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**THE THIRD JOINT PROGRAMME
BETWEEN
THE COUNCIL OF EUROPE
AND
THE EUROPEAN COMMISSION FOR ALBANIA**

**PROJECTS TO FURTHER STRENGTHEN THE
EFFECTIVENESS OF THE INSTITUTION OF
THE PEOPLE'S ADVOCATE IN ALBANIA**

REPORT ON
FOLLOW-UP VISIT TO
THE OFFICE OF THE PEOPLE'S ADVOCATE

TIRANA, ALBANIA
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by

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REPORT

THE PARLIAMENTARY OMBUDSMEN

Marianne von der Esch
International Coordinating Director

Follow-up visit to the Office of the People's Advocate in Tirana, Albania, December 10 – 15, 2001

I. Background

Within the framework of the Third Joint Programme between the Council of Europe and the European Commission for Albania, the Council of Europe in the year 2000 was preparing a number of projects with a view to ensuring a speedy and effective launch of the institution of the People's Advocate (Ombudsman) which was established in Albania in early 2000.

As part of the support I was invited by the Council of Europe to carry out an expert mission within the Office of the People's Advocate in Tirana, Albania, from October 1–8, 2000. The purpose of the mission was to assist the People's Advocate, Mr. Ermir Dobjani, and his staff with advice on the basic running of the Institution, including such matters as the handling of cases, the development of a case-filing system, liaising with the government and the administration, liaising with the public, dealing with the media and other fundamental questions that might arise during my visit to the Office.

I submitted a written report on my stay to the Council of Europe in November 2000, including recommendations aimed at improving the efficiency of the functioning of the Office of the People's Advocate (encl. 1).

II. Follow-up Mission – Terms of Reference

Within the above mentioned framework the Council of Europe now carries out a number of projects to further strengthen the effectiveness of the Institution of the People's Advocate (Ombudsman). As part of the ongoing support I was asked by the Council of Europe to carry out a new expert placement within the Office of the People's Advocate in Tirana from December 10–15, 2001. The aim of my stay was to follow-up on the assistance I provided to the People's Advocate, Mr. Dobjani, his three Deputies and other staff in October 2000 concerning advice on the basic running of the Institution. In particular my role was to further examine such matters as the handling of cases, the development of a case-filing system, liaising with the government and the administration, liaising with the public, dealing with the media and other fundamental questions that might arise during my mission.

On special request from the People's Advocate, Mr. Dobjani, I was asked to

- advise on the drafting process of the specific/special and Annual Reports of the People's Advocate;
- provide some literature/commentaries etc. on the Swedish Press Ombudsman and
- comment on the report "Review and Recommendation on the Operation of the Office of the People's Advocate of the Republic of Albania" presented on October 11, 2001 by Mr. Aleck H. Trawick, Q.C., FCI Arb (a practising lawyer in Calgary, Alberta, Canada and former Ombudsman for the Province of Alberta, 1987–1989) at the request of the Central and Eastern European Legal Initiative of the American Bar Association, ABA-CEELI).

In accordance with the Terms of Reference I hereby submit a written report on my stay at the Office of the People's Advocate in Tirana from December 10–15, 2001.

III. Meetings and Other Activities

III.1. Meetings at the Office of the People's Advocate

III.1.1 Meetings with The People's Advocate, Mr. Dobjani

Initially the People's Advocate, Mr. Dobjani, gave me a very initiated and comprehensive briefing about the actual situation concerning the different activities and fulfilment's of the Office, the staff and the new premises since my previous visit in October 2000. As I had had the opportunity to study thoroughly the Annual Report 2000 (which covers the period 16 February – 31 December 2000) before my arrival in Albania, the report attached great importance during our first discussions. During our initial meeting Mr. Dobjani also gave me further details concerning the national conference "The State and the Civil Society in Protection of the Right to Life", initiated and arranged by the People's Advocate in co-operation with the "Conflict Resolution and Reconciliation of Disputes Foundation" which was to take place during two days of my stay in Tirana. On December 11–12 the utterly serious blood-feud phenomenon (gjakmarrje)¹ in Albania was to be penetrated and discussed by top-ranking politicians, parliamentarians on national and local levels, heads of courts, university professors, NGO representatives, journalists etc. (encl. 2).

¹ Albania's customary law tradition is most commonly associated with the Kanun i Lek Dukagjinit, which is linked with the 15th century Alexander of Dukagjinit, although it was likely an amalgamation of older practices (...). According to one source, what is broadly referred to as the Kanun includes not only the Kanun i Lek Dukagjinit, but also other codes of customary law, such as the Code of Scanderbeg and the Code of Lab ëa (...). The Kanun covers many aspects of social relations, including economic activity, local government, judicial practices and dispute settlement (...). The concept of personal and familiar honour (besa) is the foundation of the Kanun (...).

The Kanun governs Albania's tradition of blood feuds or vendettas, which stem from the belief that the actual blood of victims of violence must be appeased (...). There are strict rules as to how an act of traditional revenge can take place. For example, revenge killings must be announced once they have occurred, and temporary truces must be honoured, but only if requested under specific circumstances (...). Women, children or priests cannot be targeted (...). However, according to individuals working locally on conflict resolution, the Kanun's rules are not always respected (...). – Chapter 4.2 Blood-Feud in "Albania: Selected Political and Human Rights Issues", Research Directorate Immigration and Refugee Board, Ottawa, Canada, December 1998

During my week long visit Mr. Dobjani and I had several additional discussions and I also had the opportunity to give him further details concerning my observations and suggestions.

At Mr. Dobjani's special request (according to the Terms of Reference) I commented upon the recommendations made by Mr. Aleck H. Trawick, Q.C., FCI Arb, in the ABA-CEELI report "Review and Recommendation on the Operation of the Office of the People's Advocate of the Republic of Albania" presented on October 11, 2001. – It was with great satisfaction that I could state that Mr. Dobjani already had adopted several of the recommendations that I found relevant such as a certain flexibility as regards the Assistant Commissioners between the different sections depending on the actual workload. (Each of the three Commissioners has five Assistant Commissioners but the workload is somewhat unequally distributed.) Other issues discussed concerned the handling of non-jurisdictional complaints (cf. the newly adopted "Barcelona-model" in the section below "*Meetings with the three Commissioners*"), confidential access and Inspections.

Mr. Dobjani stressed the importance and expressed his gratitude to the Council of Europe, the Danish Embassy/Danida, the "Friends of the People's Advocate" and Sweden regarding the economical as well as moral assistance that was granted the People's Advocate since the establishment of the Institution.

III.1.2 *Meetings with the three Commissioners*

I had very informative and fruitful discussions with each of Mr. Dobjani's three Commissioners, that is Mr. Jorgo Dhrami (Head of the Department of Police, Secret Service, Prisons, Armed Forces and Juridical Power), Mr. Agron Çausi (Head of the Department of Public Administration) and Ms. Florina Nuni (Head of the General Department "for issues not covered in the areas of the previous Departments").

