

REPUBLIC OF ALBANIA



ASSEMBLY OF ALBANIA



PEOPLE'S ADVOCATE

ANNUAL REPORT

On the activity of the People's Advocate

1 January – 31 December

2007

Tirana, 2008

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People's Advocate Speech

Distinguished Mrs. Speaker of Parliament of the Republic of Albania
Distinguished Members of Parliament,

This is the eighth annual report with which the People's Advocate appears before this honored Parliament.

The People's Advocate comes before you with a fuller and clearer physiognomy not only to unfold his vision, but also to express again his commitment and motivation to carry out the other duties that the Parliament is expected to commission him with.

As in previous years, this report presents a summarized picture of our annual work.

Regardless of its form and conclusions, in general, the content of this report was part of all daily media broadcasts in Albania for cases examined by the People's Advocate.

The daily practice of relations individual-State shows that the level of good governance, as a human right, still leaves much to be desired in Albania. In 2007, the People's Advocate raised the voice for every case in which the right of information was violated, a right that derives from employment relations, the violations in environment, the procrastination of judicial procedures, etc. Our strong reactions are felt in all recommendations that followed the periodic inspections and controls in prisons, in detention rooms, in psychiatric hospitals or other closed institutions. In all these cases we have been very much demanding on state employees to implement the law and avoid violence, torture and every other and maltreatment form related to them. I believe that we will serve better to this purpose from now on, when, in order to meet the international obligations that the country has undertaken after the ratification of international conventions, the new structure is expected to start working in the People's Advocate office, called National Mechanism for Torture Prevention.

People's Advocate raised long ago also the need to implement the positive right, which provides for the quota of no less than 30 percent of involvement of women in decision taking, functioning in all levels or all State structures against the blood feud wound.

In the meantime we have been committed also to protect children's rights by means of a three year project, at the completion of which we will present recommendations; if such a special structure will work in the war another separate office of the children should be created.

We stated before and we are stating again that the attitudes to People's advocate recommendations shows the sensibility for human rights and the degree of good governance culture that public administration has. Beyond individual issues, People's Advocate naturally generalizes practices that are materialized in his specific recommendations

Our aim continues to be the exertion of necessary positive pressure on Albanian public administration, always having the intention to influence as much as possible on achievement of required standards for good governance.

Meeting these law enforcement standards means in itself a more efficient fight against refraining phenomena of our society and State, that is, corruption, trafficking or even the lack of working structures that control law implementation.

In the absence of former ideological divisions, the battle horse for the politicians and governments are the human rights and the life quality of governed people, everywhere and in whatever economic, social and political position that they are at a certain moment. Therefore, there will be always different opinions, judgments and assessments for them. Fundamental and positive is the fact that they altogether aim at the highest standards.

Distinguished members of Parliament,

Of course, it is the right of this parliament to pronounce for the activity presented in the People's Advocate report that we welcome constructively. And, more than this, we expect to feel always supported by this Parliament, which, through the People's Advocate, realizes at the same time its attribute as administration controller in the conditions of a parliamentary democracy.

We are before important historical events for Albanian State, as the reception of invitation for NATO and deepening of relations with the European Union, establishment of the status of Albania as a candidate country. The institution of People's Advocate feels proud for the contribution it has given to the field of promotion, maintenance, improvement and guaranteeing of fundamental human rights and freedoms in Albania.

Without observance of these rights we cannot talk of membership in these organizations of civilized world, of the free and profoundly democratic world.

Thank you

People's Advocate
Ermir Dobjani

Tirana, on 15 March 2008



REPUBLIC OF ALBANIA

RESOLUTION

ON ASSESSMENT OF THE ACTIVITY OF INSTITUTION OF PEOPLE'S ADVOCATE FOR 2007

The Parliament of Albania

Recognizing the constitutional importance of the institution of People's Advocate for the protection of the individual rights, freedoms and legal interests from illegal or incorrect actions or inactions of public administration bodies;

Assessing the role of this impartial institution for the increase of accountability and transparency of state administration in the central and local level, the judiciary system and the prosecution through the recommendations given and the proposed measures;

Supporting powerfully the activity of this institution for the creation of contemporary standards in the field of protection of fundamental human rights and the contribution given for the improvement of local legislation pursuant to international standards, observes that for the year 2007:

1. The activity of the institution of People's Advocate during the year 2007 intended to protect the rights of Albanian citizens in accordance with the constitution, international conventions and Albanian legislation;
2. The institution of People's Advocate worked to meet the objectives pursuant to the resolution approved by the Parliament;
3. It carried out a considerable work volume giving the right direction even to the complaints that are beyond its jurisdiction;
4. Its relations with the Parliament, the Council Of Ministers and the other central institutions and independent institutions improved in a sensible way;
5. The relations with Albanian citizens, reaching them as an institution in the municipalities, communes or regions have given evident results in its work.

The parliament requires for 2008:

- a) A fuller commitment of the institution of People's Advocate to make an informing and clarification work for its constitutional and legal competences and protection and observance of human rights;
- b) The establishment of continuous cooperation relation with Albanian Public Television in order to establish direct communication with all Albanian citizens;
- c) To raise the public awareness for demanding the violated or denied rights;
- d) Establishment and maintenance of cooperation and understanding relations with international organizations and political forces, civil society, nonprofit organizations and media;
- e) Following until completion the recommendations made and the measures proposed by this institution for the state institutions and public administration;

f) Denouncing continuously the violations of citizen rights by State central or local administration;

SPEAKER OF THE PARLIAMENT

Jozefina TOPALLI (ÇOBA)

1. Summarizing statistics for 2007

(Cases classified according to the respective areas, and the solutions provided)

During the period of January 1 to December 31, 2007, the People's Advocate Office handled 4233 complaints, requests and notifications (including the complaints and requests immediately responded by the People's Complaints Office). Out of 4233 complaints, 226 had been carried over from year 2006, 2792 are filed over the year 2007 and 1215 are cases been immediately responded by the Office of the People's Complaints. Referring to the process of handling the complaints submitted to our Office, it should be pointed out that there are 3018 or 183 more cases than in 2006. Out of them, 425 complaints or about 14% of them should be considered in 2008. During 2007 , there have been completed 2567 complaints of which 1155 or 45% 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.

692 or 27% of complaints resulted as groundless whereas 616 or 24% of them are solved in favour of the complainants. In 2006, there were solved in favour of the complainant 554 complaints or request, that is 22 % of them. Our recommendations concerning 27complaints or 1% of the completed complaints, being addressed to the respective administrative organs on violations committed by themselves are not taken into consideration.

In 77 cases or 3% 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 114 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 2007:

1. Council of Ministers	- 37 , of which
Government itself	- 25
a- Supervisory Group for the Pyramid Schemes	- 2
b- Institute of Integration for the Former Politically Persecuted Individuals	- 8
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2. Ministry of Justice	-540, of which
Ministry itself	- 16
a- Prisons and detentions	- 98
b- Bailiff's Office	- 154
c- Tangible Properties Registration Offices	- 147
d- Agency of ownership restitution and compensation	- 125
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3. Judiciary	- 282
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4. Prosecutor's Office	- 169
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5. Ministry of Interior	- 758 , of which
Police	- 274
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Local Government Bodies	- 484
a. Commune	- 98

b. Municipality	- 342
c. Prefecture	- 10
d. District	- 4
dh. Registry office	- 30
<hr/>	
6. Ministry of Defence	- 141
<hr/>	
7. Ministry of Labour, Social Affairs & Equal Opportunities	-253, of which
Ministry Itself	- 31
a. Social Insurance Institute	- 207
b. State Social Service	- 15
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8.. Ministry of Public Work, Transports and Telecommunications	-191, of which
Ministry itself	- 43
a. Construction Police	- 106
b. Water pipeline, canalisation	- 20
c. Albtelecom and mobile telephony	- 5
d. Albanian Post-Office	- 4
e. National dwelling body	- 13
<hr/>	
9. Ministry of Economy, Trade and Energy	- 98, of which
Ministry itself	- 28
Electric Power Corporation	- 70
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10. Ministry of Finance	- 29
<hr/>	
11. Ministry of Education and Science	- 96
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12. Ministry of Health	- 37
<hr/>	
13. Ministry of Foreign Affairs	- 28
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14. Ministry of Tourism, Culture, Youth and Sports)	- 7
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15. Ministry of Environment, Forests and Administration of Water	- 12
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16. Ministry of Agriculture , Food and Consumer Protection	- 15
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17. Complaints against the administration of State Intelligence Service -5

Others - 94

TOTAL 2792 complaints

Besides the handling of complaints coming from citizens, societies or associations , People’s Advocate has actively worked on conducting inspections at its own initiative “ ex-officio” on various problems, by meeting different representatives of central and local government and by acquainting the citizens with their rights.

2. 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 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.

You can find in the following chart the total number of cases started with initiative during the period of time 2006-2007.

	2006	2007
Grounded complaints or complaints resolved favourably	22	15

Beyond competency or jurisdiction	3	2
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	2	2
- Examination underway	8	7
Total	35	26

3. People`s Complaints Office

a. Organizational work

The People`s Advocate Institution has considered of great importance the well functioning of People`s Complaints Office which since 2001 has been working successfully. This Office was set up to meet with the consistent increasing flow of individuals coming to this office to submit their complaints, requests or notifications relating to the violations of their legal rights and interests. This service to the citizens has already created a positive physiognomy of the People`s Advocate, being shown as closer to the citizens and right orientating them towards the solution of their problems.

A jurist of our institution, settled in a special office easily accessible to the citizens, receives at any time, during the working hours, with professionalism and civility , the complaints of various citizens. Guided by the Institution motto “People`s Advocate, -an open door to you” this office enables the citizens to submit their complaints or requests, and feel comfortable and welcomed to get in a short time, whatever the Institution offers them.

Coordinating work with the other staff members, this service to the citizens has increasingly raised the standards of quality and professionalism and has increased their trust to us and accordingly the number of complaints and requests submitted has been increasing year by year.

The People`s Complaints Office as the first contact point of Public Relations, provides its service to the citizens by assisting them in filling their complaints or requests, by providing legal professional consultations and orientations they require when their request is beyond People` Advocate jurisdiction. Apart from the materials produced by the People`s Advocate Institution, available to the citizens, they are also provided with the information required and they get acquainted with the legislation in power and further explanations on the way to follow

Through verbal and written answers we have been trying to assist the citizens not to waste time at the doors of Public Administration, where they often face with bureaucratic barriers. All this procedure, directly under control and care of the People's Advocate, increases the trust of people to this institution and accordingly the number of complaints or consultancies get increased from year to year.

The work load of this unit is introduced as follows:

b) Summary of statistics

In the year 2007, the overall number of complaints submitted to the People's Complaints Office consisted of 2037 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	207 complaints	101 complaints
February	181 - "-	91 - "-
March	195 - "-	78 - "-
April	150 - "-	69 - "-
May	180 - "-	76 - "-
June	196 - "-	83 - "-
July	208 - "-	77 - "-
August	51 - "-	20 - "-
September	199 - "-	52 - "-
October	167 - "-	57 - "-
November	195 - "-	81 - "-
December	108 - "-	37 - "-
Total	2037 - "-	822 - "-

As clearly seen from the total number of complaints or requests submitted to the People's Complaints Office, 822 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 2007, the People's Complaints Office received, advised, gave orientation and responded immediately to 1215 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.

c) Issues made evident

Unlike previous years, the People’s Complaint Office has made evident and monitored carefully the substance of the complaints submitted by several citizens which have been declined as beyond the jurisdiction of the People’s Advocate. They have been provided with the necessary legal consultation and orientated to the right institutions to address their complaints to have it resolved.

The followings are the complaints beyond the jurisdiction of the People’s Advocate:

Complaints against the decisions of Albanian Courts	210
Requests for representation in the court	115
Conflict between individuals	161
Complaints against private entities	96
Conflict within the family	98
Requests for employment	109
Complaints against foreign private companies	87
Complaints against courts of foreign countries	81
Complaints against foreign representations in Albania	120
Complaints against foreign countries	70
Complaints against the foreign countries police body	41
Others	27
Total	1215

As you can see from the above chart, the biggest number of complaints is addressed against the Albanian courts of all instances. These complaints make 17.5% of all complaints beyond the jurisdiction of the People’s Advocate. According to the complaints submitted by individuals, the decisions taken by the Albanian courts are unjust, prejudged, unfair, and biased. Individuals do not agree with the court decisions and complain for corruption and bribery. They also complain against the poor work of the defence lawyers, who allegedly in some cases, are tricky and play with both sides for money.

Over this year, many citizens have also complained that they are not able to object against the courts decisions for criminal cases, because according to the law, it is under the authority of the Prosecution Office, which in most cases, requires a lower punishment than what the injured people require. This is a problem that often has been brought to attention

by the People's Advocate, in order to make necessary changes to the Code of Criminal Procedure, so that the families of the injured people have the right to complain against the decisions.

Another problem made evident by the People's Complaint Office, are the conflicts arising within the family or among individuals. These complaints make 21.3% of the complaints beyond the jurisdiction of the People's Advocate. In most cases, the substance of these complaints relates to the problems arising within families, between husband and wife, problems that have to do with children, heritage, ownership etc. We have been cautious in providing consultations on the way their complaints get resolved by advising them about the proper legal way to follow and not get into possible conflicts. Besides our consultations, we have cooperated with NGO-s and other organisations working in the field of the protection of women and children's rights in order to prevent from any possible conflicts.

As regards employment demands, we notice an increase of the number of complaints if compared to the previous year. They make 9% of declined complaints as beyond jurisdiction of the People's Advocate. The citizens coming to our office have been advised to address themselves to the labour offices. In this way, we have contributed to some extent, to the diminution of informality in this sector and have made the citizens learn to follow the legal way towards the accomplishment of their goal. This statistics might be helpful to state competent bodies while drafting employment efficient strategies.

About 8% of complaints are against private entities on various issues like: the disrespecting or the breaching of the contracts especially by constructors who fail to implement the enterprise and purchasing contracts, the disrespecting of the deadlines, not receiving the salary by the employers, working in black, work dismissals, non payment of Social Insurances and other problems to the citizens because other state structures fail to act.

Likewise previous years, a big number of complaints is addressed against the foreign representations which react in a rude and discriminating way towards the citizens' requests for visa. This discrimination has been noted in most of foreign representations in the country which often do not give reason why visa is not provided to individuals who have made their applications. Another big number of complaints is addressed against foreign countries institutions, which act unfairly with regard to the Albanian citizens who live in these foreign countries.

In connection with complaints addressed against foreign countries or representations, People's Advocate has coordinated its work with the Albanian Ministry of Foreign Affaires and the Albanian representations

abroad. However, we consider as necessary to emphasise that the work of our representations abroad, must be closer to the problems and concerns of the Albanian citizens, because there are several complaints for their incompetence and procrastination .

In all cases, it has been made clear to the citizens that the People's Advocate is willing to intervene under its authority provided by law, only when the bodies or authorities been complained against, are part of Public Administration and when they are noted to lack institutional commitment. Otherwise, the citizens have been provided with legal consultations or orientations and suggestions towards the solution of their problems.

From the conclusions drawn based on the 7year experience of the People's Complaint Office and the relationships with the individuals in general, we find as necessary our engagement in the future to be near and helpful to our citizens that need People's Advocate assistance.

d) "Open Days" – An experience to continue

Pursuant to one of the points of the Albanian Assembly Resolution of March 12th, 2007, during the year 2007 we continued with our direct communication form with the citizen ,a practice already consolidated , the so- called "Open Days". It has come out to be as a very efficient practice, 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.

The orientation of the Albanian government towards the so-called "small state", as a certain philosophy of liberal democracy, has made the central government delegate some of its competences to the local government. Problems that relate to public services like electric power, water pipeline, canalization, ownership issues, properties registration offices in the districts, labour relationship, social insurance and so on, point towards the orientation 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.

During the year 2007, the legal experts of the People's Advocate organized "open days" in 53 municipalities and 43 commune of the country. There were received in all 1383 complainants of which 1038 complaints were accepted. Whereas, 345 complainants were given explanations and advice on the spot. It is the first time we have been to so many communes.

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 aiming at providing a more efficient and sooner solution of the complaints.

4. General Opinions on Human Rights Situation in Albania

Human rights relate mainly to the relationships between individuals and the state. They regulate the authority exercised by the state over the individual, guarantee freedom to the individual in relation with the state and demand from the state to satisfy the basic needs of people, within its jurisdiction. All these are well expressed in the international texts (instruments), of which the states have agreed upon and human rights standards are based on them. The Albanian Constitution of 1998 has been written based on these principles, which reinforced the constitutional guarantees in the field of human rights and freedom protection. The constitutional chapter on human rights and freedoms includes all civil, political, economic, social and cultural rights which are based on the highest international standards of human rights.

The notion of protecting human rights transparently from the abusing power of state, is relatively new in our country. Further enhancement of human rights situation in Albanian depends widely upon the recognising and respecting of the rule of law and human rights.

It must be said that Albanian legislation on human rights is modern due to the combination of all human rights international standards. Our Constitution foresees that the norms and principles recognized by international rights and international agreements recognized by Albania, are part of the country legal system and that these norms are of priority compared to the country legislation. However, there is a lot more to be done for the direct application of these international standards for real protection of human rights by the judiciary and public administration.

Based on the recommendation No.(85) 13 of the Ministers Committee of the Council Europe Member States, about the ombudsman institution, we take advantage to give special considerations on human rights issues.

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-profiting 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.

Therefore, we can quote some of the conclusions, taken from the annual Report of the American State Department on human rights in Albania, over the year 2007, published on 11 March 2008 “In general, the Government respects its citizens` human rights. However, there have arisen problems in some fields like blood feud murders, abuse of security forces towards the inmates and detainees, bad conditions in prisons and detention rooms, corruption and non punishment of policemen, discrimination of women, children and minorities as well as the human beings trafficking”.

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. But we also know that 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. It is positive the fact that after 2004 there was felt a serious engagement to blood feud and the police bodies reported the phenomenon decrease. 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”. Also, in 2007, there were approved changes in the Criminal Code to criminally punish the blood feud instigator .

But unfortunately, until now, after about 30 months, the Coordinating Council has not convened at all . 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. Moreover, we are not able to get to know the exact number of families in general and the number of children in particular specified as “ under blood feud” . In this context , it is quite possible that the figures can be manipulated in certain interests of the NGOs. 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. The big stock of munitions and what happened in the village of Gerdec on 15 March 2008, where hundreds of people lost lives and got wounded, accounts for another return of danger to the Albanian citizens lives. 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. We continue to insist that 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.

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". 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. Many journalists writing under anonymity, complain that the lack of working contracts impedes their ability to report objectively and this they consider autocensure. Consequently, the investigative journalism is not very evident, except the programme Fiks Fare of Tv.Top Chanel. 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, in the field of the right to information, work protection and the right of privacy.

