



**STATEMENT OF COMPLIANCE
WITH PARIS PRINCIPLES
OF THE PEOPLE'S ADVOCATE OF THE REPUBLIC OF ALBANIA**

14th October 2019

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[PEOPLE'S ADVOCATE OFFICE, REPUBLIC OF ALBANIA]
- [14.10.2019]-**

CHARACTER OF THE NHRI

• **ESTABLISHMENT**

The Paris Principles state that an institution's mandate shall be clearly set forth in a constitutional or legislative text (...).

The GANHRI has adopted the following General Observation on the Establishment of NHRIs: "An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence"

Discuss the instruments that establish the NHRI. Please explain:

- (i) When and by what enabling law the NHRI was established;**
- (ii) The legal status is of the NHRI, i.e. whether it has been established by legislation or if it is entrenched in the Constitution;**
- (iii) If there is any other mechanism that gives the NHRI its legitimacy;**
- (iv) The geographic jurisdiction of the NHRI.**

(i) The People's Advocate institution was established in 1998 with the adoption of the Constitution of the Republic of Albania (hereinafter referred to as the "Constitution"), adopted with law no. 8417, and 21.10.1998. In 1999, the Albanian Parliament adopted the law no. 8454, dated 04.02.1999 "On the People's Advocate" as amended and subsequently the Parliament elected the first People's Advocate on 16.02.2000¹.

(ii) Article 60 of the Constitution stipulates: "*The People's Advocate defends the rights, freedoms, and legitimate interests of individuals from unlawful or improper action or failure to act of the organs of public administration. The People's Advocate is independent in the exercise of his duties*".

Furthermore, Article 61 provides for:

"The People's Advocate is elected by three-fifths of all members of the Parliament for a five-year period, with the right of re-election. Any Albanian citizen with university degree, having an outstanding activity and knowledge in the field of human rights and law, may be the People's Advocate. The People's Advocate enjoys the immunity of a judge of the High Court. The People's Advocate may not be a member in any political party, carry on any other political, state or professional activity, or take part in the management organs of social, economic and commercial legal entities".

(iii) Further to the Constitution, the organization and the functioning of the People's Advocate institution is regulated by law no. 8454, dated 04.02.1999 "On the People's Advocate", as amended by law no. 8600, dated 10.04.2000, as amended by law no. 9398, dated 12.05.2005 and as amended by

¹ The People Advocate is also known as the Ombudsman. Although there are various forms of Ombudsman, their distinctive feature is that of an independent authority (created by law or even by the Constitution), which in the case of Albania is reporting to the Parliament

law no.155/2014, dated 27.11.2014 (hereinafter referred to as the law “On the People's Advocate” as amended).

Here in below is a list of all the laws where the mandate and the functioning of the People’s Advocate Institution is:

- Law No. 9888, dated 10.03.2008 “On the Rights and Treatment of Detainee”;
- Law No. 119/2014 “On the right to information”;
- Law No. 44/2012, dated 2012 “On the Mental Health”;
- Law No. 9902, dated 17.04.2008 “On the Consumers’ Protection” (as amended)
- Law No. 44/2015 “Code of Administrative Procedures of Republic of Albania”
- Law No. 18/2017 “On rights and protection of child”
- Law No. 115/2016 “On the governments of justice system”
- Law No. 84/2016 “On the transitional re-evaluation of judges and prosecutors”
- Law No.12/2018 “On the transitional evaluation of employees of state police, republican guard and service for internal affairs and complaints

(iv) According to article 60, paragraph 1 of the Constitution, the People's Advocate defends the rights, freedoms and legitimate interests of individuals from unlawful or improper action or failure to act of the organs of the public administration”. In addition, according to the Law “On the People’s Advocate” (article 2), the People’s Advocate shall “...safeguard the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration or third parties acting on their behalf. He is promoter of the highest standards of human rights and freedoms in the country.

The People’s Advocate, guided by the principles of impartiality, confidentiality, professionalism and independence, exercise his activity for the protection of human rights and freedoms as defined by the constitutional provisions and by the applicable laws. The same protection is granted to the foreigners, whether they are residing lawfully, in Albania or not, refugees, as well as stateless persons within the territory of the Republic of Albania, pursuant to the terms set forth by law. People’s Advocate carries out also other tasks determined by the special laws”.

As above, the Institution has jurisdiction on the entire territory of the Republic of Albania

- **INDEPENDENCE**

Independence is a fundamental pillar of the Paris Principles. All the provisions in the section “Composition and guarantees of independence and pluralism” aim to ensure independence through composition, representation, infrastructure, stable mandate of the NHRI.

*The GANHRI has adopted the following General Observation on the **administrative regulation** of NHRIs: “The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements. In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI’s ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined”.*

To preserve the independence of members, the GANHRI has strongly recommended that “provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI”.

Discuss the mechanisms that guarantee the independence of the NHRI. Please explain:

- (i) The nature of the Institution’s accountability (i.e. whether the NHRI is accountable to parliament, a ministry, government department, head of state, etc.);**
- (ii) Whether or not the NHRI receives instruction from the government;**
- (iii) By what means conflicts of interest are avoided;**
- (iv) Whether or not members incur legal liability for actions taken in their official capacity.**

(i) According to article 60, paragraph 2 of the Albanian Constitution, *“People’s Advocate is independent in the exercise of his duties”*. However, according to article 62 of the Constitution, *“People’s Advocate may be discharged only on reasoned request of not less than one-third of the deputies. In this case, the Parliament makes a decision with three-fifths of all its members”*.

Pursuant to article 8 of law “On the People’s Advocate” as amended, The People’s Advocate shall be removed from office only in case he:

- a. Is convicted by means of a final court decision;
- b. Becomes mentally or physically incapacitated to perform his duties;
- c. Conducts activities that violate the provisions of Article 10 of this Law;
- ç. Is absent from duty for more than three months.

Moreover, according to article 63, paragraph 1 and 2 of the Constitution, *“the People’s Advocate presents an annual report before the Parliament”*. In addition, *the People’s Advocate reports before the Parliament when so requested, and he may request the Parliament to hear him on matters he considers important”*. According to article 26 of law “On People’s Advocate”, People’s Advocate *“submit an annual report to the Parliament shall discuss it in a plenary session. A copy of the report shall be submitted to the President of the Republic and to the Prime Minister”*.

After discussing the annual report, the Parliament of Albania adopts the Resolution on the evaluation of the activity of the People’s Advocate Institution for the reporting year and defines the main areas where the work of the Institution should be more focused on for the coming year.

Besides the annual report, according to article 27 of the afore-mentioned law, People’s Advocate *“may submit, on its own initiative or at the written request of the President of the Parliament or of a group of deputies, special reports on various issues within its functions, especially if it is a violation of the constitutional and legal rights.”*

During the reporting period, there is no case where the Albanian Parliament has requested the People’s Advocate institution to make a special report in a particular area.

Pursuant to the Decision of the Albanian Parliament No.49 / 2017, "On the Establishment of a Mechanism for the Systematic Monitoring of the Follow-up and Implementation of the Recommendations of Independent Institutions", the People’s Advocate institution officially informs periodically the Albanian Parliament about the recommendations that the Institution has addressed to public authorities, as well as the status of their implementation. Despite the creation of such a mechanism, we are of the opinion that there is still room for improvement in this regard and more specifically the mechanism must play an active role to justify the purpose of its creation.

(ii) According to article 60, paragraph 2 of Constitution *“People’s Advocate is independent in the exercise of his duties”*. People’s Advocate does not receive instruction from government. He/she decide autonomously and it is at its discretion to participate in the different working groups established by the government or to be part of process of preparing or amending a law/bylaw.

(iii) According to article 61, paragraph 4 of the Constitution *“People’s Advocate may not take part in any political party, carry on any other political, state or professional activity, or take part in the management organs of social, economic and commercial organizations”*.

Moreover, according to article 10 of the law “On People's Advocate”, “*The People’s Advocate shall be prohibited from participating in political parties or organizations, carrying out any other political, state or professional activities, or participating in the steering bodies of social, economic or commercial organizations. He may exercise the right to teach or be an author*”.

The article 8 of the aforementioned law provides for that one of the motives for the removal from office of the People's Advocate is when he “*Conducts activities that violate the provisions of Article 10 of this Law*”. As previously mentioned, article 62 of the Constitution envisages that the removal from office of the People’s Advocate, is made by decision of the Parliament with three- fifths of all its members (article 62, paragraph 2 of the Constitution). In addition, to the abovementioned legal basis, there is also special legislation regulating this field. The basic law is Law no.9367, dated 7.04.2005 “On the Prevention of Conflicts of Interest in Exercising Public Functions”; The High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest is the Central Authority responsible for the implementation of this law. Also, the other authorities and structures responsible for the implementation of this law within the public institutions are:

- a) the superiors of the officials, according to the hierarchy, within a public institution;
- b) directorates, human resource units, or particular units, specially set up according to the needs and abilities of each public institution;
- c) superior institutions

Provisions that regulate this area, are also defined in Law No. 9131, dated 08/09/2003, “On the Ethics Rules in Public Administration”. Inter alia, Albania has also adopted international acts, which provide for obligations in the field of conflict of interest prevention such as the United Nations Convention against Corruption (UNCAC).

(iv) According to article 61, paragraph 3 of Constitution “*The People's Advocate enjoys the immunity of a judge of the High Court*”. Moreover, the Article 6 of law “On People’s Advocate” stipulates that “*The People’s Advocate shall enjoy the immunity of a High Court judge...* ”

With the latest amendments to the Constitution (made by law no. 76/2016, dated 22.07.2016), article 137 of the Constitution provides for the immunity of the judges of the High Court: *A judge (including the judge of the High Court) enjoys immunity for opinions expressed and decisions taken in the exercise of his functions.*

This immunity is limited to cases of defamation or the commission of criminal offenses. However, in the case of the Commissioners, no legal provision provides for any special protection or immunity for actions taken in their official capacity. They, as well as the rest of the staff of the institution and other state administration bodies, are responsible for property and non-property damage caused to natural or legal persons.

- **COMPOSITION, APPOINTMENT PROCESS, TENURE**

- **Composition**

The Paris Principles state that “the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial

discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

*The GANHRI has adopted the following **General Observations on the composition and pluralism of NHRIs:***

*• **Ensuring pluralism:** The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the Sub-Committee emphasises the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications. The Sub-Committee observes that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:*

• Members of the governing body represent different segments of society as referred to in the Paris Principles;

• Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;

• Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or

• Pluralism through diverse staff representing the different societal groups within the society.

The Sub-Committee further emphasises that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.

*• **Government representatives on National Institutions:** The Sub-Committee understands that the Paris Principles require that Government representatives on governing or advisory bodies of National Institutions do not have decision making or voting capacity.*

(i) Discuss how your NHRI meets the requirement of pluralism. Please explain: Whether your founding law requires a diverse composition of members;

(ii) Which authority/group may nominate candidates for membership;

(iii) The composition of the NHRI's membership, i.e. what positions are created by the enacting law and what positions are currently filled and are in operation (Please include heads and deputy heads of the organization);

(iv) How the groups mentioned at the letters a-e as above are represented;

(v) Representation of women;

(vi) Representation of ethnic or minority groups (e.g. indigenous, religious minorities, etc);

(vii) Representation of particular groups (e.g. people with a disability, etc);

(i) The constitutional and legal framework applicable to the election of the People's Advocate and the Commissioners affords all necessary guarantees to ensure the pluralistic representation of the civil society involved in the promotion and protection of human rights. This framework enables pluralism through the appointment procedures which offer the opportunity to individuals or groups of society to apply in their own personal capacity or by recommending different candidates. Specifically, Article

61, point 2, of Constitution provides that: “ *The People’s Advocate can be any Albanian citizen with university degree, having an outstanding activity and knowledge in the field of human rights and law.*”. In the meantime, according to Article 3 of law “ On People’s Advocate”, the People’s Advocate “may be any person who meets the following requirements:

- is an Albanian citizen;*
- has outstanding knowledge of, and activities in the area of human rights, liberties and law;*
- has distinguished professional skills and moral-ethical qualities;*
- has never been convicted criminally;*
- is not a member of the Parliament that proposes or elects him.*

According to article 31 of the law “On People's Advocate”, as amended, the Office of the People’s Advocate is divided into five specialized sections, each headed by *a Commissioner*. These sections are:

- Section for central administration bodies, local government and third parties acting on their behalf.*
- Section for police, secret service, prisons, armed forces and judiciary.*
- National Mechanism for Prevention of torture, cruel, inhuman or degrading treatment or punishment.*
- Section for the protection and promotion of children's rights.*
- Section of General Issues..*

Depending on the needs of the institution, the People’s Advocate decides for within the sections to setup and make function special subsections, which are defined in the internal regulations of the institution.

According to Article 33 of aforementioned law, Commissioner can be elected any Albanian citizen who at the time of nomination fulfils these legal conditions:

- Have completed university degree in law, degree "Master of Science" or equivalent to it;*
- Have seniority in the profession as a lawyer no less than 10 years;*
- Not be convicted criminally by final court decision;*
- Not to be a member of political parties, MPs, minister, deputy minister.*

A candidate who meets the legal requirements provided above is elected Commissioner based on these objective criteria:

- Seniority in profession;*
- Progress in the performance of university degree and obtaining the scientific titles;*
- In-depth knowledge and/or training in the field of freedoms and human rights and law;*
- Renowned activity in public opinion, pertaining protecting and promoting respect for the rights and liberties of citizens;*
- High moral integrity and a high ethical and moral reputation.*

The above provisions guarantee that the candidacy may represent different groups of societies, enabling cooperation with civil society throughout the selection process of the People’s Advocate and Commissioners. This is made possible by the amendments made in 2014 (Law No. 155/2014), which provide a detailed procedure for the selection of the People’s Advocate, the definition of criteria and procedures for the selection of Commissioners and the completion of the their mandate, change the number of Sections (Commissioners) from 3 to 5, etc.

(ii) According to Article 9 of Law ‘‘On People’s Advocate’’, at the open and public invitation of the Parliament, every citizen who meets the conditions stipulated in this Law may submit candidacy for position of People’s Advocate.

The list of candidates passes to the Parliament committee covering legal issues to verify the fulfilment of constitutional and legal criteria and merit of each candidacy. Legal Affairs Commission organizes public hearings with each candidate. At the conclusion of the hearing process, the Commission approves the list of the candidates together with an assessment for fulfilment of constitutional and legal criteria and merit of each candidate.

Proposal for candidates for *People’s Advocate* need to be presented to the Parliament in written form, by a certain number of MP, selected among the candidates who meet constitutional and legal requirements and merit, as assessed by the committee that covers legal affairs, in the list approved by it.

The People’s Advocate is elected by three-fifths of all members of the Parliament (article 61, paragraph of the Constitution and article 4, paragraph 1 of the law ‘‘On People’s Advocate’’).

According to Article 33/1 of law ‘‘On People’s Advocate’’, the *Commissioners* are proposed to the Parliament by the People’s Advocate. At the public access invitation of the People’s Advocate, every citizen who meets the legal requirements stipulated in the law may submit candidacy for commissioner to the People’s Advocate.

People’s Advocate examines and verifies the fulfilment of the conditions and legal requirements of each candidacy through an open and public process. In cooperation with civil society organizations operating in the field of protection of human rights, he/she organizes the process for reviewing and evaluating candidates.

The list of four candidates selected by the People’s Advocate for every vacancy, together with his evaluation/assessment for the fulfilment of the conditions and legal criteria and ranking of candidates, according to his preference, passes to the Parliamentary Commission covering legal issues. According to Article 111 of the Regulation of the Albanian Parliament, Commissioners are elected by the majority of the members of the Parliament.

In conclusion, it may be stated that legislation in force enables pluralism through the appointment procedures which offer the opportunity to individuals or groups of society to apply in their own personal capacity or by recommending different candidates.

(iii) The law ‘‘On People’s Advocate’’ provides for the following positions:

- People’s Advocate;

- 5 (five) Commissioners (Deputy People’s Advocate), running 5 (five) specialized sections: *Section for central administration bodies, local government and third parties acting on their behalf; Section for police, secret service, prisons, armed forces and judiciary; National Mechanism for Prevention of torture, cruel, inhuman or degrading treatment or punishment; Section for the protection and promotion of children’s rights; and Section of General Issues.*

All these positions are already filled and in full operation.

(iv) As a principle matter, both the call for submission of interest for the vacancy of the position of Peoples Advocate and/or the Commissioners, are public and any person meeting the criteria may present the application to hold such offices. There are no criteria to prevent from applying any category of people. The experience to the date has shown that all three People’s Advocates have been distinguished lawyers with an outstanding career.

As mentioned above, proposals for the Commissioners are presented to the Parliament by the People's Advocate in close cooperation and consultation with civil society organizations. Furthermore, during the process of selection of candidacy for Commissioners, People's Advocate submits, among others, the invitation for the candidates who belong to law universities (public and private one), civil society organizations in the field of human rights and other groups of interest. The relatively big number of candidates for each position (4 candidates) is a guarantee to include in such proposals more individuals that present different experiences.

During the period March 2014 – February 2019, one of commissioners belonged to the group of persons with special needs. Currently, 2 (two) out of 5 commissioners have been full time lecturers in the universities, 1 part time lecturer and 2 others come from within public administration.

(v) For the first time (in June 2017), the Albanian Parliament elected a woman as the People's Advocate (Mrs. Erinda Ballanca). Further on, in March 2018 and February 2019, Albanian Parliament also elected 5 Commissioners, which are all women.

(vi) The management and staff of the People's Advocate Institution is permanently composed of persons representing different layers of society, including religious/minority groups.

(vii) As we noted above, one of the Commissioners (the Commissioner of the General Section) was a person belonging to the category of persons with special needs. His election to this position was accomplished by working closely with representatives of civil society organizations that advocate for the interests of persons in need and considering the role that the People's Advocate has in protecting and promoting the human rights, including the protection of vulnerable groups rights.

- **Selection and appointment**

*The GANHRI has adopted the following **General Observations on selection and appointment**:*

- ***Selection and appointment of the governing body:** The Sub-Committee notes the critical importance of the selection and appointment process of the governing body in ensuring the pluralism and independence of the National Institution. In particular, the Sub-Committee emphasises the following factors:*
 - *A transparent process*
 - *Broad consultation throughout the selection and appointment process*
 - *Advertising vacancies broadly*
 - *Maximising the number of potential candidates from a wide range of societal groups*
 - *Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.*

Discuss how members of the NHRI are selected and appointed. Please explain:

- (i) **The legal provisions (in your founding law or elsewhere) regarding the selection and appointment of members to the NHRI;**
- (ii) **The selection process and appointment procedure in practice (please indicate how publicity, transparency, broad consultation, openness to different groups of societies are enshrined in the enabling legislation and operate in practice);**
- (iii) **Whether and how these procedures ensure adequate representation of civil forces (e.g. civil society) involved in the promotion and protection of human rights**

- (iv) Cooperation with the representatives of the groups mentioned above in 3.1;**
(v) Membership criteria;

(i) According to article 61, paragraph 1 of the Constitution, the People's Advocate, is elected by three-fifths of all members of the Parliament for a five-year period, with the right of reelection. This majority is also stated by article 4, paragraph 1 of the law "On the People's Advocate".

