additions have not been made yet in the secondary legislation.
17	Complaint of some sentenced people	Recommendation: 'On acceleration of procedures for adoption of DCM for treatment of all Prison Police structures according to Article 12 of Law No. 8321 of 02.04.1998 ' <i>Prison Police</i> '.	Ministry of Justice	22.12.2004	Recommendation was accepted. Ministry of Justice sent to the Government two draft Decisions that are approved.
18		Recommendation: 'On taking of all measures in cooperation with other central institutions for giving the agriculture land in ownership based on Law No. 7501 of 19.07.1991 ' <i>On Land</i> ' to subjects that had not yet received land or were not completed with land in ownership'.	Minister of Agriculture Prime Minister	09.03.2005	Recommendation was accepted. DCM No. 291 of 06.05.2005 'On some additions and amendments to DCM No. 230 of

					22.07.1991 was issued. <i>‘On creation of Land Commission in villages which examine disagreements and conflicts within the village, which arose continuously in the process of land distribution which did not have a legal solution at the time of the examination’.</i>
<b>19</b>	Complaint of citizen B.K.	Recommendation: ‘On acceleration of procedures related to working of Three-party State Commission and issuance of secondary legislation for the former politically prosecuted people’.	Prime Minister.	24.03.2005 repeated on 02.11.2005	Recommendation had no reply
<b>20</b>	At the initiative of the People’s Advocate	Recommendation: “On increase of transparency and implementation of Law’ <i>On right of information for official documents</i> ’ preparing default Regulation”.	Prime Minister.	12.10.2005	Regulation is prepared. It is in the Council Ministers.
<b>21</b>	Complaints of citizens	Recommendation: “On preparation of new secondary legislation to implement Law No. 9380 of 28.04.2005 <i>‘On copyright and other rights related to it’.</i> ”.	Minister of Finance Minister of Tourism, Cultures, Youth and Sports.	18.10.2005	Recommendation was accepted in principle.
<b>22</b>	Complaints of	Recommendation: “On preparation of new secondary legislation to implement Law No. 9267	Ministry of Finance. Council of Ministers	18.11.2005	Recommendation was accepted. ‘Draft

	citizen A.K.	of 29.07.2004 <i>'On activity of insurances, and reinsurances and mediation in insurances and reinsurances'</i> .	Insurances Supervision Authority.		decision on criteria of licensing of damages in insurances" was prepared.
23	Numerous Complaints	Recommendation: 'On situation of prices of mobile telephony operators and proposal for the urgent approval of methodology of tariffs establishment by ERT'.	'Regulatory Telecommunication Entity'	25.11.2005	'Regulatory Telecommunication Entity'
24	Complaint of citizen P. S. etc.	Recommendation: 'Acceleration of procedures for amendment to DCM No. 146 of 26.02.1998 <i>'On tariffs changes for passengers transport'</i> is required"'.	Ministry of Education, of Finance and of Public Works.	2005	No official reply.
25	At the initiative of People's Advocate	Recommendation: 'On issuance of secondary legislation to implement Law No.9389, of 04.05.2005 <i>'On creation and an working of Blood Feud Coordination Council'</i>	Prime Minister. Speaker of Parliament	02.02.2006	Recommendation was accepted, but until present, the secondary legislation is not issued.
26	Complaints of citizens and non-governmental organizations of human rights	Invalidation as anti-constitutional of 1. DCM No.43, of 27.01.2006 'On avoiding nepotism and influence of power in recruiting and personnel carrier of public administration'. 2. DCM No.44, of 27.01.2006 'On avoiding nepotism and influence of power in recruiting and personnel carrier of public administration'. 3. DCM No.48, of 27.01.2006 'On some editions to decision No.205 of 13.04.1999 of the Council of Ministers 'On adoption of implementing provisions of Customs Code of the Republic of Albania'	Constitutional Court	09.02.2006	Accepted. Constitutional Court by its ruling No.20 of 11.07.2006 ruled invalidation of the three Government decisions.

27.	Complaints from various citizens	Recommendations for preparation of Government draft decision to implement Articles 8, 9, 10 and 11 of Law No.8661, of 18.09.2000 'On supplementary social insurance of State Police employees'	Prime Minister Minister of Interior	03.03.2006	Recommendation is accepted. Government draft decision is prepared.
28	Association of Albanian thalasemic people	Recommendation: 'On issuance of secondary legislation to implement Law No. 8032 of 16.01.1995 <i>'On Service of transfusion and control of blood, its by products and transplantations'</i> .	Ministry of Health.	13.03.2006	Recommendation is accepted, strategy for safe blood has been approved.
29	Complaints of citizens	Recommendation on drafting and submission for Government draft decision approval for implementation of Article 51 of Law No.9135 of 11.09.2003 'On consumer protection'.	Ministry of Economy.	20.03.2006	Recommendation was accepted, A draft law is prepared. 'General Products Safety' where market supervision occupies a special chapters.
30	Complaints from various citizens	Recommendation: 'On secondary legislation of Law No. 9232 of 13.05.2004 <i>'On social programs for housing urban areas inhabitants'</i> .	Minister of Public Works, Transport and Telecommunication	29.03.2006	Recommendation was accepted.
31	At the initiative of People's Advocate.	Recommendation: 'On issuance of secondary legislation to implement Law No. 9110, of 24.07.2003 <i>'On organization and working of Heavy Crimes Court'</i> .	Prime Minister.	24.05.2006	Recommendation u was accepted. Ministry of Justice is preparing the necessary legal framework.
32	Complaints by military	Recommendation to meet requirements of Article 39 of Law No.9210 of 23.03.2004 'On Status of Military of Armed Forces of the Republic of	Minister of Defense	30.05.2006	Ministry of Defense accepted recommendation, but



		Albania' on criteria to benefit the right of pre-purchase of free military objects.			the other ministries do not agree.
33	Complaints of citizens	Recommendation: 'On invalidation of Point 3 of Decision of Council of Ministers No. 87, of 15.02.2006 <i>'On administration and covering of expenditures for reimbursed prescriptions'</i>	Prime Minister. Minister of Finance, Minister of Health.	21.12.2006	Recommendation is being examined.