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.

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. It is positive the fact that the State Cults Committee completed in 2007, the draft law "On the right to religion and the mutual relationships with the state", as well as three draft agreements "On the regulation of the mutual relationships" between the Albanian

Government and the three religious communities (Orthodox, Muslims and Bektashi Muslims). This legal regulation is an obligation deriving from the articles 10 and 24 of the Albanian Constitution, and its incompleteness has been raised for 8 years in the Annual Reports of the People's Advocate Institution.

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. As already mentioned in the international Reports about the local elections of 18 February 2007, the conflicts arisen among political subjects led to a postponed election process, that had never happened before. The delayed political solutions made the election process be poorly organized and extra rules were settled due to the lack of the identity cards and of the electorate National Registry. Therefore, the international observers stated that the international standards were partially fulfilled .

People's Advocate has been positive to the legislative and administrative steps towards the implementation of the ODIHR Recommendations. 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. We shall keep on insisting for amendments to be made in the Electoral Code, to prevent children from taking part in the electoral campaign.

As regards the trafficking of human beings there has been a positive development recently especially on the controlling of the borders. 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 . However, better work should be done by state bodies to accomplish their obligations, e.g. two years have passed and the Ministry of Interior has not yet prepared the amendments of law " On Civil Registry. Therefore, there are still

many unregistered in the rural area. These children together with the children of Roma community are the most ideal group for trafficking.

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 many state 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.

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. Now the project is coming to its end. 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. Within the first half of 2008 we shall present to the Albanian Assembly, a special Report and concrete recommendations on this issue. This requires political and financial commitment and a legislative reform as well, which need time to be fulfilled.

It is positive the fact that are approved special laws on the right to children which include 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. The preventive work carried out by, NGO-s is associated with the approval of respective laws on violation within families, and with rigorous investigations and judgements of any violations display that makes it a criminal act.

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 is worth to greet the political engagement to include not less than 30% of women in the Albanian legislative body, which has been one of the People's Advocate recommendations. The expected 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 of central and local government. In order to have the rights of women be maintained and implemented, and to enhance women's treatment and position within her family and the Albanian society, state should make use of more effective means and take appropriate measures to secure the effective participation of women in the political and public life and other state sectors. That's why it is much appreciated the establishment of a special institution, the so-called the Commissioner for Gender Equity, in accordance with the respective draft-law expecting to be approved by the Parliament.

In Albania, it still continues to be a problem the situation regarding the implementation of work rules for health and life protection, especially in the construction, mining and metallurgical sectors. There are not often paid the insurances for temporary work disability because of accidents, and sickness or retirement, and especially because workers work in the black. The working conditions are very bad and sometimes dangerous to life, especially when the employer is a private subject. The Albanian authorities and the media are right when they alarmingly state that "In Albania, due to lack of working conditions and lack of road circulation safety, the number of the lives lost is bigger than in case of wars or nature disasters". This was evidently proved at the case of the munitions' explosion in Gerdec, on 15 March 2008. It should be changed the working methods of state inspectorates which operate in these fields because life of any Albanian citizens must be considered as valuable as the life of any other European country citizen. The explanation given by the head of Work Inspectorate that "so far we have tolerated the violation of work safety rules, because the Government wanted to support the business" is harmful and condemnable.

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 inspections conducted by the People's Advocate in all mental institutions over the period of time 2006-2007, found that the hospitals lacked staff, medicines

and medical tools, and there were unacceptable hygienic sanitary conditions and lack of normal living conditions. In order to bring the situation to acceptable living standards, we have recommended amendments and improvements to be made to our legislation and for the infrastructure of the mental care system in Albania.

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 since July 2007 the Ministry of Justice has been having pre-detention rooms under its control. People's Advocate has continuously referred to the problem of Albanian overcrowded prisons, that can not be solved only by building new prisons. The more effective way to lower the high level of overpopulation in prisons, might be the application of other alternative punishments, besides imprisonment and arrest in prison. The prosecutors and judges are afraid to implement alternative punishments for being accused as "tolerant towards criminality" or "accused for corruption".

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.

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.

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. Under such situation, we have 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. Therefore we consider that the recent new adopted law, in the framework of the Reforms in the Judiciary System, shows a serious effort in this field, which we are confident that will raise the efficiency of the Albanian judiciary.

It still remains a problem the non- translation and non- publishing in the Official Paper of the ratified international Conventions and acts. About 75 of them have not been translated or officially published because the Ministry of Justice has not been able to carry out its functional duty although the People's Advocate has kept on recommending . This is a situation harmful to the state and the citizens, because these texts can not be used by the interested institutions and by the Albanian courts in particular.

Thus, how can these texts be implemented if they are not physically available to the institutions which must put them to practice? Even the Recommendation REC (2002) 13 of the Ministers Committee of the Council Europe member states, adopted on 18 December 2002 which requires from member states “ to ensure that the European Convention of Human Rights is translated and distributed to 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”.

Finally, we can say it is widely known that the Parliament and its Governments 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. And we highly appreciate the support we always receive from the Albanian Assembly.

5. Relations with the Parliament of Albania

During the eighth year period of establishment and working of the institution of People's Advocate (2000-2007) there is no doubt that the Parliament of Albania role has been continuously very positive. In 2007 as in the seven previous years, the People's Advocate continued to inform frequently in writing the Parliament Presidency and the Permanent Parliamentary Commissions.

We have also cooperated with groups of deputies for special issues and we have given opinions for special draft laws when this opinion was required. Our recommendations occupied a special place in particular, with the intention to inform the Members of Parliament for the degree of respect of human rights by different bodies, authorities and political institutions, but also to promote the direct legislative initiatives of deputies themselves.

Pursuant to Parliament Resolution of 19.03.2007 "On Assessment of Activity of Institution of People's Advocate for 2006", the Parliament required for 2007 special attention to be paid to the following objectives:

- Reconfirmation of cooperation with the Parliament for information on the degree of observance of human rights and promotion of legislative initiatives;
- Protection of human rights by following the cases proactively for big groups of people, those in need, without excluding individual typical cases;
- Strengthening of the cooperation with civil society, non-profit organizations and media in order to exercise a positive pressure on administration, with the intention to root the administrative best practices;
- Continuation of organization of the fruitful practice of "open days" in order to come closer to the public and to increase its degree of awareness;
- Preservation of good relations of cooperation with international organizations;
- Denouncing continuously the violation of citizen rights by the responsible state administration officials.

From the report we are presenting and from the relevant figures for the concrete activity, we may reach the preliminary conclusion that in general we have done a good work to meet the objectives that the Parliament of Albania set to us.

A. In all our annual reports presented to the Parliament of Albania since 2001 we have continuously recommended to the Albanian government to take measures to implement some publications that derive from the Constitution of the Republic of Albania. One of these constitutional obligations, which is not implemented, is article 10 of the Constitution regarding the signing of agreements with religious communities and their later ratifications in the Parliament.

Even in this report, the Institution of People's Advocate informs and recommends that these agreements, which in a draft form are deposited to the Council of Ministers, should be signed as soon as possible.

The further lack of progress in meeting this obligation that arises from the Constitution not only comprises a failure of Albanian government to meet commitments made since 1998, but it is also a premise for justification or legalization of exaggerated practices in some cases, or the lack of religious tolerance, which comprises one of the foundations of Albanian society and state.

B. In 2007, we sent directly to the Parliament of Albania (the Permanent Parliamentary Commissions) two Recommendations to improve the laws with a purpose that the deputies should take legislative initiatives:

1. The recommendation for the preparation, discussion and proposal of a bill for amendments to the Law No. 8950 of 10.10.2002, "On Registry Office".

This recommendation states: "From the communication with the Registry Office employees, managers and leaders of local government administrative units of the country, we have been informed that the non-registration of children in registry office registers of has become a concerning issue. Likewise, we have been informed from them that in many cases, the births are not registered within the deadline provided by law (45 days from the date of birth).

Pursuant to point 5 of article 34 of the Law No. 8950 of 10.10.2002 on "On Registry Office" amended, after this deadline expiry, a judicial process is required to confirm the birth and the payment of a penalty of 2000 lek (new lek). So, these families, in addition to a big fine, should face also the expenditures for the lawyer, which in the best case amount to 30.000 lek for this service.

Such a practice, which requires time and financial expenses refrain the children's registration. This caused that a number of unregistered children, especially from poor layers of population, recognized only an increase in years. The non-registration phenomenon is the same in the case of deaths as well.

The above mentioned phenomena of non-registration of the birth of children and deaths are widespread in the entire territory of the Republic of Albania, but they dominate more the Roma minority and the families that moved to Tirana in the recent fifteen years.

In the case of people who moved, the main reason of non-registration in time is the fact that these families continue to be registered in the registry office of the previous place of residence. Parents of newly born children or family members of dead people have to go exactly to those offices to make the reporting of births or deaths. This thing requires travelling expenses and waste of time. So, in most of the cases, the non-registration in this part of the population, came as a result of non-transfer of registry office documents to the registry office of the new place of residence.

The People's Advocate found out that the requirements of the existing law for Registry Offices comprises an insurmountable obstacle for the poor families and uneducated strata, for the registration of their children.

We stress that the state has the legal obligation for their registration. Article 7 of Convention of Children's Rights, in which our State is a partner, since 1992, stated, "Children should be registered immediately after birth... the partner States should guarantee the implementation of this right pursuant to their legislation and relevant international legal obligations ... "

The non-registration of these children has very grave consequences for their present and future, denying them every possibility for access to normal life, because of having no identification documents (certificates or passports).

Consequently, they cannot benefit from the State and services that are offered, they cannot be provided with a passport to travel freely abroad, they cannot be registered in the school, they cannot be employed, they can't they become adults, so, they are infringed many human rights.

Being unregistered, they are the first contingent for human being traffic, which is a big social problem of our society. The need of this category of citizens to have these documents increases the forgery and the human trafficking crime.

On the other hand, the creation of the possibility to report the births or deaths, not only to the Registry Office where the family is registered, but also in the Registry Office in the territory of which the birth or death happens, would facilitate the process of registration of births and deaths, creating facilities for the families that have not yet transferred the documents of the Registry Office and at the moment when the child is born or when a family member is dead.

Since the law allows the registration of marriages in every Registry Office, then we should see also the possibility for reporting of births and deaths in every Registry Office because their non-registration has consequences not only for the citizens, but also for the State itself.

We stress that we should take into consideration also the recommendation of the Committee For Children's Rights in The United Nations, which in the Final Conclusions recommends to Albanian State to take measures to promote the registration of children, including also the facilitation of procedures for the delayed registrations when it is necessary and to pay special attention to most affected groups.

In order to eliminate this abnormal phenomenon and to give the final solution to this concern, the People's Advocate recommended to the Minister of Interior since 12.07.2006:

1. Preparation of a bill to amend and improve Law "On Registry Office" amended. More concretely:

- a) Removing the judicial procedure for confirmation of birth and death and its replacement with administrative verification.
- b) The creation of possibilities of registration of births and deaths not only in the registry office where the family is registered but also in the Registry Office in the territory of which the birth of death occurred.
- c) Decrease of the amount of penalty from 2000 lek to 1000 lek for non-registration in time of births.

Until present we have received information from the Ministry of Interior that they are making some amendments to this Law, which shall provide the solution of this issue. We have also proposed this bill to the Parliamentary Permanent Commissions but no group of deputies has undertaken the legislation legislative initiative.

2. The recommendation for an amendment and addendum to Law No. 8661 of 18.9.2000 "On supplementary social insurance of State Police employees".

These recommendations state that "some complaints have been made to our institution by former state police employees expelled with the motivation "for abandonment of

duty" or "that have been punished by the court". They complain that they do not benefit from the Law No. 8661, of 18.9.2000 "On supplementary social insurance of State Police employees".

The complainants claim that though they meet the criteria provided for, the seniority of service and age, they do not benefit their rights for supplementary income. The reason for not benefiting is a provision of this law and concretely Article 21, first paragraph, which provides for, "The police employees which have been expelled for duty abandonment or have been punished with imprisonment from the court, with a final decision do not benefit from supplementary income provided for in this law".

The comparison of this provision with our Constitution and International Acts on human rights ratified by our state, finds out that the first paragraph of article 21 of Law No. 8661, of 18.9.2000 "On supplementary social insurance of State Police employees" is not in accordance with them and concretely:

1. It comes contrary to article 18 of the Constitution of the Republic of Albania, which provides for: "All are equal before the law". It appears that the colleagues of police officers dismissed or expelled from State police for various motivations, like the heavy breach of discipline, breach of the oath, etc., benefit these rights except for the complainants dismissed for the motivation of duty abandonment or when they have been punished with imprisonment by the court with a final decision, though they have paid the additional contribution like them.

We clarify that the benefit from this law is also a consequence of the additional contribution of police officers during the time they served in their duty. Article 3 provides for it, "State police employees pay additional contribution over the one provided for by law No. 7703, of 11.5.1993, "On social insurance in the Republic of Albania" to the extent of 1% of the reference salary. For the functions in the major role, the amount of this contribution is 2%".

So, since the complainants have worked in the same conditions and have paid from their salary the same amount for contribution as their colleagues, consequently, these should benefit the same supplementary income that derives from this, regardless of the motivation of their dismissal from police. Only in this way the constitutional principle of equality of all before the law can be implemented justly and with no distinction.

2. It is not in accordance with the Article 7, letter "a" of the "International Pact regarding the economical, social and cultural rights", approved by the General Assembly by its resolution 2200 of 16 December 1966, which provides for "The partner states in this Pact recognize the rights that every person has to enjoy fair and favorable working conditions that guarantee in particular:.. A fair salary and an equal remuneration for the same equal work, without any distinction...".

In fact, the supplementary revenues provided in this law, which includes also the preliminary pension for seniority of service, are not the same as for the remuneration of the police employees because of the nature of their work and the difficulties of duties that they carry out. But, to deny the preliminary pension for seniority of service to some police officers because of the motivation of their dismissal, the right guaranteed by the above mentioned pact is openly violated, for equal remuneration for equal work.

3. It is contrary to article 1 of the "Universal Declaration of Human Rights", approved and declared by the General Assembly Resolution No. 217 A of 10 December 1948 which provides for, "All human beings are born free and equal regarding dignity and rights".

4. This obstacle not to benefit from law, in fact comprises one more criminal punishment for the people who have been punished by criminal decision by the court. We recall that the criminal complimentary punishments are provided for by article 30 of Criminal Code. This criminal provision does not provide for any kind of punishment "non benefiting pension or supplementary income as pension". This is prohibited also by Article 2 of our Criminal Code which provides for, "No one can be punished by any kind of measure that is not provided for by law".

5. Likewise, it is important to inform you that such a denial of the same nature of right is also in the Law in force No. 8087 of 13.03.1996 "On social supplementary insurance of the armed forces in the Republic of Albania, armed forces of Public Order Ministry and State Intelligence Service", in the amended law No. 8521, of. 30.07.1999.

But with the recommendation of People's Advocate, the Parliament of the Republic of Albania, by Law No. 8948, of. 03.10.2002 made the amendment in article 19/1 of the above mentioned law, removing the expression "for duty abandonment" and adding a paragraph that gives retroactive force to this provision.

This legal amendment created the possibility to benefit preliminary pension for the category of military dismissed from duty with the motivation "for duty abandonment". Since the members of armed forces, Intelligence Service and Ministry of Public Order, part of which the state police officers were also until the approval of Law No. 8661, of 18.9.2000, "On supplementary social insurance of state police officers", benefit this right, we are proposing, as a result police officers should benefit it by the current Law. We clarify that Law No. 8661 of 18.9.2000 "On supplementary social insurance of state police officers" though "de jure" in force in 2000, "de facto" it entered into force and was implemented in the second half of 2005, after its completion with some secondary legislation.

The opposite attitude comprises an obvious inequality, an unjust denial of a right benefited before and an open discrimination of State Police employees compared to other categories of employees mentioned above.

In order to make possible the solution of this problem, the People's Advocate recommended to a group of deputies to take the legal initiative to make the amendments and addendum to Law No. 8661, of 18.9.2000 "On supplementary social insurance of state police officers" and concretely to invalidate its article 21.

A paragraph should be added in article 12 with the following content: "Police Employees which have not benefited from this Law because of article 21 of Law No. 8661, of 18.9.2000, "On supplementary social insurance of state police officers", benefit the supplementary income from the moment that they enjoy that right".

Later we also added that the range of this law implementation should include also the police employees of prisons and fire department.

A group of 12 deputies supported this recommendation on 28.01.2008 and required its introduction into parliamentary procedure, signing the relevant application addressed to Parliament Speaker, accompanied by the relevant Report and bill.

C. In 2007, the Parliament Presidency and Parliamentary Permanent Commissions were informed in writing about:

1. Recommendation to take measures for the implementation of International Conventions, Laws and secondary legislation recognized by Albanian state for the treatment of prisoners, to prevent cases of violence against them, on 25.01.2007.
2. Recommendation of National Conference "Equal Rights and Dignity for people with disabilities" on 29.01.2007.
3. Recommendation for a direct implementation of article 45, point 3 of the Constitution of the Republic of Albania to allow the prisoners to vote in local elections on February 18, 2007 sent on 15.02.2007.
4. Information for recommendation to invalidate the Military Criminal Code provisions which contain the death punishment in implementation of Protocol 13 of European Convention for protection of fundamental human rights and freedoms sent on 19.02.2007.
5. Information for the Recommendation to take immediate measures to discharge and displace the ammoniac deposits from Textile sh.a Berat and find the administrative responsibilities for the negligence shown by the responsible employees, addressed to the Minister of Economy, Trade and Energy and Minister of Environment on 06.04.2007.
6. Information for Recommendation for implementation of law during the reform that is carried out in the structure of State Police in the cases of dismissal of police officers, sent to the General Director of State Police and Minister of Interior on 25.04.2007.
7. Proposal for the appointment (commissioning the duty) of the institution of People's Advocate as the national mechanism for prevention of torture on 06.09.2007.
8. Information for recommendation to improve the service of TV signal of Albanian National Television in some distant zones of the country and elimination of the negative phenomena which created anomalies on the ground sent on 02.11.2007.
9. Information for recommendation of finding out the absolute invalidity of decision of commune council of Gosë, Kavajë nr.8 dt.18.05.2007, regarding the election of presidency and chair people of villages of this commune and decision taking for necessary measures to develop the electoral process in accordance with law, on 12.11.2007.
10. Information for recommendation to improve the conditions and treatment of the mentally sick prisoners in the prison hospital in Tirana on 05.12.2007.
11. Information for Recommendation to include about 400 families of Berdenesh zone in Sarandë within the administrative territory of one local unit, on 06.12.2007.
12. Information regarding the signing of agreements with religious communities as soon as possible pursuant to Article 10 of the Constitution, on 05.12.2007.