According to Article 33/1 of law "On People's Advocate", the *Commissioners* are proposed to the Parliament by the People's Advocate. According to article 111 of the Regulation of the Albanian Parliament, Commissioners are elected by the majority of the members of the Parliament. The Commissioner is elected by Parliament for a four-year term, which may be renewed only once.

During the reporting period, through open public calls and in close cooperation with civil society, the selection and appointment of commissioners by the Albanian Parliament was made possible. Specifically:

- Selection and appointment of three commissioners in April 2014
- Selection and appointment of two commissioners in March 2018
- Selection and appointment of three commissioners in February 2019

More information about the selection and appointment process is provided under item 3.1.

(ii) The People's Advocate, (Mrs. Erinda Ballanca) has been selected on the basis of a common political agreement between the two main political forces (Socialist Party and Democratic Party). This selection was part of a broad agreement to overcome the severe political crisis in the country at that time (May 2017). Under the agreement, the initial proposal was made from the opposition party (Democratic Party). The candidacy for People's Advocate was reviewed by the respective Parliamentary Committee on whether the candidate met the constitutional, legal and merit criteria, in particular the criteria of independence.

The current People's Advocate, Mrs. Erinda Ballanca, coming from the rank of lawyers, was elected with consensus by the members of the Parliament, in June 17nd, 2017 with 112 votes (from a total of 140 members). She has always exercised the profession of the lawyer. She has never been a member of any political parties and is a distinguished member of the legal community.

In fact, a practice has been established with election of the former People's Advocate Mr. Igli Totozani, where the proposal was left to the opposition parties, at the time the Socialist Party. None of the People's Advocates has had any political positions after their mandate.

(iii) Throughout the steps dealt with above, the members from the civil society are free to participate actively. It is worth mentioning, the obligation stipulated by the law "On People's Advocate" for the selection of commissioners. Article 33/1 of the aforementioned law clearly provides for: *People's Advocate examines and verifies the fulfilment of the conditions and legal requirements of each candidacy through an open and public process and in cooperation with civil society organizations operating in the field of protection of human rights, organizes the process for reviewing and evaluating candidates.*

The entire legal framework as well as its practical implementation through open public announcements and adequate involvement of civil society at all stages of the process has guaranteed the unlimited possibility (respecting the legal criteria) of individuals or groups of society to apply in their own personal capacity or by recommending different candidates.

In particular, in the process of selecting commissioners, civil society representatives have been an important part of the Ad-Hoc Committee set up by the People's Advocate to evaluate and select these candidates.

(iv) As already mentioned the process of selection of the People's Advocate and commissioners is made public through the publication of the announcement on the web site of the parliament and in the official gazette (for the selection of the People's Advocate) as well as on the People's Advocate's web site and in the two circulated newspapers (for the selection of commissioners). All interested groups are free to become part of this process by proposing candidacies, monitoring the process, or even becoming part of the evaluation and selection process (as is the case of cooperation with the People's Advocate for evaluation and selection of candidates for commissioner).

(v) According to article 61 of the Constitution: "*Any Albanian citizen with university degree, having an outstanding activity and knowledge in the field of human rights and law, may be the People's Advocate*" (paragraph 2).

The People's Advocate may not be a member in any political party, carry on any other political, state or professional activity, or take part in the management organs of social, economic and commercial legal entities(paragraph 4).

According to Article 3 of law "On People's Advocate", the People's Advocate "may be any person who meets the following requirements:

-is an Albanian citizen;

-has outstanding knowledge of, and activities in the area of human rights, freedoms and law;

-has distinguished professional skills and moral-ethical qualities;

-has never been convicted criminally;

-is not a member of the Parliament that proposes or elects him.

According to Article 10 of law "On People's Advocate", People's Advocate shall be prohibited from participating in political parties or organizations, carrying out any other political, state or professional activities, or participating in the steering bodies of social, economic or commercial organizations. He may exercise the right to teach or be an author".

According to Article 33 of aforementioned law, Commissioner can be elected any Albanian citizen who at the time of nomination fulfils these criteria;

-Have completed university degree in law, degree "Master of Science" or equivalent to it;

-Have seniority in the profession as a lawyer no less than 10 years;

-Not be convicted criminally by final court decision;

-Not to be a member of political parties, MPs, minister, deputy minister.

A candidate who meets the legal requirements provided in paragraph 1 of this Article is elected Commissioner based on these objective criteria:

-Seniority in profession;

-Progress in the performance of higher education and obtaining the scientific titles;

-In-depth knowledge and/or training in the field of freedoms and human rights and law;

-Renowned activity in public opinion, pertaining protecting and promoting respect for the rights and freedoms of citizens;

-High moral integrity and a clean ethical and moral reputation.

3.3.Tenure

The Paris Principles state that in order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

The GANHRI has adopted the following General Observations on membership tenure:

Full-time Members: *Members of the NHRIs should include full-time remunerated members to:
Ensure the independence of the NHRI free from actual or perceived conflict of interests;
Ensure a stable mandate for the members;
Ensure the ongoing and effective fulfilment of the mandate of the NHRI.*

Guarantee of tenure for members of governing bodies: *Provisions for the dismissal of members of governing bodies in conformity with the Paris Principles should be included in the enabling laws for NHRIs.*

The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;

Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;

Dismissal should not be allowed based on solely the discretion of appointing authorities.

Discuss how the tenure of the NHRIs' members is ensured. Please explain:

- (i) The terms of office of members (and if it is specified in the founding law);**
- (ii) Whether members are full and/or part-time;**
- (iii) Whether the members receive adequate remuneration;**
- (iv) Whether the members' terms are renewable;**
- (v) The grounds and procedures for dismissal and/or resignation of a member and how they operate in practice;**
- (vi) If there is an advisory body in addition to the members, and if so, please set out the membership requirements of this body.**

(i) The People's Advocate and Commissioners are appointed for a determined term. Such terms are provided for in the Albanian Constitution and organic law. Specifically:

According to article 61, paragraph 1 of the Constitution, the People's Advocate, is elected for a five-year period, with the right of re-election. This provision is also envisaged by article 5, of the law "On the People's Advocate", as amended.

According to Article 33/1 of law "On People's Advocate", as amended, the Commissioner is elected by Parliament for a four-year term, which may be renewed only once.

(ii) The People's Advocate and Commissioners are public officials, employed full time. The staff of the institution, which are civil servants, are also employed full time. Article 10 of law "On People's Advocate" prescribes that the People's Advocate cannot perform any other public or professional duty during his/her term in office, except the right to teach or be an author. The same standard applies to the commissioners too.

(iii) The remuneration of People's Advocate is defined by the Article 6 of the law "On People's Advocate", as amended, in which is stipulated that: *The People's Advocate shall enjoy the immunity of a High Court judge. His salary shall be equal to the salary of the President of High Court*".

On the other hand, Article 33 of the same law provides that: *The salary of the Commissioner is as two-thirds of the salary of the People's Advocate.*

Having in mind the remuneration system in Albania as well as the general economic situation, it is considered that People's Advocate and Commissioners receive adequate remuneration.

(iv) As mentioned above, both the People's Advocate and Commissioners' terms are renewable. During the whole period since the establishment of the institution (in 2000), there have been three cases of re-appointment. Specifically:

- Former People's Advocate, Mr. Ermir Dobjani, for the period 2000 -2010
- Former Commissioner, Mrs. Floriana Nuni, for the period 2000-2007
- Former Commissioner, Mr. Arben Shkempi, for the period 2010 -2019

(v) According to article 62 of the Constitution, "*The People's Advocate may be discharged only on the reasoned request of not less than one-third of the deputies. In this case, the Parliament makes a decision with three-fifths of all its members*".

According to article 7 of the law "On People's Advocate", "*The mandate of the People's Advocate terminates if:*

- a. *He resigns;*
- b. *His 5-year term in office elapses;*
- c. *He dies;*
- d. *He is removed from office.*

In the meantime, the Article 8 of aforementioned law stipulates that: *The People's Advocate shall be removed from office only in case he/she:*

- a. *Is convicted by means of a final court decision;*
- b. *Becomes mentally or physically incapacitated to perform his duties;*
- c. *Conducts activities that violate the provisions of Article 10 of this Statute;*
- ç. *Is absent from duty for more than three months.*

The motion for the removal of the People's Advocate shall be presented by at least one-third of the members of the Parliament. The decision of the removal from office of the People's Advocate shall be taken with the votes of three-fifths of the members of the Parliament.

According to article 34 of the law "On People's Advocate" as amended, "*he provisions of this law in cases of the mandate termination and dismissal of the People's Advocate apply to commissioners too. The Commissioner may be removed by the Parliament motivated request of at least 1/3 of the members of the Parliament or of the People's Advocate*".

Likewise, Commissioners can be removed from office with the request of the People's Advocate before the end of the three-year term for abusing of their duties or acts and behaviour that seriously discredit their position and reputation (article 34, paragraph 3 of the law "On People's Advocate" as amended).

The People's Advocate appoints one of the commissioners in duty to replace the Commissioner whose term has terminated in other cases as stipulated in this law, until the election of a new commissioner.

Thus, the cases are specific and well-defined. So far no commissioners have been removed from their office.

(vi) In his/her daily work, the People's Advocate is supported permanently by an internal structure, composed by the Commissioners, the Secretary-General, Director of Cabinet. This structure meets once a week to provide opinions and suggestions to the People's Advocate on various issues. Other staff, if deemed necessary, may be invited to attend the meeting.

Likewise, an Advisory Board on Human Rights composed of representatives of civil society and distinguished personalities active in the field of human rights, has been established. This Advisory Board has consultative and advisory functions by providing to the People's Advocate advice on different issues related to human rights.

In addition to, recently an Ad-Hoc Commission with the representatives of civil society has been established focused on providing to the People's Advocate advice on health-related issues.

- **ORGANIZATIONAL INFRASTRUCTURE**

4.1 Infrastructure

The Paris Principles state that the national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

Discuss the NHRI's infrastructure.

Please explain:

- (i) **The organizational structure of the NHRI;**
- (ii) **How the NHRI's infrastructure (including staff and resources) is allocated;**
- (iii) **How the NHRI's infrastructure allows it to function according to its mandate;**
- (iv) **Evidence that the NHRI is adequately resourced and staffed.**

Please provide:

- (i) **An organizational chart of the NHRI's structure.**

(i) According to Article 35 of law "On People's Advocate", "*People's Advocate is organized in central and local level, based on the needs of the institution and the state budget. The structure and organigram of the institution are designated by the People's Advocate according to the number of employees approved in the annual budget of the institution.*

The Head of institution is the People's Advocate, who is supported in his/her daily works by the Cabinet. There are 5 specialized Sections headed by the Commissioners: 1. Section for central administration bodies, local government and third parties acting on their behalf; 2. Section for police, secret service, prisons, armed forces and judiciary; 3. National Mechanism for Prevention of torture, cruel, inhuman or degrading treatment or punishment; 4. Section for the protection and promotion of children's rights; 5. Section of general issues. Likewise, there is the position of Secretary General, the task of whom is the financial and administrative management of the institution as well as the supporting Department of Human Resources, Finance and Reception of Citizens (including the Sector of International Cooperation and EU Integration), as shown in the organigram below.

The job description and the functioning of aforementioned structures are clearly stipulated by the internal regulation of institution, approved by the People's Advocate (Regulation no.182, dated 15.07.2016).

(ii) According to Article 35 of law "On People's Advocate" (paragraph 3): "*The staff of the People's Advocate Office is part of the Civil Service of the Republic of Albania*". In the meantime, referring to Article 36 of aforementioned law "*The draft budget of the People's Advocate is proposed by the People's Advocate pursuant to the law on budget management system in the Republic of Albania and approved by the Parliament.*

The People's Advocate prepares annually his accounts pursuant to the law on the financial management and audit. The financial records of the Office of the People's Advocate are subject to review by the High State Control".

The internal acts/regulation adopted by the People's Advocate define activities of each aforementioned section/department, so that all mandates of institution are implemented as well as smooth operation and functioning of institution is ensured.

Pursuant to the law no. 9936, dated 26.06.2008 “On the management of budgetary system in the Republic of Albania”, as amended, People's Advocate Institution, does respect all the procedures, regulations, standards for the development and implementation of the state budget as all other public institutions. The People's Advocate Institution has its own budget which is approved by the Albanian Parliament. The budget is proposed by the People’s Advocate, based on the needs and after internal consultation with the all relevant structure, to the Ministry of Finance and to the Parliament.

The number of employees for the People's Advocate Institution is determined by the Albanian Parliament. Every budgetary year People’s Advocate, along with the draft-budget, presents to the Ministry of Finance and Parliament the needs for additional human resources with the aim to reflect its broad mandate. The total number of staff has increased from 48 in 2013, to 56 in 2018. In addition, there are 7 (*seven*) employees of Regional Offices, established in collaboration with local authority (at the municipality level), working on part-time contracts (6 hour per day).

The institution has the option of hiring temporary staff, depending on its needs. Currently, 3 experts have been recruited with the financial support of UNHCR for the purpose of monitoring the migrants' crossing points. Also, with the support of UNICEF, 2 experts are working in the Section for the protection and promotion of children's rights, to implement certain activities in the area of juvenile justice.

(iii) Each department/section reflects one of the mandates which are elaborated in the law “On People’s Advocate” and to the internal acts/regulation endorsed by the People's Advocate.

Section for central administration bodies, local government and third parties acting on their behalf, is focused on the People`s Advocate/maladministration mandate and protection of human rights of citizens.

Section for the protection and promotion of children's rights, focused on child rights promotion and combing the abuse and maltreatment of all children, in particular children of vulnerable groups and minorities.

Section of general issues, focusing on human rights protection and prevention, notably on vulnerable groups (persons with disabilities, minorities, women, disadvantaged groups etc.).

National Mechanism for Prevention of torture, cruel, inhuman or degrading treatment or punishment focused on NPM mandate in accordance with the Optional Protocol of the UN Convention against Torture (NPM)

Section for police, secret service, prisons, armed forces and judiciary, focused on addressing the complaints of persons deprived of liberty, human rights violations by police forces, etc.

Department of Human Resources, Finance and Reception of Citizens focused on the preparation and execution of the budget, human resources, administration, archiving and technology of information.

Despite the limited financial resources of the Albanian state, the People`s Advocate Institution has managed to carry out its activities in accordance with its mandate. The fact can be illustrated in the increasing number of complaints, special reports, and different promotional activities, accomplished during the period 2014-2019. Therefore, there must be stressed out that the existing infrastructure allows the People’s Advocate to fulfill its mandate as an NHRI in accordance with the Paris Principles.

(iv) The People's Advocate has continuously managed to secure additional budget for implementing its mandate. This is due to the continued financial support provided by international donors, as can be mentioned here in particular the support provided by the Government of the Kingdom of Denmark for the period 2013- 2017, and by the Swedish Government as well. The budget and human resources has been progressively increased since 2013.

Given our permanent objective for being more present and proactive, the financial and human resources support should have been more extensive. The People's Advocate institution requires a higher awareness from the government and parliament in order to secure a bigger support, in terms of financial and human resources.

Consequently, People's Advocate institution has presented to relevant institutions financial new requirements to better fulfill the promotion mandate.

Overview of the number of employees from 2013 to 2019

Year	2013	2014	2015	2016	2017	2018	2019
Number of employees	50	54	55	64	66	65	68

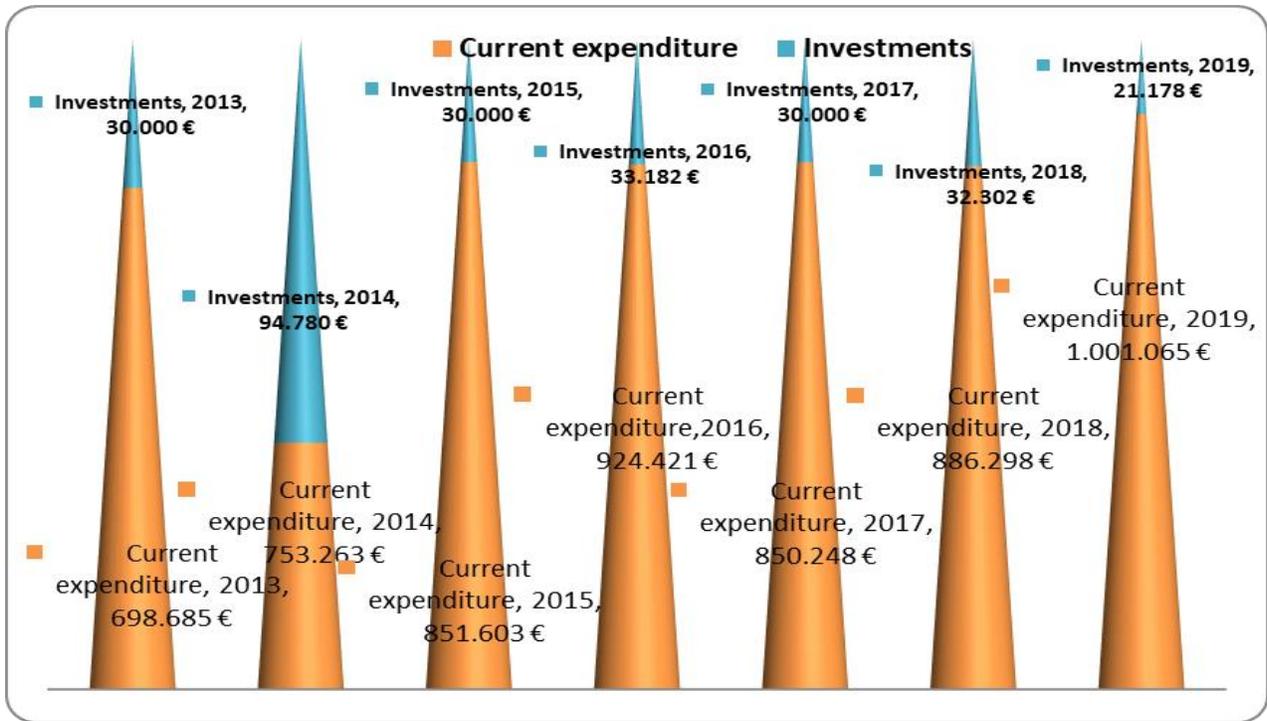
- Overview of the budget from 2013-2019

Total budget of PA institution

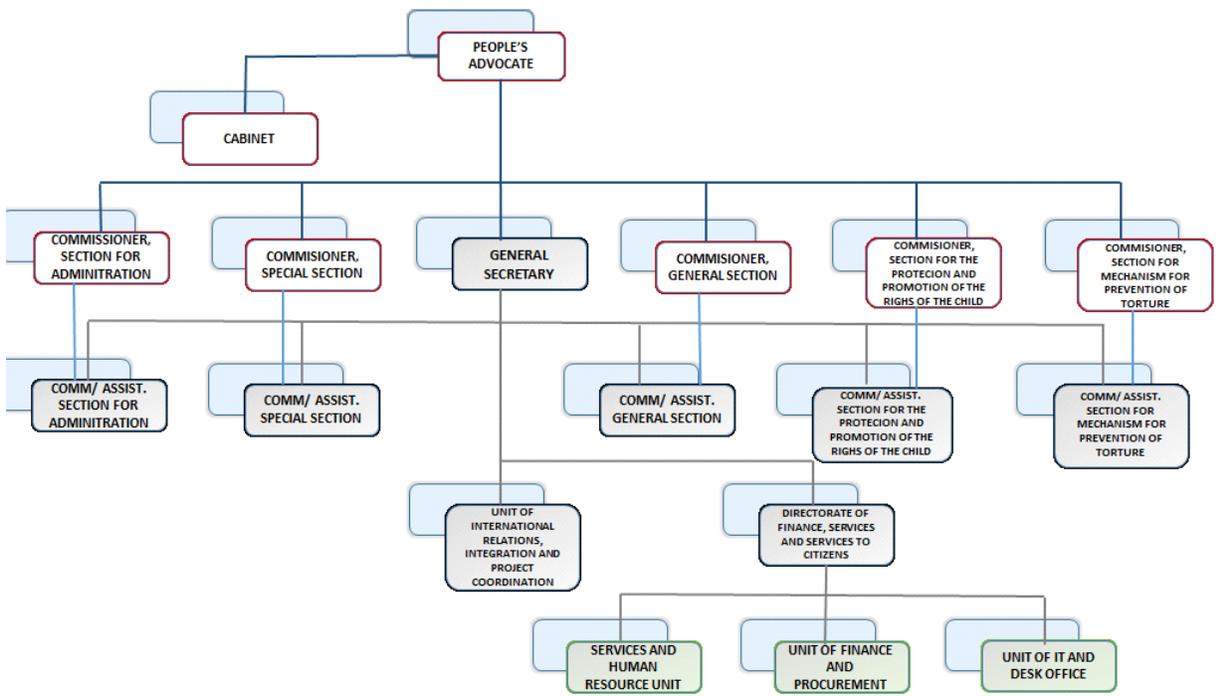
Year	2013	2014	2015	2016	2017	2018	2019
State Budget per year	687,000.00 €	718,000.00 €	714,000.00 €	793,000.00 €	800,000.00 €	872,000.00 €	940,000.00 €
Projects Budget per year	41,684.84 €	130,042.65 €	167,002.64 €	164,603.47 €	80,247.93 €	46,600.07 €	82,242.79 €
Total Budget	728,684.84 €	848,042.65 €	881,002.64 €	957,603.47 €	880,247.93 €	918,600.07 €	1,022,242.79 €