Table No. 3

**Table of Recommendations for issuance, amendments or completions for  
sub- laws of ministers or other central institutions  
for the period 2000-2006**

No	Complaint	Recommendation Content	Addressed to	Data of sending	Conclusion
1	Private Subject of Korça city	Recommendation: 'On invalidation of Point 4 of Guidelines of Minister of Health No. 362, dated 18.08.2000 <i>'On implementation of duties for issuance of hygienic-sanitary license'</i> .	Minister of Health	27.09.2000	Recommendation was accepted.
2	Complaints of a considerable number of citizens.	Recommendation: 'On measures to be taken for implementation of Law No. 8503 of 30.06.1999 <i>'On right of information over official documents'</i> , with the purpose that every public authority issue a regulation.	Prime Minister. Every ministry and central institution and local government bodies.	09.11.2000 repeated on 24.01.2002	Recommendation accepted almost by all ministries and central institutions and local government bodies.
3	Citizen R. R. on behalf on 49 families from Tirana.	Recommendation: 'The problem of 49 families expropriated from Bovilla reservoir with the purpose that the draft decision presented to be sent very quickly for examination to Council of Ministers'.	Minister of Public Works	27.09.2000	Positive reply on 19.02.2001, however the problem is not solved by any legal act but by Court ruling.
4	Complaints of post university students	Recommendation for establishment of violated right regarding a registration tariff for post university specialization	Minister of Education	12.01.2001	Accepted. Minister of Education replies that he will change the respective Guidelines
5	Complaints of	Recommendation On amendment to Guidelines	Governor of	15.02.2001	

	citizens	No.39 of 31.03.1999 of Supervision Board of Bank of Albania	Bank of Albania		Recommendation was accepted
6	Complaints by military	Recommendation: 'On an amendments to DCM No. 379 of 26.06.1995 <i>'On privatization of objects that are free from restructuring'</i>	Minister of Defense	13.04.2001	Accepted DCM No. 524 of 30.07.2004 and DCM No. 452 of 09.07.2004 'On taking loans with interest' are issued.
7	Complaints of citizens	Recommendation: 'On issuance of common guidelines for keeping minutes from people reporting about maltreatment by police abroad'.	General Prosecution and Minister of Public Order	03.07.2001	Recommendation accepted. Common Guidelines of General Prosecution and Minister of Public Order No. 2037 1210 of 23.07.2001 were issued
8	Complaints of citizens	Recommendation: 'On taking measures and issuance of Guidelines defined by DCM No. 335 of 20.06.1998 <i>'On procedures for implementation of Court Ruling for liabilities that affect state budget'</i> .	Minister of Justice. Minister of Finances.	19.11.2001	Recommendation is accepted by Minister of Finance, but Ministry of Justice did not act
9	Complaints of sentenced people	Recommendation: 'On meeting requirements of Law No. 8092 of 03.02.1996 'On mental health', in order to issue Regulation <i>'On security measures for people for which the Court has taken the medical measure of forced treatment'</i> .	Minister of Health Minister of Justice.	13.05.2002	Recommendation is accepted. The Institution for treatment of the sentenced people with psychic trauma and drug users was created in Kruja.
10	Complaints of	Recommendation: 'On creation of conditions for working of Supervision Commission of Execution of Rulings with Imprisonment, pursuant to chapter	Prime Minister. Minister of Justice.	11.11.2002	Accepted The Supervision Commission is established and works.

	sentenced people	three of Law No. 8331 of 21.04.1994 ' <i>On execution of criminal rulings</i> '.	,		
<b>11</b>	At the initiative of People's Advocate	Recommendation: 'On the increase of coroner's examination objectivity in cases of citizens' deaths when there is a suspicion that they have been violated by police officers and state employees'.	Coronership Institute.	16.01.2003	Recommendation was accepted. A guideline was issued. No. 22 of 27.01.2003. It guides that the examination should be carried out by a group of experts, from which one should necessarily be from the Coronership Institute
<b>12</b>	Complaint of policeman Q.H.	Recommendation: 'On improvement of the Order No. 1661 of 08.04.2002 ' <i>On communication with media</i> '.	Minister of Public Order	28.05.2003	Recommendation was accepted in principle, but it was not changed.
<b>13</b>	After an inspection in the psychiatric Hospital Tirana	Recommendation "For the implementation of Article 23 of Law No.8092 ,dated 03.02.1996 'On Mental Health' in the psychiatric Hospital Tirana in order to issue regulation for the commission that justifies the measures of the physical limitation	Minister of Health	13.06.2003	Recommendation has no reply
<b>14</b>	Complaints of police officers	Recommendation: 'On amendment to order of Minister of Public Order No. 1484 of 18.06.2001, point 14 and service order No. 1172 of 04.04.2003 of State Police Director point 8, extending the deadline for admission of police officers complaints for the ranks until 31.12.2004'.	Minister of Public Order	16.12.2003	Recommendation was accepted on 20.01.2004.