During these meetings I was furnished with all kinds of information and statistics concerning the areas of supervision, the various kinds of complaints each department had received and concluded etc. since my previous visit. We also discussed i.a. ways of handling complaints of various kinds and new routines that were introduced at the Office during the same time. I also learned that Mr. Dobjani had introduced a new delegation regulation/routine, which implies that he has delegated the power to the commissioners to sign e.g. decisions within the area of responsibility of each of the commissioners respectively when cases can be dismissed or concluded without further inquiry.

I was also informed about a new and interesting way of treating prospective complaints that was introduced at the Office – the so called "Barcelona-model", which comprises the following procedure. If a visitor comes to the Office to discuss/lodge a prospective complaint, he will first meet with a legal expert in a special reception-room and discuss the issue in question. The expert then can inform the visitor if the certain issue is covered by the jurisdiction of the People's Advocate or not. If the expert finds that there are legal prerequisites of a complaint he gives the visitor a complaint formula (with a reference number) that has to be filled in, signed and then handed over to the Office. This procedure has led to that out of 933 visits to the Office concerning complaints during April 1 – December 1, 2001, 238 resulted in written formal complaints which have been subject to investigations. In other words

this new “service” to the general public has led to roughly 700 suggested complaints being “screened out” due the fact that they were outside the jurisdiction of the People’s Advocate. It has also had a very positive effect on the quality of the complaints. The total number of complaints received during the period January 1 – December 1, 2001, amounted to some 2000. If the “Barcelona-model” had not been introduced the amount would most probably have run up to around 2 700 during the same period.

Ms. Florina Nuni and I also discussed the drafting process of specific reports and the Annual Reports of the People’s Advocate.

III.1.3 *Meetings with ”Archives and Protocol” employees and the IT Manager*

Further I met with ”archives and protocol” employees and the IT Manager for the Office of the People’s Advocate, Mr. Anastas Lehki.

Today the registration procedure/diary etc. is still done by hand. From January 2002 a new software system will be introduced, which i.a. means that the registration procedure and the filing of complaints will be computerised. (The Danish Ombudsman and the Software Innovation of Denmark have mainly provided the technical assistance.)

We had general discussions concerning the purport of the upcoming system and its effects on the routines of registration etc. I could strongly feel certain uneasiness concerning the transition to the new system. – It goes without saying that changing into a new software system easily leads to a certain feeling of insecurity before the staff gets accustomed to it and the system has proved its safety. I was told that the registration procedure initially would be made both by hand and by computer.

Mr. Lehki gave me a short but intensive introduction to the new registration/complaints filing system. I was very impressed by the advanced and very detailed possibilities to “decompose” complaints. During our meeting we also discussed the importance of not being blinded by the possibilities that arise when using an advanced computer system. To mention an example; I was told that they had planned to scan all the complaints including enclosures that will arrive to the Office. According to my opinion this would be a “work of supererogation” as more than half the amount of the complaints received were not investigated.

Mr. Lehki also informed me about their future homepage/website that was in course of preparation. I had the pleasure to inform him that the Swedish Parliamentary Ombudsmen had launched a homepage (<http://www.jo.se>) in November 2001 and that a complete English version will be on the website from March 2002. (As I have been very active in the work of our homepage I told him that he was most welcome to contact me if he had any questions.)

III.1.4 *Meeting with the Media Adviser*

Mr. Artur Lazebeu, the media adviser (spokesman) of the Office, and I discussed the relationship between the People’s Advocate, the administration, the people and the media.

Further, the new information brochures (including complaint formulas) were presented to me. (They were printed during the same week as I was visiting the

Office.) There was one brochure with general information concerning the role of the People's Advocate. The other brochures dealt with special police-, military- and social issues.

Mr. Lazebeu has highly contributed to the production of a film concerning the People's Advocate. The film is very professional and shows the functioning of the Institution in a very informative way.

I also provided Mr. Lazebeu with literature/commentaries etc. on the Swedish Press Ombudsman (which was a special request from Mr. Dobjani according to the Terms of Reference).

III.1.5 Meeting with the Assistant Commissioners

I had the pleasure to meet with all the Assistant Commissioners (the legal experts) at the three different sections. Initially I gave them a brief introduction to the way of handling complaints at the Office of the Swedish Parliamentary Ombudsmen. Several of the Assistant Commissioners had individual questions that were discussed during the session.

III.1.6 The Deputy Director of International Affairs

Ms. Anila Shyti, Deputy Director of International Affairs, played an important role as a co-ordinator during my visit. Her excellent knowledge of English is of great importance to the Office, especially from an international point of view.

III.1.7 My personal Interpreter during the visit

The Office of the People's Advocate provided me with a personal interpreter during my stay, Ms. Mimoza Skenderi. Ms. Skenderi fulfilled here task with a never-ceasing enthusiasm and great perfection. Due to her I also managed to follow the above-mentioned national conference "The State and the Civil Society in Protection of the Right to Life" that took place during December 11–12 in Tirana.

III.2 Meetings outside the Office of the People's Advocate

III.2.1 Meetings at the Council of Europe Secretariat Office in Tirana

During my stay I also had the pleasure to meet with Mr. Jørgen Grunnet, Special Representative of the Secretary General, Ms. Alba Ibrahim, Legal and Human Rights Officer and the Deputy Special Representative of the Secretary General, Ms. Marta Onorato.

III.2.2 Meeting with Mr. Søren Knudsen, Counsellor Development, The Royal Danish Embassy

Mr. Søren Knudsen at The Royal Danish Embassy, has – with a firm hand – played a very important role in the build-up of the Office of the People's Advocate and takes a great part in the constantly ongoing development process of the Office.

Mr. Knudsen gave me an interesting insight in the work that had been done at the Office of the People's Advocate since my visit in October 2000.

III.3. Other Activities

III.3.1 *The National Conference “The State and the Civil Society in Protection of the Right to Life”, December 11-12, 2001, Tirana*

At the beginning of 2001 the People’s Advocate received some letters from different individuals in the northern parts of Albania with special requests of assistance for emigration due to problems related to the blood-feud phenomenon. The People’s Advocate has no possibility to assist in mere emigration issues. The letters were, however, an alarm for what was going on particularly in the northern parts of Albania.

The result was that the People’s Advocate, in co-operation with the “Conflict Resolution and Reconciliation of Disputes Foundation”, initiated and arranged the national conference “The State and the Civil Society in Protection of the Right to Life”, December 11–12, 2001, in Tirana.

During the conference the blood-feud phenomenon was penetrated and discussed by top-ranking politicians (such as the Ministers of Social Works and Social Affairs, Public Order, Justice, Local Government and Decentralisation, Education and Sciences), parliamentarians on national and local levels, heads of courts, university professors, NGO representatives, journalists etc. The conference was held under the auspices of the President of the Albanian Republic, Mr. Rexhep Mejdani.