Total Budget divided between current expenses and investments

No.	Year	2013	2014	2015	2016	2017	2018	2019
1	Current expenditure	698,685 €	753,263 €	851,603 €	924,421 €	850,248 €	886,298 €	1,001,065 €
2	Investments	30,000 €	94,780 €	30,000 €	33,182 €	30,000 €	32,302 €	21,178 €
3	Total	728,685 €	848,043 €	881,603 €	957,603 €	880,248 €	918,000 €	1,022,243 €



- Below, the organizational chart of the People's Advocate:



4.2 Staffing

*The Paris Principles state that the NHRIs should be able to have its own staff.
The GANHRI has adopted the following General Observation on staffing:*

Staff of an NHRI: As a principle, NHRIs should be empowered to appoint their own staff.

Staffing by secondment: In order to guarantee the independence of the NHRI, the Sub Committee notes, as a matter of good practice, the following:

Senior level posts should not be filled with secondees;

The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.

Discuss the NHRI's staffing. Please explain:

- (i) How staff of the NHRI are hired;**
- (ii) If there are any limitations on the NHRI's authority to hire staff;**
- (iii) Which current positions (if any) are filled by secondees;**
- (iv) What percentage of the staff (including senior position) is seconded;**
- (v) Whether and how the staff reflects the principle of pluralism.**

Please provide:

(vi) A list of the staff of the NHRI or, if provided in another document, refer to the organisational chart illustrating the staffing structure of the NHRI (please indicate gender distribution).

(i) According to Article 35 of law "On People's Advocate (paragraph 1, 2 and 3)", "People's Advocate is organized in central and local level, based on the needs of the institution and the State Budget. The structure and organigram of the institution are designated by the People's Advocate according to the number of employees approved in the annual budget of the institution. The staff of the People's Advocate Office is part of the Civil Service of the Republic of Albania.

Therefore, the People's Advocate has the authority to hire his/her staff autonomously. As the staff members are civil servant, the procedure of selection is strictly defined by the law no.152/2013 "On civil servant" as amended. According to legal requirements set therein, the People's Advocate publishes a call for employment of new staff on its own webpage and on the webpage of National Employment Service. After the deadline has passed, all the candidates who fulfill the formal criteria are called in for testing (which involves a written and oral test, knowledge of foreign language etc.) before a panel composed by the representatives of institution and external expert of relevant area. Candidates with equal points are ranked according to the following criteria: a) In case one of the candidates falls into the category of persons with disabilities, then he is selected first in relation to the other candidate; b) If the candidates are of different gender, then the ranking is done by ranking the first candidate belonging to the least represented gender in the group he/she is competing for. In addition to the civil service staff, there is also a category of staff recruited under the Labor Code, including the People's Advocate's Office/Cabinet and supporting services (number of which goes to 15).

(ii) According to Article 21 of law "On civil servant", in order to be admitted into the civil service, the candidate shall meet the following requirements: a. Albanian citizenship; b. having full legal capacity to act, c. commanding the Albanian language, written and spoken; ç. being in appropriate health condition to carry out the respective duties; d. not being sentenced by a final court decision for the commission of a crime or a criminal contravention committed by intention; dh. not having been

dismissed from the civil service as a disciplinary sanction which has not lapsed in accordance with this law; fulfilment of the specific criteria related to education, experience and others for the respective category, class, group and position.

In the meantime, the staff recruited under the Labor Code are hired according to its provisions and requirements stipulated by the institution itself.

(iii) Which current positions (if any) are filled by secondees;

There is one secondee for one person with maternity leave

(iv) What percentage of the staff (including senior position) is seconded;

The percentage of the seconded staff is 1.7%.

(v)The staff of People’s Advocate include experts with different educational background (law, finance, social science, journalism) as well as with different professional background including those coming from public administration, private sector, civil society, trade unions etc. The People’s Advocate Institution is an equal opportunity employer and a special focus is placed on the principle of gender. For the period 2014-2019, the figures shown up an increased number of female staff (Please, see the table below). That’s because the vast majority of candidates who apply for recruitment are woman. In the meantime, the People's Advocate and 5 commissioners are women as well.

Year	2013	2014	2015	2016	2017	2018	2019
Number of employees	48	50	51	55	56	56	56
Nr. of Females	23	24	25	29	32	35	35
Percentage	48%	48%	49%	53%	57%	63%	63%

Below, the list of staff of the People's Advocate:

Table 1: Current Organizational Structure of the People’s Advocate			
Function	Number of employees	Category/Class	GENDER M/F
Erinda Ballanca - People’s Advocate	1	Law No. 9584, date 17.7.2006, Annex 1, B	F
Cabinet	7	Decision of Council of Ministers (DCM) No. 187, date 08.03.2017	
Enio Haxhimihali - Head of Cabinet	1	I-b	M
Sokol Shameti - Adviser	1	DCM No. 187, date 08.03.2017	M
Lindita Dedëgjoni - Adviser	1	DCM No. 187, date 08.03.2017	F
Jorida Rustemi - Adviser	1	DCM No. 187, date 08.03.2017	F
Ardian Nezha - Adviser	1	DCM No. 187, date	M

Gentian Trenova - Adviser	1	08.03.2017 DCM No. 187, date	M
Dorina Memetaj - Secretary	1	08.03.2017 DCM No. 187, date	F
Fatbardh Zenelaj - General Secretary	1	I-a	M
Unit of International Relations, Integration and Project Coordination	3		
Besmira Petriti - Head of Unit	1	III-a	F
Brisida Kërtusha - Expert	1	III-b	F
Expert	1	III-b	
Section for central administration, local government and third parties acting for their own account	7		
Erjona Bana - Commissioner	1	Law nr. 155/2014, date 27.11.2014	F
Erind Pirani - Commissioner Assistant	1	II-a	M
Kejsi Rizo - Commissioner Assistant	1	II-a	F
Arben Gjoleka - Commissioner Assistant	1	II-a	M
Drita Panda - Commissioner Assistant	1	II-a	F
Olsa Brati - Commissioner Assistant	1	II-b	F
Suzana Cena Commissioner Assistant	1	II-b	F
Section for Police, Secret Service, Prisons, Armed Forces and Judiciary	5		
Ermonela Ruspi-Commissioner	1	Law nr. 155/2014, date 27.11.2014	F
Sotiraq Nushi-Commissioner Assistant	1	II-a	M
Petrit Azemaj - Commissioner Assistant	1	II-a	M
Adil Skuqi - Commissioner Assistant	1	II-b	M
Fjona Zaçe - Commissioner Assistant	1	II-b	F
General Section	5	Law nr. 155/2014, date 27.11.2014	
Vilma Shurdha - Commissioner	1		F

Lindita Xhillati - Commissioner Assistant	1	II-a	F
Alket Jaupi - Commissioner Assistant	1	II-a	M
Mimoza Morina - Commissioner Assistant	1	II-a	F
Etleva Sheshi - Commissioner Assistant	1	II-b	F
Section for the Protection and Promotion of the Rights of the Child	4		
Nejla Peka- Commissioner	1	Law No. 155/2014, date 27.11.2014	F
Anila Nepravishta - Commissioner Assistant	1	II-a	F
Matilda Tyli - Commissioner Assistant	1	II-a	F
Donald Fetah - Commissioner Assistant	1	II-b	M
Mechanism for prevention of Torture and Other Cruel, Inhuman and Degrading Treatment	5		
Ermonela Xhafa - Commissioner	1	Law nr. 155/2014, date 27.11.2014	F
Alfred Koçobashi - Commissioner Assistant	1	II-a	M
Besnik Deda - Commissioner Assistant	1	II-a	M
Genci Tërpo - Commissioner Assistant	1	II-b	M
Nertila Qafzezi - Commissioner Assistant	1	II-b	F
Directorate of Finance, Services and Services to Citizens	18	II-b	
Dejana Burgija - Director	1	II-b	F
Services and Human Resource Unit	10		
Marjeta Sanxhaku - Head of Sector	1	III-a	F
Driada Gosturani - Specialist for human resources	1	III-b	F
Malbora Aga- Specialist of Protocol	1	III-b	F
Merita Hysenaj - Archivist/Librarian	1	VIII	F
Dritan Metani - Driver of the Head of Institution	1	VI	M

Arben Poda - Driver	1	IV	M
Arben Rexhepaj - Driver	1	IV	M
Bajram Kopani - Secondary specialist technician	1	VI	M
Valentina Doda - Cleaning worker	1	I	F
Valentina Shapa - Cleaning worker	1	I	F
Unit of Finance and Procurement	3		
Ilirjan Lole - Head of Unit	1	III-a	M
Stela Shkarpa - Procurement expert	1	III-b	F
Emi Hoxholli - Finance expert	1	III-b	F
Unit of IT and Desk office	4		
Ervina Gjana - Head of Unit	1	III-a	F
Inva Çela - Expert / services to citizens – seconded by Elisa Mjekra	1	III-b	F
Ksanthipe Kokëdhima - Expert / services to citizens	1	III-b	F
Jonida Vila - Expert / services to citizens	1	III-b	F

- **Premises (accessibility)**

The Paris Principles state that the NHRIs should be able to have its own (...) premises and that, within the framework of its operation, the national institution shall (...) set up local or regional sections to assist it in discharging its functions.

Discuss the NHRI's premises. Please explain:

- (i) The presentation of the main premises of your organization;
- (ii) Whether the NHRI has local or regional offices;
- (iii) If so, how local and regional offices communicate with the main office;
- (iv) How the public can access the NHRI's offices;
- (v) Whether the NHRI's offices are accessible to people with disabilities;

Please also describe procedures and mechanisms of the NHRI to ensure accessibility to the broader population and in particular, to people who are exposed to human rights violations or non-fulfilment of their rights, i.e. women, ethnic, linguistic, religious or other minorities, non-nationals and persons with disability, as well as the poor.

(i) The People's Advocate Institution is located in one of main boulevards of Tirana (Albania) and has the necessary space to carry out its functions/mandate normally. The Institution is easily accessible by

public/private transport as well as on foot. Also, the premises are accessible for the persons with disabilities. The public has access to the People's Advocate Office on Monday- Friday from 08:30am to 16:30pm. Likewise, since 2016 in the institution is established and functioning the Human Rights Information Center, with the purpose to collect and make available all documentation containing important human rights information. This Information Center is open to the public during the days and time mentioned above.

(ii) According the Article 32 of law "On People's Advocate", *"If the People's Advocate deems it reasonable, he may appoint a local representative for a specific matter and definite time. The local authorities shall provide the representative with office space and working conditions adequate for the fulfillment of his duties under this Statute. The representative shall be remunerated from the budget of the People's Advocate."*

Therefore, the People's Advocate, in cooperation with the local government, has established 7 (seven) regional offices in the cities of Shkodra (2006), Fier (2012), Berat (2013), Saranda (2013), Kukës (2015), Pogradec (2014) and Dropull (2014) commune (the latter in an area where the Greek minority resides). All regional offices are provided with the necessary infrastructure (computers, printers, office equipment, etc.), which tangibly facilitate the communication of the citizens of these areas with the People's Advocate institution. Since the beginning of 2016, the representatives of regional offices are recruited on a part-time basis (6 hours per day) and are paid from the People's Advocate's budget.

The relevance of regional offices can be shown through the number of complaints received, cooperation established with local/regional communities, civil societies organizations and regular communication with local media. The regional People's Advocate offices have proven to be very effective and in line with the expectations of the People's Advocate Institution, referring to the promotion of this institution and human rights in the geographical areas where these offices operate.

A measurable indicator that shows the effectiveness of the regional offices of the People's Advocate, and consequently the increase of citizens' trust in these offices, is the ever-increasing number of complaints turns out to be relatively over 35% (almost one-third) of all complaints submitted to the People's Advocate office in the last 3 (three) years. To give an example; out of the total of 4546 complaints handled during 2018, 1918 complaints (or 42.20% of them) came from regional offices.

(iii) The communication between main office and regional offices is made through permanent representatives of regional offices. These representatives are present at office every day (Monday to Friday from 09:00 am to 15:00 pm, with the aim to receive complaints from citizens. For the complaints that are not within to competence of the People's Advocate, the representatives of regional offices provides advice to the people in order to direct the complaint to the competent institution. The complaints that are within the competence of the People's Advocate are sent to the main office of the People's Advocate central office in Tirana in order to be further treated by the subject-matter experts. The communication on regular daily bases between the regional offices and the Central Office of the People's Advocate in Tirana is kept through mail, phone and electronic mail. In cases requiring immediate expert review, the complaint is sent within immediately to the People's Advocate's central office via e-mail.

The Department on Human Resources, Finance and Reception of Citizens is competent to monitor the work and progress done by the regional offices through holding regular meetings with the staff of local offices (between 4 up to 6 meetings a year) in addition to permanently reporting (on the weekly, monthly, and annual bases), on the number of complaints, counseling and guidance provided the citizens. In addition to the activities aimed to ensure the protection of citizens from unlawful or improper acts of the organs of the public administration, the presence of the regional office and of the their representatives has also a significant role in promoting fundamental rights and freedoms in the

Region, in close collaboration with civil society and other relevant entities working in the field of human rights.

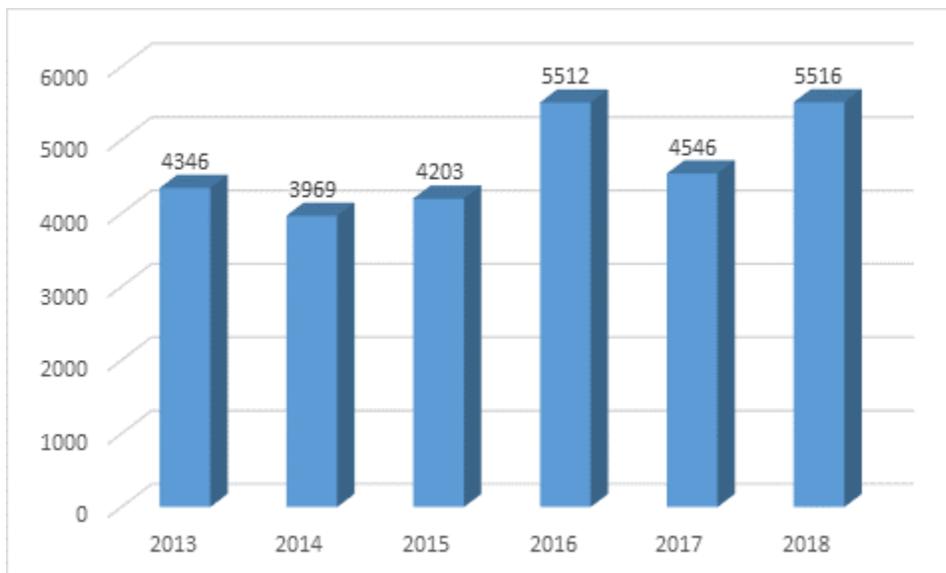
Additionally, the staff of regional offices often attend different events and meetings (seminars, auditoriums, conferences, trainings) held in Tirana on the topics on human rights related area. Likewise, the People's Advocate events (especially the open days) are occasionally organized in the cities where the regional offices are situated, in order to decentralize the operations of institution.

(iv) Despite of the possibility for the individual to access the main office of the People's Advocate in Tirana, located in the central area of city and easily reachable either with public and private transport or on foot, and in the other 7 Regions (located as well in the central area of the respective cities), the public can access the official web page of the People's Advocate (www.avokatipopullit.gov.al) and the Facebook page. This webpage was totally reorganized in 2018. A separate child-friendly webpage for promotion of children's rights is created too.

In addition, there is a mobile number available to the public 24 hours in every day of the week. The citizens may also sum up their problem through an SMS together with the accurate address and afterwards they are contacted by experts of the Institution of the People's Advocate. Likewise, for these persons, there is also a free of charge phone number 0800 1111 during the official opening hours - 08:30 until 16:30, from Monday till Friday.

Whereas for the persons who are in the penitentiary institutions, such a communication is kept through direct phone lines or through the mail boxes established by the People's Advocate in each penitentiary institution. These mail boxes are accessible only by the staff of the People's Advocate and mail is collected during the inspection visits in these institutions.

However, in order to increase citizens' accessibility, the People's Advocate app for smart phones of the same name has been made available to the public. The app aims to provide an additional platform for citizens to receive complaints about human rights violations and corruption reporting, while continuously improving the internal complaints handling process so that citizens receive professional and timely responses. The app is especially useful for citizens living outside of Tirana and those who do not own a computer. These citizens will be able to easily file complaints through their mobile phone and track the progress of their complaint. In the recent years, a significant number of handled complaints was recorded, as shown in the graph below:



(v) The People's Advocate institution is fully accessible for people with disabilities. At the beginning of 2013, the People's Advocate in collaboration with the Albanian Visual Impaired People Association conducted an evaluation on the accessibility of the institution from visible disability persons. Based on the results of this evaluation, a plan was made for improving the accessibility of the institution for them. In 2016, institution managed to adopt the necessary infrastructure for the visually impaired people. Likewise, several ramps have been established outside and inside the premises of the institution. Additionally, the regional offices in Saranda, Shkodra, Pogradec and Fier are fully accessible by people with disabilities, while regional office in Kukes, Dropull and Berat are not yet accessible for the disabled people.