Ç. People's Advocate institution sent opinions and proposals to the Parliament of Albania for the following bills, for which we were asked to give an opinion:

1. For the bill "On State Police", on 17.01.2007.
2. For the bill "On some addenda and amendments to Law No.7843 of 13.07.1994,"On Real Estate Registration", amended", on 21.03.2007.
3. For the bill "On higher education in the Republic of Albania", on 19.04.2007.
4. For the bill "On organization of judicial power in the Republic of Albania", on 04.05.2007.
5. For the bill "On some addenda and amendments to Law No. 8328 of 02.04.1998 "On rights and treatment of prisoners"", 07.06.2007.

6. For the bill "On some addenda and amendments to Law No No.7895 of 27.01.1995 "Criminal Code of the Republic of Albania", amended on 04.06.2007.

All the above activity which shows the cooperation of the institution of People's Advocate with the Parliament of Republic of Albania does not make us self pleased. We continue to have an absolute priority the obligation to inform always and more frequently the Parliament for the situation of legality and the implementation of human rights in Albania by the public administration, the judicial bodies and Albanian Prosecution.

When our recommendations will not be taken into consideration by the administration institutions, we should exploit more the possibility to insist to the deputies to undertake personally the legislative lawmaking initiatives, to the interest of observance of fundamental human rights and freedoms of the people, who as electors are those who delegate the power to our deputies.

6. Cooperation with the Council of Ministers (Government)

Following our principal duty, the protection of fundamental human rights and freedoms in Albania, we have had complaints, applications or notifications for which we had to put in motion the government. Therefore, the People's Advocate informed, recommended or made proposals to Prime Minister and ministers for all principal issues that came out during his work that required their commitment.

Regardless of the form in which the issues have been presented, with think that in one way or another they had an impact on the increase of standards in favor of good governance and Albanian executive performance.

From January until December 2007, we sent officially to the government led by the Prime Minister, Mr. Sali Berisha, the following recommendations, proposals and information:

1. Information addressed to Prime Minister to take measures for implementation of International Conventions, laws and secondary legislation, recognized by Albanian State for treatment of prisoners, to prevent cases of violence against them, sent to General Director of Prisons and Minister of Justice on 25.01.2007.

2. Information for repetition of recommendation for execution of the Final Court Decision No.1820 of 21.04.2004 of the First Instance Court Tirana, in favor of citizen Rexhep Rama, addressed on 18.01.2007 to Minister of Finance, and Secretary General of Council of Ministers and Minister of Public Works, Transport and Telecommunications. This court decision was executed after the personal investment of Prime Minister, Mr. Berisha for this issue.

3. Recommendations for tasks that emerge in all state bodies to implement the National Conference organized by the People's Advocate with the topic, "Equal Rights and Dignity for People with Disabilities" sent on 29.01.2007.

4. Information for recommendation addressed to Head of Paskuqan Commune on 01.02.2007 to take immediate necessary measures to review and complete the preliminary voters' lists for elections of 18 February 2007. Information was sent on 09.02.2007 for the recent situation of voters list in Paskuqan Commune.

5. Information of 15.02.2007 for recommendation to implement directly article 45, point 3 of Constitution of Republic of Albania to allow the prisoners to vote in local elections of 18 February 2007 addressed to the Minister of Justice, General Director of Prisoners and Chairperson of Central Elections Commission.

6. Information of 19.02.2007 for the recommendation to undertake the initiative to invalidate provisions of Military Criminal Code which contain death penalty in state of war or extraordinary emergency situation pursuant to Protocol 13 of European Convention for Protection of Fundamental Human Rights and Freedoms sent to Minister of Justice.

7. Information for recommendation of 07.03.2007, addressed to Minister of Economy, Trade and Energy for the quick approval and implementation of concessionary project of company "Remi L.t.d., re-establishing the legal rights of this subject.

8. Information of 13.03.2007 for recommendations that should be drafted and presented for approval to the Council of Ministers, the draft-decision "On criteria for licensing of experts for damages", as an obligation deriving from the Law 89 No. 9267 of 29.07.2004, Code "On activity of insurance, reinsurance and brokerage in insurance and reinsurance", sent to the Head of Financial Supervision Agency

9. Recommendation on 03.04.2007 addressed to Prime Minister and Minister of Justice to prepare the law on establishment of independent supervision authority responsible for personal data protection in Albania.

10. Recommendation on 23.04.2007, "On an amendment to definition of groups of people who benefit the status of paraplegic and quadriplegic invalids, by Decision of Council of Ministers, No. 19 of 07.09.2006 "On some amendments to Decision of Councils of Ministers No. 31 of 20.01.2001 "On benefits from paraplegic and quadriplegic invalid status", sent to the Prime Minister and Minister of Labor, Social Affairs And Equal Opportunities.

11. Information of 25.04.2007 addressed to Prime Minister to take measures to place KESH sha (Albanian Electro-Energetic Corporation) activity on legal position, in the framework of the improvement of method of measuring electrical energy, addressed to Head of Regulatory Entity of Electric Energy Sector and Director of Albanian Electrical Energy Cooperation Kesh sha.

12. Information of 04.05.2007 on government's commitment to observe rights of inmates and improvement of conditions in prisons and detention rooms.

13. Information addressed to prime minister on 25.05.2007 on recommendation to take immediate measures to expropriate for public interest the owners, affected by the building of 110 kv Zemblak-Korçë, addressed to Minister of Economy, Trade and Energy and Director of Albanian Electro Energy Corporation Kesh sha.

14. Recommendation on 29.06.2007 addressed to Prime Minister and Minister of Finance to take measures to allow the transport of goods through customs in border

crossing points of Qafë Morina, Tropojë as an action that promotes economic development and facilitates the commercial exchanges of zone inhabitants.

15. Recommendation of 04.07.2007 for the beginning of the practice of duty from ad hoc units, "On examination of retarded files No. 54 of 31.01.2007 of Central Commission of Fatherland Martyrs" as stated in the Decision of the Council of Ministers, addressed to Deputy Prime Minister of Republic of Albania. We required on 18.12.2007 from the commission to examine the retarded files.

16. Information on 13.07.2007 for the future treatment of the issue of indemnification required from the former employee of Albanian Embassy in Belgrade addressed to Minister of Foreign Affairs.

17. Recommendation by People's Advocate No.177 of 13.06.2006, "On approval of the default regulation for the right of information" addressed to Secretary General of The Council of Ministers sent on 16.07.2007.

18. Recommendation of people's advocate No.160 of 05.06.2007 sent on 16.07.2007 "On approval of default regulation on examination of administrative complaints", addressed to Secretary General of Council of Ministers and all Albanian public administration bodies.

19. Recommendation on 17.07.2007 to take immediate measures for the publication in the Official Gazette of Decision of Council of Ministers No. 565 of 09.08.2006 "On protection of strata in need from the increase of electrical energy price" addressed to Prime Minister of Republic of Albania, Minister of Finance, Minister of Labor, Social Affairs and Equal Opportunities and Secretary General of Council of Ministers.

20. Information on the 26.07.2007 to take the measures for the improvement of psychiatric health service in a country scale, to standardize it with the acceptable and legal conditions addressed to Minister of Health and Minister of Labor, Social Affairs and Equal Opportunities.

21. Recommendation: for the necessity of doubling the road of Plazhi, Plepa – Mali i Robit, Kavajë addressed to the Prime Minister and Minister of Transport and Public Works, on 31.07.2007

22. Information on 31.07.2007 to meet the requirements of article 401 of Marine Code of Republic of Albania for drafting and transfer for approval to Council Of Ministers of some special decisions with inter-ministerial character, addressed to Minister of Public Works, Transport and Telecommunication, Minister of Interior Minister, Minister of Defense, Minister of Tourism, Culture, Youth and Sports and Minister of Environment, of Forests and Administration of Waters.

23. Information on 31.07.2007 for the recommendation for the beginning of an inspection for the service of passengers of marine transport offered by the foreign ferryboats, addressed to Minister of Public Works, Transport and Telecommunications.

24. On 04.09.2007 we repeated the recommendation addressed to the Prime Minister to issue the SEC registration to implement law No. 9389 of 04.05.2005, "On creation and working of Coordinating Council in the fight against blood feud".
25. Proposal on 06.09.2007 on nomination (commissioning the duty) of People's Advocate as the national mechanism for torture prevention.
26. Information on 20.09.2007 addressed to Prime Minister for recommendation addressed to Minister of Labor, Social Affairs and Equal Opportunities to undertake the initiative to approve the bill "On the status of people with disabilities"
27. Information on 02.11.2007 for the recommendation to improve the TV signal service of Albanian National Television (TVSH) in some distant zones of the country and elimination of negative phenomenon that created anomaly on the ground, addressed the General Director of Albanian National Television and Minister of Interior.
28. Information of 09.11.2007 for the recommendation to find out absolutely invalid the decision of the Council of Commune Gosë, Kavajë No. 8 of 18.05.2007, regarding the election of the presidency and chair people of the villages of this commune and to take the decision and necessary measures for the electoral process to be held in accordance with the law, addressed to the Council of Commune Gosë – Kavajë.
29. Information of 20.11.2007 addressed to Prime Minister by which we recommend the legal initiative to include about 400 families of the zone Berdenesh Sarandë within the local unit administrative territory, addressed to the Minister of Interior.
30. Repetition of recommendation on 05.12.2007 to sign very quickly the agreements with the religious communities pursuant to article 10 of the Constitution
31. Recommendation on 05.12.2007 to prepare a bill for some addenda and amendments to law No.9632 of 30.10.2006 "On local taxes system" addressed the Minister of Finance and Minister of Interior.

The above data show that the Albanian government was informed about many problems that the institution of People's Advocate encountered during its activity, but which are closely linked with its objectives as the good governance and the fight against corruption.

In general, our recommendations were welcomed and the government has good understanding to deal with the problems and it has the commitment to solve them. This can be seen also in the results shown for the legislative recommendations that the People's Advocate presented and which are in the fourth chapter of this report.

In 2007 in the Institution of People's Advocate complaints were submitted to the government. The principle object of these complaints for the government was the benefit of Special Pensions, the special treatment of families of police officers who died in duty before 1987, the trade unions request for a better financial treatment, the application of the Association of Pensioners for a pension rise or the individuals who require special pensions, etc.

The People's Advocate tried to give a quick reply and clarification to all the cases of complaints coming to its address, though in many cases they were beyond its jurisdiction and competences. This is so because the individuals applications to the government are in their discretion for a solution by the government itself and you cannot require from the government to meet those requests without being an obligation in special laws.

However we have always had in consideration to treat with seriousness those cases, when the procedures, the deadline or the other obligations for transparency into the rights of individuals have not been observed. This was also the essence of our intervention, because for other cases, we could not intervene expressing only the citizens opinions for certain governmental policies.

However, as we have stated even in the previous reports, we find out that the Council of Ministers administration does not reply to citizens within the legal deadline provided for in the Administrative Procedural Code or in the Law "On the right of information for official documents". This was the reason for complaints in some cases and the Council of Ministers administration did not show transparency.

We assess positively that the government has the web page which is very informative and updated for its activity, but it should take care also for the replies or the applications and complaints of individuals.

As a conclusion we may say that after the signing of the Association-Stabilization Agreement in June 2006, a number of issues marked progress related to legal system, democracy working and market economy.

But commitments were not met by Albania with the same speed of progress.

Fulfilling such criteria as the conclusion of electoral reform and the administrative infrastructure to support the electoral system, the reformation of the civil Registry Office system, the reformation of addresses system, provision of Albanian citizens with identity documents at a high level of security, reformation of justice system, decentralization, reform in public administration, agricultural and environmental policies are some of the sectors which do not show the required progress.

The stakeholders of civil society and representatives of media and groups of interest gave their contribution to the presentation of legal opinions for different bills, with the organization of tables, press conferences, public declaration, open letters, during sessions in parliamentary commissions, etc.

In some cases the civil society and People's Advocate managed to have an impact on the quality of laws and initiatives. However, we should stress that the constitutional obligation to consult the groups of interest before undertaking an initiative, remains a practice that should be implemented more in the Albanian public life.

The government, and the Parliament of Albania should take well in consideration the recommendation REC (2004) of Council of Ministers for the member countries for control of compatibility of bills, existing legal acts and administrative practices with the standards provided for in the European Convention on Human Rights, adopted on May 2004

This recommendation was published in our official Gazette in No. Extra in July, 2007 and it has many duties for the legislative, executive, judiciary and independent institutions, including People's Advocate.

7. Applications addressed to the Constitutional Court

As we have presented in the report on our activity in 2006, together with the Chairman of Supreme State Control on 3 October 2006 we presented an application to Constitutional Court on October 03, 2006 with the object "Invalidation as the reconcilable with the Constitution of the Republic of Albania of article 1, points 1, of article 4, article 7, point 2, of article 9, of article 10, point 1,2, regarding the inclusion of independent constitutional institutions, and point 20 of Law No. 9584, of 17.07.2006. By decision No.19 of 03.05.2007, the Constitutional Court accepted this application with the reasoning:

The interested subject, the Parliament, doubted, since the beginning the legitimacy of People's Advocate as the applicant in this constitutional judgment. According to him, the legitimacy of this subject can be accepted only for the interests that he represents, which are provided for in the object of activity of this institution, which are expressly mentioned in Chapter VI of the Constitution and in Organic Law that regulates People's Advocate organization and functioning.

This case was examined on 20 November 2006.

The Constitutional Court judges the claim of the above interesting subject ungrounded, according to which the People's Advocate cannot be legitimate as the applicant in this constitutional judgment. Differently from the Chairman of the Supreme State Control, which, pursuant to letter "ç" of article 134 of the Constitution, appears in this case as in defence of interests of all institutional bodies, the People's Advocate appears only as the defender of his interests pursuant to letter "dh", points 1 and 2 of article 134.

His interests were defined also the norms and rules related to this constitutional institution, regardless of whether the consequences are certified or not.

The interested subjects, the Parliament, the Council of Ministers, objected all the claims of applicants and the interested subjects, stressing among others, that the provisions, object of this constitutional judgment, from the legal-formal point of view, are not related and, consequently, they do not affect the organic laws of constitutional bodies. According to them the content of these provisions does not infringe these bodies' independence guaranteed by the Constitution and relevant organic laws.

The Constitutional Court judges that the application presented should be accepted. Article 7 of the Constitution states that, "The governing system in Republic of Albania is based on separation and balance of legislative, executive and judiciary powers". This provision sanctions one of the most essential elements of the rule of law that the Constitution preamble has.

One of the most important means to protect the independence of constitutional bodies and institutions is especially the definition of mechanisms and procedures for election, nomination and especially the dismissal of their managers and members. The

provision for this purpose of such mechanisms as the Parliament qualified majority, the decision taking of the President of the Republic or the Constitutional Court, is assessed as an important and effective measure to protect and strengthen this independence.

The Constitutional Court considers it important to stress again that the organic laws detail further and concretise more clearly the independence of constitutional bodies and institutions that certain provisions guarantee depending on the case.

This independence is not just their privilege, but a true and necessary prerogative, that gives security, stability and efficiency to constitutional bodies and institutions in the practice of their duties.

But the notion of independence does not have and cannot have the same content and meaning in general in all constitutional bodies and institutions. It varies depending on the body nature, its duties and constitutional functions.

However, taken in general, their independence guaranteed by the constitution or organic laws, has the essential constituent elements as organizational independence, functional independence and financial independence.

Based on what we mentioned above and expressing it in general terms, the financial independence should be understood as such funding of constitutional bodies and institutions which should enable them to practice normally the activity for the completion of functions that the constitution commissions them with, without the intervention and influence of government, policy or other external factors to this activity, something that would violate gravely the practice of their competencies.

In other words, the independent financial independence of these bodies consists in the right to propose to the Parliament their annual budget, especially the right of this budget independent management pursuant to the law.

Though the State Budget comprises a political act that is implemented through the cooperation and common action of Council of Ministers and the Parliament, with regard to examination and approval of budgetary items for constitutional bodies and institutions, depending on the case and through consultations, it is necessary to take into consideration also their demands and needs for the normal practice of constitutional functions for which they were created.

The law that is objected has principal purpose to regulate the manner in which the salaries are defined, the remunerations and the organic structures of constitutional institutions and other independent institutions, created by law, declared expressly in point 1 of article 1.

By establishing a hierarchical equilibrium among constitutional bodies, the intention was to build a stable pyramid of budgetary salaries. So, among others, the law provides for certain relations, using coefficients, between the salaries of heads of constitutional bodies and institutions and the salary of the President of the Republic which is on top of salaries pyramid. It is decided every year by law on State Budget, according to the proposal made by the Council of Ministers.

Classification of employees is closely connected with the duties that employees appointed in relevant positions have, because this is the purpose of this classification. It contains the amount of remuneration that these employees will benefit for the duty they carry out.

It is difficult to separate the concept of remuneration from that of job position or structure in public administration because one of the principles on which public administration relies is civil service comprises a service or work that is made against payment.

For this purpose, the Law "On Civil Servants Status" provides for salary's constituent elements and relevant addenda pursuant to job position (article 18 – salary and remuneration structure). As it is seen, the administration structure or organization should be understood closely connected with the element of "salary" or "remuneration".

For the above, the Constitutional Court, based on the sense of provisions of article 6 and 81, point 2, letter "a" of the Constitution concludes that provisions objected by the applicants should have not been approved by simple majority of members of parliament, but by three fifth of them, because the issues comprise an object of regulation of relevant organic laws for constitutional bodies and institutions.

The constitutional court judges that, following the above their reasoning, it should accept the application to invalidate article 20 of law No. 9584 of 17.07.2006. The content of this article cannot be enforced with the provisions that the Constitutional Court finds contrary to the Constitution..."

Though this Constitutional Court Decision is expressed clearly that the independent constitutional institutions should have the right to make their own structure, etc, a proposal of the government sent on 20.06.2006 "On some agenda and amendments to some organic laws" was and continues to be in the Parliament agenda for the period 21 January – 24 March 2008.

If this bill intends to make changes to organic laws of People's Advocate institution, Supreme State Control, etc., exactly in those directions that the decision of the Constitutional Court is expressed clearly. We think that this is the consequence of a mistake or "technical mistake" but it shows the existence of an underestimating mentality and practice for Constitutional Court decisions, as an attempt to violate the principle attitudes of independent constitutional institutions to preserve their independence.

II. As it appears in the above decision but also in previous cases examined by the Court, the issue has been raised often whether the People's Advocate institution has the legitimacy to require from the Constitutional Court to invalidate anti-constitutional laws.

This discussion started since the beginning of the activity of our institution in 2000 and it was solved partially by Constitutional Court Decision No.49 of 31.07.2000 and some later decisions. These partial solutions are mentioned in our reports addressed to the Parliament. But now, after Constitutional Court Decision No. 40 of 16.11.2007,

we may declare that this discussion is finally concluded in favor of full legitimacy of People's Advocate institution.