Mr. Dobjani writes i.a. in his summing up of the “Conclusions and recommendations of the Conference” (see encl. 3)

1. One of the challenges to what the Albanian state and society is faced in these last ten years, is the blood feud phenomenon that reappeared, a custom inherited from the ancient time, incompatible with the principles of the civilised society and the rule of law. It causes discord and hostility; it brings serious social consequences, such as the deprivation of life, locking-up of people. It also causes the economical bad situation, the rupture from the political-social life, and absence of children in schools.

So, it is a fact that in our country some of the human rights are violated, or they risk violation or non-implementation, because of the blood feud phenomenon.

2. Although this phenomenon is not spread all over Albania but is limited only to some areas, it still constitutes a disquieting problem and therefore ought to be seriously considered from the political point of view and the social one. Regrettably, the state bodies haven’t yet made the real estimation of this tough situation neither are thinking nor working in close co-operation with each other. A clear demonstration of this last one is the fact that accurate statistics do not exist.

III.3.2 *Excursion to the southern parts of Albania*

An eventful and most interesting excursion was made by car down to Llogarait in the mountains in the southern parts of Albania. The trip went via Durrës, Kavaje, Lushnjë, Fier and Vlora. Just before our arrival to our final destination in the mountains we were surprised by an abundant snowfall that caused extreme problems

for the general through traffic but due to resolute intervention by the driver and one of the Assistant Commissioners we surmounted the difficulties!

IV. Observations and Recommendations

IV.1 The Office; premises, equipment etc.

It was with great satisfaction that I entered the Office of the People's Advocate. The situation concerning the premises of the Office has improved considerably since my visit in October 2000 – there had been obvious repair and re-equipment activities. All staff now has access to computer terminals. The Office was clean, recently painted and well ventilated. The general opinion of the staff was great satisfaction with the improvements of the Office.

There is still a demand for further premises. The three commissioners now share one single room. They need individual rooms to work more efficiently and to meet with their respective Associate Commissioners. Although the Office now also has premises in the basement there is still a need of another meeting room for meetings with complainants etc. The reception area is very small and it would be desirable if it could be enlarged in one way or another.

The registration procedure/complaint filing system was still done only by hand during my visit. However, a new software system is ready to be used from the beginning of January 2002. To start with the registration etc. will be made both by hand and by computer. My personal reflection is that this is duplication of work that is quite time consuming but at the same time understandable. According to what I was told the Danish technical assistants have already taken care of questions related to the electricity supply.

The Danish Embassy/Danida has played an extremely important role for the building up of the Institution as they have furnished the Office with most of the existing equipment and acted as consultants in various fields. Not to forget the importance of the assistance, support and help of all sorts from the "Friends of the People's Advocate".

IV.2 The Staff

I already said in my report regarding my visit in October 2000, that I was extremely impressed by the academical qualifications and the professional experiences of the jurists and by the ambitious staff that Mr. Dobjani has managed to engage to the Office. Also this time it was a great feeling to be received and treated in such a cordial way by all the staff. They made me feel that my visit was useful to them, which – indeed – was the purpose of my follow-up visit.

The Swedish Parliamentary Ombudsmen had the pleasure to be visited by the three Commissioners Mr. Jorgo Dhrami, Mr. Agron Çausi and Ms. Florina Nuni, The Media Adviser Mr. Artur Lazebeu and Ms. Anila Shyti, Deputy Director of International Affairs, during a week in January, 2001. – As I had made all the arrangements and participated during the whole visit, it was a great pleasure to me to hear that the participants considered the visit very important for their knowledge and understanding of how to run an Ombudsman's Office. Parts of their work were now influenced by the Swedish way of dealing with complaints etc.

IV. 3 The relation between the People's Advocate and the Public Administration/Government

According to the Law of the People's Advocate the mission of the People's Advocate is to redress grievances and address issues arising from maladministration in the public sector by way of recommendatory oversight to bring about improvements in the standard and quality of services and to promote fairness in public administration.

In the Introduction to the Annual Report of the Activity of the People's Advocate for February 16 – December 31, 2000, dated February 16, 2001, Mr. Dobjani states i.a.

The People's Advocate or Ombudsman, both designations meaning the same thing, is above all a democratic institution, in addition to protecting human rights, one of its principal targets is the development of what is labelled as *the culture of good governance*. It implies good administration, openness, transparency, and accountability on the part of the public administration to the taxpayers paying taxes to support it.

For the Council of Europe, the Ombudsman and other human rights institutions constitute the fundamental element associated with the human rights infrastructure in a democratic society. They enable the individuals to have the injustice inflicted on them by the public administration amended through negotiations, impartiality, and the other more comprehensive standards of justice. The fundamental features for the institution of the People's Advocate (Ombudsman) are independence from the Government, or any other political bias, ease of contacts, speed of performance, flexibility, effectiveness and powerfulness of his Recommendations.

The Ombudsman should establish human contact with the public administration, on the one hand, and the individual, on the other. Although the Ombudsmen possess not compelling powers, they should exercise their persuasive authority to the highest degree possible, with a view to changing the behaviour of the public administration and authorities through the Recommendations issued by them.

It should be highlighted that the People's Advocate has not been elected to give orders to the public administration in Albania, or criticise the performance of the public administration. Naturally criticism will be targeting the activity or failure to act on the part of the public administration through our Recommendations and reports submitted, as is the case with the Ombudsmen in all the other countries, but our primary goal is not associated with focusing our efforts against the public institutions in Albania, but rather targeting the best performance possible for our administration.

The People's Advocate is not and will never be opposed to the Government, irrespective of the political forces in power, but will always be serving as Reviewer towards better governance.

As a matter of fact, not infrequently, although the People's Advocate is not always in favour of the public administration, the mere fact related to his

existence and functioning plays a positive influence on the public administration. The people have become aware of their entitlement to complain against the public administration decisions, through resorting to easy and free procedure. In the other countries there is evidence of its effects towards positively changing the public image of the administration. Undoubtedly, that could assist in enhancing the awareness of the Albanian public administration as regards the quality of its decisions, and its responsibility towards the citizens.

The Swedish word **Ombudsman** denotes a person whose task is to take care of somebody else's interest. The Ombudsman idea in fact contains an element of paradox; an Ombudsman can be described as a state institution with the task of protecting the individuals against other institutions of the state. It is quite natural that such an institution must fulfil certain requirements in order to maintain its credibility.

The Ombudsman must have sufficient resources and extensive powers of investigation, but above all an Ombudsman Office must be protected against pressure and other forms of undue influence from the organisations that it supervises – i.e. the Public Administration/Government.

During my different meetings – as well inside as outside the Office of the People's Advocate – I was told that the cooperation during the investigations with the different public authorities/officials had – so far – gone quite smoothly. I also understood that the authorities/officials, at all levels within the public sector, seemed to have accepted recommendations, guiding pronouncements and other statements made by the People's Advocate.