Protecting and promoting the rights of vulnerable groups has been and remains one of the priorities of the People's Advocate institution. This has also been emphasized in the People's Advocate's Strategic Plan and Action Plan (2019-2022) in order to be as close as possible to the needs and problems that marginalized groups have. In addition to the accessibility they have to present complaints in the forms and ways mentioned above, the People's Advocate has been committed to reaching out to citizens (especially to marginalized groups) to hear and receive their complaints. In this context, during the reporting period, the institution has managed to carry out many promotional activities in different regions and municipalities of Albania such as: *open days with citizens; meetings with NGOs defending the rights of vulnerable groups, meetings with the local media; local government units etc.* In addition, the institution has carried out several auditoriums in close collaboration with national and/or international organizations and other interested stakeholders, focused on; *Situation of collective rights of minorities in Albania; The future of orphan children in Albania, decentralization-deinstitutionalization; The work right of disable persons; Definition of minimum standard of living.* Likewise, the institution is also engaged in drafting of special reports related to the protection and promotion of the vulnerable group's rights, where it is worth mentioning; *the report "On employment of persons with disabilities in central and local institutions" (2016); Report "On the implementation of the CEDAW Convention in Albania" (Presented by the People's Advocate Institution to the United Nations Committee on the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW); Report "On definition of minimum standard of living in Albania" (2016); Developing of a Monitoring and Evaluation Methodology for Social Services Provided by Local Government" (2018); Monitoring Report on the Distribution of Economic Aid and Respecting the Rights of the Disabled Peoples(2019).*

Furthermore, it is important to emphasize the work done by the People's Advocate toward the drafting and submitting of many recommendations for duly addressing the infringed rights of vulnerable groups, legislative recommendations with the aim to improve or amend legal and sub-legal acts related to vulnerable groups; publishing and distributing leaflets, brochures, posters and other promotional materials for their rights; performing periodic inspections and monitoring of residential institutions etc.

- **Budget**

The Paris Principles state that the national institution shall have an (...) adequate funding (...) and not be subject to financial control which might affect its independence.

***The GANHRI has adopted the following General Observation on Adequate Funding: Provision of adequate funding by the state should, as a minimum include:
the allocation of funds for adequate accommodation, at least its head office;***

- salaries and benefits awarded to its staff comparable to public service salaries and conditions;*
- *remuneration of Commissioners (where appropriate); and*
 - *the establishment of communications systems including telephone and internet.*

Adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of the improvement of the organization's operations and the fulfillment of their mandate. Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI's minimum activity budget in order to allow it to operate towards fulfilling its mandate. Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.

Discuss the NHRI's budget. Please explain:

- (i) How the NHRI's budget is developed, submitted and approved (e.g. if it is drafted by the NHRI, presented directly to parliament or through a government ministry or other body, the influence of that body);**
- (ii) Whether or not the NHRI has control over the management and expenditure of its allocated budget (i.e. if the NHRI is financially independent from the government in how its budget is spent).**
- (iii) Whether -and what percentage of- the NHRI budget is donor funded.**

Please provide:

- **information relating to the budget of the NHRI, its accounts and financial records;**

(i) Preparation and implementation of the budget of the People's Advocate institution is subject to the same rules and standards, as defined in the organic budget law. The presentation of budget is carried out in three phases:

Phase I (The strategic phase), the strategic management group headed by the People's Advocate (established by an internal order of People's Advocate) discusses and develops the proposal for the People's Advocate's budget and presents them to the Ministry of Finance and to the Law Parliamentary Commission. Additional funds required are based on Medium-Term Budget Program approved by the Decision of Council of Minister as well as to needs and development policies of the People's Advocate Institution for a short and medium term period.

Phase II (The technical phase), within the month of August, the People's Advocate presents officially to the Ministry of Finances the detailed requests for additional funds and human resources accompanied by the relevant justifications.

Phase III, within September of each year, negotiations are held with the Ministry of Finances about the additional funds required. In November, the Legal Affairs Commission of the Albanian Parliament holds a special hearing with the representatives of the People's Advocate Institution about the additional budgetary requirements, where the representatives of the Ministry of Finances, are invited to provide their opinion. At the end of discussions when the Legal Affairs Commission decides to approve (fully or partially) the additional budgetary requirements, they prepare the relevant proposal and submit it to the Finance and Economy Commission which holds also special hearing sessions with all interested stakeholders, if necessary. At the end of November, the Parliament adopts

the law on the budget, following by the guidelines approved by the Ministry of Finance for its duly implementation.

People's Advocate budget includes funds for employees' salaries, health and retirement contributions, work trips both locally and abroad, expenditure for maintenance of office, including IT services and utility costs, membership fees to international organizations and other expenditures necessary for the activities of the People's Advocate such as promotional activities, organizations of various events etc.

Overview of the state budget from 2013-2019

Year	2013	2014	2015	2016	2017	2018	2019
Budget per year/Euro	687,000	718,000	714,000	793,000	800,000	872,000	940,000

(ii) People's Advocate institution is directly responsible for the implementation of the budget and has control over the management and expenditure of its allocated budget in accordance with the Albanian Legislation in the field of management and financial control (Law no.10296, dated 08.07.2010). The spending of budget, within the budgetary line approved by the Parliament, is made in accordance with the criteria and standards set out in the Albanian Public Procurement Law. Implementation of rules and procedures foreseen by the legislation in the field of procurement creates occasionally delays in timely procurement of various goods/services, necessary for normal functioning of institution

(iii) Beside the state-funded budget, People's Advocate institution has substantially benefited from different donors. It is worth mentioning the following:

-The project "*Danish Support to the Albanian People's Advocate Reaching out to local communities, civil society and media*", with the amount of 560,000 Euro (2013-2017)

-The project "*Strengthening of administrative capacities of Albanian People's Advocate*", with the amount of 30,000 Euro, funded by the Bulgarian Ministry of Foreign Affairs. (2018-2019)

-The project "*Monitoring migrants' crossing points and strengthening the respect for their rights*", with the amount of 96,000Euro, funded by the office of UNHCR office in Albania. (2018-2109)

- The project "*Partnership Between the People's Advocate of the Republic of Albania (People's Advocate) And The United Nations Children' S Fund (UNICEF) of 18,000 Euro (2019).*

Likewise, the People's Advocate has also received support from other donors (such as USAID, UN Office in Albania, SIDA, GIZ etc.), not in the form of direct provision of financial funds in the budget, but through implementation of various activities/services where the People's Advocate institution has been the main beneficiary.

Information relating to the budget of the NHRI, its accounts and financial records;

Euro

No.		2013	2014	2015	2016	2017	2018	2019
1	Current expenditure	657,000	688,000	684,600	763,000	770,000	842,000	925,000

2	Investments	30,000	30,000	30,000	30,000	30,000	30,000	15,000
	Total	687,000	718,000	714,000	793,000	800,000	872,000	940,000

5. WORKING METHODS

Please indicate whether your organization has adopted internal regulations and/or an annual/strategic plan. Briefly describe its main elements.

According to Article 39 of Law no. 8454, dated 04.02.1999, “On the People’s Advocate”, amended, “*The People's Advocate shall adopt the internal rules of procedure of the institution in cooperation with the commissioners*”. Therefore, the People's Advocate has adopted the new internal regulation of the Institution by the Order no.182, dated 15.07.2016. In compliance with the law “On the People's Advocate”, the new Regulation sets out the operation rules of the Institution and its purpose remains the development of the activity of the Institution on the basis of its principles of independence, impartiality, professionalism, confidentiality and flexibility in fulfilling its mandate, in the protection of human rights and fundamental freedoms, as provided by the Constitution and international acts ratified by Albania.

The People's Advocate Institution has adopted its first Strategic Plan of the Institution for the period 2013-2017. With the support of the Danish People’s Advocate Office and the Danish Institute for Human Rights Human Rights, during the period 2018-2019, the People’s Advocate worked out for drafting the new Strategic Plan of the institution, covering the period 2019-2022. By the Order no.184, dated 24.06.2019, the People’s Advocate approved the new Strategic Plan along with its Action Plan.

Through this Strategic Plan, the People`s Advocate aims at creating and developing a culture of good governance, which implies good governance, transparency and accountability of the public administration to the citizens of Albania, as well as strengthening of general rule of law, elements necessary for the functioning of democracy and integration into the European Union. The Strategic Plan explains in details how the People's Advocate will take a more proactive role in protecting and promoting human rights.

The Strategic Plan is developed through a consultation process with the Institution’s staff, national and international experts, and representatives of other public institutions and with the participation of civil society, so as to ensure the broadest process possible and to take suggestions for concrete actions that need to be undertaken by the People’s Advocate.

In view of the institution’s capacity and resources, and with due consideration to the political, legal, social, economic, developmental, and cultural realities of Albania, the strategic ambition of the People’s Advocate is to become the key human rights actor of a well-functioning national human rights system in Albania as described in the role of the People’s Advocate. With this approach and strategic ambition, the People’s Advocate aims to focus on what is considered important for both for building up the capacity of the institution and for establishing dialogue with relevant stakeholders. At the same time the People’s Advocate of the Republic of Albania will focus on the delivery of results in the short term, while maintaining long-term goals in focus, that can show to the Albanian society that the People’s Advocate can make a difference and create change. At the same time, the People’s Advocate will also address issues that require long-term commitment, external political support of the civil society and the international community in Albania and additional fundraising beyond the funding that the People’s Advocate receives from the state.

The strategic plan is further developed through the Action Plan, which defines activities to be conducted by each section/department, costs and deadlines for their realization.

- **5.1. Regular meetings**

The Paris Principles state that within the framework of its operation, the national institution shall meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened.

Discuss how the meetings of the NHRI's members operate. Please explain:

- **The frequency and composition of the NHRI meetings in practice (at the senior and staff level).**

The People's Advocate due to her close collaboration and internal institution functions meets regularly in formal meetings as well as on needs basis with the Commissioners, the Cabinet and the Secretary General. Such formal meetings are rigorously set to be held once a week, while short meetings are held almost daily. While in special occasions or due to important cases and /or when emergencies arise, the People's Advocate and the Commissioners may set daily meetings.

Regular meetings within Departments chaired by Commissioners are scheduled to be held weekly.

General staff meetings are held two to three times a year.

However, the frequency of the meetings strictly depends on the developments and necessities of the People's Advocate Institution.

- **Working groups**

The Paris Principles state that within the framework of its operation, the national institution shall establish working groups from among its members as necessary.

Discuss the NHRI's working groups (if any). Please explain:

(i) Whether the NHRI has established any working groups;

(ii) If so, what are the mandate, composition and working methods of these groups.

(i) The People's Advocate, to facilitate and tackle neuralgic issues concerning the institution responsibilities, has established several working groups. Such groups, depending on their importance and nature, can be categorized as follows:

- Permanent working groups; and
- Temporary working groups.

By internal Order of the People's Advocate several temporary working groups have been set up to carry out specific duties such as:

- Working Groups on Strategic Management;
- Working Group on the re-accreditation of the People's Advocate Institution to the International Coordinating Committee National Human Rights Institution;
- Working Group on reporting to UN organizations;
- Working Group On European Integration;
- Working Group related to the additional mandate of People's Advocate Institution in the High Council of Appointments in Justice;
- Working Group on specific issues concerning Constitutional Court;

With reference to the permanent working groups, it is to be noted that each Assistant Commissioner of the People's Advocate Institution, is part of a specific working group focused in one specific area of human rights.

(ii)As previously stated, the working groups within Institution are set up by Order of the People's Advocate and the relevant mandate is clearly stipulated therein, in strict compliance with the particularities of the issues the Group is mandated to deal with.

The establishment of various Working Groups aims to increase the performance of the People's Advocate Institution with respect to the protection and promotion of human rights, and the diversity in terms of members' group composition appointed by different departments, facilitates the cooperation among the staff, who works on similar issues in a complementary and comprehensive manner.

The groups enable profound and complex professional discussions on particular areas of concerns and /or examples of complaints, considering the diversity of the opinions delivered by the appointed members and those who sporadically join the meeting in the context of the institutional collaboration, discussions that lead to the articulation of well-motivated opinions, escalating up to specific tailored made actions to be adopted by the Institution, with respect to the protection and promotion of human rights contemplated in the Constitution and further elaborated in the People's Advocate Act.

Further the Working Groups concentrate on the latest developments on their area of competence and inform the other colleagues on the relevant updates.

GENERAL MANDATE

• GENERAL COMPETENCE AND RESPONSIBILITIES

For each of the functions described in the following sections, please discuss:

- the relevant provisions in the NHRI's founding law,
- the powers the NHRI is vested with (e.g. if it can act on its own initiative), and
- concrete examples of how the NHRI fulfils the function in practice.

6.1 Mandate to promote and protect human rights

The Paris Principles state that a national institution shall be vested with competence to promote and protect human rights. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text (...). Within the framework of its operation, the national institution shall freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petition.

*The GANHRI has adopted the following General Observation on **Human rights mandate**: All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.*

Discuss the broad legal mandate of the NHRI. Please explain:

(i)How human rights are defined in the NHRI's founding law;

(ii) Which rights the NHRI is mandated to address: e.g. civil, political, social, economic and cultural;

(iii) If the institutions' mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);

Broadly, how the NHRI is able to exercise its mandate in practice

(i) Since the adoption of the first Constitution of the post-totalitarian era in 1998, the People's Advocate has been an institution established as a guarantee that the severe human rights violations Albanian people experienced in the near past would never come back. The People's Advocate is vested with a dual mandate: to both, protect and promote human rights. The direct instance to which the People's Advocate reports is the Parliament and the core object of its mandate are all the human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Albania.

The second, third and the fourth chapters of the Constitution of the Republic of Albania list the human rights protected by the Constitution which include civil, political, social, economic and cultural rights, as well as the right to a healthy environment. In this regard the People's Advocate stands for the promotion and protection of all of these rights. The complaints received and cases handled range from property rights, labor rights, gender based discrimination, access to justice, the right to health, the right to social protection or education rights, to name just a few.

The Law No.8454, dated 04.02.1999 "On People's Advocate", further elaborates in relation to which bodies and how the People's Advocate can act. Accordingly, the People's Advocate shall protect the rights, freedoms and the interests of the individual from illegal actions or inactions from the organs of the public administration (article no.2). In addition, public administration organs and public sector employees are obliged to promptly present to the People's Advocate and provide him all the documents and the information it requires (article no. 60 of the Constitution).

(ii) The People's Advocate is mandated to address all rights contemplated in the international legal instruments on human rights and freedoms ratified by the Republic of Albania, in the Constitution and relevant laws.

If the institution's mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);

A more specific law on the People's Advocate, approved on 1999 and further amended on 2005 and 2014, in its article no.25, envisages the cases when the People's Advocate is refrained from taking any action, such as:

- if the subject of the complaint involves the President of the Republic or the Head of the Council of the Ministers;
- if the subject of the complaint are specifically military character orders of the Armed Forces.

Furthermore, in accordance with the stipulation of Article 14 of the Law on People's Advocate, the People's Advocate is entitled either to refuse to initiate or to terminate the investigation of a case if the same case has been decided or is being reviewed by a public prosecutor or a court. In such a case, he shall be entitled to request information by those authorities, who have the obligation to respond in due time and always within 30 days as of the request's submission date.

To be noted that all geographic areas of the country are covered by the People's Advocate's mandate.

(iii) To be noted that the People's Advocate Institution does not have a specific mandate to private sector, however in the line with the human rights protection, the Institution is trying to implement some pressure to private sector, to improve certain human rights standards.

It is worth emphasizing, that as part of traditional human rights protection mandate, the statistics show that the number of cases the People's Advocate Institution works on has been continually increasing – in 2014 there were 3969 complaints received, while in 2015 - 4203 cases, in 2016 – 5512 cases, in 2017 – 4546 cases and in 2018 – 5516 cases.

The core work of the People's Advocate Institution refers to citizen's complaints, in the context of protection mandate. In the last 5 (five) years the highest number of complaints have been related to property rights, access to justice, length of juridical proceeding etc.

The People's Advocate Institution has been very active in legislative procedures, drafting numerous recommendations on national legislation, covering a wide range of areas. Implementation of national legislation and international standards enshrined in legal instruments on human rights and freedoms ratified by the Republic of Albania, is prudently monitored.

Likewise, except of its traditional mandate, the People's Advocate in Albania can also play the role of the trusted institution executing preliminary procedures, such as those for the initiation of the procedures of the selection of candidatures, for the creation of important institutions of the governing of the justice system, provided for by the Constitution of the Republic of Albania.

Finally the Annual Report to the Albanian Parliament provides an analysis and assessment on the level of the protection of rights and freedoms, including specific recommendations intended to produce methodical changes in order to prevent future violations of citizens' rights.

A very important supporter to the People's Advocate on fulfilling the promotional mandate is the national and local media. The People's Advocate has maintained a proactive approach to the media opening up two-way channels of communication, with activities of the institution being followed and presented by the media and media inquiries and interest promptly answered by the institution. Also the People's Advocate's official reactions on sensitive cases to the public opinion are continuously present on the media, following their publication through press releases and on the Institution's official website or on the social media. Cooperation has been established with major national broadcasters in Albania and as well as with printed media and online media. There are at least 10 important interviews and appearances of the People's Advocate on the biggest national TV channel each year. In addition, a network of around 30 journalists specialized on human rights and justice issues has been organized as regular receivers of People's Advocate's media releases and other specific news. A growing partnership is ongoing with the two main investigative TV shows on the national broadcasters which regularly refer to complaints addressed to the People's Advocate from the citizens and recommendations released by the institution following these complaints. In 2014 the largest media interest was shown in the protection of the rights of the Roma minority in Albania which was the case also in 2015. In 2016 most of the interest of news publications from the People's Advocate's activity included the judiciary reform contribution of the People's Advocate Institution. In 2017 the violence against women, property rights and the judiciary reform were the most published news, media chose from the People's Advocate. In 2018 media kept showing most of its interest on property rights but it also paid attention to news from the People's Advocate covering the political rights of the citizens, the right to the free press, the right to peaceful gathering and the human treatment from the law enforcement authorities.

Special attention is given to the Annual Report and its recommendations to promote broadly in media and as well submitted to the group of the specialized journalist. The People's Advocate is widely interviewed by local and regional media, in a way to provide information for all the citizens how and where they can submit a complaint.

The official website: www.avokatipopullit.gov.al, was totally renewed and redesigned in 2018. The new page includes more space and more interactivity for all 5 sections of our institution, as well as a better coverage of the activities, a more accessible space to the media and journalists, access for the citizens to file complaints online and also examples of handled cases.

Since 2018, the mobile Application “Avokati i Popullit” has been launched boosting in a comprehensive way the connection between young generation and the institution. The App opens the slot to complain directly from a mobile phone and gives the opportunity to the citizens to send in real time photos, videos or audio data supporting their complaints. The App also creates an interactive bridge between the user and the institution with real time notifications sent to the user about the progress of the complaint during its handling from our staff. It also includes background information of how the People’s Advocate institution works, what are the civil rights protected by our institution and also examples where, based on the People’s Advocate’s recommendations, positive change was achieved.