Decision No. 40 of 16.11.2007 was taken after our request of 23 with every 2007 address to the Constitutional Court with the object: "Invalidation of the word "residence" as incompatible with the Constitution in point 3 of article 63 of Law No.9087 of 19.06.2003 amended by Law No. 9297 of 21.10.2004 and laws No. 9341 of 10.01.2005, No. 9371 of 14.04.2005 and Law No. 9676 of 13.01.2007 "Electoral Code of Republic of Albania".

In this request, the People's Advocate presented that "Point 1 and 3 of article 45 of Constitution of Republic of Albania provides for:

1. "Every citizen who is eighteen years old even on the elections day, has the right to elect or be elected"
3. "The inmates, who are having their sentence with imprisonment, have only the right to be elected".

Point 3 of article 63 of Law No. 9087 of 19.06.2003 amended by Law No. 9297 of 21.10.2004 and Laws No. 9341 of 10.01.2005, No. 9371 of 14.04.2005 and Law No. 9676 of 13.01.2007 "Electoral Code of Republic of Albania" provides for:

"In prisons and detention rooms, for local elections and referenda, the institution manager prepares 40 days before the voting date the list of voters residing in the local unit, where the institution is and hands it over to the relevant local government unit head ".

From the practice in elections for local government bodies, according to the above provision, it appears that most of inmates in prisons are deprived of the right to elect. Because the Electoral Code in the voters list for local government bodies includes only those inmates whose residence is in the place where the institution they are having the (detention/imprisonment) sentence is situated.

During the implementation of this Electoral Code provision, the People's Advocate found out that there are thousands of inmates in prisons whose residences are in other cities. Pursuant to the existing law they cannot be registered in the voters' list and consequently they do not vote.

According to official data sent to People's Advocate by the General Directorate of Prisons on 15.02.2007, out of 4,000 people who were sentenced or detained in a country scale, only 274 of them were registered in electoral units' commissions. These were cases when their residence was in the same place where they are kept as deprived of liberty.

People's Advocate was interested for the above because of some complaints presented to his office by sentenced people, but also in application of article 14, third paragraph of law No.8454 of 04.02.1999 "On People's Advocate", amended, in which this right is given to this body with initiative, in cases when the interests of the large committee should be protected.

With regard to the above, People's Advocate, in the quality of the applicant, found out that the content of the electoral code of Republic of Albania, concretely the word "residence" provided for in article 63, point 3 is an obstacle to the sentenced people who want to practice freely the right to vote given to them by the constitution pursuant to article 45, point 3.

In these conditions, since 2003, the applicant presented his recommendations for amendments to Electoral Code of Republic of Albania, to the Parliament, Council of Ministers, the "bipartisan" Commission for the electoral process, etc., an application that was not taken into consideration regardless of promises made.

However, the big number of prisoners who were denied the right to vote during the recent elections February 2007 for local government bodies and the government attitude with the reply of Ministry of Justice by paper No. 1232/1 Prot. of 16.02.2007, which states that the solution of this issue belongs to the Constitutional Court, urged the People's Advocate to make this anti-constitutional attitude an object of examination for a final solution in the Constitutional Court.

In this application, People's Advocate had in mind to show openly the real value that the constitutional right to vote should manifest, as a right deriving also from Protocol 3 of European Convention On Fundamental Human Rights and Freedoms that should be implemented as undeniable and indivisible, as article 15, point 1 of the Constitution of Albania provides for.

When the transport of all prisoners to their residences, to realize the right of vote, is considered inapplicable and dangerous for public security, the denial of this right cannot find justification by the bodies commissioned by law for this process, but it should be regulated pursuant to the Constitution spirit.

The applicant (People's Advocate) has in this case in consideration, not only the invalidation of Electoral Code provision as anti-constitutional, but also the obligation that the Parliament of Albania should complete further to regulate the legal vacuum that will be created, replacing the word "residence" with "place of stay".

With its Decision No. 40 of 16.11.2007 the Constitutional Court found out that: Law No. 9341 of 01.10.2005, "On some addenda and amendments to Law No. 9087 of 19.06.2003 "Electoral Code of Republic of Albania, amended, among others, the provision of article 63 of this Code, which states: "in the prisons and detention rooms, for elections and local referenda, 40 days before the date of voting, the institution manager prepares the list of voters residents in the local unit, where the institution is, and hands it over to relevant local government unit head".

The amendments made to this provision had the purpose to realize the right to vote of people who are in special institutions, i.e., the prisoners and detainees. Referring to article 50 of law No. 8577 of 10.02.2000 "on Organization and Working of Constitutional Court of Republic of Albania", which provides for applications before the Constitutional Court for the incompatibility of the law with the Constitution or international agreements are presented within 3 years from their entry into force, it appears that the application presented by People's Advocate is within the legal deadline provided for this purpose.

The Constitutional Court judges it necessary to firstly express on the applicant's legitimacy. With regard to this, the Court judges that the People's Advocate is legitimised in his application presentation to this Court. As stressed in the previous practice of this Court, the People's Advocate, as one of the subjects that may put in motion the Constitutional Court pursuant to article 134/2 of the Constitution, should justify his interest on the concrete case. His interest should be connected to the

constitutional function that he carries out when, as a consequence of law implementation, the normative secondary legislation, actions or inactions of public administration, the fundamental individual's rights and freedoms have been violated.

Processes of activity of people's advocate, during the examination of complaint, applications and notifications presented to him.

The Constitutional Court finds it that proper to examine once again the definition of the concept "interest" in with the applicant People's Advocate, pursuant to Constitution article 134/2 of, which provides for the body that may present an application before this Court, only for cases related to his interest.

Pursuant to article 60 of the Constitution, the People's Advocate is a constitutional body created to protect the legal individual's rights and interests from illegal or incorrect actions or inactions of public administration. One of the ways in which this body realizes his function is to put into motion the Constitutional Court to invalidate the normative act issued by public administration and that the People's Advocate finds them not in accordance with the Constitution.

People's Advocate may reach this conclusion with investigations, observations or information that he collects, when the individuals address a complaint or a request to him. If this body assesses that as a consequence of public administration activity the individuals fundamental rights and freedoms have been violated, then he undertakes concrete steps to verify further the causes that led to the violation and depending on the case recommends the measures of normative character to be taken, if necessary.

The Constitutional Court to find out that the People's Advocate competence to address the court is considered an additional guarantee given to the individual indirectly to restore t the right infringed by public administration acts.

It is not the principal duty of the People's Advocate to address to the courts in general and the Constitutional Court in particular. However, in the legislation of countries where such means as the direct objection to normative acts before the Constitutional Court has not been provided for, the People's Advocate may play an important role in the verification of individual's fundamental rights violations up to investment in the constitutional court. In such cases, People's Advocate should argue the concrete violation and the interest in the case indicates that he requires to be examined by the Constitutional Court.

With regard to the application essence, to reach the conclusion whether the term "residence" contained in provisions of article 63/3 of Electoral Code is in accordance with the Constitution, the Constitutional Court judges that they will it should assess the concept of elections in general and local elections in particular.

The right to vote is one of the fundamental political rights that the individual enjoys. This right is practiced by the establishment of an electoral system that guarantees the secrecy, freedom and equality of vote, guaranteeing the citizens to be politically active, forming in this way the essence of the role that they should have in a democratic system. The effect of vote is a central element of democracy and rule of law.

Its principal contribution is the guarantee of possibility for all voters, with no distinction of strata or belonging to certain social groups or other reasons to influence on the political will formation in a democratic society. No part of population, however small, can be excluded from the practice of the right to vote, save the cases provided for in the fundamental State law.

However, the right to vote is not absolute; it may become an object of limitations. In this sense, for the very importance that this right takes in a democratic society, there should be only a few limitations to this right and they should be implemented within the constitutional limits.

It is important that the limitations should not be such as to make ineffective the practice of this right or infringed its essence, because the right to vote is not a privilege that the State power recognized for the citizens, but an instrument to elect the way and the people that will govern them. By practicing the right to vote the voter has the possibility to have an impact on the way and quality of legal order working making the citizen more responsible for the role that he/she has in the leadership of country life. In fact, this is also the essence of democracy.

In the concrete case, the legislator decided the minimal limiting criteria recognizing for prisoners the active right to vote. So, provision of article 45/3 of the Constitution provides for the formal constitutional guarantee of the right to vote for prisoners. Provision of the right to vote in general and for special groups in particular, as prisoners are considered in particular, is an expression of political democracy and it is important for the large participation of voters in an important process.

As a conclusion, following the above reasoning, in the case which is an object of examination, the Constitutional Court finds out that the non-practice of the right to vote by the prisoners and detainees is not a consequence of the anti-constitutionality of provision of article 63/3 of Electoral Code

For the above reasons the Constitutional Court judged that the provision of paragraph 3, article 63 of Electoral Code is in accordance with article 45/3 of the Constitution of Republic of Albania and consequently decided to dismiss the People's Advocate application.

However, regardless of the application dismissal, as we said, the above decision is important because it clarified and sanctioned more clearly People's Advocate legitimacy to require in the Constitutional Court the invalidation of laws that he considers anti-constitutional.

8. National Conference on Torture Prevention

On 26.07.2007, the People's Advocate, in cooperation with Albanian Center for Rehabilitation of Trauma and Torture, organized the First National Conference with the topic "Towards an Albania without Torture".

Members of Parliament, leaders of State Police, representatives of Ministry of Foreign Affairs, Ministry of Justice and diplomatic corps in our country, nonprofit organizations that operate in the human rights field and representatives of politically persecuted people took part in this conference.

In addition to other things, this conference highlighted the progress achieved after democratic developments of 1990 in Albania for prevention of torture, as one of the most severe violations of human rights.

The conference dealt in particular with the work done by Albanian State to realize the obligations that derive from the Optional Protocol of Convention against Torture and Inhuman Treatment and Severe or Degrading Punishment.

Parliament of Albania ratified this Protocol by Law No. 9094 of 03.07.2003 and entered into force four years ago.

The People's Advocate stressed in this conference that the institution he is managing responded positively at once to the invitation of Albanian Center for Rehabilitation of Trauma and Torture, not simply to mark an activity more in the agenda of his cooperation with other organizations of civil society.

This activity was a tribute paid to those hundreds and thousands of torture victims during the communist regime in the years 1944-1990. This activity was carried out first of all to invite public authorities to get informed and orientated towards the obligations, to see the situation under the light of entry into force of Optional Protocol of Convention Against Torture.

Secondly, to inform and encourage the citizens, that there are some inalienable human rights, as that of not being tortured, which cannot be bought and cannot be donated, but it is just enjoyed absolutely in every circumstance.

There can be no extraordinary situation that may suspend or limit, even temporarily, the right not to be tortured and the State obligation not to implement it.

The conference stressed that the introduction of this right, that is, not torturing, in the laws of the country, is insufficient, to prevent its violation and similar violation of rights, like the cruel, inhuman and degrading treatment.

We all may confirm that "Nobody can be compelled in any way to report", but we do not all know how the system should be created to guarantee this confirmation implementation.

We all state that the capacity of hearing, of seeing cannot be removed in any circumstance by violence because this action is considered cruel.

In the meantime, if not all of us, some of us are witnesses of the fact that such things have happened and happen. Even the psychological sufferings, physical and mental stress caused to people in different circumstances, are inhuman treatments.

It is a torture for the person, who suffers it, but it is also a torture for the person who sees it, the beating with a baton or any other means, exceeding the force exerted in the performance of duty. Even according to the principle of presumption of innocence, an innocent person cannot be tortured. Nevertheless, even beyond this, when the person is guilty, again he/she cannot be tortured. This is so because the right not to be tortured belongs to human beings, for no other reason, but for the fact that he/she is simply a human being.

The International and National Legislation have classified in this way the right not to be tortured, starting also from the obligation, which the states have to operate in the positive right and concretely to create the guarantees of effective protection of this right.

To put it more simply, this means that minimally the first step expected to be undertaken, was the creation of a National Prevention Mechanism. This mechanism activity shall consist in the frequent, sudden visits and inspections, in all those institutions, so to speak closed, where the possibility of exposure of people to maltreatment and torture is bigger.

It is clear to all of us that we are not talking about the private houses or the recreation centers, but for the police stations, the detention rooms, the prisons, centers of asylum seekers reception, psychiatric hospitals and others similar to these.

People's Advocate highlighted in the Conference that one of the first cases, treated by People's Advocate since July 2000, when he just started the activity, was precisely torture against juvenile by police in Saranda.

Being very sensitive in this regard, we may say that there was no case of maltreatment or torture for which People's Advocate was informed and he hesitated to start the investigation proactively (*ex officio*), cooperating with police and prosecution. People's Advocate insisted that justice should be done until the end, for the perpetrators of criminal acts, and their victims, even unburying them when there was a need for it.

One of the recent cases was also the self hanging of a young man Përfundi in 2006, a case in which in addition to investigation in the very place, as a principal instrument to reach a conclusion, we used exactly the definition that the European Convention Against Torture has about the criminal act of torture, ratified by Albanian Parliament since 2003. After repeated recommendations of People's Advocate since 2005, Albanian Parliament made in March 2007 the relevant amendment to article 86 of Criminal Code, making the adequate definition of torture, pursuant to international conventions.

However, other arrangements should be made in the Criminal Code and Criminal Procedural Code, because unjustly, the police officers who carry out torture acts are responsible pursuant to military criminal codes, facilitating unjustly their position. Consequently, the value of amendment to article 86 of Criminal Code is null.

The People's Advocate stated that he criticized, in the recommendations and his annual reports the Prosecutor's Office and the Courts, for the cases, when police brought to them detained people with evident signs of violence and in very few cases such people have been held responsible.

We have required in our annual reports in the Parliament that the high authorities of Albanian state should pronounce against torture. Therefore, we have evaluated the calls of Prime Minister Berisha, against torture made in the meetings of the Government or in State Police conferences.

Following the recommendation of the European Council Committee against torture, we shall continue to suggest to all high state authorities, the President, the Prime Minister, the Minister of Justice and Minister of Interior, General Prosecutor, etc., to give now and then messages against acts of torture and hold responsible the officials who practice it.

Following this commitment, we have required and we require to establish direct communication line from police stations, available to detained and escorted people, not only with the Minister of Justice and Minister of Interior, but establish it also with the institution of People's Advocate. We judge that the establishment of this line will have a great impact on prevention of violations, because that would increase more our possibility to protect their rights.

The People's Advocate called on all instances of police, prisons, prosecution, courts, civil society and NGOs to contribute to raising the awareness of public and public administration who work in these institutions, for the necessity to prevent every action or inaction that is qualified as torture, with the purpose that Albania shall not

be mentioned any longer, in any international or national report, as the country, where one can find tortured people.

Articles 17 to 23 provide for the principal requirements of Optional Protocol, compulsory for enforcement, "every State Party maintains, nominates or creates no later than one year after the entry into force of this protocol or its ratification or membership, one or some independent national prevention mechanisms to prevent torture in e country scale. The mechanisms created as decentralized units may be nominated as national prevention mechanisms for the purposes of this protocol, if they are in accordance with its provisions.

The subsequent provisions required from party states to guarantee the working independence of staff for this (these) mechanism(s), making available the necessary (human four financial and human and financial resources) for their working, giving the necessary competences to realize this duty, etc.

After the conference, on 06.09.2007, examining these protocol requirements, the concrete 7 year activity of People's Advocate institution for the prevention, investigation and holding accountable the official people who practice torture acts, and comparing the competencies of Law No. 9094 of 03.07.2003 to those of law No. 8454 of 04.02.1999, amended "On People's Advocate", which are the same, were addressed to the government and the Parliament with the proposal for nomination of People's Advocate institution (commissioning the duty) as the national mechanism for torture prevention.

After information about the conference that was held, we stressed in the proposal that:

1. The establishment of national mechanism is an international obligation and a requirement of relevant Albanian law.
2. If they would agree with the opinion to commission the People's Advocate with this duty, there is no need to issue any special law of government act for this purpose.

It suffices that the Parliament of Albania, commission us for the duty of national mechanism for torture prevention in the Resolution that it will draft after the examination of the report on our activity in the 2007.

We stressed that to the People's Advocate currently has not been prevented and actually has investigated the cases of torture and violence for which he received the complaints, pursuant to the law on People's Advocate". So, we are not speaking about "strengthening the competencies" of People's Advocate, but only their specification in a very sensitive field, as torture and inhuman treatment is. After this, when the improvement of various laws will be made, national mechanism can be introduced in them.

3. In order not to create new organ is organisms which might have consequently the considerable financial cost for State budget, for salaries, staff, their preparation and qualification, building (offices), working equipment, etc, the mechanism duties should be commissioned to People's Advocate

4. For this, the People's Advocate required only an increase of personnel of 5 people and the relevant salary funds from the State budget for 2008 and on. For 2007, the institution had 45 employees and it is not an overstaffed organization.

The increase of 5 specialists shall be called Mechanism or "subsection" and it will serve to investigate with no exception all cases of torture, to inspect more in width and depth and in all prisons, detention rooms, etc. and especially to organize and develop more the prevention activity. In order to support this proposal, we underlined these requirements in the draft budget of our institution for the year 2008.

Considering this proposal realistic, the Government and the Parliament approved this proposal and the increase of personnel was approved with five people in 2008. From the state budget of 2008 the salaries fund was partially approved. After the competing process pursuant to Law "Status of Civil Servant", this mechanism shall start its activity within 2008 as a special structure within the institution of the People's Advocate.

9. Activity of subsection for children's rights

The People's Advocate intended to give a special contribution to the fight for protection of children's rights, with the treatment of individual complaints, and the investigation with his initiative of cases made public and examination of legislation and giving recommendations for amendments or necessary improvements.

In this framework, the cooperation of our office Save the Children continued in 2007 for the project "Institutional Strengthening of Subsection for Children's Rights in Albania" with the financial support of SIDA (Swedish Agency for Development and International Cooperation". Many activities were organized for the protection of children's rights in accordance with the UNO Convention "On Children's Rights", and other international instruments, laws and secondary legislation in force in Republic of Albania.

The project included also the raising of public opinion awareness for the subsection mission and role for children's rights, capacity building, technical assistance, infrastructural support, institutional strengthening, research work, direct intervention in cases of Children's Rights violation, etc.

Subsection activity in 2007 was successful in accordance with objectives set in the project. With regard to the guarantee of professional capacities and competences to protect human rights in Albania, in 2007 the following objectives were achieved:

The amendment of bilateral agreement was signed between the People's Advocate institution and Save the Children for the working of project for 2007, after assessing the annual report of 2007. One of the changes reflected in this agreement is the change of status for the original experts into assistant commissioners.

During this year 136 cases of complaints for requests have been treated with the object children's rights violation. From these, 20 cases were conveyed from 2006. 657 children who benefited directly from the assistance given by treatment of cases.