One very obvious sign concerning the authority/credibility of the Institution of the People's Advocate as well as of the People's Advocate Mr. Dobjani himself in relation to the administration etc., was the impact of the national conference "The State and the Civil Society in Protection of the Right to Life", in Tirana, December 11–12, 2001.

At the conference, initiated and arranged by the People's Advocate and the NGO "The Conflict Resolution and Reconciliation of Disputes Foundation", they had managed to gather – for the first time – top-ranking politicians, parliamentarians on national and local levels, heads of courts, university professors, NGO representatives, journalists etc. to penetrate and discuss the utterly serious blood-feud phenomenon (gjakmarrje) in Albania. Some 200 persons attended the conference. Several TV-channels and newspapers covered the conference. Mr. Dobjani ended the conference by making a summing up of "The Conclusions and Recommendations of the Conference" (encl. 3). One of his statements reads like this:

This Institution (*The People's Advocate*) will continue to aware the Albanian public Administration to implement these Recommendations and to measure their work with the good results expected as such.

The development of a National Strategy with respect to the prevention and the combat against the blood feud phenomenon is directly linked with the organisation, the direction and the co-operation of the state bodies with the NGO:s, as well as with all the other components of the civil society and the

entire public opinion by carrying out each its own task provided in law and all the other engagements determined in their programmes.

During the conference it appeared that some 520 families were locked-up in their houses as a consequence of the ongoing blood-feud phenomena in the northern parts of Albania. This means that some 3 500 people do not dare to leave their houses and that approximately 250 children do not get any teaching at schools (only in some cases teachers have the possibility to visit the pupils in their homes to give them private teaching).

How is it possible that something like this can go on in a European country in the year of 2001? – I can only thank and congratulate the Office of the People’s Advocate and the NGO “The Conflict Resolution and Reconciliation of Disputes Foundation” for their persistent efforts to try to prevent and eliminate the causes that lie behind this phenomenon, that has reappeared during the last decade, through i.a. arranging the conference. It became very clear during the conference that the Albanian public administration also has an extremely important role to play in the combat against the blood-feud phenomenon. The state and the civil society must co-operate in the struggle. The conference was held under the auspices of the President of the Republic. Let’s hope that this is a guarantee for the fulfilment of this very difficult but utterly important task.

IV.4 *The relation between the People’s Advocate and the media/public*

In every country with a newly established Ombudsman Institution it is of utmost importance to have positive relations with the media. The media must be correctly informed about the new institution so that the media – on their part – can supply the public with correct information. Relations with media need to be planned to get a positive response. This requires a good deal of transparency in the processes to be used in the Office.

Since my visit in October 2000 several new ways of disseminating knowledge to the general public as well as to the public administration, supervised by the People’s Advocate, have developed.

New information brochures (including complaint formulas) – that came from the printers during my stay – seemed to be very informative and well disposed. The brochures were going to be distributed to public authorities and state agencies within the jurisdiction of the People’s Advocate.

Five short “spots” related to the role and the work of the People’s Advocate are now presented daily on different TV-stations. (The spots illustrate general information concerning the People’s Advocate, children’s rights, women’s rights, protection from violation of police/in prisons and transparency within the administration.)

An excellent film concerning the People’s Advocate was newly produced. The film is very professional and shows the functioning of the Institution in a very informative way. – I would like to recommend that the film would be distributed to different educational institutions.

My general impression concerning the relationship between the People's Advocate and the media is that the Office has worked very hard on an "awareness campaign in media" and that the relation is good, which is reflected in the conscientious coverage from the media's side. I am sure that the Media Adviser has played an important role in creating this relationship.

In other words, great progress has been made in the relations between the People's Advocate and the media as well as with the general public.

IV.5 The Annual Report

Before my arrival in Albania I had the opportunity to thoroughly study the Annual Report 2000 (which covers the period February 16 – December 31, 2000). I was highly impressed by the work done by the People's Advocate as reflected in the Annual Report and I share Mr. Trawick's opinion in the ABA-CEELI report "Review and Recommendation on the Operation of the Office of the People's Advocate of the Republic of Albania" (pp. 5–6) when he says "For a new (and previously unknown) Institution to achieve this level of progress at this stage is unprecedented, in my experience."

The commissioner Ms. Florina Nuni, who is mainly responsible for the work with the Annual Report, and I thoroughly discussed the drafting process. She was very interested in having advises concerning the process. I stressed i.a. the importance of laying down clear outlines concerning the responsibility for deciding which decisions should be published/quoted in the reports. I understand that Mr. Dobjani has mainly delegated this task to the Commissioners. (In some countries the decisions are published in full and in other countries only extracts or general tendencies are published.) Further I mentioned the importance of – at least monthly – choosing and preparing the decisions that should be published in the Annual Report and to have a special file for these decisions.

According to the Annual Report 2000 the People's Advocate received 810 complaints. 601 cases were finalised and 209 were still under investigation at the end of 2000. During January 1 – December 1, 2001, the Office received approximately 2000 formal complaints. During April 1 – December 1, 2001, the general public paid 933 visits to the Office concerning presumptive complaints. Due to the "Barcelona-model" (see pp. 5–6) – that was introduced in April 2001 – only 238 of these visits resulted in written formal complaints which have been subject to investigations. Without the "Barcelona-model" the total number of complaints received during the first eleven months of 2001 would have been approximately 2 700.

V. Concluding Remarks

The only way for a newly established democracy to restore confidence in a state, which has fundamentally been undermined by a totalitarian regime, is through showing its commitment to the rule of law.

The primary task of the People's Advocate in the Republic of Albania – as for all Parliamentary Ombudsmen – has been to see to it, that the Government and other

bodies under his jurisdiction respect the basic human and civil rights and freedoms guaranteed the citizens in the Constitution and other standard legal acts.

An important role for the People's Advocate is to see to it, that the work made by the Government is transparent, to enhance the public confidence in the administrative system. – Certainly the work of the Institution itself has to be characterised by a high degree of transparency and accountability too. The work also should be based on the principles of fairness and impartiality. This attitude is necessary if the Institution is to keep the confidence of the general public as well as the respect of the authorities and officials under its supervision.

The People's Advocate has an important educating role in making people aware of their fundamental rights and disseminating information within this sphere. The Institution also plays an important role through helping the authorities by offering legal advice and clarifying the contents of laws concerning e.g. administrative and judicial procedures. The Ombudsman can contribute to important changes in the routines and methods used by the authorities or in the legislation.

The relation between the Ombudsman institution and the media is of greatest importance considering the role of the media in the process of the dissemination of correct information to the public and certainly also to the executive bodies and others monitored by the Ombudsman.

It is with greatest satisfaction – and admiration – I can state to what extent the People's Advocate has managed to live up to the above mentioned prerequisites. To achieve this level of progress in less than two years after the establishment of the Institution is highly impressiv. Mr. Dobjani and his staff have done a splendid job in creating a respected, credible and effective tool in the ongoing process of democracy in Albania – a country still in transition. I wish them good luck in the future.