In Social Media (Facebook page) “Avokati i Popullit” continues to grow with currently more than 6800 regular followers, showing a stable increase from year to year (in 2018 the increase was of 35% compared to 2017). The number of views on Youtube is also steadily increasing, with People’s Advocate’s videos being viewed three times more in 2018 than in 2017.

In addition, as regards human rights education, the People’s Advocate organizes human rights trainings in cooperation with numerous stakeholders, such as the one organized in 2015, involving government administration in 24 major local government units. The total number of local administration trainees was approximately 750 people across the country and the purpose of these actions was raising awareness on different aspects of human rights such as:

- a general overview on the human rights concept in Albania;
- the right to education;
- property rights;
- the right to benefit from economic assistance;
- environmental law;
- the right to information and citizen participation in governance;
- consumer protection;
- protection of marginalized groups;
- right to information, Labor Code and Civil Servant law;
- jurisdiction and competences of the People’s Advocate its relations with the local government, etc.

Furthermore, a campaign promoting the “Avokati i Popullit mobile application” and the human rights protected under the mandate of the People’s Advocate has been organized in 5 principal districts of the country, meeting with universities, high schools, public workers and civil society actors.

The complaints received by the People’s Advocate show that there is lack of understanding and knowledge on human rights, so the People’s Advocate actively advocates for human rights education. Enhancing citizen’s knowledge on their rights, has been a continuous challenge for the People’s Advocate Institution.

In 2015, the People’s Advocate Institution, in cooperation with The Swedish Institute of Public Administration (SIPU) carried out an evaluation of the curricula in elementary schools and in the Faculty of Education (Bachelor and Master), regarding the inclusion of human rights knowledge and information in these programs. This evaluation showed that there is a lack of information regarding human rights, and this affects directly the awareness of the new generations about human rights and how to protect themselves, as well as the capacity building of the educational staff. The results of this evaluation were presented to the Ministry of Education, in order to ensure a new approach in the

educational programs about human rights. In terms of the above mentioned research activities, the most recent examples are currently included in the institution's strategy in order to integrate human rights education into the curriculum of the formal education system in Albania.

Finally the People's Advocate continuously cooperates with numerous state bodies, independent institutions and international organizations, and particularly with local governments, councils and representatives of national minorities, as well as civil society organizations active in the protection and advocacy for human rights and combating discrimination. A close cooperation is established and a memorandum is signed with two other government institutions focused on human rights protection such as the Commissioner for the Protection against the Discrimination and the Commissioner for the Protection of Personal Data, as partner institutions within the framework of human rights protection and combating discrimination in Albania.

- **6.2. Advisory Functions**

The Paris Principles state that a national institution shall, inter alia, have the responsibility to submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights (...).

Discuss the legal provisions for this function and how the NHRI carries out this responsibility in relation to the following functions.

- **6.2.1. Functions regarding national legislation**

The Paris Principles state that a national institution shall have the responsibility to promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation.

It is also stated that a NHRI shall have responsibilities in relation to any of the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures.

Discuss how the NHRI carries out this function. Please explain:

(i)The legal provisions that vest the NHRI with this function;

(ii)How the NHRI carries out this function in practice;

(iii)What recommendations the NHRI has made on legislative and administrative provisions; amendment of legislation and bills, etc.;

(iv)What advocacy the NHRI has undertaken to harmonize national laws and practices to international standards and/or to implement recommendation of international human rights system).

(i) According to article 2/2, of the law “On the People’s Advocate” guided by the principles of impartiality, confidentiality, professionalism and independence exercises his activity for the protection of human rights and freedoms as defined by the constitutional provisions and by the laws. Based on this, the People’s Advocate shall monitor the compliance of laws and bylaws with the international legislation, which is part of the internal legislation of Albania and the provisions of the Constitution of the Republic of Albania.

Also Article 24 of the law, which vests the People’s Advocate with the right to legislative recommendations, clearly provides that:

If the People’s Advocate finds that it is the content of a statute or other legal act, and not its application that leads to violation of human rights recognized by the Constitution or other laws he is entitled to:

a) Recommend to the organs vested with legislative initiative to propose amendments and improvement to the statute;

b) Propose to the Administration to amend and improve bylaws; Non examination of proposal within 30 days brings consequently the suspension of the sublegal acts power leading to violation of rights and freedoms.

c) Put the Constitutional Court in motion to invalidate those acts.

(ii) First of all, as provided in article 27 of the Law, (amended in 2014), the People’s Advocate besides the annual report may submit, on its own initiative or at the written request of the President of the *Parliament* or of a group of deputies, special reports on various issues within its functions, especially if it is a violation of the constitutional and legal rights. Furthermore, the organic law on People’s Advocate contains provisions for more extended tasks of the institutions and consequently of the section in terms of receiving complaints, claims or notices of human rights violations, stemming from the judiciary administration and the execution of judicial decisions, as well as in the direction of drafting reports of the Albanian State for international organizations and implementing of conventions ratified by the Albanian State.

So, the People’s Advocate in consultation with civil society, NGO-s and the international institutions for human rights, has prepared several special reports, such as:

1-Tracing, analysis and evincing factors affecting increase of asylum applications by Albanian nationals in member states of Schengen area which address the problems encountered by member states of Schengen area with the asylum-seekers from Albania, by evincing and analyzing data and reasons provided by Albanian citizens when applying for asylum.

2-Public Administration and regulation of Labor relations (2014, 2015 &2016) submitted to the Parliament, reflects the specific issues and recommendations identified while monitoring the Public Administration which is part of the People`s Advocate work and with the only purpose of creating an efficient administration for all the employees who are part of it.

3-Special Report on the housing situation in the Republic of Albania (2014)

The drafting of this report by the People`s Advocate`s Office originated from the need to reflect on the housing issues and to offer recommendations for improving and facilitating access for groups in need, such as the homeless, with the aim of establishing and fulfilling standards related to housing as a key social objective.

4-Special Report on Minority Rights in Albania (2014) and special report (Displacement of Roma/Egyptian community established in the area of Artificial Lake, Tirana) 2015

The basis of this report remains the finding of the level of respecting of these rights which are affirmed in the Constitution of the Republic of Albania, and in the Framework Convention of the Council of Europe "For the protection of national minorities".

5-On the rights of orphan children, including children settled in residential institutions of social care and children engaged in exploitative labor (2015)

This report is focus on two specific groups, namely, orphan children, including children settled in residential institutions of social care and children engaged in exploitative labor, who represent social categories that have reached concerning proportions during the period of transition and that today are recognized as vulnerable categories.

6-Special Report on problems related to the right to property (2016)

Preparation of this special report is carried out in compliance with constitutional and legal obligations of the People's Advocate Institution, as well as by observing the tasks given by Resolution of the Albanian Parliament in 2015 for presentation during the year, of topics relevant to the observance and state of human rights. In preparation of this report, the findings and proposals for a final settlement of this major issue, not only for the category of the legal owners in restoring a right denied in years, but by the resolution of this right as soon as possible, on which depend even the political, economic and social life prospects of our country, the People's Advocate has used all the legal mechanisms and instruments in order to have a clear picture of the legal deficiencies and improper application of the law.

7-Special Report on child labor exploitation in municipality of Bulqiza (2018)

Currently, there is no unified data system in Albania, which enables the identification of cases of child labor exploitation. In the Municipality of Bulqiza, the responsible state institutions have started to have information on general or other data on the economic and social situation of some families, but there are still no reporting mechanisms. Regardless of the initiatives undertaken to do good work, the administrative bodies in local level **should provide a complete set of institutional actions in accordance with the best interest of the child and, in accordance with international and domestic law, of the rights of children, especially children who are used for work in the mining industry.** This approach should aim at standardized *inter-institutional* actions to avoid any overlapping, clarification of ways of action, in order to guarantee the protection of children who are employed for work and in function of the principle of their highest interest. These actions should be based on the best practices pursued so far in our country as well as in the current child protection system.

8- Special Report on the implementation of CEDAW Convention in Albania (2016), presented by the People's Advocate to the United Nations Committee "On elimination of all forms of discrimination against women"

The Shadow Report of the People's Advocate on the CEDAW Convention, focused on five main issues: Women's participation in politics and decision-making process;

Women's access to justice; Economic empowerment of women; Domestic violence and, Women's access to social services.

Many of the recommendations given by the People Advocate reporting, are included by the CEDAW Committee in its concluding remarks on Albania's fourth periodic report.

9-In 2014, an Action Plan "On the prevention, detection, documentation and suppression of the criminal activity against criminal acts motivated by blood feud and revenge", was approved by General Directorate of Police. Based on this Plan, a Section against Crimes Motivated by Blood Feud

and Vendetta, has been established. In March 2015, the Parliament of Albania approved a resolution and respective recommendations on blood feud, based on the findings of the People's Advocate Special Report. The resolution urges the Coordinating Council on Prevention of Blood Feud established in 2005, to coordinate measures against blood feud. The Ministry of Education and Sports has implemented specific educational programs to provide access to education for secluded children.

Second, based on Law no.9000, of 30.1.2003, "On Organization and Functioning of the Council of Ministers" and decision no.584/2003, of Council of Ministers of Albania "On Approval of Rules of the Council of Ministers", amended, ministries of line has the obligation to conduct public consultations before adopting laws, bylaws, regulations or other strategic documents or action plans, that directly affect citizens or not. The People's Advocate is involved in the legislative process and participates through his opinions and comments, recommendations, in the consultation phase of drafting of normative acts of the Council of Ministers, proposed by the ministries, or during the legislative procedures of the Parliament of Albania with purpose of the implementation of the legal framework of those acts in compliance with international legislation and national legislation.

The People's Advocate attentively followed legislative amendments providing comments and suggestions on different draft laws when requested by institutions as well as by its own initiative. During 2015, opinions and suggestions and were provided on **28 draft laws** in written as well as by participating in hearings.

All the suggestions and comments made by the People's Advocate have consisted of the need for further improvement of these draft laws in terms of legislative drafting, both in form and content, but most importantly in their alignment with the Conventions and all international legislation ratified or signed by the Republic of Albania.

(iii) The People's Advocate has made many recommendations on legislative and administrative provisions throughout the years. The People's Advocate contributed continuously with his opinions and comments for laws and bylaws in many different fields. For example, during 2018, the People's Advocate contributed with his opinions and comments for 7 bylaws of Council of Ministers, drafted by responsible ministries of line based on the rights and protection of the child and the administration of juvenile justice. A detailed list of the bylaws on which the People's Advocate has made recommendations can be provided upon request.

In all recommendations made for these bylaws, the People's Advocate has recommended the adoption of international principles and standards of child rights protection and child protection policy. The new legislation of child rights and protection has provided that monitoring and implementation of the law in practice is one of the tasks assigned by law to the People's Advocate's Office. And monitoring will be carried out by participating in the National Council for the Rights and Protection of the Child, participating in the Institutional Mechanism for Monitoring the Juvenile Justice Strategy, analyzing reports and studies addressing child rights aspects and contributing to the enhancement of legislation, drafting strategies and work plans for children's rights protection in a safe digital environment, in cooperation with responsible state institutions and civil society. Meanwhile, the People's Advocate Institution participate in meetings of Parliamentary Group "Friends of children" of Parliament of Albania. The main function of this Parliamentary Group is legislative control of the Parliament towards the actions and exercises of duties by the administrative authority's responsible on child rights protection and child protection policy. All the recommendations made by the People's Advocate and the level of their implementation by Government and public authorities are the focus of discussions of our institution.

Also, when Council of Ministers of Albania makes proposals to present new legislation, or makes any amendments to the existing one, the People's Advocate actively takes part in the discussions of Parliamentary Commissions if there are elements that are covered by the People's Advocate mandate. During discussions in Parliamentary Commissions, after the People's Advocate notes that his comments or suggestions on the draft law have not been taken into account during the public consultation phase, he prepares his final comments and recommendations on the draft law and submits them to the Parliamentary Commissions.

For example, during the 2018, the People's Advocate has been involved during the consultation phase on the new law "On social protection in Republic of Albania", an initiative of the minister of Health and Social Protection.

In the draft version of the law submitted by the Parliamentary Committee on Labor, Social Affairs and Health, on 2019, regarding the suggestions proposed by the People's Advocate, we noted that some of the comments and suggestions of the People's Advocate were not taken into consideration by the ministry of line. For example, one of these recommendations of the People's Advocate it was regarding the exhaustive elaboration of some general basic principles, according to the respective conventions ratified by our country. This suggestion was reflected when the People's Advocate recommended to the Parliamentary Committee to take into consideration.

Also, recommendation in the beginning of 2014, on the need to complete the legal framework for the recognition and protection of minorities in our country, in accordance with the provisions of the Council of Europe Framework Convention for the Protection of Minorities, already this recommendation has not only been accepted but also implemented. This implementation has been concretized with the adoption of Law No.96/2017 "On the Protection of National Minorities in the Republic of Albania". This is an example about the active role of the People's Advocate Institution throughout the drafting legislation process, giving remarks and suggestions, which have been well reflected, in the content of the provisions of Law No.96/2017 "On Protection of national minorities in the Republic of Albania".

New amendments to the Labor Code, which entered into force in June 2016 include: moral harassment in workplace, whistleblowers and discrimination based on sexual orientation and gender identity have been accepted and reflected as provided by the People's Advocate Institution. The Criminal Code was amended to include in its article 50, sexual orientation as one of the aggravating circumstances, based on the People's Advocate recommendations.

The People's Advocate has been actively involved in the legislative process, both at the stage of preliminary drafting of legislation (*ex-ante* phase), giving opinions and suggestions to the ministry of line, proposer of the legal initiative, as well as in the Parliamentary Committees of the Parliament of Albania, on Law no.18/2017 "On the rights and protection of the child", in 2017. Specifically, based on the recommendation of the People's Advocate Institution, to give the power and the competence of this independent constitutional body, to monitor and enforce the law on rights and protection of the child in practice, in accordance with the CRC, as a National Human Rights Institution, the *Parliament* of the Republic of Albania appreciated and considered, including as a legal provision in Article 34/7 of this law.

(iv) In November 2014, the Law on the People's Advocate was amended, extending its mandate on human rights promotion.

The People's Advocate advocates for harmonization of national law and practices with international standards during the legislative process, presenting findings in its reports, through complaints handling and in promotional activities.

For instance, when drafting opinions and recommendations, the People's Advocate regularly and extensively calls upon stronger alignment of domestic laws and policies with international standards and their implementation in practice, based on international and regional legislation, as well as recommendations made by international organizations.

The following may be examples of our work on this matter. In October 2017 the adoption of the Law on the Protection of National Minorities is a step along the way to improving the legal framework on respect for and protection of national minorities. The National Action Plan for the Integration of the Roma and Egyptians 2016-2020 stipulates to address issues related to Roma and Egyptians in the field of education, housing and urban integration, access to healthcare and social protection.

In the last few years, the People's Advocate submitted to Parliament a number of special reports on problems affecting the Roma people, as we mentioned above. The Advisory Committee on the Framework Convention for the Protection of National Minorities welcomed the efforts of the People's Advocate aimed at promoting the rights of Roma and Egyptians. In all the special reports the People's Advocate recommended **adoption of a new framework** where is necessary to specify the definition and recognition of criteria of minorities "*de jure*" in accordance with the provisions of the Framework Convention for the Protection of National Minorities of Council of Europe. Based on this, the Advisory Committee of the Framework Convention for the Protection of National Minorities of Council of Europe addressed to state authorities responsible for this field of activity to *follow-up* on the recommendations of the People's Advocate to include Roma as a priority group in housing projects. In this context, the Ministry of Urban Development has elaborated the Social Housing Strategy 2016-2025 and the Action Plan where a particularly chapter was dedicated to the problems of Roma and Egyptian Community, as the People's Advocate has recommended.

Likewise, while advocating for harmonization of national laws and practices with international standards, "*the live no one behind*", principle and implementation of Agenda 2030 of United Nations is constantly being promoted. For example, in 2017 the theme of the Annual Conference of the People's Advocate was the Children's Rights, women and people on the move, in the context of the Sustainable Development Goals and Agenda 2030 of the United Nations. The main topics addressed were the role of the Assembly in advancing gender equality in Albania and in integrating gender elements into legislative process, the role of UN Agencies in supporting the National Human Rights Institutions and the process of monitoring international human rights obligations.

The People's Advocate presented a Shadow Report before the CEDAW Committee on the situation of women's rights and violence against women in Albania. It was further emphasized that the economic, social and political empowerment of women should be a priority in the work and activity of every state structure and society and called for the establishment and functioning of violence referral mechanisms in every municipality in the country and the establishment of multidisciplinary groups in defense of women's and children's rights. Some of significant recommendations made by the People's Advocate in the Shadow Report were included in general observations that CEDAW Committee released for Albania.

The issues and conclusions on the protection of children's rights raised in the report by the Council of Europe Commissioner for Human Rights, Ms. Dunja Mijatovic, after her visit in Albania on 21-25-th of May 2018, are fully in line with the findings and recommendations that the People's Advocate has strengthen out in its Annual Work Reports, special and public reports as well as in promotional activities and public appearances in print and visual media.

Regarding the draft law on Free State Legal Aid based on the recommendations made by European Commission against Racism and Intolerance (ECRI), during the discussions in the Parliamentary Committee, the People's Advocate recommended some amendments to improve a better regulation regarding the approach for the vulnerable groups in purpose to profit in a very short time an adequate free state legal aid. Also, increasing the budget of the state for assisting people with free legal aid. All the recommendations made by the People's Advocate were taken into consideration.

The People's Advocate has prepared a Special Report (this report was examined by the Sub-Committee for Human Rights and the Subcommittee for Juvenile Affairs, Gender Equality and DV in December 2014), presented to the Parliament of Albania, raising its concern about discrimination in different fields of this community, including women. In the opinion of the People's Advocate, legislation on the rights of the LGBTIQ community needs to be improved.

6.2.2 Encouraging ratification and implementation of international standards

The Paris Principles state that a national institution shall have the responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation.

The GANHRI has adopted the following General Observations on NHRIs' encouraging ratification or accession to international human rights instruments: The Sub-Committee interprets that the function of encouraging ratification or accession to international human rights instruments, set out in the Paris Principles, is a key function of a National Institution. The Sub-Committee therefore encourages the entrenchment of this function in the enabling legislation of the National Institution to ensure the best protection of human rights within that country.

Discuss how the NHRI carries out this function. Please explain:

- (i) The legal provisions that vest the NHRI with this function;**
- (ii) How the NHRI carries out this function in practice;**
- (iii) Examples of advocacy or awareness raising campaigns the NHRI has undertaken to encourage ratification or accession to international instruments.**

(i) In exercising its constitutional mandate to promote and protect human rights as well as to prevent human rights violations, the People's Advocate is at the forefront of the process of adopting international standards and international conventions in the field of human rights and freedoms. All this activity is based on the applicable legal framework, which gives the People's Advocate the right to exercise this function, through legal tools that he has the authority to use in his activity.

More concretely:

The Constitution of the Republic of Albania, in points 1, 2 and 3 of Article 63, provides that:

- “1. The People's Advocate shall submit an annual report to the Parliament.
2. The People's Advocate shall report to the Parliament when so requested, and may request the Parliament to be heard on matters which he considers important.
3. The People's Advocate shall have the right to make recommendations and propose measures when he observes violations of human rights and freedoms by the public administration.