<b>15</b>	Complaints of citizens.	Recommendation: 'Review in order to decrease the electric power sale tariffs approved by decision of E.R.E , No. 22 of 30.12.2003'.	Energy Regulatory Body	12.02.2004	Recommendation accepted. Electric energy tariffs of were partially decreased.
<b>16</b>	Complaints of citizen A.T.	Recommendation: 'On revoking Order No. 191 of 22.04.2002 and on non-inclusion of other competing subjects in Breed Improvement Central Commission (KQPR)	Minister of Agriculture and Food	12.10.2004	Recommendation was accepted. Revoked by Order of Minister of Agriculture and Food, No. 223 of 12.05.2005
<b>17</b>	With the initiative of People's Advocate (After inspecting pre-detention rooms in Berat)	Recommendation: 'On invalidation of Regulation 'On security and treatment of pre detained people' approved by Order of Minister of Public Order No. 1075/2 of 15.09.1999 and ordering the implementation of Regulation ' <i>On organization and working of Pre-detention System,</i> ', approved by order of Minister of Justice No. 3750/2 of 23.07.2003'	Minister of Justice and Public Order	29.03.2005	Recommendation was accepted. Reply is sent stating that the draft regulation is prepared and it has taken into consideration all People's Advocate remarks.
<b>18</b>	Complaints of citizen B.V.	Recommendation: 'On invalidation of a part of Order No. 110 of 20.04.2004 of Minister of Industry and Energy ' <i>On approval of Electric Police structures</i> '	Minister of Industry and Energy. To the attention of Prime Minister.	31.03.2005	No official reply.
<b>19</b>	Complaint of citizen L.D.	Recommendation: 'On amendments to regulation of Scientific Police Institute, adopted by Order of Minister of Public Order, No. 751 of 16.01.2003, foreseeing that in cases of grave events in police premises or outside them, having as suspected	Minister of Public Order	30.05.2005	Recommendation was accepted in principle. On 16.02.2006 General Director of State Police suggested that we

		authors police officers private experts of relevant specialties should take part in observing the crime scene and in carrying out examining actions’.			address to General Prosecutor.
<b>20</b>	Complaint of citizen L.D. After suicide of citizen A. D. in Police Station No. 4 Tirana.	Recommendation: ‘On invalidation of Guidelines of Minister Public Order No. 168 of 20.10.1993 <i>‘On rules of escorting citizens to Police Stations, units, police posts and other offices and preparation, approval and implementation of new regulation’</i> for escorting of citizens to police offices.	Minister of Public Order	28.06.2005	Recommendation was accepted. Order of Minister of Public Order No. 1749 of 29.07.2005, invalidated the above order and the State Police Regulation was adopted.
<b>21</b>	Complaint of citizen A. B.	Recommendation: ‘Invalidation of Article 10, paragraph three of Regulation of Tirana University Faculty of History and Philology	Faculty of History and Philology. Rector of Tirana University	30.06.2005	Recommendation was accepted. Third paragraph of article 10 of Regulation was invalidated.
<b>22</b>	Complaint of sentenced people Z.F. and Gj.R. in Burrel Prison.	Recommendation: ‘On regulation of decreasing the sentence for sentenced people who work in prisons and taking measures to correct the consequences of the act issued by the General Prosecutor by paper No. 3223 of 08.10.2004, sent to the prosecutor’s offices in the districts’.	Minister of Justice and General Prosecutor	22.09.2005	Recommendation was accepted by General Prosecutor and Minister of Justice.
<b>23</b>	With the initiative of People’s Advocate. Suicide of citizen A.B. in Police Station No. 3, Tirana.	Recommendation: ‘On amendment and improvement of chapter XII <i>‘escorting people’</i> of State Police Services Regulation, approved by Order of Minister of Public Order No. 1749 of 29.07.2005, and drafting of methodology for notification of accusation and interrogation of people who are suspected as perpetrators of	Minister of Interior.	22.12.2005	Recommendation was accepted in principle partially, in the points proposed by paper 20.02.2006 of General Director of State Police.

		criminal acts or who have knowledge about investigation circumstances’.			
<b>24</b>	Complaint of citizens L. G. etc.	Recommendation: ‘On new normative provisions to be adopted, for the best protection of rights of personnel who care for children with disabilities and rights of children themselves’.	Minister of Education.	17.01.2006	Recommendation was accepted in principle The normative provisions review is on going.
<b>25</b>	Complaint of citizen E.S.	Recommendation: ‘On acceleration of work for drafting Albanian-Greek agreement for benefiting of social insurances by citizens of both countries’	Minister of Labor and Social Affairs, Minister of Foreign Affairs, Director of Institute of Social Insurances (ISSH).	15.02.2006	There is an official reply by Minister of Labor. Work is on going in this direction.
<b>26</b>	At the initiative of the People’s Advocate	Recommendation: ‘On acceleration of procedures to issue secondary legislation to implement of Law No. 9381 of 28.04.2005 ‘ <i>On Compensation of unjust imprisonment</i> ’.	Minister of Finance, Minister of Justice.	27.03.2006	Recommendation was accepted. and the common guideline is drafted.
<b>27</b>	Complaints of citizens and nongovernmental organizations	Recommendation for refusal of KESH sh.a. proposal to increase electric energy price for family consumers	Energy Regulatory Entity	03.04.2006	E.R.E. by decision No.27 of 20.04.2006 did not accept the price increase
<b>28</b>	At the initiative of People’s Advocate	Recommendation: ‘On improvement of common secondary for observation of crime scene in Police Stations, pre-detention and in prisons premises’.	Minister of Interior General Prosecutor	07.04.2006	Recommendation was accepted.