Stockholm, January 2002

Marianne von der Esch

Encl.1

– JO –

REPORT

THE PARLIAMENTARY OMBUDSMEN

Marianne von der Esch
International Coordinating Director

Visit to the Office of the People's Advocate in Tirana, Albania, October 1 – 8, 2000

The mission

Upon request of the Council of Europe I had the pleasure to carry out an expert mission within the Office of the People's Advocate in Tirana, Albania, October 1- 8, 2000. The purpose of the mission was to assist the People's Advocate, Mr. Ermir Dobjani, and his staff with advice on the basic running of the Institution, including such matters as how to handle cases (complaints), the development of a case-filing system, liaising with the government and the administration, liaising with the public, dealing with the media and other fundamental questions that might arise during my visit to the Office.

The Council of Europe, in co-operation with the People's Advocate of Albania and the Friends of the People's Advocate, arranged an information meeting/ seminar on October 5, 2000, concerning the role and functions of the People's Advocate of Albania. As I already was due to be in Tirana at that time, the Council of Europe invited me to participate at the information meeting/seminar as an expert together with Mr. Jernej Rovsek, Deputy Ombudsman of Slovenia, Mr. Andreas Takis and Mr. Christos Adam, both Senior Investigators from the office of the Greek Ombudsman to make presentations within the theme "The Ombudsman in a democratic society, including in a society in transition".

The People's Advocate

Background

According to the Law of the People's Advocate the mission of the People's Advocate is to redress grievances and address issues arising from maladministration in the public sector by way of recommendatory oversight, to bring about improvements in the standard and quality of services and to promote fairness in public administration. It is a prime obligation which demands the performance of the Office and the conduct

and integrity of its staff to be of standards no less high than what it seeks on the part of the public sector in pursuit of this mission.

Mr. Dobjani was elected People's Advocate by the Albanian Parliament on February 16, 2000, with 2/3 of the votes of all Members of Parliament, out of 3/5 required by the law. The three Commissioners (deputies) were elected on March 29, 2000. The *budget* for the office (about USD 250.000) was approved in April, 2000. On June 15, 2000, the real work commenced (proceeding of 60 complaints that had already reached the People's Advocate at that time). Provision with premises and preparation of the rehabilitation of the Office started in July. During my stay (October 1-8), the Office of the People's Advocate was still waiting for the previous tenant to move out of another five office rooms, which were still occupied although they were supposed to be rented by the People's Advocate. The People's Advocate had since long been promised that this would take place.

My meetings at the Office

The People's Advocate, Mr. Dobjani

During my stay at the Office of the People's Advocate Mr. Dobjani gave a very interesting introduction to the Office and the work that had been done so far. We also had several discussions and I had the opportunity to give him further details concerning my observations and suggestions. Mr. Dobjani stressed the importance and expressed his gratitude to the Council of Europe, the Danish Embassy/Danida, the "Friends of the People's Advocate" and some Swedish institutions regarding the economical as well as moral assistance that was granted the People's Advocate.

The Commissioners

I spent at least half a day with each of Mr. Dobjani's three Commissioners, Mr. Jorgo Dhrami (Head of the Department of Police, Secret Service, Prisons, Armed Forces and Juridical Power), Mr. Agron Çausi (Head of the Department of Public Administration) and Ms. Florina Nuni (Head of the General Department "for issues not covered in the areas of the previous Departments") and their experts. During the different meetings with the Commissioners and their staff I was furnished with all kinds of information and statistics concerning the areas of supervision, the various kinds of complaints each department had received and concluded etc. At each meeting I gave a general introduction to the Swedish Parliamentary Ombudsman system (which has existed since 1810), described and discussed the way complaints of various kinds are handled at our office in Stockholm. I also gave all kinds of advice that I thought useful for a recently established Ombudsman's office.

"Archives and protocol" employees

Further I met with "archives and protocol" employees. Today the registration procedure/diary etc. is still done by hand. We had – as I found it – fruitful discussions concerning routines of registration, the development of a case-filing system, the importance of having a lockable and fireproof storage-room for the archives, boxes for storage etc.

The media adviser

During a trip to the very ancient town of Kruja I had a most interesting discussion with the media adviser (spokesman) of the Office, Mr. Artur Lazebeu, concerning the relationship between the People's Advocate, the administration, the people and the media. We thoroughly discussed different ways of spreading the information about the newly established institution.

The Director of International Affairs

Ms. Estella Dashi, Director of International Affairs, – whom I met in Stockholm in May 2000, together with Mr. Dobjani, during a study visit by Ombudsman Institutions from South Eastern Europe (one of the activities under the Project on Independent National Human Rights Protection Institutions, including Ombudsmen, co-ordinated by the Council of Europe) – played an important role as a co-ordinator during my visit. Her exquisite knowledge of languages is of great importance to the Office, especially from an international point of view.

Other members of the staff

As mentioned earlier, I met all the experts at the different departments. Several of them, as well as other members of the staff, had individual questions/issues raised and discussed during my week.

Conclusions

The Office; premises, equipment etc.

The Office is in immediate need of further premises. At present the staff at each department (the commissioner, the five experts and the secretary) are all seated in the same room (some 25 – 30 square metres) and at the same table. There seemed to be only one computer at their disposal. But, as said, the Office is supposed to get access to further rooms within a near future (?). The rooms, as well as the entrance, were in great need of repair and painting.

Concerning the registration procedure/diary, that is today done by hand, it was – according to the opinion of the staff as well as to my own – very obvious that it has to be computerised as soon as possible with assistance from a suitable consultant.

The Danish Embassy/Danida plays an *extremely* important role for the building up of the Institution as they have furnished the Office with most of the existing equipment and acted as consultants in various fields. Not to forget the importance of the assistance, support and help of all sorts from the "Friends of the People's Advocate". But there still is a *great demand* for computers and other technical equipment as well, i.a. book shelves, storage boxes for the archives, a fireproof storage-room and also to consider the security aspects for the personnel (as you never know the intentions of a visiting complainant!).

The Staff

I was extremely impressed by the academical qualifications and the professional experiences of the jurists and by the conscientious staff that Mr. Dobjani has managed to engage to the Office. It was a great feeling to be received and treated in such a cordial way, as I was, by all the staff. They made me feel that my visit was useful to them, which – indeed – was the purpose of my mission.

The Swedish Parliamentary Ombudsmen has the intention to invite 4-5 English speaking members of the staff (probably in January or February, 2001) to spend a week at the office in Stockholm to get a first-hand impression of the functioning and organisation of our office. (Unfortunately the Swedish office has no possibility to pay for the costs of the tickets and the accommodation.)

In connection with this I want to mention the importance of the contacts between the Office of the People's Advocate and equivalent offices in, above all, neighbouring countries and other states in Central and Eastern Europe.