A similar provision is found in Article 6 of Law No. 9454 dated 04.02.1999 “On the People's Advocate”, as amended, in relation to reporting to the Parliament. More detailed provisions regarding reporting are found in sections 26 and 27 of the same law.

People's Advocate constitutional mandate has taken on a new, well-defined dimension with the amendment made in 2014 of Law No. 9454 dated 4.02.1999, "On the People's Advocate". Article 2, paragraph 2, as amended, of the law states clearly that, the People's Advocate promotes the highest standards of human rights and freedoms in the country.

In accordance with the letters "b", "c" and "ç" of Article 21 of Law No. 9454 dated 4.02.1999 "On the People's Advocate", as amended, the People's Advocate after the completion of the administrative investigation that it conducts:

- Recommends on how to remedy the infringement to the Administrative organ that in his judgment has committed the violation. The submission of recommendation suspends the improper or illegal acts and proceedings until the examination of this recommendation is done and the response to the People's Advocate is given.

- Recommends on how to remedy the infringement to the authority supervising the administrative organ that has committed the violation. Non examination of recommendation within 30 days leads to the suspension of the improper or illegal acts and proceedings;

- Recommends to the public prosecutor to start the investigation if he finds that a criminal offence has been committed; or to re-start the dismissed or suspended criminal investigation".

In a broader spectrum of the People's Advocate's role, he has been given the right to present legislative recommendations, enabling him to intervene in systematically addressing issues related to the protection and respect of human rights. More specifically, Article 24 of Law No. 9454, dated 04.02.1999, "On the People's Advocate", as amended, provides:

"If the People's Advocate finds there are the provisions of a law, and not its application that leads to violation of human right recognized by the Constitution or other laws, he/she is entitled to:

- a) Recommend to the organs vested with legislative initiative to propose amendments and improvement to the statute;

- b) Propose to the Administration to amend and improve bylaws; Non examination of proposal within 30 days brings consequently the suspension of the sublegal acts power leading to violation of rights and freedoms.

- c) Put the Constitutional Court in motion to invalidate those acts".

(ii) The People's Advocate considers very important the effective implementation of the international conventions setting out monitoring at national level, without neglecting the initiative to propose ratification of the still pre-ratified Conventions, but with specific importance in affirming and respecting human rights in Albania. Addressing various complaints or issues, where recommended or brought to the attention of public authorities the effective implementation of these international conventions is another important element in this context. The activity of the People's Advocate considers as active dimension of it, the promotion of the standards applied by the European Court of Human Rights. The standards applied by the court in different court cases are examples not only with regard to the aspects of sanctioning the state violation of human rights on a case-by-case basis, but also to explaining and conveying the spirit of the development of human rights concepts interpreted by this court and the appropriate and expected reaction by the public authorities and not only.

An important element to the work of the People's Advocate Institution has been the establishment of a human rights culture in Albania. In this context, through the Annual Reports and Special Reports submitted to the Albanian Parliament, state institutions are recommended to implement the ratified conventions and as well to ratify the relevant international instruments in order to strengthen the protection of human rights and fundamental freedoms in Albania.

Depending on the tool used by the People's Advocate to contribute as a promoter of the highest standards of rights and freedoms in the country, his practice also presents relevant features.

When preparing the annual report sent to the Albanian Parliament, special focus is placed to identify individual cases/issues that may lead to systematic violations of the rights of specific communities or

the community as a whole. In these cases, reference to international standards is the basis on which our analysis is made in order to make our recommendation stronger.

A similar approach occurs in the case of the preparation of special reports that are by nature focused on a narrower issue than the annual reports of the People's Advocate's activity. While drafting these reports has often been the case that particular parts of them have been the introduction of international conventions that set the highest standards of protection of human rights / rights or freedoms / freedoms addressed in the special report.

During the preparation of the reports, in particular the special reports, there has been a cooperation or consultation on specific issues addressed, with NGOs, key stakeholders in the areas under consideration, or with similar institutions in the region and beyond.

Following the approval of the annual report final version or the special report by the People's Advocate, the reports were sent to the Parliament, which after reviewing them came up with the relevant resolution, where important findings were made and specific tasks were left to the organs and state institutions

The recommendations prepared by the People's Advocate have been another valuable tool to bring to the attention of the public body to whom they are addressed, the shortcomings observed in the implementation of the mandatory standards imposed by the international acts ratified by our country, or the issues analyzed in the recommendation. In the case of legislative recommendations, there has been proposals for ratification of international acts, which would increase the guarantees of a higher standard of protection and respect for human rights and freedoms. In all cases, as in the annual reports, special reports or even in the recommendations prepared by the People's Advocate, there has been a continuous reference to the decisions of the European Court of Human Rights.

(iii) Examples of advocacy or awareness raising campaigns the NHRI has undertaken to encourage ratification or accession to international instruments.

On 2016, People's Advocate Institution has prepared the special Report "On the employment of persons with disabilities in central and local government institutions". With regard to the European Social Charter (revised), Article 15, which provides for the right of persons with disabilities to independence, has not been ratified by the Parliament of the Republic of Albania. In the mentioned Special Report, the People's Advocate Institution encourages the ratification of article 15.

At the beginning of year 2015, the People's Advocate prepared and sent to the Albanian Parliament a special report, "On the Situation of Minority Rights in Albania". One of the specific issues addressed in this report has also been the importance of the standards affirmed by the European Charter for Provincial or Minority Languages. Based on its purpose, we have emphasized that the protection and promotion of provincial and minority languages as a threatened aspect of Europe's cultural heritage, constitutes a standard not yet met by Albania at the required level.

- **Monitoring functions**

The Paris Principles state that a NHRI shall have responsibilities in relation to (...) any situation of violation of human rights which it decides to take up; and (...) on drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government.

Discuss how the NHRI carries out this function. Please explain:

- (i) The legal provisions that vest the NHRI with this function;**
- (ii) How the NHRI carries out this function in practice;**
- (iii) How the NHRI is active in monitoring domestic human rights situations (e.g. decision-making bodies, courts, government agencies), including visiting places of deprivation of liberty, etc.**

Whether the Institution monitors government compliance with its advice and recommendations

(i) The monitoring mandate is one of the key responsibilities of People's Advocate. Monitoring as an activity of observing, collecting, cataloguing and analyzing data and reporting on a situation or event, to our experience has always aimed to check the effective implementation on the ground of national, and international human rights standards.

Independent human rights institutions complement effective government monitoring structures and accountability mechanisms. According to amendments made to the Law "On People's Advocate", it was added a new article, the article 19/1.

Articles 19 and 19/1 of the Law state that:

Article 19

Investigative procedures

In case the People's Advocate decides to proceed with an independent investigation, he shall be entitled to:

- a) Conduct investigations on the spot, including the access to any premises of public institutions and examination on the spot of the acts and papers pertaining to the case under investigation.
- b) Request explanations from all organs of central and local administration and obtain all files or material relevant to the investigation;
- c) Interrogate any persons that, in his judgment, is involved in the matter under investigation and ask for the presence in his office of all people without immunity.
- d) Arrange or request an expert opinion. People's Advocate has the right to give the deadline for the completing of the above mentioned.

Article 19/1

People's Advocate or any persons authorized by him have the right any time, without restriction or preliminary authorization, however having informed in advance the head of the institution, to enter any public administration institutions like prisons, places where the police and prosecution office keep the escorted, detained or arrested people (the detainees), in state units or institutions, mental hospitals, nursery homes, orphanages and other places he is informed or deems that it is possible for human rights and freedoms to be violated. The access to all above-mentioned ambiances intends either the investigation of a complaint, request or a certain notification or an initiative taken by the People's Advocate to conduct an inspection or study. In such a case, the People's Advocate can meet or talk in confidentiality, without the presence of any official people, with any persons being present or kept in these facilities. Any correspondence between these persons and the People's Advocate shall not be obstructed or checked.

More details on this function are regulated by articles 39 and 40 of the Internal Rules of Procedure - People's Advocate Institution (attached).

(ii) In accordance with Albanian legislation, the People's Advocate Institution carries out inspections and verifications in several public institutions.

the inspections visits, verifications and any other form of control carried out in many public institutions. Verifications or other form of control have been carried out to the State Police Institutions, Penitentiaries (prisons and pre-detention facilities), in Psychiatric and Infectious Disease

Hospitals, in military bases and cantonments in the Regional Border and Migration Directorates and in the other reception centres for illegal migrants and trafficked persons.

All this activity has been totally focused on ensuring full coverage of the monitoring of the state of human rights in these bodies, prevent violations and come up with an official stance on the identified issues. The main aim is to prevent any further deprivation from the rights and also to promote the rights of the persons accommodated in the respective facilities.

(iii) During the period from January 2014 and September 2019, the People's Advocate Institution, in its capacity of the National Mechanism for the Prevention of Torture, conducted 548 inspections, re-inspections, thematic controls and visits in all the penitentiary facilities and the other institutions as mentioned above. During this period, the National Mechanism for the Prevention of Torture handled also about 92 individual complaints received during direct contacts in the course of the inspections, or other specific complaints from an individual or group of detained facing a hunger strike. In relation to the whole activity and this reporting period, 310 recommendations were issued. Also, they are 282 inspections, complaints and cases based on its own initiative which are handled from the Section for the Protection and Promotion of the children's rights. In addition, during this period, the human rights situation in Albania was closely and continuously monitored due to the importance of developments in Albania:

- During 2018 and 2019 there have been many protests in the country organized both from the opposition and from the students. The focus has been on respect of freedom of assembly, the right to expression, the condemnation of hate speech, the proportionality of use of force by State Police officers during these protests, or even the observance of the rights of protesters detained by the State Police during the protests. The whole process was closely monitored by the presence of the staff of the People's Advocate Institution in the spots where the protests took place, with the monitoring being carried out in the detention rooms of the State Police Commissariats where detained protesters were detained. Part of monitoring have been the hospital services to be provided and provided during this time, etc. The People's Advocate has regularly issued public statements, highlighting any issues he has observed regarding the well-being of situations created during protests, the measures to be taken to respect human rights, and the call for restraint and non-use of violence by any party.

In some specific cases, the development of litigation on sensitive, public issues related to the rights of certain individuals or communities in the country has been monitored. The aim has been to monitor the observance of the right to a fair legal process in the course of these proceedings. We can mention here the judicial process for the imposition of a security measure against persons detained by the State Police, following the first opposition protest earlier this year. Following any monitoring where deemed necessary by the People's Advocate, an official position was maintained on his findings concerning human rights violations during these trials.

Continuous monitoring has also been carried out in cases where due to the construction of public works, the legal rights of individuals or entire communities have been violated as a result of the approval and implementation of relevant construction projects. Some of the cases we may mention are the monitoring of the forced displacement of the Roma / Egyptian community, located near the Artificial Lake area in Tirana, by the Municipality of Tirana; monitoring the implementation of the project for the construction of the New Ring Road in the city of Tirana, in the Shkoza area; monitoring of the implementation of the project for the construction of the New Ring of Tirana, in the area of "Astiri", monitoring of the implementation of the project of the New Boulevard, of Tirana, etc.

There has been specific monitoring to assess the level of respect for minority rights in the country. In particular, this monitoring has focused on the rights of the Greek minority in the Himara area, or even

in the Dropull area. The contacts and presence of the staff of the institution has been continuous, as the recommendations issued by us immediately following the findings of the monitoring have influenced the effective exertion of minority rights.

Based on the powers conferred on the People's Advocate Institution by other laws and not by the organic law "On the People's Advocate", he/she exercises certain powers related to the initiation of procedures for the election of bodies that will control the activity of judges and prosecutors in the Republic of Albania. These provisions are set out in Article 7, paragraph 6, of Law No. 84/2016 "On the Provisional Reassessment of Judges and Prosecutors in the Republic of Albania". As part of the development of a due process of law, the People's Advocate has monitored since they became functional and continues to monitor the activity of bodies already established on the basis of the provisions of this law, such as the Independent Qualification Commission and the Special College of the Appeal. This monitoring is carried out through the physical presence of the representatives of our institution at every hearing held by the aforementioned bodies, or even through the media monitoring of issues made public there.

An important role is given to the People's Advocate Institution to monitor the activity of the Justice Appointments Council. The People's Advocate has also played an active monitoring role in encouraging the performance of this activity, by expressing concern in an official way, to the authorities responsible for the matter, during periods when this council has not been effective.

In all cases that have been possible, the People's Advocate has expressed his reservations, suggestions and remarks during the meetings of the Justice Appointments Council. A very active role in monitoring has been played by the People's Advocate recently, during the deliberations by this council, of candidacies for members of the Constitutional Court and the Public Commissioner. Details on this mandate given to our institution may be found in the law attached to this statement.

Finally, in accordance with the provisions of the Law no. 115/2016 "On the Governing Bodies of the Justice System" People's Advocate is vested with monitoring powers of the lottery procedure for the selection process of members of the Justice Appointments Council. The same Law entitles the People's Advocate to prepare and publish a specific report reflecting all the findings for the conduct of this procedure, in the context of respect for the fundamental right to due process of law.

Furthermore, the Law stipulates that People's Advocate attends the meetings and activities of the Council". This function should be regarded as a special task exercised in an activity of high public interest, concretized in the activity of the Council of Judicial Appointments.

(iv) The People's Advocate follows up the case as described by article 23 of the Law "On People's Advocate": *"If the People's Advocate does not consider sufficient the reply or measures an organ has undertaken, he shall have the right to refer the case to the higher organ in hierarchy. If [the violations] are repetitive or the respective organ does not respond to the recommendations of the People's Advocate, the latter may present to the Parliament a report, which shall include proposals for specific measures to remedy the violations"*.

This is a dynamic process primarily concerned with the internal monitoring that the People's Advocate carries out in relation to the level of implementation of the recommendations he has made to public bodies. Such monitoring is carried out on a pre-set periodic basis and is followed by steps that are set to be followed on a case-by-case basis, for further follow-up of the recommendations implementation process. Some of the steps taken, other than those specifically indicated in the law,

especially where there is no response to the People's Advocate's recommendations, are organizing direct meetings with the head of the public body to whom the recommendation is addressed, making the matter public to media in order to exert positive pressure on its resolution; or even addressing on the Mechanism for the Systematic Monitoring of the Follow-up and Implementation of the Recommendations of Independent Institutions, established by the Albanian Parliament.

Special focus is given on issues raised in the annual reports or in special reports prepared by the People's Advocate, trying to give more voice to some issues that may have remained unsolved for several years. The creation of a culture and practice of good governance by public bodies remains a constant concern of the People's Advocate.

A specific remedy used in cases where this issue relates to the content of normative acts that fall within the jurisdiction of the Constitutional Court is the request addressed to the latter for their complete or partial repeal, as acts not in accordance with the Constitution of the Republic of Albania. This competence is provided for in Article 24 of Law No. 8454 dated 4.02.1999 "On the People's Advocate", as amended, which states:

"When the People's Advocate observes that it is the very substance of the law or other normative acts and not their implementation, that creates the premise for human rights violations recognized by the Constitution or other laws, it is entitled: - to set the Constitutional Court on motion to repeal such acts.

6.3.1 Investigation

The Paris Principles state that within the framework of its operation, the national institution shall: hear any person and obtain any information and any documents necessary for assessing situations falling within its competence.

Please complete this section if the NHRI does not have quasi-judicial competence as set out in section 7 below.

Discuss how the NHRI carries out this function. Please explain:

- (i) The legal provisions that vest the NHRI with this function;**
- (ii) Whether individuals, government, public bodies etc are obliged to provide the NHRI with requested documentation;**
- (iii) How the NHRI carries out this function in practice (e.g. in the conduct of public inquiries).**

(i) The People's Advocate, in the exercise of his/her functions, administers administrative complaints or issues initiated by him/her (ex-officio) on an administrative basis. Administrative review is an important procedural instrument. It summarizes a series of administrative actions, deadlines, interim decisions and procedures, which conclude with the return of a response to the complainant, when the complaint is unfounded or out of competence of the People's Advocate. One of the remedies such as a recommendation, or a special report, identifying the violation of the right and recommending the measures to be taken to cease the infringement, as well as any other necessary measures in this context. In terms of Law no. 8454 dated 4.02.1999 "On the People's Advocate", as amended, the examination of complaints received for this purpose by the People's Advocate, or initiated by him on his own initiative, is an administrative investigation process.

Article 12 of the Law on the People's Advocate provides that any individual, group of individuals or non-governmental organizations, who claim that their legal rights and freedoms and interests have been violated by unlawful or irregular acts or omissions public administration bodies, have the right

to complain or notify the People's Advocate and request his intervention for the violation of the right or freedom violated.

On the other hand, Article 13, paragraphs 2 and 3 of the same Law provides for the discretion of the People's Advocate to begin with its own initiative, the examination of special cases made public. It expressly provides that: *"The People's Advocate shall initiate the procedure of examining a case when he / she observes or suspects that a violation of the right has occurred on the basis of a complaint, or the request of the person concerned or injured, and on his own initiative, for special cases made public"*.

For the purpose of examining the matter, the People's Advocate, in accordance with Article 20 of the above-mentioned law, has full access to information or documents classified as state secrets.

Article 18 of the law on the People's Advocate, stipulates that, *"following admission of a complaint, request or notification, the People's Advocate shall proceed in one of the following ways:*

- a) shall conduct himself an investigation;*
- b) shall request explanations from the organs of public administration, as well as the public prosecutor in cases of pre-trial detention and arrest;*
- c) shall make a recommendation to the High State Audit to exercise its powers"*.

Investigation is regulated by article 19 of the law on the People's Advocate:

"In case the People's Advocate decides to proceed with an independent investigation, he shall be entitled to:

- a) conduct on the spot investigations, including having access to all public institutions and investigating on the spot of the acts or documents related to the case.*
- b) request explanations from all organs of central and local administration and obtain all files or material relevant to the investigation;*
- c) interrogate any person that, in his judgment, is involved in the matter under investigation and subpoena at his office any person without immunity.*
- d) arrange or request an expert opinion. People's Advocate has the right to set a deadline for carrying out the above actions"*.

More specifically, the last paragraph of Article 25 of the Law "On the People's Advocate" states: *"The People's Advocate receives complaints or notifications of human rights violations stemming from the administration of the judiciary and the execution of judicial decisions. The inquiry and request of the People's Advocate shall not affect the independence of the court in making its decision"*.

More details on complaint handling are regulated by articles 33, 34, 36, 37 38 and 41 of the Internal Rules of Procedure -People's Advocate Institution (attached).

The process of administrative investigation set out in the above-mentioned legal provisions is supplemented by more detailed procedural provisions in the Internal Rules of Procedure -People's Advocate Institution, as for specific procedural issues, reference is made to the adjustment made to these matters in Law no. 44/2015 "Code of Administrative Procedures of the Republic of Albania".

(ii)The administrative jurisdiction of the People's Advocate, within the meaning of the organic law, includes organs of public administration as well as third parties acting on their behalf. The entry into force of Law No. 44/2015 "Code of Administrative Procedures of the Republic of Albania", has already clarified in point 6 of article 3, its definition of a public body (organ), which finally clarifies the circle of entities under the jurisdiction of the People's Advocate.

The article 63, paragraph 4 of the Constitution, stipulates that:

"Public organs and officials are obligated to provide the People's Advocate with all the documents and information requested by him".