<b>29</b>	Complaints of sentenced people	Recommendation: 'On finding General Director of Prisons Order No. 1522 of 2006 'On special meetings organization and holding' as an absolutely invalid administrative act.	Minister of Justice Prime Minister	20.04.2006	Recommendation was partially accepted.
<b>30</b>	Complaints of citizens	Recommendation: 'On review of Guidelines No. 6291 of 17.08.2005 'On registration, administration and preservation of notarial acts and on organization and reservation notarial archives'.	Minister of Justice, National Chambers of Notaries	12.05.2006	Recommendation was partially accepted.
<b>31</b>	With the initiative of People's Advocate	Recommendation: 'On creation of necessary conditions on Alternative Service Commission working'.	Minister of Labor and Social Affairs Minister of Defense	26.09.2006	Recommendation was accepted. Conditions are created.
<b>32</b>	Complaints of Physicians	Recommendation: 'On drafting and issuance of Regulation on working of University Hospital e Centre 'Mother Teresa' Tirana.	Minister of Health, Minister of Education	13.10.2006	Recommendation was accepted. Change shall be made.



## 8. Applications addressed to Constitutional Court

Pursuant to Constitution of the Republic of Albania, People's Advocate is also included among the subjects, which make the Constitutional Court act.

But, pursuant to Article 134 of the Constitution, subjects that may make the Constitutional Court act, are divided in two groups: in subjects that may practice the application unconditionally and in subjects that may practice a conditional application 'Only for questions related to their interests'. This distinction comes from content of point 2, Article 134 of Constitution and People's Advocate is included in this category of subjects that may address to the Constitutional Court conditionally.

In 2006, we used this right in two cases:

I. The application presented on 9 February 2006, together with Albanian Helsinki Committee and Albanian Group of Human Rights with the object of invalidating has anti-constitutional:

1. Decision of Council of Ministers No. 43 of 27.1.2006 'On avoiding nepotism and influence of power in recruiting and taxation administration personnel career'.
2. Decision of Council of Ministers No. 44 of 27.1.2006 'On avoiding nepotism in public administration'.
3. Decision of Council of Ministers No. 48 of 27.1.2006 'On some additions to decision No. 205, of 13.IV.1999 of Council of Ministers 'On approval of implementing provisions of Customs Code of Republic of Albania', amended.

As a conclusion, Constitutional Court assessed that the application presented is grounded, it should be accepted and the decisions of Council of Ministers should be invalidated as incompatible with the Constitutional.

Therefore, its ruling No. 20, of 11.07.2006 invalidated, as incompatible with the Constitution, Decisions of the Council of Ministers No. 43, of 27.01.2006 'On avoiding nepotism and influence of power in recruiting and taxation administration personnel career'; DCM No. 44, of 27.01.2006 'On avoiding of nepotism in public administration'; DCM No. 48 of 27.01.2006 'On some additions to decision DCM No. 205, of 13.04.1999 of Council of Ministers 'On approval of implementing provisions of Customs Code of the Republic of Albania', amended.

- This decision is final, and enters into force with its publication in the official gazette.'

Unfortunately, we have been informed recently that the citizens, which were dismissed pursuant to the three above decisions, have not been returned to their jobs, but they do not pay even the salary for the time that they were left jobless illegally. There is unexplainable 'stubbornness' of managers, especially of customs and taxation, in their refusal to implement directly not only the Constitutional Court ruling, but also those of Civil Service Commission and Appeals Court, in cases of reestablishment of rights for individuals who have been dismissed from their jobs, pursuant to these 3 decisions, or because of other reasons. It is to regret, but it is also ridiculous to see for example, the lawsuit of Customs General Directorate against Civil Service Commission decision for the complaints G.M, when they reason that: 'The disciplinary measure - dismissal from the job' against G.M. is legal because it is based on Decision of Council of Ministers No. 48 of 27.01.2006. This Decision is in accordance with the Constitution and laws on which it is based. Constitutional Court Decision No.20 of 11.07.2006 had also the opinion of minority, which argues the

legality of DCM No. 48, of 27.01.2006' very precisely. It is evident that this directorate 'Cancels or substitutes the Constitutional Court in its function'.

II. Application presented on 3 October 2006 together with the Supreme Audit Institution for invalidation as incompatible with the Constitution of Republic of Albania of point 1 of Article 1, Article 4, of point 2 of Article 7, Article 9, point 1 and 2 of Article 10, for the parts including independent constitutional institutions and Article 20 of Law No. 9584 of 17.07.2006 'On salaries, remunerations and structures of constitutional independent institutions and other independent institutions created by law'.

This case was examined in Constitutional Court on 20 November 2006 and in Supreme Court, in Supreme Council of Justice and General Prosecution took part as interested persons, and joined application of Supreme Audit Institution Chairman and People's Advocate.

Constitutional Court ruling is expected.

## **9. Cases started at the initiative of the People's Advocate (ex-officio)**

According to article 13, Law No.8454, dated 4.02.1999 "On People's Advocate" amended with the law no.9398, dt.12.05.2005 " On some supplements and amendments to the law no.8454, dt 04.02.1999 "On the People's Advocate" amended with the law no.8600, dt.10.04.2000",

The People's Advocate initiates the procedure related to examining the respective cases, provided he notices or suspects that the violation of the right has occurred, based on the complaint or request submitted by the person interested or damaged, as well as at his own initiative, in special cases which have been made public, at the consent of the person interested or damaged.