This was so because some complaints, requests or cases examined with initiative affected the rights of a considerable number of children.

Organization of open days. The institution of People's Advocate organized open days in all Albanian municipalities during the period April-May and September 2007. In Shkoder and Korçe they were also assisted by regional offices assistant commissioners.

Treatment of cases that affected a big number of children.

During this year 8 cases have been treated which aimed at improving the rights of a big number of children. These cases relate principally to improvement of conditions of pre-school education, children confined because of blood feuds or problems of housing conditions, etc.

Identification and monitoring of residential centers for children. In April and May we identified the residential centers for children. They operate in the entire country and a plan for these centers monitoring was prepared. Shkoder office monitored 4 residential centers for children, whereas Korçe office 1 center.

Establishment of cooperation with local State institutions.

Meetings with local government representatives were organized by regional offices. Korçe regional office carried out meetings with Pogradec deputy Mayor, Devoll Mayor and representatives of Korçe to establish institutional cooperation.

Multidisciplinary treatment of cases for children.

NDF Tirana cooperated with center of services and integrated legal practices in two cases to make a psycho-social assessment of children.

Training of local partners and NGOs to work with the ombudsman and its prospect. In the 2 day workshop organized by Barn, Swedish Ombudsman in Albania, twenty local and national NDF partners were trained.

Workshop for rewriting NDF objectives in children's language and agenda of for children's training. The workshop for rewriting NDF objectives in children's language and agenda of for children's training was organized on 18-20 July. In this activity 16 children of the group "Zeri 16+" [Voice 16+] Elbasan of the age group 14 to 18, worked intensively to read and write in an understandable language for the children, for NDF role and what it offers.

Another purpose was also the drafting of an agenda by the children for the children on training that NDF will carry out in Tirana schools. The children gave opinions on the slogan that NDF may use during the meetings.

In 2007, we worked for an improved and proactive coordination between NDF and State agencies and different organizations which protect the children's rights, for a more responsible environment for policies and for sustainable government interventions for children's rights.

The preparation of recommendations for improvement of legal framework on children's rights: in 2007 some recommendations for improvement of legislation sent to the Albanian Parliament. More concretely:

- a. On improvement of law "On Registry Office", which intends to improve the procedures for children's registration;
- b. Recommendation for improvement of law "On State Police" which intended to improve the procedures for observance of children's rights in conflict with the law;
- c. Recommendation on draft law "On Some Addenda to Criminal Code" which recommends that the proposed provisions for prevention of physical or psychological violence, the prevention of exploitation of children, etc., should be made in the spirit of Convention "On Children's Rights" and Additional Protocols.

From these, only one recommendation was accepted and all our suggestions have been reflected. We are talking about the law "On State Police". The Ministry of Justice will also make the study on compatibility of Criminal Code additional provisions and KDF.

Likewise, the recommendation "'On Some Amendments to Law "On Civil Status'", was accepted in principle and the Interior Ministry is in the course of assessment. For this, a working group was established in General Directorate of State Police, in which two OSCE experts are members.

NDF Tirana was part of the working group for the organization of the two day national conference on "Protection of Children, Young People and Family", September, 2007. The conference was organized by Ministry of Labor, Social Affairs and Equal Opportunities and UNICEF, from which concrete recommendations came out for improvements in different fields for this system working.

The subsection reported to National Technical Secretariat for Children (SKTF) on the measures taken by NDF for the implementation of the National Action Plan of the National Strategy for Children. The institution held the report on measures taken by NDF for the implementation of National Action Plan of National Strategy for Children in the National Conference for Children held on 13 July 2007.

NDF was present in national and local media. In 2007 NDF was invited for discussions in TV "News 24", "Vizion +". Articles have been published in the national daily "Standard" and communiqués of Shkoder office was published in ATA website.

The publicity spot was prepared and broadcasted for NDF. In April and may we worked together with "Ashley and Holmes" the contacted agency to prepare the two informing publicity spots for NDF.

One of these spots intended to inform the children and the other the adults on children's rights. These two spots were broadcasted in the principal national and local media from 15 May 15 June and in September 2007. As a result of the TV spot broadcast, there was a sensitive increase in the number of complaints.

Regional Office Shkoder moderated in April 2007 the meeting of institutions with the topic "Justice of juveniles in Albania, reflections on current situation and the future and European integration challenge".

In July 2007 Shkoder Regional Office reported and took part in the high level inter-institutional table Albania-EU with the theme: "Establishment of institutional relations Region-EU for the democratic development and European prospect".

This meeting was organized by Shkoder Municipality, People's Advocate Regional Office and Italian Consulate in Shkoder and it raised the issues of children's rights in the context of European integration in a regional level.

Korçe regional office in November, 2007 organized the round table with the theme: "local and central governance in the framework of decentralization of social services for the realization of children's rights in Korçe region and minority in particular (policies for their protection and guarantee)".

10. 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 2007, 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.

Since the beginning of our activity, in June 2000 until 2007, our institution has often made use of this right, whenever it has noticed while handling complaints, requests or notifications, that the conditions abovementioned are met for formulating the recommendations on legislation improvement. It is obvious that the amendment of a law or a secondary legislation of normative character (not individual, for a certain person) generally benefits not only the certain person who complains but all the ones who relate to the relationship that is regulated by law or the secondary legislation amended or improved with the recommendation of the People`s Advocate. It comes out to be of importance the use of such a mean by the People's Advocate.

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. Over 2007 there have been made 4 recommendations. Out of 45 recommendations, 37 were accepted that had 26 amendments or improvements of laws; 11 are in the draft stage to be adopted in the Parliament or by the Government; 5 have been refused; 5 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 2000-2007. Out of 36 recommendations(3 ones during 2007) 33 have been accepted, which had 22 amendments, issuance or improvement of secondary legislation by the Government; 11 are in the draft stage; 2 are refused; 1 does 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 40 recommendations (9 ones during 2007), 34 have been accepted, from which 25 have had amendments or improvements,9 are in the draft stage, 4 have been refused, whereas 2 have no reply.

As a conclusion, taking into account that out of 121 recommendations, proposals or applications with legislative character, 104 of them have been accepted until now in total or about 85%, we can say that the results are satisfactory because out of 104 that were accepted , 73 had amendments or improvements of laws or secondary legislation. Whereas 21 are under the process of realization. In order to make easy the study of recommendations and the amendments during 2007 , they are all written in black .

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. It is approved the national strategy regarding disabled people, by DCM, no 8

	blind people		Labour and Social Affairs		disabled people by DCM no.8 dt.7.01.2005 "National strategy regarding disabled people"
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. A new draft has been prepared by Nucleonic Institution but has 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 Arbënor	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". Law No. 9748, dated 4.06.2007 “For the State Police”, article 4 has been left in power.
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	The request was referred to the Constitutional Court on 23.02.2007 which with its decision no. 40, dated 16.11.2997, rejected this request.
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.
		Recommendation: “ For some supplements			Recommendation accepted.

25	Complaints from citizens and associations.	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 Intelligence Service</i> ”.	Prime Minister	19.11.2003	Resolved with the coming into force of the Law No. 9418, dated 20.05.2005 “On supplementary social 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	In its plenary session, on 14.06.2007, the Parliament discussed the recommended amendments which did not get approved.
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	Recommendation " Proposal on some amendments to the Law No. 9209, dated 22.03.2004 " <i>On the legalisation of the</i>	Prime Minister, Parliamentary Law Commission,	16.03.2005 Reiterated on 16.09.2005	Recommendation accepted. Law No.9482, dated 16.02.2006 " On the

	Builders	<i>additions in construction” to simplify the legalisation procedures and reduce penalty amounts.</i>	Parliamentary Commission for the Activity of Production, Trade and Environment.		legalisation, urbanization and the integration of the construction without permit" where the recommendation 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	Chairman of the Assembly. Chairman of the Parliamentary	08.11.2005	Recommendation accepted. It is included in law "For some amendments to the law "On the organisation of the judiciary" which approved on 18.02.2008.

		the time limits in duty of the courts` chairmen and their deputies.	Commission for legal issues. Prime Minister.		
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	Recommendation accepted. With Law no. 9686, dated 26.02.2007 “ For some supplements and changes in law no.7895, dated 27.1.1995, “ <i>Criminal Code</i> ” amended, article 86 of <i>Criminal Code</i> changed according to our Recommendation.
37	At the initiative of	Recommendation: “ For taking the initiative on the legal regulation for religious object	Prime Minister Minister of	28.12.2005	Recommendation accepted in principal. However, the city

	the People`s Advocate	construction”.	Public Work etc.		planning new draft law, which is under drafting process by the Ministry of Public Work, Transports and Telecommunication, has not included this regulation yet.
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 registration of the unregistered children. .	Minister of Interior. Prime Minister.	12.07.2006	Presently, a work –group has been established by the Ministry of Interior to the General Directory of Civil Registry. They are working for the amendment of law, taking also into consideration our proposals.
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 by the Government and the Assembly. After having been submitted to be examined by the Constitutional Court, with its decision no.19 dated 03.05.2007, it has been decided the invalidation of some articles of Law no. 9584, dated 10.07.2006 “For the emoluments, awards and structures of independent

					constitutional institutions and other independent institutions established by law", based on our request.
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	Regarding the prisoners, see point 23 of this chart. There is no official response for two other proposals.
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	Recommendation accepted. It is included in the draftlaw " On gender equity" for endorsement by Parliament.
42	Complaint of the citizen O.Xh	Recommendation for supplementing Law No 9588 dated 25.07.2006 " On recalculation of pensions" which enables the treatment of the category of retired people of period October-December 1993, as being excluded for treatment by this law.	Minister of Finance, Minister of Labour, Social Affaires and Equal Opportunities.	08.01.2007	Recommendation accepted in principal. by the Ministry of Finance. However, after a specific expertise on the recalculation ,to the effect of law amendment, it resulted

					that it didn't have any effect on the increase of pensions for those retired people who could benefit from the recommendation.
43	At the initiative of the People's Advocate	Recommendation on taking the initiative for the invalidation of Military Criminal Code provisions, which contain death penalty in time of war or extraordinary situation, pursuant to protocol 13 of the European Convention for Human Rights and Freedoms Protection.	Chairwoman of the Assembly. Prime Minister Minister of Justice	19.02.2007	Recommendation accepted, Parliament approved Law no. 9722, dated 30.04.2007 which invalidated all death penalties in the Military Criminal Code.
44	At the initiative of the People's Advocate	Recommendation for the preparation of law on the establishment of an independent supervising authority, responsible for the protection of personal data in Albania.	Prime Minister Minister of Justice	03.04.2007	Recommendation accepted. Council of Ministers proposed for approval to the Parliament, in February 2008, of the draft-law "On personal data protection", where it has been foreseen the creation of the Commissioner's Institution for personal data protection.
45	Complaint of some citizens	It is recommended the legal initiative for the inclusion of about 400 families, inhabitant of Berdeneshi area,, Saranda, within the administrative territory of a local unit.	Prime Minister Minister of Interior	20.11.2007	Recommendation accepted. Minister of Interior has ordered the setting up of a work group to study the area and give opinion on legal

					solutions to the problem.
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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	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'.

	Branches.				
5	Complaints of ex owners associations	To issue Government Decisions in accordance with Constitutional Court Ruling No.26 of 24.04.2001	Minister of Economy	24.10.2001	Recommendation accepted. DCM No.119 of 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. It has been prepared a draft-decision which has not yet been approved by the Council of Ministers
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	Recommendation: 'To improve DCM No. 552 of 27.11.1999 'On economic and financial treatment of family people of polices officers, murdered or	Council of Ministers. Minister of Public Order	06.12.2002 Repeated some times, last time	Recommendation was accepted. It has been prepared the

	officers murder in action	<i>wounded in duty</i> '.		was date 19.09.2006	draft-decision and was sent twice to Government for approval. Because of financial cost, it has been sent back for reconsideration.
9	Association of Albanian Builders	To invalidate as anticonstitutional Decision of No.441 of 26.09.2002 of the Council of Ministers 'On Immediate Prohibition of Activity of Sand and Gravel Use In Rivers Beds'	Constitutional Court	13.12.2002	Accepted. Before the case examination in 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 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'.	Prime Minister etc.	23.09.2003	Recommendation accepted. Implementing this 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. Deadline extended for 2007

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
15	Complaint Infosoft System' SH.A.	Recommendation: 'On revocation of paragraph that provides for the form of 'Authorization of Producer in chapter three of Guidelines of Council of Ministers, No. 1 of 01.01.1996 'On Public Procurement' amended by DCM No.3 of 10.07.2003 'On some amendments DCM. No. 1 of 01.01.1996 'On Public Procurement'.	Prime Minister	13.12.2003	Recommendation was accepted by Public Procurement Agency. In the standard documentation for goods purchasing, approved according to Law no.9643, dated 20.11.2006 "On Public Procurement" this form is no more in use.
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. The respective required additions are found in DCM no.467, dated 23.06.2005 "On some additions and changes in DCM

					no.382, dated 20.05.1996 “ On the implementation of law no.8097, dated 21.03.1996 “ On the supplementary state pensions for people performing constitutional functions and for state employees” amended”.
17	Complaints from employees of Prison Police.	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	Complaints from citizens	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</i>

					<i>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> '.
19	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
20	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	Accepted in principal. More specifically, see no.38, at Table no.3.
21	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 accepted. Pursuant to law no.9380, dated 28.04.2005 "On copyright and other rights related to it" it has been issued the DCM no.343 dated 6.06.2007 " On the

					approval of the service tariffs offered by the copyright Albanian office.
22	Complaints of citizen A.K.	Recommendation: “On preparation of new secondary legislation to implement Law No. 9267 of 29.07.2004 ‘ <i>On activity of insurances, and reinsurances and mediation in insurances and reinsurances</i> ’.	Ministry of Finance. Council of Ministers Insurances Supervision Authority.	18.11.2005	Recommendation was accepted. ‘Draft 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	Recommendation accepted. Presently, the project of Methodology has been sent to the Council of Ministers for approval.
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	Recommendation accepted. DCM no.146, dated 26.02.1998 changed with the entering into power of DCM no.166 ,dated 07.02.2007.
25	At the initiative of	Recommendation: ‘On issuance of secondary legislation to implement Law No.9389, of	Prime Minister. Speaker of Parliament	02.02.2006	Recommendation was accepted, but

	People's Advocate	04.05.2005 <i>'On creation and an working of Blood Feud Coordination Council'</i>			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 accepted. Draft decision is prepared and was sent to Government twice for approval, but it has been sent back for reconsideration because of the financial cost. In this draft decision are included the changes of DCM no.552, dated 27.11.1999 "On

					the economic and financial treatment of the families of state police employees killed or wounded while in duty”, that we proposed.
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, Law no. 9683, dated 28.01.2008 “ On food” part of which is market supervision, was approved by Parliament and has entered into force.
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. Minister of Justice	24.05.2006	Recommendation accepted. On 05.03.2007 we received the answer that the Codification

					Department in the Ministry of Justice is preparing the necessary legal framework for this question.
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 Albania' on criteria to benefit the right of pre-purchase of free military objects.	Minister of Defense	30.05.2006	Ministry of Defense accepted recommendation, but the other ministries do not agree. Recommendation will be sent again requiring the entering into force of the law amendment after the process for the restitution and compensation of property be completed.
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 accepted partially, the prescription tariff is removed only for a certain category of people by DCM no.727, dated 30.10.2007

34	At the initiative of People's Advocate	It is recommended the drafting and sending for approval to the Council of Ministers of the draft decision on the licensed criteria for experts of claims, as an obligation deriving from article 89, Law no 9267, dated 29.07 2004 " On the activity of insurance, re-insurance and intervention in insurance and re-insurance"	Prime Minister. Chairwoman of the Financial Supervising Agency.	13.03.2007	Recommendation accepted. Since December 2007 the draft decision has been submitted to the Council of Ministers for approval.
35	At the initiative of People's Advocate	It is recommended the immediate measure takings for the publication in the Official Paper of the DCM no.565, dated 9.08.2006 " On the protection of the strata in need, from the electric power price increase".	Prime Minister. Minister of Finance. Minister of Labor, Social Affairs and Equal Opportunities.	17.07.2007	Recommendation accepted. DCM no.565, dated 9.08.2006 was published in the Official Paper, Extra no. 25, page 3, year 2007.
36	At the initiative of People's Advocate	It is recommended the fulfillment of requests under article 401 of the Marine Code of the Republic of Albania, on the drafting and sending for approval to the Council of Ministers of some special decisions of inter -ministerial character	Minister of Public Work, Transport and Telecommunication. Minister of Finance. Minister of Environment, Forestry and Water Administration.	31.07.2007	Recommendation is accepted in principal. Ministry of Environment, Forestry and Water Administration is making drafts regarding the pollution of sea space

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 but does not work constantly.

	sentenced people	three of Law No. 8331 of 21.04.1994 ' <i>On execution of criminal rulings</i> '.	,		
11	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
12	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.
13	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
14	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.