Furthermore, according to article 22 of the law “On the People's Advocate”,
“Organs to whom the People’s Advocate has submitted a recommendation, request or proposal for dismissal shall review the recommendation, request or proposal for dismissal and shall reply within 30 days from the date the recommendation, request or proposal for dismissal is delivered. The reply shall include reasoned explanations on the specific case as well as the actions, omissions or measures undertaken by that organ. People’s Advocate should be notified and is given the right to participate in the collegial meetings of the public administration during the reviewing of its recommendation, request or proposal”.

As mentioned above, in accordance with article 20 of the law, People’s Advocate has full access to information or documents classified as state secrets. In such cases he shall comply with the rules for the protection of state secrets (article 20, of the law “On the People’s Advocate”).

(iii) The investigative procedures of the People's Advocate are undertaken in compliance with article 19 of the law “On the People's Advocate”. People’s Advocate and its staff has access at any time, without limitation and initial authorization, upon the notification of the head of the institution, to all public institutions, prisons, pre-detention centers, military units or state institutions, psychiatric hospitals, asylums, orphanages and any other place when there is evidence of infringement of human rights and fundamental freedoms.

The access in the afore-mentioned institutions is granted to investigate a complaint, request or notification as well as with the initiative of the People’s Advocate for the purposes of inspection or studies. In these cases, the People’s Advocate is entitled to meeting and talking with any person kept in those institutions without the presence of the head of the institution. All kinds of correspondence between the People’s Advocate and the above subjects cannot be prohibited or surveilled.

During his activity, the People’s Advocate during the course of an investigation may request information, copies of official documents that are included in official acts, or calls for clarification further, employees, civil servants or even heads of public bodies at central and local level, which fall within its jurisdiction.

Relevant information and documentation is collected during field visits to local communities, with National minorities’ representatives, representatives of NGO-s, or other level of representatives, in the country. The collected information is used for ex-officio case handling, advocacy, or even for the preparation of certain special reports.

Such an experience refers to the rights of minorities. From the information obtained with NGOs in the frequent meetings organized with them, at our institution, we have found numerous problems based on information provided especially by NGOs, protecting the rights of minorities, regarding the respect of minority rights. (Especially the Roma minority and the Egyptian community). This information, compared to the information provided by state institutions, served to prepare a Special Report "On the Situation of Minority Rights in Albania", submitted to the Albanian Parliament in early 2015.

The process of administrative investigation by the People's Advocate also recognizes his difficulties related to how public bodies respond to his requests for information and to request copies of official documents related to the matter under consideration. This problem results in a timely response from public bodies to requests for information addressed by the People’s Advocate, submission by the public bodies of incomplete information or documentation requested, or submission by public authorities of incorrectly requested information or documentation.

In addition, meetings are held between representatives of the People’s Advocate Institution with heads of public bodies, on-site inspections of relevant public bodies, or even with public statements in the media, without excluding participation in television broadcasts on state public television or in

national private television, where issues related to the issues where we have encountered this difficulty have been addressed.

Finally, the organic law provides for administrative sanctions in the case of lack of collaboration with People's Advocate.

6.3.2 Reporting

The Paris Principles state that a NHRI shall have responsibilities in relation to (...) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters.

The GANHRI has adopted the following General Observations on:

- **Annual Report:** *The Sub-Committee stresses the importance for an NHRI to prepare and publicize an annual report on its national situation with regard to human rights in general, and on more specific matters. This report should include an account of the activities undertaken by the NHRI to further its mandate during that year and should state its opinions, recommendations and proposals to address any human rights issues of concern.*
- **Recommendations by NHRIs:** *NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.*

Discuss how the NHRI carries out this function. Please explain:

- (i) The legal provisions that vest the NHRI with this function;**
- (ii) How the NHRI carries out this function in practice;**
- (iii) How annual and thematic reports are delivered (e.g. publicity, distribution, and languages available; authorities to which it is submitted);**
- (iv) Whether relevant parties (individuals, government, public bodies etc) are obliged to formally respond to the recommendations and reports of the NHRI;**
- (v) How the NHRI follows up with authorities on its recommendations.**

(i) The Constitution of Republic of Albania, article 63, paragraphs 1 and 2, stipulates:

“The People's Advocate presents an annual report before the Parliament. The People's Advocate reports before the Parliament when so requested, and he may request the Parliament to hear him on matters he considers important”.

Article 26 of the law “On the People’s Advocate”, as amended stipulates:

“The People’s Advocate shall submit an annual report to the Parliament, which shall discuss it in a plenary session. A copy of the report shall be submitted to the President of the Republic and the Prime Minister. The annual report on the previous year activity should be submitted no later than the 30-th of April of the ongoing year”.

Article 23 of the Law “On the People's Advocate”, as amended states: *“...if the violations are repetitive or the respective organ does not respond to the recommendations of the People’s Advocate, the latter may present to the Parliament a report, which shall include proposals for specific measures to remedy the violations”.*

According to Article 27 of the Law “On the People's Advocate”, as amended, the People's Advocate may also submit to the Parliament of Albania special reports on various issues within its function, especially if it is a violation of constitutional and legal rights.

The law “On the People’s Advocate”, states also on its article 29 that, the People’s Advocate contributes to preparing the reports of the Albanian state to international organizations with regard to the implementation of the conventions ratified by the Albania, focusing human rights and fundamental liberties in the Republic of Albania or submit parallel reports to such international organizations.

The Albanian Parliament, by Decision No.49 / 2017, “On the Establishment of a Mechanism for the Systematic Monitoring of the Follow-up and Implementation of the Recommendations of Independent Institutions”, has set up this systematic reporting mechanism of the People’s Advocate, in the Parliament of Albania, on the recommendations he has made to public bodies and the implementation of the recommendations by the latter. Reporting to this Mechanism is carried out every 4 (four) months by the People’s Advocate, thus creating a new reporting function.

Point 6 of article 284 of law no. 115/2016, "On the Governing Bodies of the Justice System", provides that:

“The President of the Republic organizes the lot for the election of the members of the Provisional Council of Justice Appointments without delay. The lot procedures are documented by the President of the Republic. The lottery procedures are conducted in the presence of the People's Advocate, who drafts and publishes a monitoring report on the lottery procedure”.

Law no. 115/2016 “On the Governing Bodies of the Justice System”, provides, respectively, in point 11 of Article 221, expressly that:

"11. The People's Advocate shall immediately publish on the official website of the institution the report of the monitoring of the lottery process."

People’s Advocate has already exercised this competence, in all cases where the lot for the members of the Justice Appointments Council has been cast.

(ii)The People’s Advocate Institution submits its Annual Report each year, to the Parliament, before the deadline defined by the law, 30-th of April. Annual Report contains analysis and assessment of the situation of human rights and freedoms in the country, including certain occurrences of violations of the rights of individuals or communities, based on data collected through complaints, from public organs, NGO-s, national minority representatives, media representatives, trade unions etc. This report includes recommendations regarding individual cases or in a broader perspective collective rights, intended to introduce systematic changes to prevent the violations of human rights. The Annual Report is reviewed by the Parliament within 3 months from the submission.

Besides the Annual report of the Institution, the People’s Advocate shall report to the Parliament on his own motion or upon written request of the Speaker of the Parliament or a group of members of the Parliament. The Speaker of the Parliament shall decide on whether the report shall be heard by:

- 1) the plenary session [of the Parliament];
- 2) distributing the report (according to article 27 of the law “On the People’s Advocate”);
- 3) the standing Parliamentary Commission. Special Reports of the People’s Advocate should be discussed in Parliament within 2 months from the submission.

After submitting the annual report on the activity of the People’s Advocate, or the special report to the Albanian Parliament, it is the latter that publishes the submitted reports, after reviewing them within the legal deadlines. If these reports are not discussed by the Albanian Parliament within the legal deadlines, the People’s Advocate may publish them. This may also happen if the People’s Advocate considers, in all objective circumstances, that the deadlines for reviewing the reports submitted by the Parliament may not be met.

According to article 28 of the law on the People's Advocate, if the annual and special reports are not discussed by the Parliament, within the above mentioned deadlines, the People's Advocate has the right to publish the report. In each case of the review of these reports by the Parliament, the People's Advocate also publishes the resolution of the Parliament or other forms of parliamentary response to these reports.

(iii) Every year is prepared an annual report on the activity of the People's Advocate. On the other hand during the period under review have been prepared 10 special reports, as follows:

1. Special report (III), on public administration and labor relations regulation;
2. Special report on the forced eviction of the Roma / Egyptian community, located in the area of Artificial Lake, Tirana;
3. Special report on the situation of minority rights in Albania;
4. Special report on calculating the living minimum standard;
5. Special report on property rights issues;
6. Special report on the level of respect for children's rights in public residential care institutions for children in orphanages;
7. Special report on the People's Advocate's activity in the role of the National Torture Prevention Mechanism;
8. Special report on child labor in Bulqiza Municipality etc;
9. On the problems observed in the activity of some public administration bodies, during the implementation of the project "External Ring of Tirana", Lot III (Systemization of the Lana River bed and construction of parallel roads, New Maternity segment, External Ring of Tirana);
10. On the issues identified during the drafting, approval and execution of the project "Rehabilitation of the street segment "Bypass of the building at the "Shqiponja" Square";

Other reports on the specific situation of the human rights situation have also been drafted, in cooperation with international organizations, in which there are findings not to be addressed to the Parliament, but they are factual timeline reports that are shared with other subjects, such as mental health reports etc.

These special reports were first addressed to the Parliament of Albania, and a copy of them was sent to the President of the Republic, the President of the Council of Ministers, the body or supreme body whose subordinates are mentioned in the report and more after the international community in Albania.

Most of the above mentioned reports have been translated to English, except of a minor number of them. All these special reports have been shared with the general public and the relevant institutions in Albania working in the field of human rights, including here the international community in Albania (e.g. embassies in Albania, international organizations present in Albania etc.), national and international organizations.

(iv) Article 22 of the law on the People's Advocate stipulates the obligation of the public organs to respond to the recommendations of the People's Advocate.

This article states: *"the organs to whom the People's Advocate has submitted a recommendation, request or proposal for dismissal shall review the recommendation, request or proposal for dismissal and shall reply within 30 days from the date the recommendation, request or proposal for dismissal is delivered. The reply shall include reasoned explanations on the specific case as well as the actions, omissions or measures undertaken by that organ. People's Advocate should be informed and he has the right to participate in meetings of the public administration collegial organs where his recommendation, request or proposal is examined"*.

In case there is no cooperation with the People's Advocate: *"the refusal to cooperate with the People's Advocate from the civil servant, high-rank official or public authority constitutes a cause for*

the People's Advocate to request to the proper authority starting of the administrative proceedings and taking of the disciplinary measures up to the dismissal from work or civil service (article 21/1 of the law "On the People's Advocate")".

In fact, the meaning and spirit of the law is not a formal response by the public body, but a thoroughly reasoned response to the position that this body has taken on the recommendation sent to it by the People's Advocate. Whether or not the recommendation is accepted or rejected, the public body must present well-founded legal arguments regarding its respective position.

From the statistics referring to the period under review (year 2015 until 31 August 2019), it turns out that the number of responses we received to the recommendations we addressed to public administration bodies, whether or not recommendations were received / implemented, is a total of 717 responses to a total of 1133 sent recommendation.

(v)According to article 23 of the law on People's Advocate, *"If the People's Advocate does not consider sufficient the reply or measures an organ has undertaken, he shall have the right to refer the case to the higher organ in hierarchy. If [the violations] are repetitive or the respective organ does not respond to the recommendations of the People's Advocate, the latter may present to the Parliament a report, which shall include proposals for specific measures to remedy the violations"*.

People's Advocate regularly monitors the full implementation of its recommendations in a periodical basis. Implementation level data is collected from responsible public organs time by time, as well as regular information is given by complainants themselves based on our continuous communication to them.

The follow-up of the implementation of the recommendations by the People's Advocate relates primarily to the requests he or she makes to the public body to implement the recommendation submitted, or to change its position on the total or partial refusal of the relevant recommendation. In case of non-response, the request is sent to the highest authority in the administrative hierarchy, depending on the public body to which the recommendation was originally sent.

Finally, the monitoring of the implementation of decisions on a periodic basis has made, for the Torture Prevention Mechanism, a part of the reporting and the implementation of the tasks left in our recommendations sent since the first years of this activity, by the People's Advocate.

6.4 Promotional Functions

6.4.1 By raising awareness on human rights norms and issues

The Paris Principles state that a national institution shall have the responsibility to publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Discuss how the NHRI carries out this function. Please explain:

(i)The legal provisions that vest the NHRI with this function;

(ii)How the NHRI carries out this public education function in practice;

(iii)Whether it makes publications or services available in several languages and if it makes interpretation available;

(iv)What public awareness campaigns the NHRI has undertaken in relation to combating racism.

(i)The People's Advocate Institution operates according to the Constitution and the Law "On the People's Advocate". The latter has been amended in 2014 where, among other changes, there has also been an amendment in Articles 2 and 29 of the law clearly defining promotion of mandate of the People's Advocate institution is *the promoter of the highest standards of human rights and freedoms in the country, and promotes the inclusion of protection of human rights and freedoms, as stipulated in the Constitution and in legislation, in the curriculum as well as their implementation in educational institutions.*

The People's Advocate Law in Article 2 states that:

"The People' Advocate safeguards the rights, freedoms, and legitimate interests of individuals from unlawful and improper actions or failures to act of the organs of public administration as well as third parties that act on their behalf. He is promoter of the highest standards of human rights and freedoms in the country".

Also, as per article 29 "People's Advocate contributes to preparing the reports of the Albanian state for international organizations in the implementation of the conventions ratified by Albanian state, pertaining human rights and freedoms in the Republic of Albania and can submit to them parallel reports. People's Advocate promotes the inclusion of protection of human rights and freedoms, as stipulated in the Constitution and in legislation, in the curriculum as well as their implementation in educational institutions".

Such provisions ensure the promotional mandate of the People`s Advocate (People's Advocate).

(ii) Cooperation with media, including social media; During the reporting period the People's Advocate, has considered *the media and its role as a very important ally.* The protection of many cases to the benefit of needy classes has been realized through media conferences, both by the People's Advocate and its staff and through official statements that find immediate and accurate reflection by online media as well as televisions of all formats, both generalist and informative. Understanding the relevance of social media we could not sidestep this innovation, as a very good and quick opportunity to be as close and as direct with the public. The People's Advocate has an official website and communicates with citizens through Facebook platform where there has been published every activity and several important acts of the People's Advocate. This platform is followed by more than 6700 people. Also there have been created new official Facebook pages for every of the 5 Sections, where the latter publish their own activity in the specific field. In this communication platform we have tried to promote knowledge on fields of human rights with interest to the public, but also many activities held by the Institution of the People's Advocate.

Services to citizens by enhancing the proactive role of the institution and the functioning of the regional offices; Since 2014 until today, the People's Advocate Institution has been extended with 7 regional offices in seven of the biggest administrative centers from north to south and specifically in the municipalities of Shkodër, Kukës, Berat, Fier, Pogradec, Saranda and Dropull. Regional offices with representatives of People's Advocate are key focal points to promote the role of the institution in regional government and civil society, and to help citizens to submit their complaints. Capacity building of staff in terms of the proactive approach to the reception and services offered to the citizens in the regional offices, has been and shall remain in the focus of the People's Advocate activities. Their presence in these regions has not only narrowed the distance, but it has also brought the institution of People's Advocate closer to citizens. The intensive communication with citizens,

local government and civil society that has been possible through these regional offices, has enhanced the opportunity to organize “Open Days” from People’s Advocate, commissioners and staff of the institution, and to reach the expanded audience. During these days, the representatives of the People’s Advocate Institution and Regional Offices have also distributed leaflets with information related to human rights and the institution’s activity.

The People’s Advocate’s Magazine; The People’s Advocate Institution has published 22 numbers of magazines in order to build a new bridge of communication. The institution conceived a new idea, a magazine that also served as the preface of a new contract of cooperation between the People’s Advocate and citizens. The idea behind this magazine, as also shown by its content, is of not simply having a magazine that talks about the institution, but also a magazine that belongs to everyone, a magazine of the citizens and for the citizens, a magazine of the Public Administration and for the Public Administration, a magazine of the civil society and for the civil society. Therefore, the public has its own magazine where it can freely express its own opinions. The magazine has been distributed to the newspaper sales points, where it has been provided for free to the citizens.

In order to enhance communication and access of the citizens to the People’s Advocate Institution, to have a new proactive approach towards the citizens, a new web-page has been redesigned. This web page enhances the transparency of the institution for the citizens.

Communication and Visibility Strategies – Antidiscrimination Albania 2017. In addition to the General Strategy of the institution, and in order to enhance a proactive approach in terms of communication, in December 2017 a team group of the People’s Advocate Institution with members from all the sections of the institution, and with the financial support of the Council of Europe, drafted and approved a Public Communication Strategy for Albania’s People’s Advocate. The overall goal of public communication in the area of human rights protection and antidiscrimination in Albania is to ensure that the people of Albania are fully aware and support the human rights values, and have zero tolerance for discrimination based on any grounds. For the first time, this strategy provides measurable instruments related to the flexibility with the citizens and serves as a roadmap for achieving the result.

Cooperation’s agreement between National Human Rights Institutions in Albania, in November 2018. The People’s Advocate Institution and the Commissioner for Protection from Discrimination and The Information and Data Protection Commissioner Office signed a cooperation agreement, drafted with the coordination and support of the OSCE Presence in Albania. The agreement aims to strengthen cooperation between institutions, in accordance with the legislation in force, according to specific activity, and to increase the effectiveness in respecting fundamental rights and freedoms. Through this agreement, the three Authorities have committed to:

Coordinate respective activities with special focus on the field of the right to information.

Cooperate in implementing joint projects and exchange of experiences and best practices.

Use common approach as defenders of fundamental human rights in in Albania.

Monitor parliamentary activity in order to respect the standards during the process of consulting draft laws before their adoption.

Cooperate in promoting the continuous improvement of the national legal framework in accordance with international conventions signed / ratified by Albania.

Cooperate in organizing joint national and international awareness raising activities to guarantee fundamental human rights and freedoms.

The People’s Advocate Strategy. In June 2019, the People’s Advocate Institution has approved the strategy and action plan of the institution for the period 2019 – 2022. One of the key results area is human rights promotion, preparing main activities to increase awareness of citizens about their rights. Furthermore, approved Strategy and action Plan 2019-2022 of the section for the protection and

promotion of children's rights at the People Advocate's Institution. Also, have been designed of the friendly and simply website for the Child Right Protection and Promotion Section of the People's Advocate.

(iii) The Official webpage of the People's Advocate Institution is available in Albanian and English. Furthermore, all the annual reports and several other publications of the People's Advocate Institution are translated into English.