If an investigation starts with the initiative of the People's Advocate and when the custodian or the legal representative do not take any action, the injured party consent is not needed in case of a child, a person with disabilities or to protect the rights of a large group of individuals.

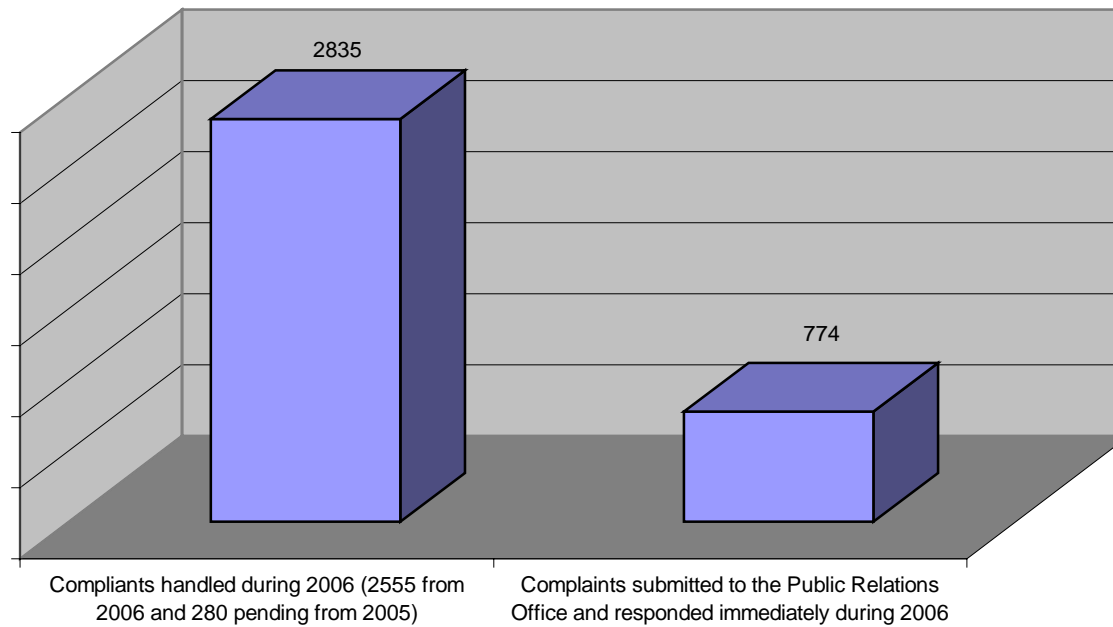
To protect the interests of a broad community, who can be affected by an administrative process, the People's Advocate is entitled to initiate administrative proceedings and be part of the process in accordance with the requirements of the Code of Administrative Procedures.

These amendments have taken power on 1 July 2005. Therefore, there has been an appreciable increase of the number of cases started with initiative compared to 2005.

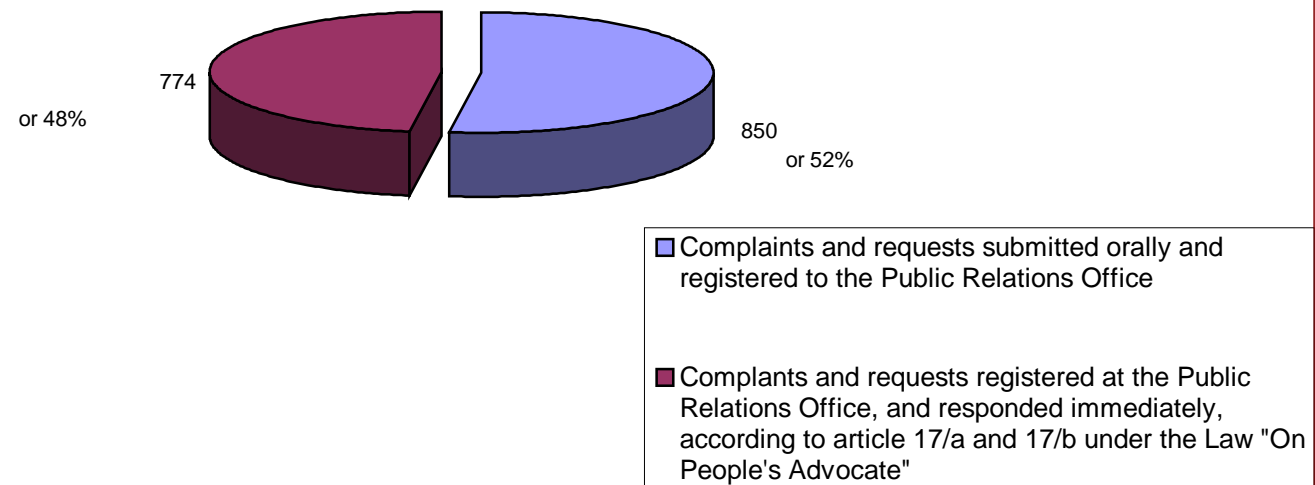
You can find in the following chart the total number of cases started with initiative during the period of time 2005-2006.