15	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.
16	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
17	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.
18	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.
19	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.
20	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.
21	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.
22	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.
23	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. Since this regulation was

		criminal acts or who have knowledge about investigation circumstances’.			issued based upon and pursuant to the law no.8553, dated 25.11.1999 “On the State Police”, invalidated with law no.9749, dated 4.06.2007 “On the State Police”, in the framework of the implementation of MSA, it is under preparation “The procedure manual for the State Police employees”.
24	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.
25	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.
26	At the initiative of the People’s	Recommendation: ‘On acceleration of procedures to issue secondary legislation to implement of Law	Minister of Finance,	27.03.2006	Recommendation was accepted. and the

	Advocate	No. 9381 of 28.04.2005 ' <i>On Compensation of unjust imprisonment</i> '.	Minister of Justice.		common guideline is drafted.
27	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
28	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.
29	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.
30	Complaints of citizens	Recommendation: 'On review of Guidelines No. 6291 of 17.08.2005 ' <i>On registration, administration and preservation of notarial acts and on organization and reservation notarial archives</i> '.	Minister of Justice, National Chambers of Notaries	12.05.2006	Recommendation was partially accepted.
31	With the initiative of People's Advocate	Recommendation: ' <i>On creation of necessary conditions on Alternative Service Commission working</i> '.	Minister of Labor and Social Affairs Minister of Defense	26.09.2006	Recommendation was accepted. Conditions are created.
32	Complaints of Physicians	Recommendation: 'On drafting and issuance of Regulation on working of University Hospital Center 'Mother Teresa' Tirana.	Minister of Health, Minister of Education	13.10.2006	Recommendation was accepted. The drafting of regulation is in its final stage , its draft-text has

					been given out to departments of University Hospital Center 'Mother Teresa' Tirana , to deliver opinions.
33	At the initiative of the People`s Advocate	It is recommended the improvement of services and the imposition of new tariffs to insurance companies in order to cover the transporting of motor vehicles in case of accident.	Agency for Financial Supervising	21.03.2007	Recommendation is accepted. It is approved a decision of AFS on the way to treat the claims of accidents, where new obligations has come out to be respected by the private insurance companies.
34	At the initiative of the People`s Advocate	It is recommended to be taken measures in order to put the activity of KESH sh.a to legal position, in the framework of the improvement of the way the consumption of electric power is measured, because the deadline for the afrofe billing application has ended.	Energy Regulatory Entity	20.04.2007	Recommendation accepted. The decision to postpone the deadline for placing the meter device has been issued. Whereas, the afrofe billing without the decision of ERE, KESH, sh.a, will be fined.
	At the initiative of the People`s Advocate and in cooperation with USAID and ISLP	It is recommended the approval of the regulation "On the examination of administrative complaints (RTAA)"	All Public Administration bodies	05.06.2007	Recommendation is accepted and the majority of public administration bodies have approved this draft, proposed by

					us, as internal regulation.
36	Complaint of the Chamber of Commerce of Bajram Curri town.	It is recommended to be taken measures in order to be allowed the transportation of goods via customs of Qafe Morina, Tropoje, border point, which will give way to economic development and facilitate trade exchange of inhabitants in the area.	Prime Minister. Minister of Finance	29.06.2007	Recommendation is accepted. Based on DCM no.19, dated 19.01.2007, the General Directory of Customs appointed the customs service employees in Qafe Morine.
37	At the initiative of the People`s Advocate	It is recommended to be taken measures for an immediate publication of the graphic on electric power limitations to family or non –family clients.	ERE KESH sh.a	13.07.2007	Recommendation is accepted. KESH sh.a has made public the limitation time-table by way of special notifications.
38	At the initiative of the People`s Advocate and in cooperation with USAID and ISLP	It is recommended the approval of the regulation “ On the right of information”	All Public Administration bodies	16.07.2007	Recommendation is accepted and the majority of public administration bodies have approved this draft, proposed by us, as internal regulation
39	Complaint of the citizen H.P	It is recommended the elimination of irregularities from the administrative act, Regulation “ On the medical criteria to be followed for the consideration of disabled people” , approved by	Minister of Labor, Social Affaires and Equal Opportunities. Minister of Health	26.07.2007	Recommendation not accepted

		the joint order of both the Minister of Health and Minister of Labor, Social Affairs and Equal Opportunities, no. 276, dated 08.02.2007.			
40	Complaint of a citizen	It is recommended immediate measures to be taken in order to restore into legal position the created situation by the removal of employees in the auditing sector.	General Directory of State Reserves	30.10.2007	Recommendation is accepted. General Directory of State Reserves has issued the order for the regulation of the internal auditing staff

11. Media Coverage for 2007

The Electronic Media for 2007

Nr.	DATE	ORGAN	RUBRIC	REPRESENTATION
1	07.01.2007	Klan, TVA	People`s Advocate asks for the exclusion of 100 lek prescription tariff	Pronunciation E. Dobjnani
2	10.10.2007	Vizion +	PA –recommendation to the Prime Minister on KESH crises	Pronunciation A.Lazebeu
3	11.01.2007	Klan, TVA	PA asks for a supplement of law regarding the calculation of pensions.	Pronunciation E. Dobjnani
4	11.01.2007	Top Channel, Alsat	People`s Advocate asks for measures to be taken for the people responsible for KESH crises.	Pronunciation A.Lazebeu
5	15.01.2007	Klan, TVA	People`s Advocate asks for the exclusion of 100 lek tariff of medications.	Pronunciation E. Dobjnani
6	21.01.2007	News 24	PA at the State Police annual survey	Notification
7	21.01.2007	TVA	PA against police violation	Notification
8	23.01.2007	Klan, TVA	PA against the use of children at electoral campaigns	Pronunciation E. Dobjnani
9	05.02.2007	Top Channel	PA asks for non- exclusion of voters from the lists.	Pronunciation E. Dobjnani
10	10.02.2007	TV Koha. Klan	PA on death penalty	Pronunciation E. Karamuçã
11	15.12.2007	News 24	Pa in favour of the right to vote for the inmates.	Notification
12	19.02.2007	TVA	PA: This is why the inmates did not vote.	Pronunciation S.Haluci
13	23.02.2007	Ora News	PA: The inmates should have voted	Pronunciation A.Lazebeu
14	28.02.2007	Top Channel	PA on death penalty	Top Show S.Haluci
15	02.03.2007	News 24	PA for the Law “On the Registry Office”	Top Show S. Nushi
16	07.03.2007	Top Chanel Klan, TVA TVSH, News 24, TV Koha etc.	PA reports before the Law Parliamentary Commission.	Notification

17	15.03.2007	TVA, Top News	PA requires the exclusion of death penalty from the Criminal Code even at war situations.	Pronunciation E. Karamuça
18	16.03.2007	ALSAT	PA and the Annual Report at “ The day starts with ALSAT”	Interview E. Dobjani
19	15.03.2007	News 24	Open heartedly	TV Show H.Hysa
20	20.03.2007	News 24	Openhearted to the complainant	TV Show H.Hysa
21	22.03.2007	Ora News	The exclusion of death penalty from the Military Criminal Code	Pronunciation E. Dobjani
22	29.03.2007	Top Channel	PA and the Law about the handling of blood feud murders.	Top Show A.Lazebeu
23	02.04.2007	ALSAT	PA conducts an inspection to Tepelena prison.	Pronunciation S. Haluci
24	03.04.2007	Vizion +	PA and the Law about Mortgage	TV Show E. Pirani
25	03.04.2007	News 24	PA and the registration of Albanian children born abroad.	TV Show S. Nushi
26	04.04.2007	News 24	PA on ownership and privatisation issues.	TV Show H.Hysa
27	05.04..2007	News 24	PA on court decisions regarding property issues	TV Show H.Hysa
28	13.04.2007	Ora News	PA and the abuses at KESH.	Pronunciation E. Karamuça
29	18.04.2007	Top Channel	PA denounces the violation in prisons.	Pronunciation S. Haluci
30	20.04.2007	TVA	PA on the violation in Albanian prisons	Pronunciation S. Haluci
31	23.04..2007	TV Skuteri, TV Kopliku, TV Lezha	PA receives complaints in the North.	Pronunciation G. Lleshi
32	24.04..2007	Vizion +	People’s Advocate on the violation within the family	Tv Show E.Kalaja
33	24.04.2007	Onufri TV	PA goes to Berat for an open day.	Interview A.Lazebeu
34	24.04.2007	Top Channel, TV Dardan	PA to Elbasan town	Pronunciation J. Dhrami

35	26.04.2007	Radio Tirana	PA and the compatriots	Radio broadcast A.Lazebeu
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36	05.05.2007	Voice of America	Representatives of PA in Washington D.C.	Interview A.Lazebeu, A. Jaupi
37	07.05.2007	News 24	People's Advocate on children's rights	Tv Program F.Paskali
38	08.05.2007	TVSH,TV Saranda	People's Advocate receives complainants in Saranda	Pronunciation G.Lleshi
39	08.05.2007	TV 2A	People's Advocate at Kavaja Municipality	Pronunciation A.Jaupi
40	09.05.2007	Top Chjannel,TV Gjirokastra.B BC	People's Advocate staff in Gjirokastra	Pronunciation E.Karamuça
41	10.05.2007	TV Klaudiana	People's Advocate at Peqin and Rrogozhina municipalities	Pronunciation Artur Lazebeu

42	15.05.2007	Radio Tirana	People's Advocate talks with the compatriots	Programme E.Karamuca
43	22.05.2007	TV Lushnje, TV Fier	PA in Lushnja and Fieri districts	Pronunciation R.Poda
44	22.05.2007	TV Puka,TV Kukesi,TV Bajram Curri	PA in Puka, Kukes and Tropoja	Pronunciation G.Lleshi
45	25.05.2007	Radio Tirana	PA and his main problems	Programme E.Karamuca
46	02.06.2007	Alsat Kosove	PA at the Round Table of Regional Ombudsman in Kosovo	Pronunciation A.Lazebeu
47	05.06.2007	Vizion+, Koha TV	PA against Greek police violation	Pronunciation A.Lazebeu
48	10.06.2007	TVA	PA against violation in prisons	Pronunciation S.Haluci

49	02.07.2007	News 24, Klan	People's Advocate on dismissals at the state police forces.	Pronunciation S.Nushi
50	26.07.2007	Top Channel, TVA, TVSH	National Conference "Towards an Albania without torture"	Pronunciation S.Haluci
51	29.07.2007	TVSH	PA and the rights of Albanian citizens living in Greece	Pronunciation E. Dobjani
52	15.08.2007	TVSH	PA on the situation at mental hospitals	Pronunciation E.Dobjani
53	06.09.2007	UFO TV	PA monitoring his recommendations	Interview E. Dobjani
54	13.09.2007	ALSAT	People's Advocate on the identity cards	Pronunciation Artur Lazebeu
55	13.09.2007	News 24	People's Advocate and police maltreatments	Programme H. Hysa
56	13.09.2007	Vizion+	People's Advocate on the symbols of the identity cards.	Pronunciation A.Lazebeu
57	14.09.2007	News 24	PA and "Klllogjri" case	Programme H. Hysa
58	17.09.2007	ALSAT	People's Advocate on the establishment of the National Mechanism against Torture	Pronunciation A.Lazebeu
59	24.09.2007	Top Channel, News 24, Vizion+ TVSH	People's Advocate distributes to prisons the book on the right of the inmates.	Notification
60	04.10.2007	Vizion +	PA on the execution of final court decisions	Pronunciation Artur Lazebeu
61	08.10.2007	Ora News News 24	People's Advocate meeting with the delegation of European Parliament.	Notification
62	10.10.2007	2A Televizion	People's Advocate in Gose and Lekaj for citizens' complaints	Pronunciation A.Lazebeu
63	17.10.2007	Ora News	PA on violation to children	Interview A.Lazebeu
64	17.10.2007	Mediasat	PA and his main problems	Programme E. Dobjani
65	17.10.2007	Vizion+	People's Advocate on TV frequencies	Pronunciation E.Dobjani
66	17.10.2007	Shijak TV	People's Advocate and the overpopulated prisons	Pronunciation A.Lazebeu

67	21.10.2007	ALSAT	People's Advocate on national Tv frequencies in the South	Pronunciation S.Haluci
68	29.10.2007	Top Channel	People's Advocate meets the Commissioner for Human Rights of the Council of Europe	Notification
69	29.10.2007	Vizion+	Dobjani talks with Thomas Hammarberg	Notification
70	29.10.2007	News 24, Ora News	People's Advocate Dobjani-Hammarberg talk about human rights	Notification
71	30.10.2007	Vizion+	People's Advocate at the round table on children's rights	Pronunciation E.Dobjani
72	05.11.2007	Klan	People's Advocate recommends measures for kindergarten situation in Burrel	Notification
73	05.11.2007	TVSH, Klan, News 24, Ora News	The Assembly elects the Commissioners of the People's Advocate	Notification
74	06.11.2007	News 24	Measures should be taken for the reconstruction of the kindergartens.	Pronunciation A.Lazebeu
75	12.10.2007	News 24	People's Advocate during the Open Days with the inhabitants of Shkodra	Programme H.Hysa
76	20.11.2007	Top Channel, News 24, Vizion+, TVSH	People's Advocate: The increase of energy price is not justifiable	Pronunciation E.Karamuca
77	05.12.2007	Ora News	People's Advocate and mental hospitals	Pronunciation E.Dobjani
78	06.12.2007	Ora News	PA dealing with daily main issues.	Interview E. Dobjani
79	07.12.2007	Vizion+, Top Channel, News 24, TVSH, Alsat, Ora News	The American Ambassador meets the People's Advocate	Notification
80	13.12.2007	Vizion+,	People's Advocate on the reform in justice	Pronunciation A.Lazebeu
81	14.12.2007	Top Channel	People's Advocate awarded by the Co Plan Organization with the year prize for his influence to good governance	Notification
82	17.12.2007	Vizion+	People's Advocate and anticorruption	LOGOS Program A.Lazebeu
83	26.12.2007	TVSH	PA and the implementation of Strasbourg Court decisions	Interview E. Dobjani
84	28.12.2007	TV Koha	PA and issues dealt with during 2007.	Interview E. Dobjani

NEWSPAPERS – WRITTEN MEDIA FOR 2007

No.	DATE	NEWSPAPER	HEADLINE	COLUMN
1	12.01.2007	Albania	PA: KESH to examine bad-management of work	Notification
2	12.01.2007	Koha Jone	Heads of KESH-it to resign	Pronunciation E. Dobjani
3	20.01.2007	Panorama	PA: Police not to beat the inmates with plastic tube	Pronunciation
4	20.01.2007	Gazeta ABC	PA: Police violation increased	Article
5	20.01.2007	SOT	PA against police abuses	Notification
6	20.01.2007	Shqip	PA: "Police grades have not been respected"	Pronunciation
7	20.01.2007	Tirana Observer	PA on the unfairly dismissals of policemen.	Pronunciation
8	24.01.2007	ATSH	PA receives the Ambassador of Spain	Notification
9	20.01.2007	Shqip	PA: Government ignores Bailiffs decisions.	Pronunciation
10	26.01.2007	Standard	Mortgage, complaints flow to PA	Article
11	31.01.2007	Standard	PA: "Stop violation in prisons"	Article
12	31.01.2007	Shekulli	PA finds violation in Rrogozhina prison.	Article
13	31.01.2007	Korrieri	Violation in prison, reaction of PA	Article
14	16.02.2007	KORRIERI	Prisoners, 3700 can not vote	Article
15	16.02.2007	KOHA JONE	People's Advocate: 4 thousand prisoners missing from the voting lists.	Article
16	16.02.2007	PANORAMA	Dobjani: Voting process to take place in prison too.	Notification
17	16.02.2007	ALBANIA	People's Advocate: " Prisoners have not been included in the voting lists"	Article
18	16.02.2007	STANDARD	People's Advocate: Prisoners have been excluded from the right to vote.	Article
19	18.02.2007	TIRANA OBSERVER	People's Advocate gives the alarm on election irregularities.	Article

20	18.02.2007	SHEKULLI	People's Advocate: 3700 prisoners deprived of voting.	Interview
21	19.02.2007	GAZETA SHQIPTARE	People's Advocate: The inmates are deprived of voting	Article
22	19.02.2007	PANORAMA	Dobjani asks for voting to take place in prison.	Notification
23	23.02.2007	STANDARD	People's Advocate: Death penalty to be invalidated at Military Code	Article
24	23.02.2007	KORRIERI	Surprise, death penalty still legal in Albania	Pronunciation
25	24.02.2007	SHEKULLI	People's Advocate: Assembly to be composed of 100 MP-s	Article
26	24.02.2007	METROPOL	People's Advocate: Dismissed people for nepotism to resume their posts.	Article
27	28.02.2007	TIRANA OBSERVER	PA recommends the exclusion of death penalty from Military Criminal Code	Article
28	03.03.2007	Revista KLAN	PA and Courts decisions.	Interview, A. Lazebeu
29	31.03.2007	Revista KLAN	PA and the case of "Agia Varvara"	Interview A. Lazebeu
30	05.03.2007	PANORAMA	Courts and PA have not yet replaced the persons whose mandate is over.	Article
31	06.03.2007	STANDARD	PA – another door for Human Rights	Article
32	06.03.2007	Republika	PA condemns the nationalist video episode of the Greek soldiers.	Pronunciation E. Dobjani
33	06.03.2007	Albania	PA: The incident with the Greek soldiers to be calmly handled.	Pronunciation E. Dobjani
34	06.03.2007	Korrieri	PA: Counting of votes to be made by electronic scanners	Article
35	06.03.2007	RD	PA: Prosecution Office and the Courts procrastinate the litigations.	Pronunciation, E. Dobjani
36	07.03.2007	Ballkan	Recommendations of PA in the State Department Report	Article

37	14.03.2007	Shekulli	PA: The Ministry blocks the project for HEC	Article
38	16.03.2007	Ballkan	PA: Albania has not yet implemented the European convention on death penalty	Notification
39	17.03.2007	Shqip	PA brings death penalty to the attention of the Ministry of Justice	Article
40	18.03.2007	Tirana Observer	PA recommends the approval of Hotolishti HEC	Article
41	24.03.2007	Panorama	Constitutional Court accepts the People's Advocate request about structure and payments.	Article
42	24.03.2007	Panorama	PA: "Mortgage project has an anti constitutional content"	Notification
43	24.03.2007	Koha Jone	PA: How to change the property registration law.	Article
44	24.03.2007	Zeri i Popullit	PA recommends measures against HEC company.	Article
45	24.03.2007	Shqip	PA on the winning company of HEC	Article
46	26.03.2007	Ballkan	PA and police problems.	Article
47	28.03.2007	Ballkan	PA report and the ownership issues.	Article
48	01.04.2007	Ballkan	Into the pages of PA's Annual Report	Article
49	13.04.2007	Standard	PA presents the corruptive cases of KESH	Article
50	13.04.2007	Shqip	Dobjani: 6 corruptive cases at Tirana KESH	Article
51	16.04.2007	Ballkan	PA: Albania infringes the European convention on capital penalty.	Pronunciation E. Dobjani
52	18.04.2007	Korrieri	PA denounces the cases of people kept at prisons hospitals.	Article
53	18.04.2007	Shqip	PA on violation in prisons: "All governments' willingness been missing".	Article
54	19.04.2007	Koha Jone	PA: "Inhuman treatment in the prisons of Lezha and Burrel"	Article
55	19.04.2007	Panorama	Sector for economic crime investigates on the scandal of	Article

			KESH abuses, found out by PA.	
56	20.04.2007	Ballkan	PA: Police violation in prison got increased in 2006.	Article
57	22.04.2007	MAPO	Denunciation of KESH specialists at PA.	Article
58	23.04.2007	Gazeta Shqiptare	PA alarms at environment pollution with ammonia	Article
59	25.04.2007	SOT	PA Office goes to Berat	Notification
60	25.04.2007	Albania	PA in Korça receives complaints against judges and the municipality.	Notification
61	25.04.2007	Standard	Two police principals under investigation with the recommendation of PA.	Article
62	25.04.2007	Zeri i Popullit	PA received 100 complaints in one day in Korçe town	Notification
63	04.05.2007	Standard	The Constitutional rejects government about independent institutions payments.	Article
64	04.05.2007	Shekulli	Independent institutions payments do not change.	Article
65	04.05.2007	Panorama	Payments at PA , the Constitutional rejects the government.	Notification
66	04.05.2007	Shqip	PA gives opinion on the law about university education.	Notification
67	06.05.2007	Standard	PA: from the 1 st of April all afrofe billing is illegal.	Notification
68	06.05.2007	Shekulli	PA: Afrofe is illegal	Notification
69	06.05.2007	Korrieri	PA: Install the electric power metering device.	Article
70	08.05.2007	Standard	Dobjani: No one controls the convicted suffering imprisonment.	Article
71	09.05.2007	Sot	Saranda town, many complains to the People's Advocate	Notification
72	09.05.2007	Metropol	People's Advocate reports on the dismissals among police forces: The dismissed policeman to receive two monthly payment and one year guarantee.	Notification