I have complete confidence that the staff – provided with the necessary equipment and, with assistance of different kinds of experts/consultants (when needed), language and computer courses etc., – will accomplish their future work in a most satisfactory way.

The relation between the People's Advocate and the Public Administration/Government

The Swedish word *Ombudsman* denotes a person whose task is to take care of somebody else's interest. The Ombudsman idea in fact contains an element of paradox; an Ombudsman can be described as a state institution with the task of protecting the individuals against other institutions of the state. It is quite natural that such an institution must fulfil certain requirements in order to maintain its credibility. The Ombudsman must have sufficient resources and extensive powers of investigation, but above all an Ombudsman office *must be protected against pressure and other forms of undue influence from the organisations that it supervises*. The nature of a Parliamentary Ombudsman Institution differs in important respects from all other organs of a state; it is not a court of law and it is not an administrative agency. In fact it does not exercise any public power in the usual sense. The power of a Parliamentary Ombudsman is of a moral rather than a legal character.

The Office of the People's Advocate must consequently be protected against pressure and other forms of undue influence from the Public Administration/- Government.

As mentioned, my mission also included participation at a Seminar in Tirana on October 5, 2000, concerning the role and functions of the People's Advocate in Albania. The Seminar was very well attended. I.a. the Deputy Prime Minister, other Ministers, the President of the Supreme Court, the President of the Constitutional Court and many other very high ranking officials attended the Seminar. One thus can gather that the Institution is considered highly important within the Government and Public Administration of Albania. – I am merely stating that, as an Ombudsman Institution plays a very important role in the process of democracy for a country in transition, it was with great satisfaction that I noted the audience as well as the questions put during the Seminar.

During my visit to the Office of the People's Advocate I was told that the cooperation during the investigations with the different public authorities/officials had – so far – functioned quite smoothly. I also understood that the authorities/

officials, at all levels within the public sector, seemed to have accepted recommendations, guiding pronouncements and other statements made by the People's Advocate.

The relation between the People's Advocate and the media/public

In a country with a *newly established Ombudsman Office* it is of utmost importance to have positive relations with the media, to inform the media about the new institution so that the media – on their part – can supply the public with correct information. It is also of greatest importance that the decisions with recommendations etc. are well motivated and in accordance with the law as – on the assumption that the press is free – the media plays such an important roll for the impact of the work of the Ombudsman.

Positive relations with the media already at the implementation stages pay a good dividend later when the Ombudsman finds it necessary to publish reports in the public interest. Relations with media also need to be planned to get a positive response. This requires a good deal of transparency in the processes to be used in the office.

I learned from my different meetings – and the Seminar – that the relation between the Office and the media is good. But it is something that always has to be worked upon. Through i.a. media conferences – either just to introduce/explain the Ombudsman system or if there has been a case of particular interest. It might also be of considerable value to issue a "Media Guide" on the People's Advocate in a way that permits easy reference by working journalists. The guide can serve as a document to which the journalists may refer to gain factual information as to what the Institution is and how it works etc.

I want to stress the importance of well-written and well-motivated decisions as journalists often quote the judgements of an Ombudsman in newspapers or other media. *Media can be a most important tool for the implementation of the judgements/recommendations in the society.*

As there still does not exist an information pamphlet concerning the Office it is of great importance that this will be produced as soon as possible.

I am convinced – on the assumption that the political situation will remain stable, that the attitude of the Albanian Public Administration "accepts" the supervisory role of the People's Advocate and the recommendations made by the Institution (which obviously is the case) and that the knowledge of the Institution soon will spread to the public – that the Office of the People's Advocate will become a most important tool in the process of improving democracy in Albania, a country in transition.

I agree with Mr. Dobjani when he – at the Seminar concerning the People's Advocate of Albania – said: "We are on the right track, making small but sure steps."

Stockholm, November 6, 2000

Marianne von der Esch

REPUBLIC OF ALBANIA
PEOPLE'S ADVOCATE

ACTIVITIES CARRIED OUT

from 15 June till October 2000

Complaints, request notices received	453	
In process		227 ~ 50%
Finished		226 ~ 50%

The outcome of

the 226 solved cases

- Out of PA jurisdiction and competencies	112 ~ 54 %
- In favour of the complainer	48 ~ 21 %
- Unjust	56 ~ 25 %
Total	226

ACTIVITIES DISPLAYED ACCORDING TO SECTIONS

General no. of complaints 453

From these

Agron Çaushi (Dep. of Public Adm.)	139 = 32%
Jorgo Dhrami (Dep. of Police, Secret Servic, Prisons, Armed Forces and Juridical Power)	216=48%
Florina Nuni (General Department)	88 = 20 %

In process 227

From these

Agron Çaushi	74 = 35%
Jorgo Dhrami	105 = 46 %
Florina Nuni	38 = 19 %

Solved 226

From these

Agron Çaushi	65 = 30%
Jorgo Dhrami	111 = 49 %
Florina Nuni	50 = 21 %

From the solved cases

Out of PA jurisdiction and competencies 122 = 54 %

Agron Çaushi	21
Jorgo Dhrami	63

Florina Nuni	38
In favour of the complainant	48 = 21 %
Agron Çaushi	14
Jorgo Dhrami	28
Florina Nuni	6
Unjust	56 = 25 %
Agron Çaushi	30
Jorgo Dhrami	20
Florina Nuni	6

A BREAK DOWN OF THE COMPLAINTS ACCORDING TO AREAS

From the 453 complaints, for

Judiciary	101	22 %
Police	41	9 %
Law enforcement office	29	6 %
Prosecutors	15	3 %
Military	15	3 %
Prisons	8	2 %
Ownership	34	8 %
Agriculture	24	5 %
Social insurance	21	5 %
Urban arrangement	19	4 %
Versus Municipality	18	4 %
Employment relationship	16	3 %
Taxes	7	2 %
Others	105	23 %

Encl. 2**THE NATIONAL CONFERENCE****“THE STATE AND THE CIVIL SOCIETY IN PROTECTION OF THE
RIGHT TO LIFE”****Tirana, December 11-12, 2001**

Arranged by the People’s Advocate in co-operation with the “Conflict Resolution and Reconciliation of Disputes” Foundation, and under the auspices of the President of the Albanian Republic, Mr. Rexhep Mejdani