	<b>2006</b>	<b>2007</b>
Grounded complaints resolved favourably	<b>11</b>	<b>22</b>
Beyond competency or jurisdiction	<b>4</b>	<b>3</b>
The complaints refused on account of the fact that individual complaints have not been submitted in compliance with the law, the complaints have been withdrawn, or finally the complaint was unjust or untrue	<b>2</b>	<b>2</b>
- Examination underway	<b>8</b>	<b>8</b>
<b>Total</b>	<b>25</b>	<b>35</b>

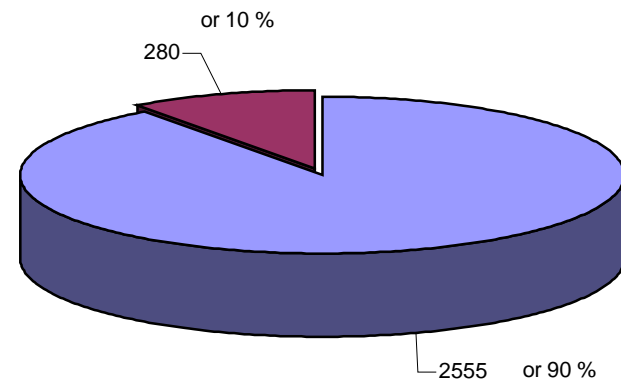
**Complaints, requests and notifications handled by  
the People's Advocate Office during 2006  
Total 3609**



**Complaints and Request submitted orally to the Public Relations Office during 2006**  
**Total 1624**



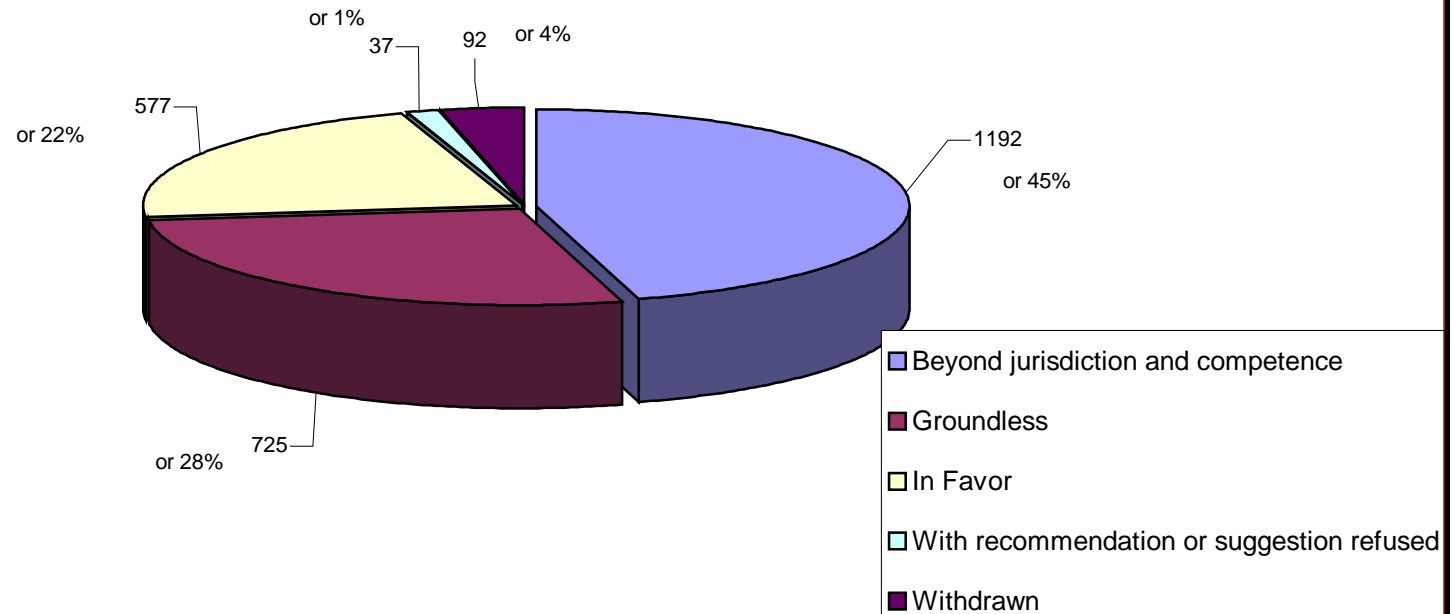
**Complaints handled during 2006**  
**Total 2835**