73	11.05.2007	Telegraf	People's Advocate , meeting with the inhabitant.	Notification
74	11.05.2007	Republika	People's Advocate denounces the property registration offices.	Notification
75	12.05.2007	Shekulli	Elbasan, 50 complaints a day to the People's Advocate.	Notification
76	12.05.2007	Sot	Lazarat, interest of inhabitants to the People's Advocate decreases.	Notification
77	12.05.2007	Korrieri	People's Advocate against shifting without any criteria among the blue uniform contingent, which decreases the State Police efficiency.	Article
78	13.05.2007	Korrieri	People's Advocate complaints at the Prime Minister: Murderous prisons.	Article
79	15.05.2007	Panorama	Dobjani: Law to be revised	Notification
80	15.05.2007	Korrieri	Dobjani: Remarks to Rusmali	Article
81	15.05.2007	Standard	People's Advocate : The Minors' Court to be established"	Notification
82	15.05.2007	Panorama	Dobjani's sharp report: Abusive dismissals. " Trained policemen get replaced by uneducated individuals"	Article
83	18.05.2007	Sot	QSHKE introduces the situation about the complaints to the People's Advocate, 32% more that in 2004. State full of corruption and bureaucracy .	Article
84	22.05.2007	Koha Jone	Mortgage involved in abusive actions.	Pronunciation A.Lazebeu
85	23.05.2007	Panorama	Durres, People's Advocate conducting inspection	Notification
86	24.05.2007	Sot	Law Commission approves indisputably the three proposals. The three Commissioners of the People's Advocate get approved by Law Commission.	Article
87	25.05.2007	Tirana Observer	Police reform, daily complaints to the People's Advocate.	Article
88	29.05.2007	Gazeta Shqiptare	Aforfeja costs 25 million dollars. Dobjani: ERE allowed a new	Article

			infringement of Constitution.	
89	01.06.2007	Standard	PA: "Line 110 Kv to be displaced from "Zogu i Pare" Boulevard	Article
90	19.06.2007	Albania	PA: Not powerful to protect the emigrants.	Article
91	22.06.2007	Panorama	"Police dismissals not legally based". People's Advocate refers to Nishani and Prençi for the second time	Article
92	22.06.2007	Ballkan	Here is the letter that released from the cell the accused of "Kokaina" process. Dobjani to Kondi: " Let Din Gjonajn free as soon as possible".	Article
93	30.06.2007	Panorama	Organized Anti - crime "Disband". PA: Redundancy among police forces affects even the operational staff of RENEA.	Article
94	30.06.2007	Metropol	People's Advocate explanation: "I have not any connection with the arrested person accused of trafficking "	Notification
95	04.07.2007	Albania	Dobjani sent Nishani the list with the names of the police who were unfairly removed.	Article
96	05.07.2007	Koha Jone	Kir Hajdari beaten, the inspector detained. Denunciation to the People's Advocate. 10 police of the police station under investigation.	Article
97	07.07.2007	Tirana Observer	The last consensual name is Ermir Dobjani	Notification
98	07.07.2007	Shqip	Dobjani: Greek violation? Just the top of the iceberg	Interview
99	14.07.2007	Gazeta Shqiptare	People's Advocate: KESH to make known the energy power limitation list.	Notification
100	14.07.2007	Tirana Observer	People's Advocate: "491 persons waiting for the Status	Article

			“ Martyrs of the Country”.	
101	17.07.2007	Koha Jone	PA: " Kirion Hajdari’s arm was not broken in the van”	Notification
102	18.07.2007	Metropol	People’s Advocate recommends for the energy power graphics.	Notification
103	18.07.2007	Panorama	People’s Advocate: : "Alarm, specialists are leaving police structure"	Notification
104	23.07.2007	Panorama	PA.: Tricking out of the light compensations.	Article
105	24.07.2007	Koha Jone	PA: "Compensate strata in need for the electricity price”.	Article
106	27.05.2007	Gazeta Shqiptare	Dobjani: "No violation to women and children"	Notification
107	27.07.2007	Zeri i Popullit	PA: " Towards an Albania without torture. Institutions cooperation"	Notification
108	27.07.2007	Standard	PA: Still torture forms at police stations	Article
109	29.07.2007	Albania	Dobjani, letter to Rusmajli: Get back to work the officials who won the trial!	Article
110	29.07.2007	Tirana Observer	PA: Expert of forensic medicine requires to resume his work.	Article
111	01.08.2007	Tirana Observer	PA asks for the diplomats affected by war in Belgrade to be compensated.	Article
112	02.08.2007	Panorama	Psychiatry effects negatively on patients’ health.	Notification
113	02.08.2007	Panorama	PA wants to make an inspection to the ferry-boat lines.	Notification
114	02.08.2007	Panorama	AP is for a dual seaside road.	Notification
115	06.08.2007	Korrieri	State breaks the rights of mentally ill people.	Article
116	06.08.2007	Telegraf	Here are the mental hospital problems.	Article
117	08.08.2007	Telegraf	PA recommends to the Government the improvement of psychiatric hospitals	Article
118	08.08.2007	Albania	Dobjani letter to Olldashi about the inspections to ferry-boats	Article
119	09.08.2007	Albania	PA on psychiatric hospitals	Article
120	05.09.2007	Tirana Observer	PA, no answer for hospitals	Pronunciation

121	13.09.2007	Agon	PA asks for the responsibility about the National Committee for Torture Prevention	Notification
122	13.09.2007	Korrieri	PA on the identity cards symbols	Notification
123	13.09.2007	Koha Jone	PA asks explanations for the identity cards symbols	Notification
124	19.09.2007	Koha Jone	Life -sentenced convict Z. Ç refers for help to the People's Advocate	Notification
125	19.09.2007	Gazeta Shqiptare	PA replies to the life- sentenced convict .	Notification
126	20.09.2007	Gazeta Shqiptare	VIP arrested tell the People's Advocate about the detention conditions	Pronunciation E. Dobjani
127	21.09.2007	Koha Jone	Korça minors complain to PA.	Article
128	22.09.2007	Koha Jone	PA asks for the verification of threatening against the life-sentenced convict Z. Ç.	Article
129	23.09.2007	Telegraf	PA PA asks for the responsibility about the setting up of a structure against torture and trauma.	Notification
130	25.09.2007	Korrieri	PA has been asking for 2 years for the setting up of the Blood-feud Commission.	Notification
131	25.09.2007	Albania	PA asks for the Assembly approval of the draft - law on disabled people.	Article
132	25.09.2007	Standard	PA asks for the judges to also apply to alternative punishments.	Pronunciation, E. Dobjani
133	25.09.2007	Panorama	PA introduces to prison 325 the book for inmates.	Notification
134	26.09.2007	Telegraf	Representative of PA in the Conference on European Convention implementation.	Notification
135	30.09.2007	Ballkan	PA asks for the amendment of law on citizens' registration.	Article
136	05.10.2007	Shqip	PA informs the Department of State	Notification

137	08.10.2007	Panorama	PA's report on the maltreatment of the youngsters at Blloku area.	Article
138	09.10.2007	Gazeta Shqiptare	Dobjani's meeting with Doris Pack about human rights	Notification
139	09.10.2007	Ballkan	Dobjani-Pack: "It is necessary the cooperation with State authorities"	Notification
140	09.10.2007	Koha Jone	Dobjani talks with Doris Pack	Notification
141	09.10.2007	RD	PA receives the delegation from European Parliament	Notification
142	09.10.2007	Republika	Meeting of Dobjani-Pack about human rights	Notification
143	09.10.2007	Panorama	Dobjani meets with the delegation of the European Parliament	Notification
144	10.10.2007	Shqip	PA informs CE and USA on human rights in Albania	Article
145	12.10.2007	Albania	The answer of PA to the life-sentenced convict Z.Ç	Article
146	12.10.2007	Korrieri	PA asks for the implementation of law at the detention rooms.	Article
147	13.10.2007	Panorama	PA: " Prisons do not accept the arrested"	Article
148	15.10.2007	Ballkan	Police and the Prosecution Office to blame for accidents	Article
149	16.10.2007	Sot	PA to Saranda town for complaints about ownership	Notification
150	16.10.2007	Dajti	PA among people, about complaints.	Notification
151	18.10.2007	Korrieri	PA: Taking away the antennas – is a mistake	Pronunciation E. Dobjani
152	20.10.2007	Klan	PA tends to create the National Mechanism against Torture	Interview, A. Lazebeu
153	24.10.2007	Shqip	PA and the delegation from German Bundestag: Caution with the homosexual asylum-seekers.	Notification
154	26.10.2007	Albania	PA: "Irregularities, there are still at police station cells convicted people with court decisions"	Article
155	31.10.2007	Koha Jone	PA: "There is no place in prison for any possible transferred people"	Article

156	31.10.2007	Koha Jone	Dobjani: "Problem with human rights and corruption"	Pronunciation E. Dobjani
157	31.10.2007	Koha Jone	PA: "Urban transporting situation should be seen in complexity"	Pronunciation A. Lazebeu
158	31.10.2007	Ballkan	Government cancels the prescription fee for the insured, under the recommendation of PA.	Notification
159	31.10.2007	Ballkan	Dobjani to CE: Problems with the implementation of rights	Notification
160	31.10.2007	Republika	PA-CE: "Problems with human rights and corruption"	Notification
161	31.10.2007	Zeri i Popullit	Dobjani accepts before CE : "We have problems with human rights"	Notification
162	31.10.2007	Standard	PA at the table on children legislation approach.	Notification
163	01.11.2007	Panorama	PA: "Overpopulated prisons, more than 1000 people overcapacity"	Notification
164	05.11.2007	Telegraf	PA: "How to eliminate tortures at detention rooms"	Article
165	06.11.2007	Ballkan	PA- German Ambassador: "Albania, achievements in the field of media freedom"	Notification
166	06.11.2007	Republika	Dobjani-Borthardt: "The postponing of the election reform might compromise the process"	Notification
167	06.11.2007	Albania	PA meets with the German Ambassador	Notification
168	06.11.2007	Tirana Observer	Dobjani: "Members of Courts to hold permanent mandate"	Article
169	06.11.2007	Agon	In the meeting with the German Ambassador, PA takes government under protection and accuses media.	Article
170	21.11.2007	Republika	PA criticises the increase of electrical energy price.	Article
171	22.11.2007	Standard	PA submits the request to the Parliament for more funding.	Notification
172	07.12.2007	Shqip	PA finds out forgings with the documents of 9 January victims.	Pronunciation A. Pilo

173	08.12.2007	Agon	American Ambassador appreciates the role of PA.	Notification
174	08.12.2007	Sot	Dobjani reports to the American Ambassador on the implementation of human rights	Notification
175	08.12.2007	Standard	Role of the People's Advocate appreciated.	Notification
176	08.12.2007	Republika	Dobjani-Withers: Focus on human rights protection.	Notification
177	08.12.2007	Albania	American Ambassador appreciates the role of the People's Advocate	Notification
178	08.12.2007	Koha Jone	PA denounces torture at Vlora detention room.	Article
179	14.12.2007	Tirana Observer	Co Plan Organisation declares PA as man of the year 2007.	Notification
180	14.12.2007	Albania	PA sends 4 prison wardens to Prosecution Office.	Article
181	19.12.2007	Albania	Dobjani: " Law to be amended for the police supplementary pension".	Article
182	21.12.2007	Albania	Dobjani: "Scandalous conditions at prison hospital".	Article
183	29.12.2007	Tirana Observer	AP: " Law to be amended for the police supplementary social insurances ".	Article

SUMMARY OF STATISTICS ON MEDIA COVERAGE 2007

WRITTEN MEDIA

a)

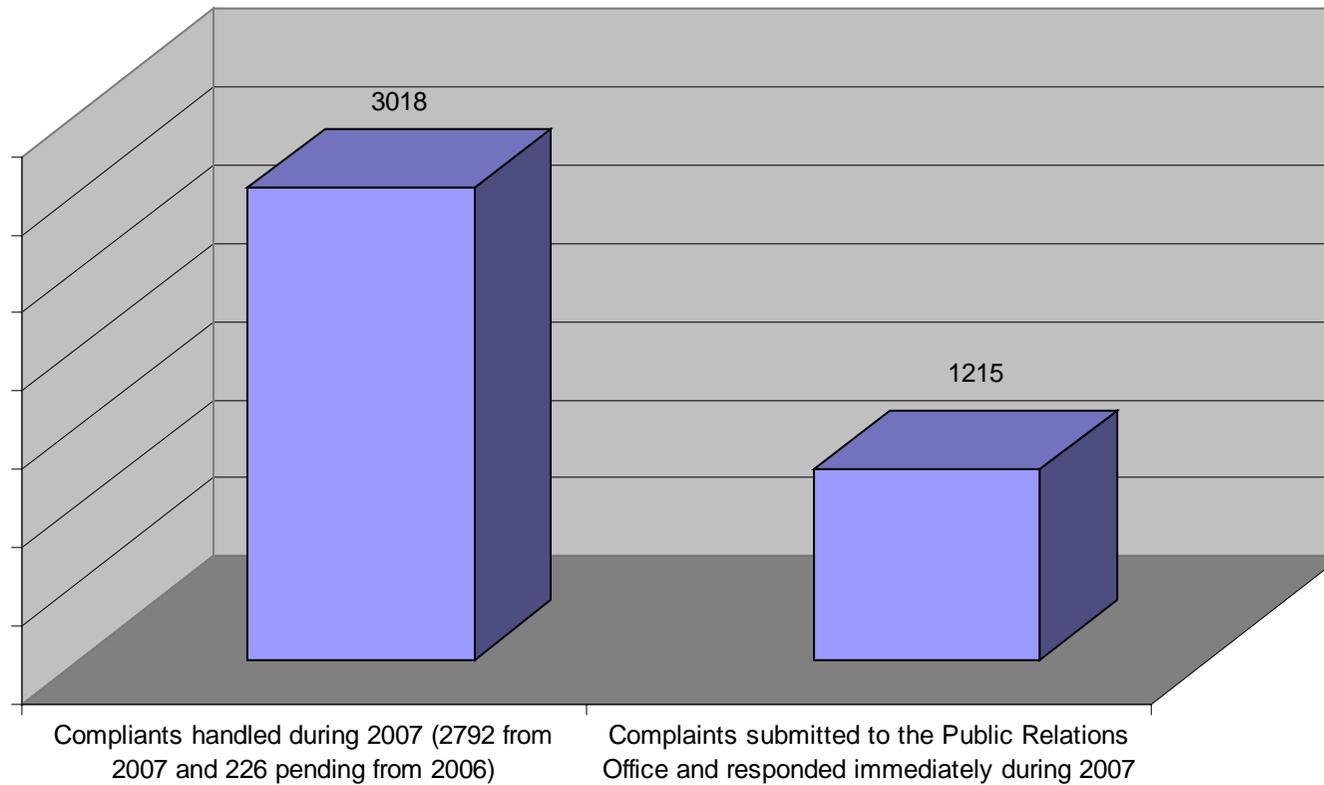
Articles	Pronunciations	Notifications	Interviews	Press Conferences	Total
91	18	69	5	0	183

ELECTRONIC MEDIA

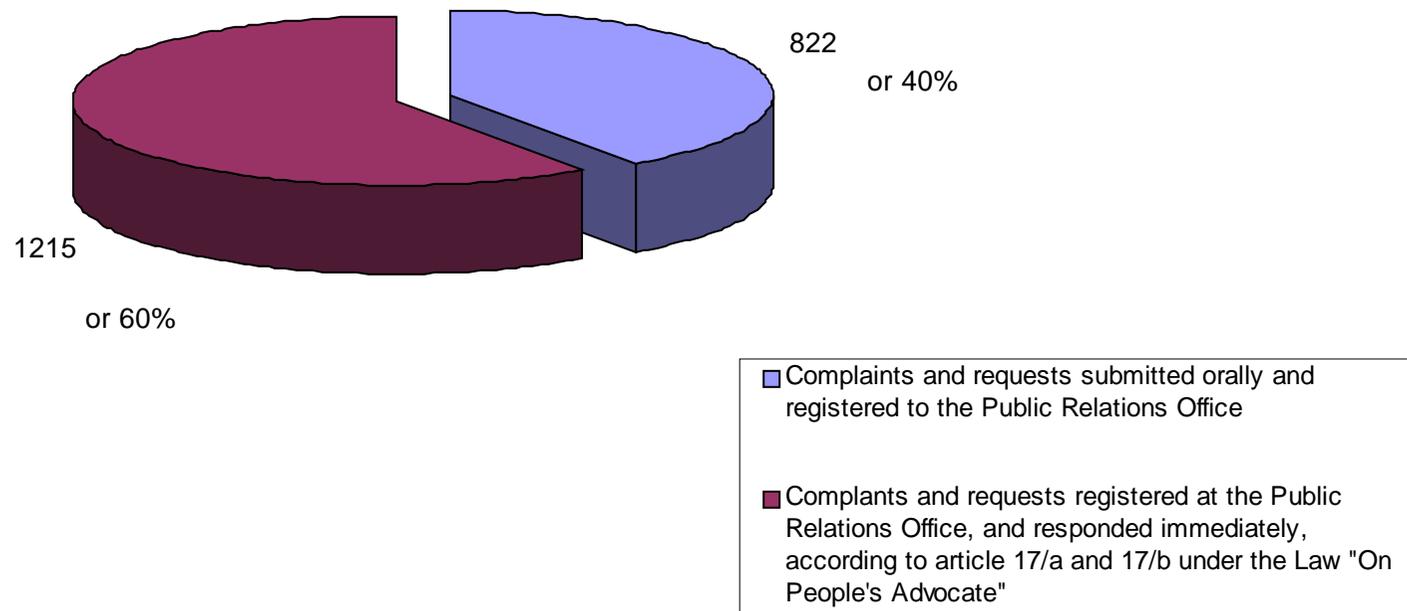
b)

Notifications	Pronunciations	Interviews	Program	Press Conferences	Total
13	44	8	19	0	84