Agenda**First Day: December 11, 2001****The Morning Séance**

- | | |
|---------------|---|
| 09:30 – 10:00 | Listing the participants |
| 10:00 – 10:10 | Opening of the Conference
Speech of People’s Advocate – Mr. Ermir Dobjani |
| 10:10 – 10:20 | Greeting speech of the President of the Republic
– Mr. Rexhep Mejdani |
| 10:20 – 10:25 | Speech of the representative of the Albanian National Assembly |
| 10:25 – 10:30 | Speech of the Vice- Prime Minister and Minister of Social
Works and Social Affairs – Mr. Skender Gjinushi. |
| 10:30 – 10:35 | Speech of the Minister of the Public Order – Mr. Ilir Gjoni |
| 10:35 – 10:40 | Speech of the Minister of Justice – Mr. Sokol Nako |
| 10:40 – 10:45 | Speech of the Minister of Local Government and Decentralization
– Mr. Arben Imami |
| 10:45 – 10:50 | Speech of the Minister of Education and Sciences – Mr. Ben
Blushi |
| 10:50 – 11:10 | Coffee break |
| 11:10 – 11:30 | “The protection of the right to life as a fundamental human right”
– Prof. Dr. Ismet Elezi |
| 11:30 – 11:50 | “The rule of law against the Kanun mentality” |

- Prof. Dr. Aleks Luarasi
- 11:50 – 12:10 “The Kanun between the Tradition and the Modern”
– Prof. Assist. Dr. Gjergj Sinani
- 12:10 – 12:25 “The responsibilities of the State and the Civil Society toward the
protection of the right to life.”
– Mrs. Florina Nuni, The People’s Advocate Institution
- 12:25 – 12:45 Coffee break
- 12:45 – 13:00 Speech of the deputy Ombudsman of Kosovo
– Mr. Nik Lumezi
- 13:00 – 13:15 “The motives of the revenge and blood feud among the nowadays
Albanians of Kosovo.”
– Pajazit Nushi, Kosovo Centre of Human Rights
- 13:15 – 15:00 Lunch

The Afternoon Séance

(Debates in Panels)

The Jurists’ Panel

- 15:00 – 15:15 “The protection of Life in the Penal .”
– Prof. Ass. Dr. Skender Kacupi
- 15:15 –15:30 “The Public Order Bodies faced to murder cases for blood feud
reasons.”
– Kol. Veli Myftari
- 15:30 – 15:45 “The role of the prosecutor office preventing and fighting the life
crimes.”
– Mr. Nasip Naçi, Director of the Directorate of crimes against
persons
- 15:45 – 16:00 “Speedy judgment and fair court decisions in relation to the crimes
against life.”
– Mr. Sokol Çomo, The Head of the Tirana County Court
- 16:00 – 16:30 Debate

The Administration Panel

- 15:00 – 15:15 “Resolution of conflicts and disputes by the local government, a
tool in the blood food prevention.”

– Mr. Zyber Beci Ministry of Local Government and Decentralization

- 15:15 – 15:30 The respectable educative mission of the school, in opposition with the sentiment of the self-judgment of blood feud, leads to the respect of human rights and freedom.
– The Ministry of Education and Sciences
- 15:30 – 15:45 “The State’s role in preventing the blood feud.”
– Mr. Sokol Haliti, Secretary General of Shkodra Prefecture.
- 15:45 – 16:00 “Resolution of conflicts by the Local Government, a tool in the blood feud prevention.”
– Jorgji Xhaxho , Chief of the Local Government and Juridical Section Berat Municipality
- 16:00 – 16:30 Debate

The NGO s Panel

- 15:00 – 15:15 “Blood Feud, the confliction situation and the contribution of The League of the Albanian Missioners of Peace” – Mr. Emin Spahia, the “The League of the Albanian missioners of Peace”
- 15:15 – 15:30 “The reconciliation assemblies, a useful traditional method.”
– Gjin Mekshi, “ The national reconciliation Mission Mother Tereza Association “
- 15:30 – 15:45 “The strategy of the blood feud prevention and the respect of the rule of law.”
– Mr. Gjin Marku, “The National Reconciliation Committee Association”
- 15:45 – 16:00 “The contribution of the religious community to the spirit of acceptance, fraternity and tolerance against conflicts” –
Father Aleks Andoni from the Albanian Orthodox Church
- 16:00 – 16:30 Debate

Second Day : December 12, 2001

The Jurist’s Panel

- 09:30 – 09:45 “The right to life, a Constitutional right.” – Sokol Sadushi,
The Constitutional Court
- 09:45 – 10:00 The Ministry of Justice

10:00 – 10:15	“The right to life according to the European Convention of the Human Rights”
10:15 – 10:35	Coffee break
10:35 – 10:50	“The contribution of the Members of Parliament in the blood feud prevention”
10:50 – 11:50	Debate
11:50 – 12:15	Coffee break

The Administration Panel

09:30 – 09:45	“The social effects of the blood feud.” – Mr. Gezim Tushi, The ministry of the Social Works and social Affairs
09:45 – 10:00	The Ministry of Education and Sciences
10:00 – 10:15	“The resolution of conflicts and requests by the local government in Laç, a tool in the prevention of the negative phenomenon’s.” – Mr. Gjergj Oroshi, Vice Major of Laç Municipality
10:15 – 10:35	Coffee break
10:35 – 10:50	“The experience of the local government in Shkodra in resolving conflicts and preventing the blood feud.” – Shkodra Municipality
10:50 – 11:50	Debate
11:50 – 12:15	Coffee break

The NGO s Panel

09:30 – 09:45	“The media’s role in educating the public opinion with the sentiment of respect for law.” – Mr. Mentor Kikia, Journalist
09:45 – 10:00	Contribution of the “Conflict Resolution and Reconciliation of disputes” Foundation – Mr. Rasim Gjoka
10:00 – 10:15	The Albanian centre of Human Rights
10:15 – 10:35	Coffee Break
10:35 – 10:50	“The co-operation of the local government with the NGO’s, to prevent conflicts.” – Mr. Gjok Malçi, Head of “The Peace and Justice Association”

10:50 – 11:00	Debate
11:50 – 12:15	Coffee Break
12:15 – 13:00	The Plenary Session. Summary of the debates in three panels
13:00 –	The Conclusions of the Conference

Encl. 3

Conclusions and recommendations of the Conference
“The State and the Civil Society in protection of the Right to Life”

Ladies and Gentlemen,

Please allow me at the end of this Conference to thank all the participants, the lecturers and the discussants that gave their contribution in its smooth running. Together with the co-arrangers of this Conference the “Conflict Resolution” Foundation, taking into consideration all the speeches, debates and suggestions, we adopt the following conclusions:

1. One of the challenges to what the Albanian state and society is faced in these last ten years, is the blood feud phenomenon that reappeared, a custom inherited from the ancient time, incompatible with the principles of the civilized society and the rule of law. It causes discord and hostility; it brings serious social consequences, such as the deprivation of life, locking-up of people. It also causes the economical bad situation, the rupture from the political-social life, and absence of children in schools.

So, it is a fact that in our country some of the human rights are violated, or they risk violation or non-implementation, because of the blood feud phenomenon.

2. Although this phenomenon is not spread all over Albania but is limited only to some areas, it still constitutes a disquieting problem and therefore ought to be seriously considered from the political point of view and the social one. Regrettably, the state bodies haven't yet made the real estimation of this tough situation neither are thinking or working in close co-operation with each other. A clear demonstration of this last one is the fact that accurate statistics do not exist.