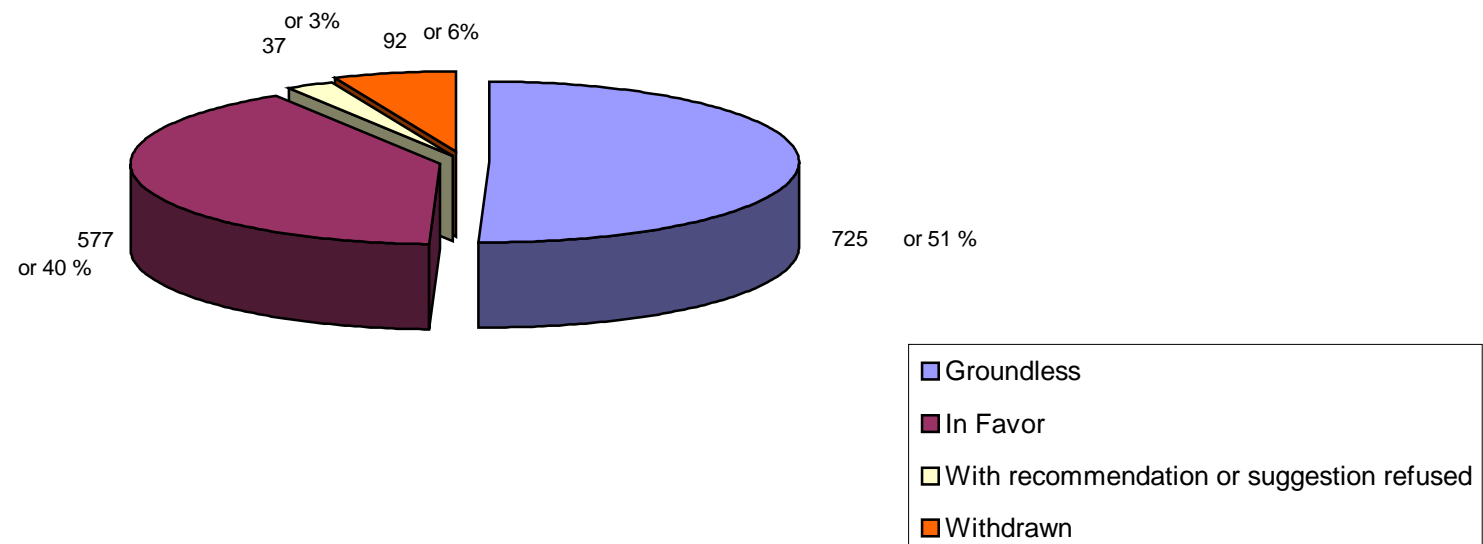
■ Complaints received during 2006

■ Complaints pending from 2005

**Manner of resolving the complaints completed during 2006,  
despite being within or beyond our jurisdiction  
Total 2623**