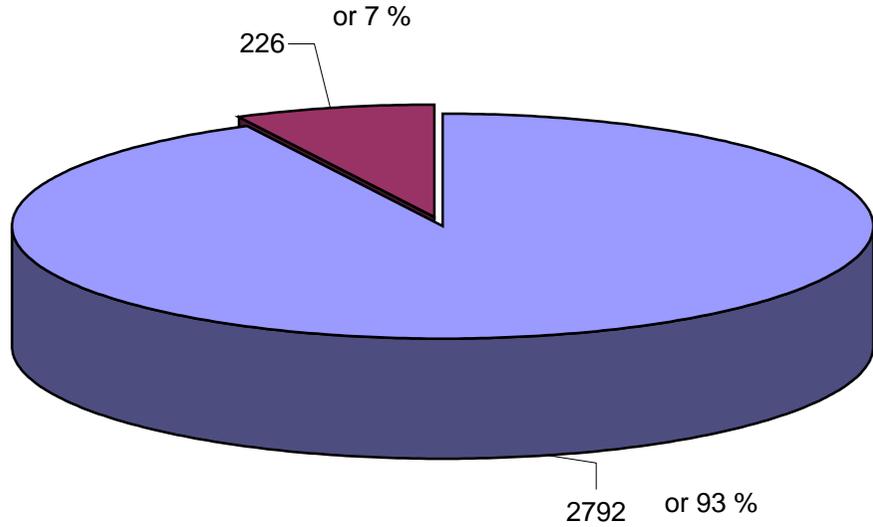
**Complaints, requests and notifications handled by
the People's Advocate Office during 2007
Total 4233**



**Complaints and Request submitted orally to the
Public Relations Office during 2007
Total 2037**

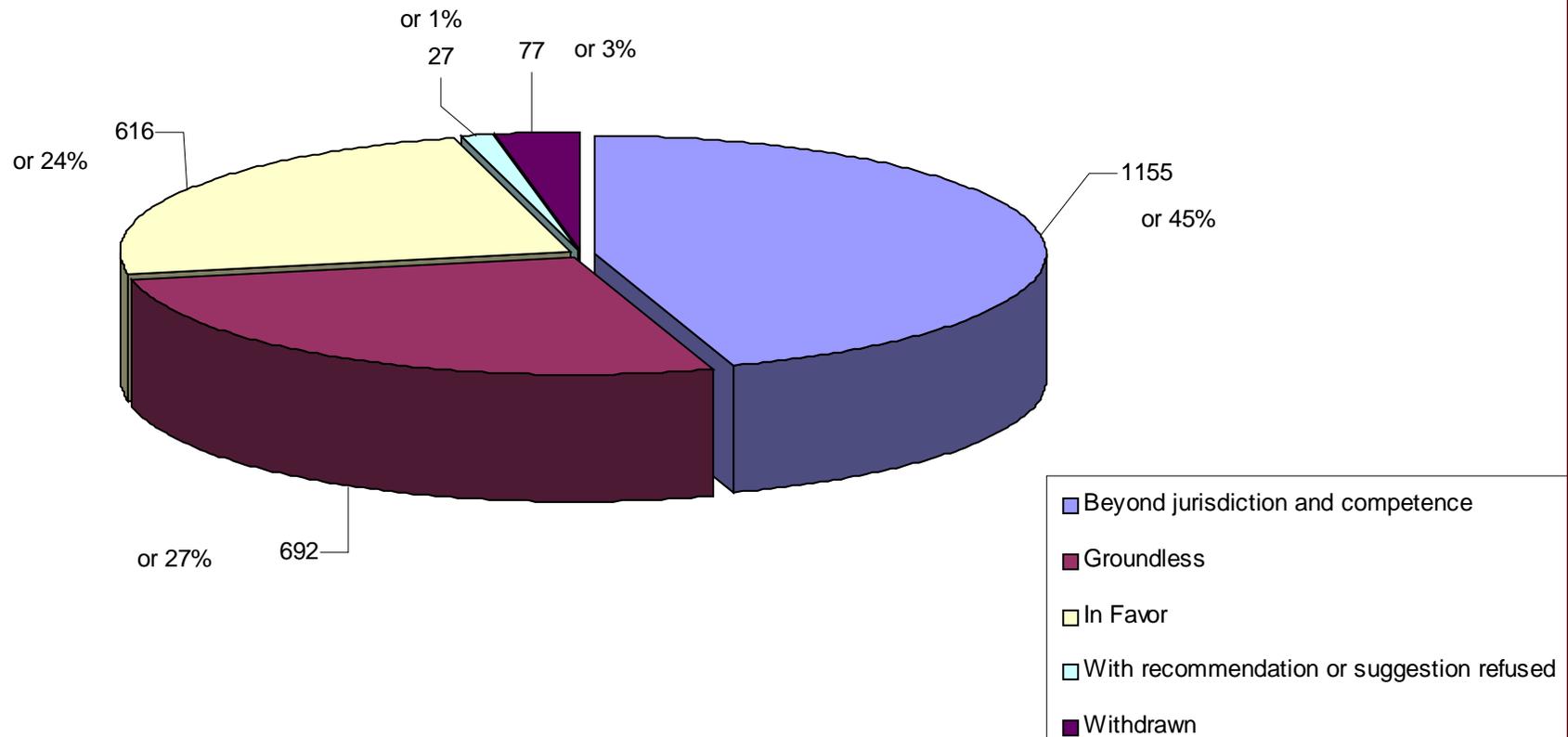


Complaints handled during 2007
Total 3018

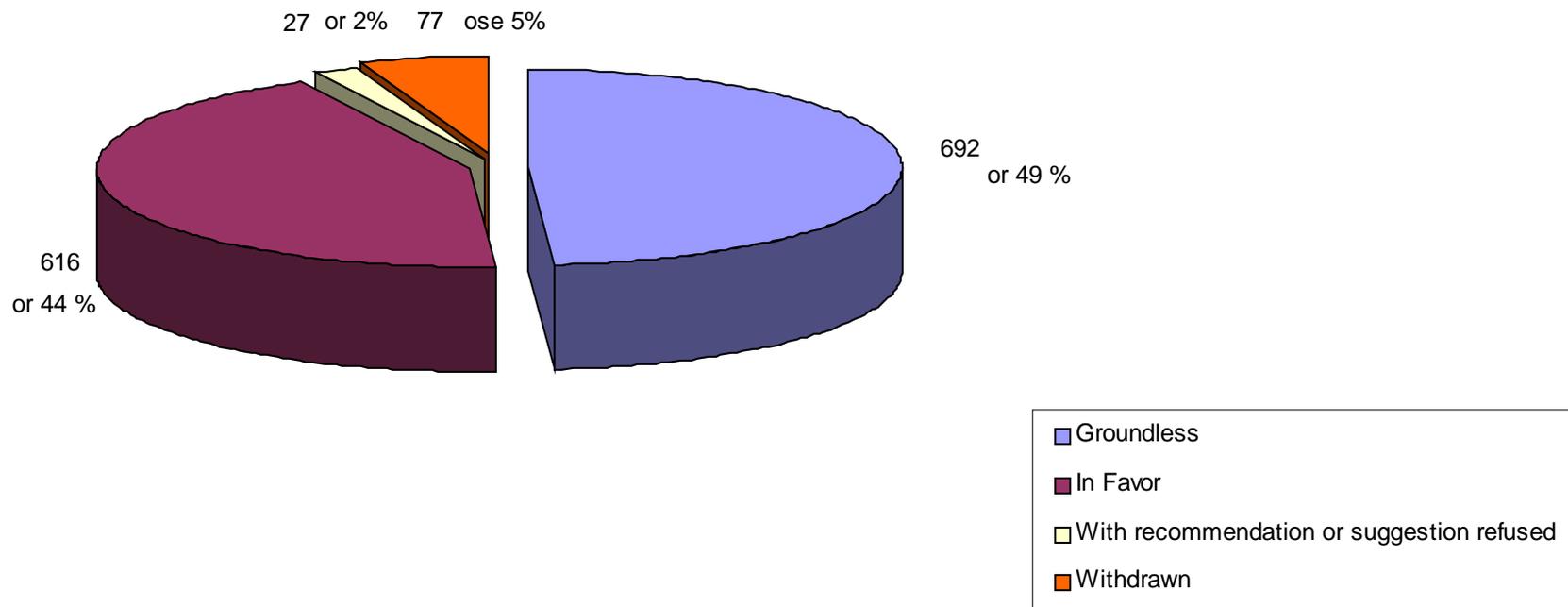


- Complaints received during 2007
- Complaints pending from 2006

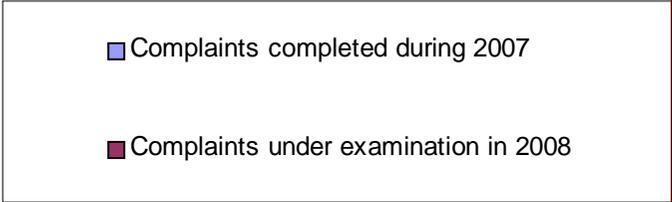
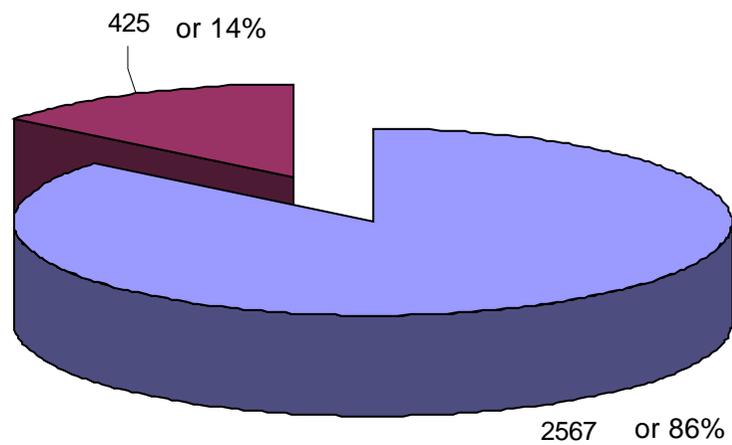
Manner of resolving the complaints completed during 2007, despite being within or beyond our jurisdiction
Total 2567



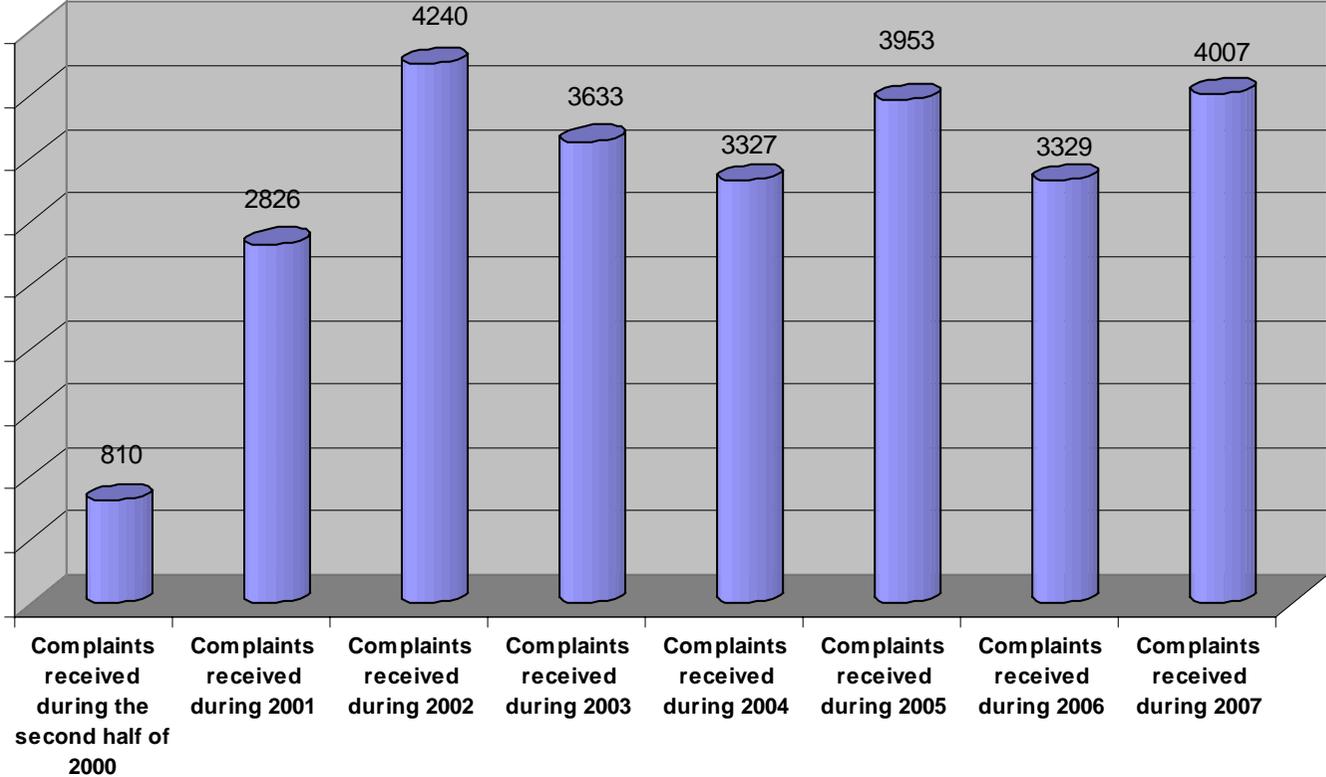
Manner of resolving the complaints within our jurisdiction during 2007
Total 1412



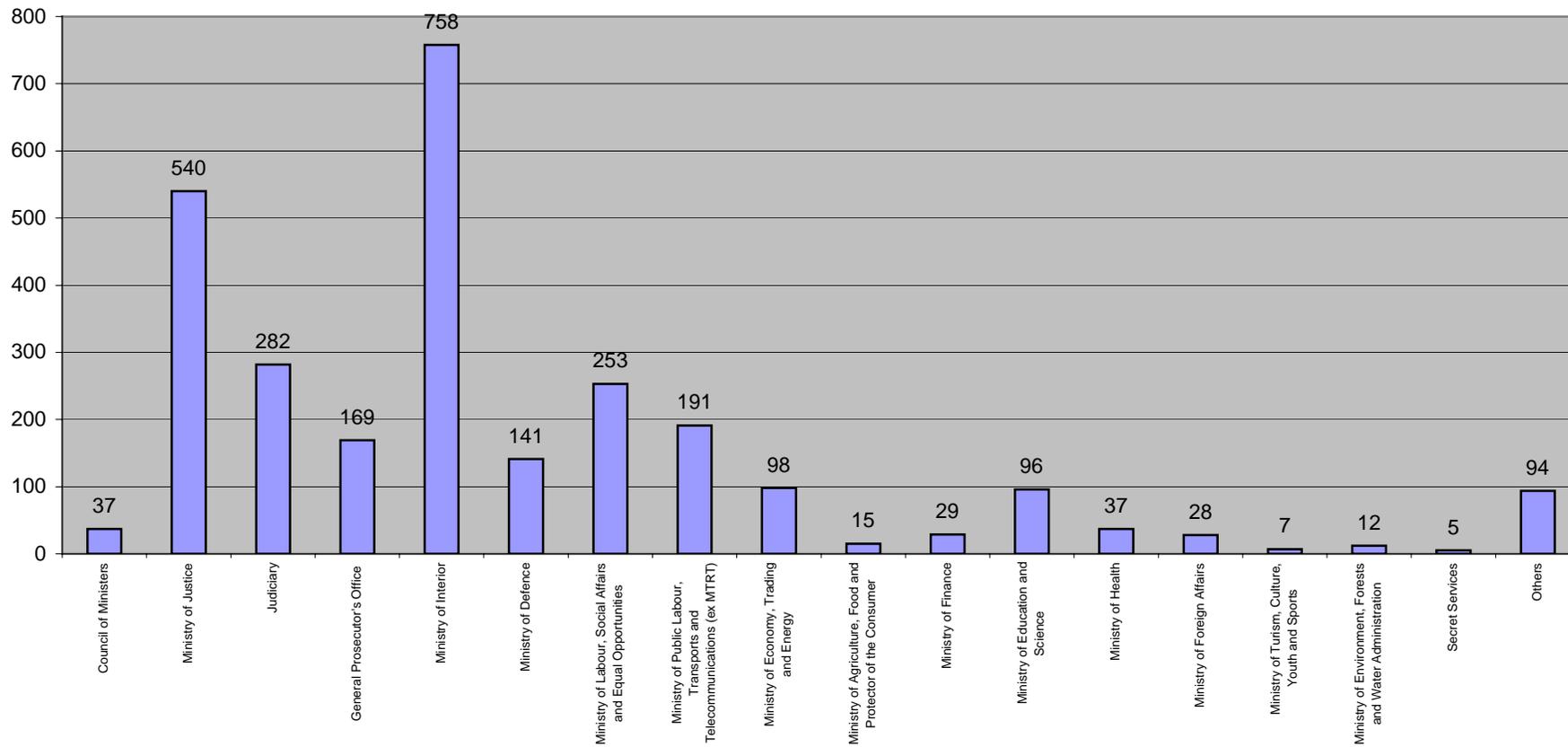
Situation of complaints until December 2007
Total 2992



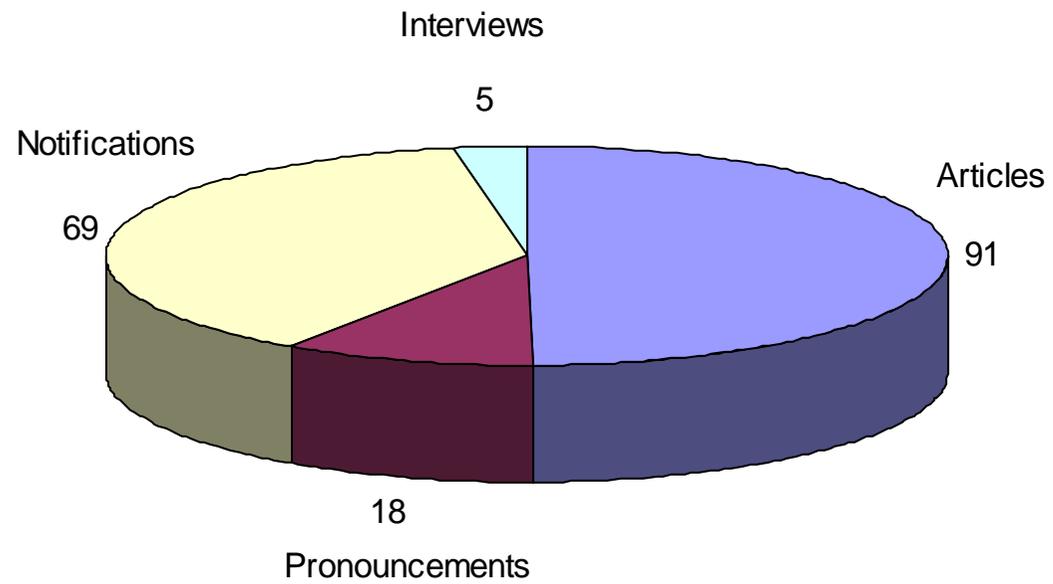
**Assesment of complaints received during 2000 - 2007,
(including those responded immediately)
Total 26125**



Distribution of complaints according to the governance branches during 2007 Total 2792



WRITTEN MEDIA IN 2007



ELECTRONIC MEDIA IN 2007