3. This conference held under the supervision of the President of the Republic, His participation, the participation of the head of 5 Ministries mainly concerned and the presence of the leaders of the judiciary, their speeches, represent a promising positive change of the state attitude toward this phenomenon.

4. The civil society has acted so far only in the framework of some non governmental organisations, whose activity deserve compliments and

encouragements from all parts, including the state and all the spectre of the civil society. These NGO's have to avoid the competition aspects and they ought to be an example of the tolerance in the relations between them.

5. The fight against this phenomenon can be effective simply when equally the state and the civil society draw-up and work following a common strategy. This conference is considered as the first step.

The initiative to organize this National Conference, in the general framework of the right to life protection, foreseen in the Constitution, the Universal Declaration of the Human Rights, is an activity arranged at the proper time and atmosphere, aiming exactly the entire implementation of these rights.

6. According to the general opinion expressed through speeches debates and contributions, the Conference achieved its goal in increasing awareness and involving more the state bodies and the civil society in preventing and fighting against the crimes and blood feud.

Based on these conclusions, the main recommendations deriving from this Conference might be resumed as follows:

1. In order to achieve the limitation and elimination of this phenomenon, it comes out the need to have a national strategy and time limits set by the state bodies and the non-governmental organisations, where urgent and stable preventive measures should be foreseen. In this Conference suggestions were made that the government should be responsible for the national strategy and should establish a inter-ministerial committee compound by 5 Ministries: the Ministry of Public Order, the Ministry of Justice, The Ministry of Social Work and social Affairs, the Ministry of Local Government and the Ministry of Education. This committee in close relation with the judiciary and the Prosecutor Office will estimate every 3 or 6 months the real situation and will determine preventive measures about this phenomenon.

The Albanian government should influence the public administration bodies under its control, to consider the blood feud phenomenon and to reinforce the co-operation and the support to the NGO's in the blood feud prevention.

2. The Members of the Albanian National Assembly should play a significant and give a valuable contribution in the meetings with their

electors, in preventing the blood feud and in the reconciliation process. At the same time, it would be necessary to set up a special parliamentary commission dealing with this issue. The parliament should adopt all the ratified conventions that guarantee not only the right to life but also others social and economical rights. The parliament should equally stimulate and adopt every legislative initiative to improve the legislation in this regard. It also should be adopted a permission to impede the importation of the children toys conceived like weapons.

3. The public order bodies have important tasks to fulfil, as specialized bodies in protection of the public order and tranquillity, and in protection of human's life. They have to take measures in conflict prevention, in detection and in capturing and handing offenders to the prosecutor bodies, reinforcing also the co-operation with Interpol for the extradition of all the murderers hidden abroad.

The main exigency imposed by the present and the future situation is the continuous increase of the rule of law's power. Greater the confidence of the citizens becomes, less self-judgment and blood feud cases we will have. The Ministry of Public Order should play a greater role and be more effective in the weapon collection process.

4. The Ministry of Local Government should provide the effective assistance to the local government bodies in conflict resolution, in order to prevent the murder cases for blood feud motives. Local government bodies such as the council of elders, communes, municipalities, prefectures should directly manage the conflicts because the immediate resolution of complaints and requests in compliance with the law, contributes to the prevention of the self-judgement and blood feud phenomenon. These local government bodies should ask for and encourage the co-operation with the NGO s.

5. A most positive and preventive role has to be played by the Ministry of Education and Sciences in improving the school curriculum, in order to convey to the new generation the spirit of fraternity of understanding and tolerance, in opposition with the self-judgement, revenge and blood feud. This Ministry should also train the teachers working in the areas where this phenomenon is overspread, to help the locked-up children.

6. The social problems of the locked up families entail a greater engagement of the state, and of the Ministry of Work and Social Affairs in particular, that through the regional offices to provide aids to the

locked up families with insufficient incomes, as well as to improve the poor standards of living and unemployment.

7. The prosecution bodies need to better cooperate with the police and to conduct full, objective and quick investigations, thus cases referred to court to be well supplied with the relevant evidences.

8. It is the duty of the Court to conduct a quick judgment on the case and to decide the right verdict. Any gentle decision or ungrounded acquittal gives way to self judgment, to personal revenge taking and blood feud.

The acknowledgement and the right application of the Criminal Code provisions by the court which foresee even the life sentence imprisonment for murders committed as regards revenge taking or blood feud, or the penalty punishment and three years imprisonment decisions taken by court for those who threaten for revenge and blood feud and for locking up, will serve as a powerful weapon in the combat against blood feud. In any case, the application of law must not leave blank space for the application of Kanun against the murderer of revenge and blood feud reasons.

9. For the general social prevention of blood feud murders, it takes great importance the education of children in the family, at school, in the social environment, as well as the whole activity of the NGOs. All the foundations, missions and associations which perform their activity in the field of conflict resolution and reconciliation of disagreements especially of those of penal character which give rise to murders, and by intervening for blood reconciliation as well as for setting free the locked up families and sending children to school, they accomplish a very specific noble and useful mission for the society. These important and emergent tasks should be the priorities of these NGO, whose role they play is irreplaceable.

10. An important role relay on the others components of the civil society such as the religious community, the electronic media (radio, television) and the written media (the press), in the awareness of the public opinion with the sentiment of the respect toward the state institution and state law, in spreading the positive experience in the reconciliation and also in arranging traditional local assemblies and pacts.

11. To prevent the blood feud phenomenon, at the educational level, further researches may be conducted, articles might be written, meetings workshops involving the local government and the NGOs and other types of activities according to the concrete situation of each area

can be arranged. Publication of the documents of this conference, leaflets, posters, can be a contribution too. In these activities for the public opinion should be cleared-up the attitude toward Kanun, as a cultural monument, and its relation with the rule of law. The Academy of Sciences and the Universities through the Faculties of Law and Sociology may play an important role too.

12. The People's Advocate through its activity in solving the complaints of the citizens will more actively contribute to the prevention of conflicts and its consequences that might go to the limits the blood feud. The local representative that will be appointed to Shkodra town will influence to instigate the public administration to co-operate with the NGOs in protection of the right to life.

This Institution will continue to aware the Albanian public Administration to implement these Recommendations and to measure their work with the good results expected as such.

The development of a National Strategy with respect to the prevention and the combat against the blood feud phenomenon is directly linked with the organization, the direction and the co-operation of the state bodies with the NGOs, as well as with all the other components of the civil society and the entire public opinion by carrying out each its own task provided in law and all the other engagements determined in their programmes.

The progress of our society along with others already civilized entails that we cope with this challenge together with other challenges.

It was expressed the hope that the echo and the responsibilities coming out from this Conference with respect to the protection of the right to life, will be welcomed everywhere. The implementation of its recommendations will contribute in achievement the final human goal to totally eliminate the blood feud phenomenon in Albania in a near future.

PEOPLE'S ADVOCATE

Ermir DOBJANI