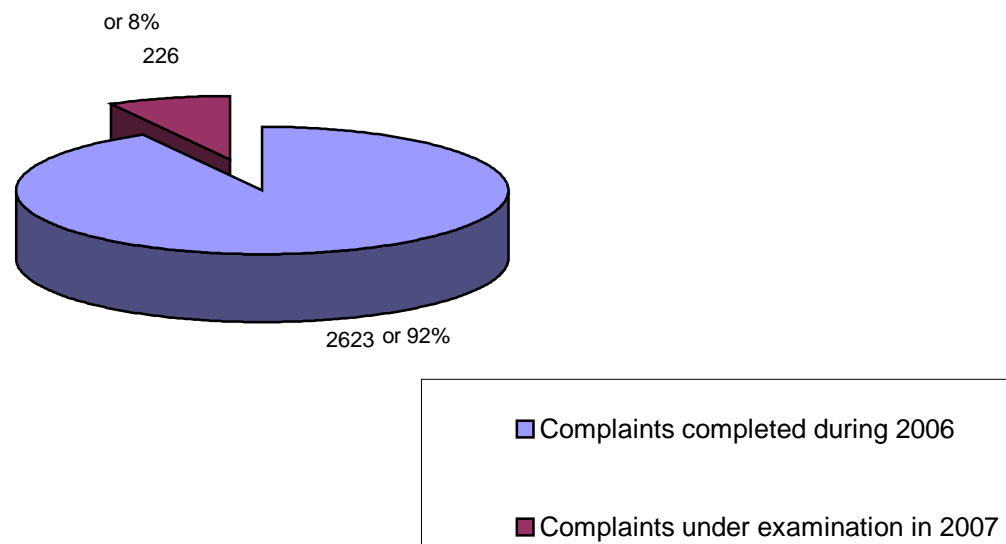


**Manner of resolving the complaints within our jurisdiction during 2006**  
**Total 1431**

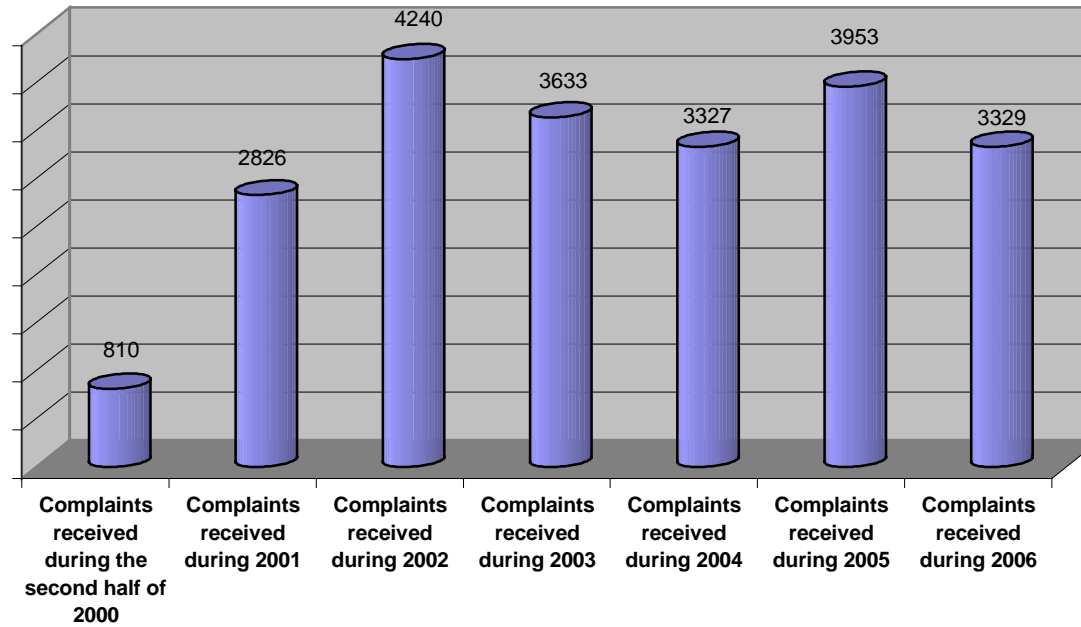


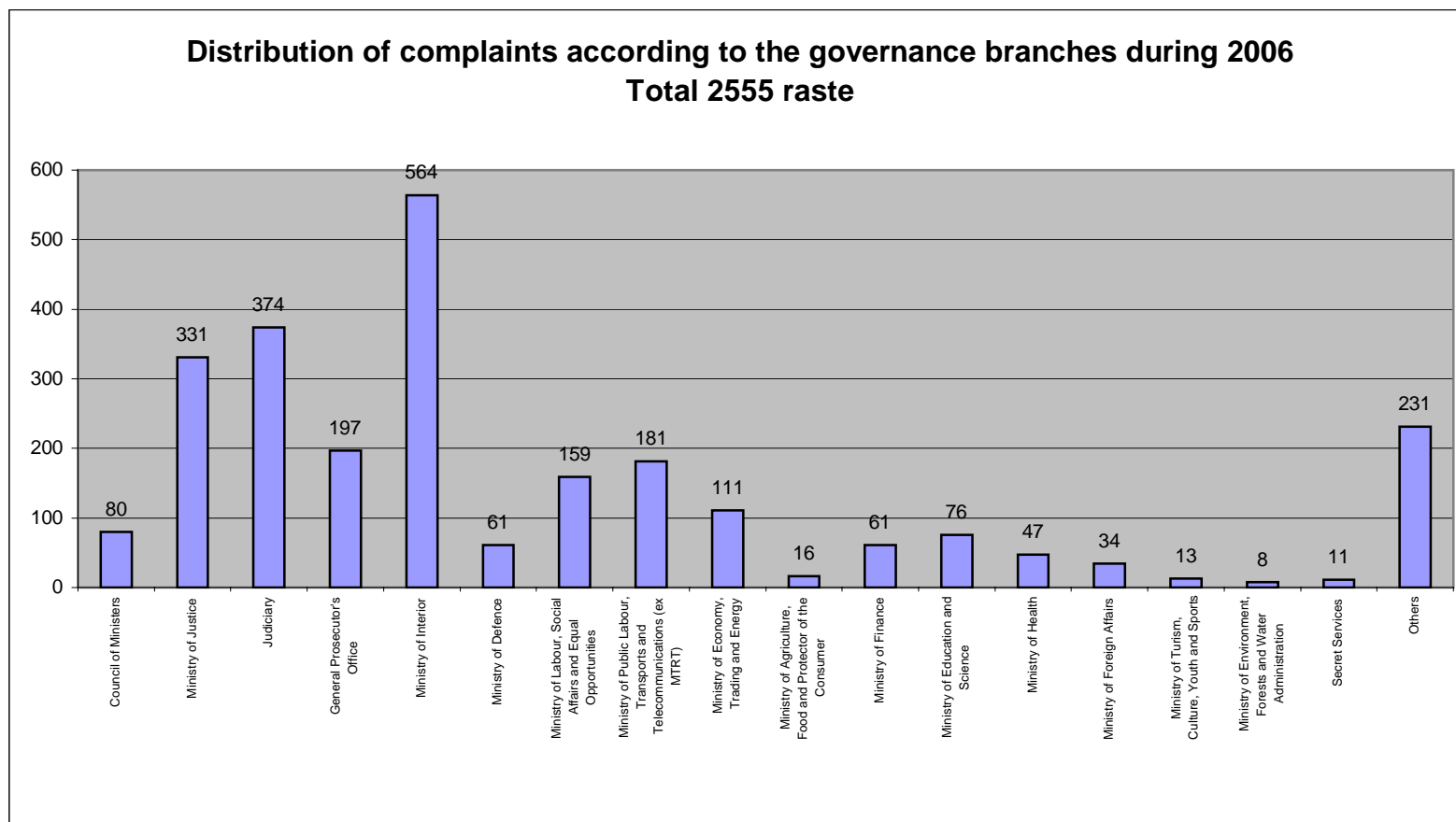


**Situation of complaints until December 2006**  
**Total 2849**

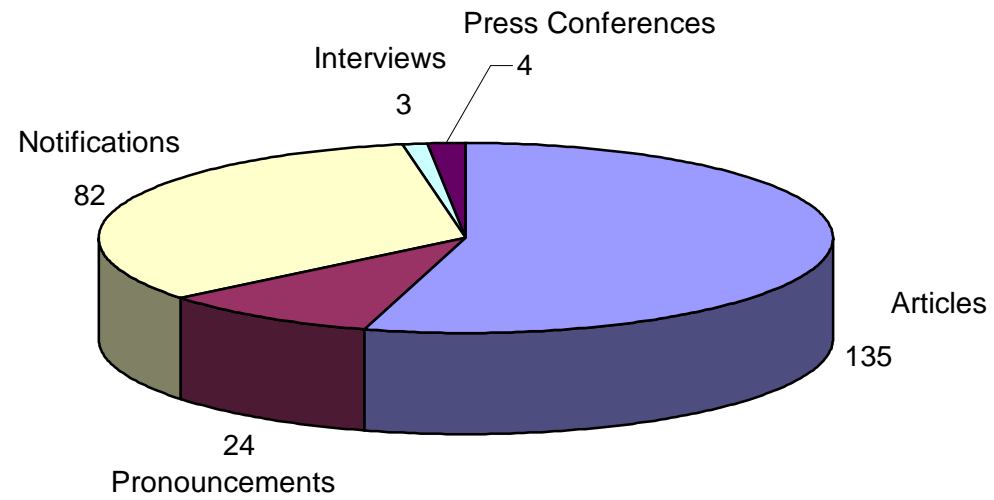


**Assesment of complaints received during 2000 - 2006,  
(including those responded immediately)  
Total 22118**





**WRITTEN MEDIA IN 2006**



**ELECTRONIC MEDIA IN 2006**