(iv) In order to promote equal action, break stereotypes, fight racism and emphasize equality, a small grants program was concluded in 2015, with the financial support of the Danish Project. The People's Advocate institution in cooperation with the civil society organizations implemented five projects in the end of which there were produced different promotional materials, publications, studies, etc., as well as informative and promotional leaflets, posters, a study "On the healthcare system in Albania,"; a study "On the education system in Albania," some manuals such as "Rights of LGBTI," "Instruction for the local government on the participation of children and youth in local governance," "Instruction on the inspection of social services in Albania," "Instruction on monitoring human rights in healthcare institutions," a study of the Albanian legislation on healthcare services and insurance: "Instruction for the People's Advocate on monitoring and assessment of social care standards for people with disabilities in public residential and daily structures at a central and local level", etc. All the above-mentioned materials were presented in roundtables and were shared with the relevant institutions. The People's Advocate interaction with civil society organizations was materialized in auditoriums organized in Tirana and in other cities. Conceived as platforms where the voice of citizens and civil society could be heard, these auditoriums gave voice to the main concerns in the country, such as property issues, rights of minorities, issues of poverty and minimal living standards, opening of former state security files, blood feud, disability, as well as issues of environmental rights and issues affecting the future.

6.4.2 Through programmes for teaching and research

The Paris Principles state that a national institution shall have the responsibility to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles.

Discuss how the NHRI carries out this function. Please explain:

(i) The legal provisions that vest the NHRI with this function;

(ii) How the NHRI carries out this education function in practice;

(iii) Examples of the NHRI's initiatives in such programmes in schools, universities and professional groups.

(i) The promotional and educational functions of the People's Advocate are included in Articles 29, 30 and 31/1 of the law "On People's Advocate", which state as follows:

The People's Advocate contributes to preparing the reports of the Albanian state for international organizations in the implementation of the conventions ratified by Albanian state, pertaining human rights and freedoms in the Republic of Albania and can submit to them parallel reports. People's Advocate promotes the inclusion of protection of human rights and freedoms, as stipulated in the Constitution and in legislation, in the curriculum as well as their implementation in educational institutions.

The People's Advocate shall perform his duties in close cooperation with non-governmental organizations and shall regularly request their opinion on the human rights situation. The People's Advocate in cooperation with non-governmental organizations, shall organize at least annually a national conference on the situation of human rights and freedoms in the Republic of Albania.

The People's Advocate shall exercise the functions of the National Mechanism for the prevention of torture, cruel, inhuman or degrading treatment or punishment in accordance with the Constitution, international treaties ratified by the Republic of Albania and the legislation in force. National Mechanism for the prevention of torture, cruel, inhuman or degrading treatment or punishment is organized and operates as a separate section of the People's Advocate.

(ii) Enhancing citizen's knowledge on their rights, has been a continuous challenge for the People's Advocate Institution.

In 2015, the People's Advocate Institution, in cooperation with the Swedish Institute of Public Administration (SIPU) carried out an evaluation of the curricula in elementary schools and in the Faculty of Education (Bachelor and Master), regarding the inclusion of human rights knowledge and information in these programs. This evaluation showed that there is a lack of information regarding human rights, and this affects directly the awareness of the new generations about human rights and how to protect themselves, as well as the capacity building of the educational staff. The results of this evaluation were presented to the Ministry of Education, in order to ensure a new approach in the educational curricula about human rights.

During the reporting period, the People's Advocate Institution in cooperation with civil society experts has conducted trainings of local government administration in 24 major local government units. The total number of local administration trainees was approximately 750 people across the country. The purpose of these actions was raising awareness on different aspects of human rights such as:

- a general overview on the human rights concept in Albania;
- the right to education;
- property rights;
- the right to benefit from economic assistance;
- environmental law;
- the right to information and citizen participation in governance;
- consumer protection;
- protection of marginalized groups;
- right to information, Work Code and Civil Servant law;
- jurisdiction and competences of the People's Advocate its relations with the local government, etc.

Furthermore, the Section of Promotion and Protection of Children's Rights in People's Advocate Institution, prepared a Guide to cooperation among the People's Advocate, Children and Civil Society Organization. This guide is perceived as a guiding and suggesting document that will help the People's Advocate office to enhance its cooperation with children and the civil society in Albania with concrete instruments of promoting children's rights (with children for the children). This guide aims at enhancing cooperation among the People's Advocate Office, children and civil society. In this framework there have been realized several trainings with the pupil's governments in some cities of Albania focused in the role on the People's Advocate in protecting children's rights.

The National Preventive Mechanism against Torture closely collaborated with local Civil Society Organisations specialized in the field of the protection of the rights of people deprived from liberty.

As a result of the effective collaboration they produced a series of promotion materials (leaflets, posters, manuals) and made possible a series of training courses focusing on human rights with employees of the state police and security, health and psycho-social staff of prison administration. Trainings and promotional materials have been designed to increase knowledge on Human Rights in police units, in prisons and detention facilities in order to ensure respect for their rights, improvement of knowledge on the institution of the People's Advocate and its role as the National Preventive Mechanism against Torture and information on other supervisory mechanisms.

In order to promote human rights in the country and prevention of infringements, NPM experts were actively involved in Albanian press and electronic media, via press conferences, joint meetings with journalists, interviews, attendance in TV shows, in view of raising awareness on problems and achievements regarding human rights of persons deprived of their liberty.

(iii) During June 2019 the People's Advocate Institution has concluded a cooperation agreement with UNICEF in conducting promotional activities designed to increase the number of child rights violation cases brought to the People's Advocate Institution. In concrete terms, the aim of these activities is to include the issues of children's rights in the curricula of pre-university programs. There have been official discussions with the Ministry of Education and together we are working on the respective materials in a simple and friendly language. The process is ongoing.

During the reporting period the People's Advocate has organized several open lectures in some of the public and private universities, related to human rights and the institutions that protect these rights, especially related to vulnerable groups like Roma and Egyptian community, LGBTI, Disabled people; to the right of property, etc.

6.4.3 By addressing public opinion

The Paris Principles state that within the framework of its operation, the national institution shall address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations.

Discuss how the NHRI carries out this function. Please explain:

- (i) The legal provisions that vest the NHRI with this function;**
- (ii) How the NHRI carries out this public education function in practice;**
- (iii) What policies and strategies the NHRI has to engage with the media.**

(i) This function is stipulated in Article 29 of the law "On People's Advocate", which state the following:

"The People's Advocate contributes to preparing the reports of the Albanian state for international organizations in the implementation of the conventions ratified by Albanian state, pertaining human rights and freedoms in the Republic of Albania and can submit to them parallel reports. People's Advocate promotes the inclusion of protection of human rights and freedoms, as stipulated in the Constitution and in legislation, in the curriculum as well as their implementation in educational institutions".

Further, Article 30 provides that: *"The People's Advocate shall perform his duties in close cooperation with non-governmental organizations and shall regularly request their opinion on the human rights situation. The People's Advocate in cooperation with non-governmental organizations,*

shall organize at least annually a national conference on the situation of human rights and freedoms in the Republic of Albania”.

(ii) The People’s Advocate, its Cabinet (Press Advisor) and the institution’s administration maintain ongoing, direct and institutional contacts, with journalists and representatives of printed, online and visual media. The important events of the People’s Advocate have arisen the keen media interest in country’s journals, televisions and major online outlets. The People’s Advocate, members of its staff and cabinet have also been continuously present in the media in several cases, as well as newspaper articles are published on a regular basis; this applies particularly in the cases when the People’s Advocate aimed at drawing the attention of the different stakeholders and general public over problems related to human rights in Albania.

During the reporting period, related to the need of raising awareness on different aspects of human rights, the People’s Advocate Institution has organized many auditoriums including annual conferences of the institution and other specific issues regarding the violation of human rights, as follows:

Respecting rights and standards of persons deprived from freedom; organised in Tirana in cooperation with the OSCE Presence;

Blood feud; organized in Shkodra in cooperation with the OSCE Presence;

Situation of collective rights of minorities in Albania; organized in Gjirokastra in cooperation with the OSCE Presence;

Addressing Albania’s communist past, organized in Tirana in cooperation with the OSCE Presence;

When will Albania have an official minimal living standard?, organised in Tirana in cooperation with the OSCE Presence;

Rights of LGBTI community in Albania; organized in Tirana with the network of civil society organizations that protect the rights of this community in Albania. The panel member of honor in this auditorium was the special envoy of the US Department of State on Human Rights and LGBTI;

Public investments made to fulfil children rights; organized in Tirana in cooperation with Save the Children;

Economic development of Albania and harmonization with environmental policies; organized in Tirana with the Regional Environmental Centre;

Civil society cooperation with the People’s Advocate and cross-border relations, at cooperation and with the contribution of the People’s Advocate institutions of Albania, Macedonia and Kosovo as well as representatives of civil society from respective countries, in the city of Pogradec;

Situation of collective rights of minorities in Albania, organized in cooperation with OSCE Presence and Council of Europe in Gjirokastra;

The future of orphan children in Albania, decentralization-deinstitutionalization, challenges for the future, organized in collaboration with organizations that work to protect children’s rights as well UNICEF, Save the Children, Terre des Hommes, in Tirana;

Round table on the human rights situation of persons deprived of their liberty in state institutions during 2015, organized in cooperation with the OSCE Presence in Kosovo Tirana;

The right to employment for persons with disabilities;

The situation of collective rights of minorities in Albania, with main focus on discussions and comments on the draft law on the protection of national minorities in the Republic of Albania, prepared by the working group set up by order of the Prime Minister;

11th European Forum on the Rights of the Child "Children deprived of their liberty and alternatives to detention."

"Stop the exploitation of child labor", in the context of the International Day against Exploitation of Children’s Activities, organized in Bulqiza Municipality.

The People’s Advocate Institution - Mechanisms for protection of the right’s people with disabilities”, Round Table between the groups of interest and responsible institutions in the country.

(iii) The People's Advocate Institution developed a new communication strategy in the area of human rights protection in 2017. The strategy establishes internal principles for public communication for the People's Advocate in order for the institution to be able to use (1) strategically designed proactive approach to communication, and (2) two-way model of public communication, when reaching out to audiences. Furthermore, this strategy is intended to make the citizens (1) well aware about the issues of human rights protection and antidiscrimination, as well as (2) conscious about where to turn in case they or others are mistreated.

The target group of this strategy is the media, minorities, vulnerable groups the general public and the relevant stakeholders in the field of human rights protection.

The activities related to this strategy have been included in the action plan of the institution's strategy, where the main activities in this context are as follows:

Organize awareness campaigns, mainly through the visual media, to showcase, in an easily accessible language the work of the People's Advocate to the public (including TV campaigns);

Develop information leaflets (case for support) about the roles and achievements of the People's Advocate to increase the public's awareness on the important role of the People's Advocate in Albanian society;

Celebrate International Human Rights Day and other relevant human rights celebrations to increase engagement with and awareness of the public on core human rights issues;

Strengthen the existing regional offices by increasing their capacity and functions, to interact with sensitivity with diverse and particularly vulnerable persons/groups and making them permanent in the structure of the People's Advocate;

Increase the quality and quantity of publications on the work of the People's Advocate and other promotional materials to be distributed to the public, state institutions and communities;

Increase the level of outreach to all regions of Albania, especially those in remote areas, through organizing open days, roundtables, conferences and other forms of regular meetings (in or just outside regional offices) to facilitate the filing of complaints and information sharing on human rights themes;

Establish a stronger mechanism for partnering with members of parliament, mayors, media and citizens in order to address issues of access to the People's Advocate;

Increase the use of technology and various forms of media to reach out to all segments of the Albanian society, especially targeted to those living in remote and inaccessible areas;

Develop specific programs targeting the youth in order to enhance their awareness on the work of the People's Advocate.

7. QUASI-JURISDICTIONAL FUNCTIONS (optional, only for those NHRIs having quasi-judicial powers)

The Paris Principles state that a national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, and associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within

the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Discuss how the NHRI carries out this function. Please explain:

- **The legal provisions that vest the NHRI with this function;**
- **How the NHRI carries out this complaints handling function in practice (i.e. an overview of the mechanisms and procedures adopted to receive, investigate, and handle complaints received).**

Not applicable to our Institution

Please provide an account of complaints-handling statistics (e.g. number and typology of complaints received and processed; resolved; dismissed; referred).

Our Institution has the mandate to handle complaints received from citizens in several ways, such as: by official letter of complaint (filed by regular mail); by the 7 regional offices; by physical presence of the citizen in our premises; by e-mail; by phone (green number), Facebook, online web, mobile phone application dedicated to the citizens and through all other means of communications;

A statistical overview shows that the major areas in which complaints are received refer to the rights of persons deprived of their liberty, judicial procedures, right of property and right of social insurance. The majority of the complaints are filed in the city of Tirana (the capital), followed by the regional offices of Fier, Shkodër and Saranda.

During 2014 the Office of the People's Advocate has handled 3969 complaints, requests and notifications. Complaints, requests, notifications during 2014 that are under the jurisdiction of the People's Advocate Institution are 2572 in total (64.8 % of the total complaints). The rest of the complaints (1397 or 35.2% of the complaints) were out of the jurisdiction, and were processed promptly by the Citizens' Reception Office: 793 complaints were answered promptly (20 % of the total complaints), while 604 complaints (15.2 % of the total complaints) were answered in the form of written consultations.

During 2015 a total of 4203 complaints, requests and notifications were handled by the People's Advocate institution. Complaints, requests, notifications during 2015 that are under the competence of the People's Advocate Institution are 2735 in total (65 % of the total complaints). The rest of the complaints (1468 or 35% of the complaints) were out of the competence, and were processed promptly by the Citizens' Reception Office: 1112 complaints were answered promptly (26.4 % of the total complaints), while 356 complaints were answered in the form of written consultations (8.5% of the total complaints).

While in 2016 the People's Advocate has handled 5512 complaints, requests and notifications in total. Complaints, requests, notifications during 2016 that have been under the competence of the People's Advocate Institution are 2566 in total (46.5 % of the total complaints). The rest of the complaints (2946 or 53.5 % of the complaints) were out of the competence, and were processed promptly by the Citizens' Reception Office: 2471 complaints were answered promptly (44.8 % of the total complaints), while 475 complaints were answered in the form of written consultations (8.6 % of the total complaints).

In 2017 a total of 4546 complaints, requests and notifications have been dealt by the People's Advocate Institution. Complaints, requests, notices during 2017 that have been under the competence

of the People's Advocate institution are 1752 in total (38.5 % of the total complaints). The rest of the complaints (2794 or 61.5% of the complaints) were out of the competence, and were processed promptly by the Citizens' Reception Office: 2408 complaints were answered promptly (53 % of the total complaints), while 386 complaints were answered in the form of written consultations (8.5 % of the total complaints).

For the whole period of 2018, 5516 complaints were handled at the People's Advocate Institution, regional offices by other means of communication, both postal and on-line, from which 2601 (47 % of the total complaints) complaints were under the competence of work of the People's Advocate Institution and have been classified "within competence and competence" and 2915 complaints (53 % of the total complaints) have been dealt with in the form of "counseling and guidance" on legal ways for citizens to pursue further their complaints and institutions that should address them. Of the total Complaints for this year, 2385 complaints (43 % of the total complaints) came from the Regional Offices.

For the period January – 30 September 2019 the complaints received from the People's Advocate Institution are 2757 from which 1136 complaints (42 %) are under the competence of the People's Advocate institution and 1621 were treated in the form of "counseling and guidance".

As shown by the graph below, for the period of 2014 to 2018 the number of complaints has increased by 28 %.



RELATIONSHIP WITH RELEVANT HUMAN RIGHTS STAKEHOLDERS AND OTHER BODIES

8.1 Relationships with Civil Society

The Paris Principles state that within the framework of its operation, the national institution shall, in view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental

organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Discuss how the NHRI carries out this responsibility. Please explain:

(i) Whether the provisions in the NHRI's founding law formalises relationships between the NHRI and civil society;

(ii) How the NHRI has developed relationships with NGOs in practice;

(iii) Which civil society groups the NHRI cooperates with (i.e. NGOs, trade unions, professional organisations, individuals or organisations espousing trends in philosophical or religious thought, universities and qualified experts, parliament and government departments);

(iv) How frequent and what type of interaction the NHRI has with NGOs (e.g. workshops, meetings, joint projects, through complaints handling).

(i) Article 30 of Law "on People's Advocate" stipulates that :

"In carrying out its functions, the People's Advocate works closely with non-governmental organizations, periodically receiving their opinions on the situation of human rights and freedoms.

The People's Advocate, in cooperation with non-governmental organizations, organizes, at least once a year, national activities on the situation of human rights and freedoms in the Republic of Albania.

(ii) (iii) (iv) Currently, People's Advocate has signed 151 cooperation agreements between with different NGO, and has implemented an important number of different projects.

A Human Rights Advisory Board has been established and functions since 2015, as a consultative-advisory body to the People's Advocate institution by offering expertise, and consultancy for recommendations on different human rights issues, especially for the most vulnerable groups such as Roma Community, LGBTIQ, people with special needs, people deprived from freedom, etc.

A very important initiative aiming to strengthen the People's Advocate's communication with local government units and civil society organizations, has been funded by the DANIDA Program of the Kingdom of Denmark, offering a significant contribution to the development of relations and mutual assistance between the People's Advocate institution and civil society organizations throughout the country, on joint monitoring visits, trainings, and promotional materials, publications, studies, etc..

Leaflets with informative and promotional character, posters and a series of reports have been produced in collaboration with NGO-s, have been distributed and presented in several round tables, conferences, and have been shared with relevant public institutions such as: (i) "On the health system in Albania"; (ii) On the education system in Albania "; (iii) Manuals such as "LGBTIQ personal rights"; (iv) "Guidelines for Local Government on the Participation of Children and Youth in Local Government"; (v) "Guidelines for the inspection of social services in Albania"; (vi) "Guidelines for Human Rights Monitoring in Health Institutions"; (vii) Study of Albanian legislation on health services and insurance; (viii) "Guidelines for the People's Advocate on the monitoring and evaluation of social care standards for persons with disabilities in public residential and day care structures at central and local level", etc.

The Danish People's Advocate and the Danish Institute for Human Rights have supported the process of drafting the Albanian People's Advocate Strategy and Action plan for the years 2018-2022. On each of the main fields of action, the collaboration with NGO-s and international agencies has been highlighted, and currently there are several collaborations and projects ongoing (UNHCR, Save the Children, UNICEF, etc.)

The law “On People’s Advocate” in Article 33/1 for the selection of commissioners, clearly provides that: “People’s Advocate examines and verifies the fulfillment of the conditions and legal requirements of each candidacy through an open and public process and in cooperation with civil society organizations operating in the field of protection of human rights, organizes the process for reviewing and evaluating candidates.”

In the process of the candidate’s selection for the positions of the Commissioners, the People’s Advocate institution cooperates with civil society organizations operating in the field of protection of human rights. Furthermore, during the process of selection of candidacy for Commissioners, People’s Advocate has submitted, among others, the invitation to asking for the candidates who belonged to law universities (public and private one), civil society organizations in the field of human rights and other groups of interest. Throughout the steps dealt with above, the members from the civil society are free to participate actively.

Some important examples of this collaboration are mentioned below:

In 2016, the People’s Advocate Institution contracted an Albanian NGO, The Albanian Center for Economic Research [hereinafter ACER], to conduct a study on defining the minimum living rate in Albania. ACER concluded the study and this report was presented in October 2016 in a workshop, with the key issues of concerns and recommendations.

In 2017 the Albanian Parliament entrusted to the People’s Advocate Institution a new and very important mandate under the new Justice Reform to select the candidates for the evaluation of judges and prosecutors in Albania in the framework of the so-called vetting process. The People’s Advocate Institution established a working group and collaborated very closely on this issue with the International Monitoring Operation (IMO).

In 2017 the People’s Advocate Institution contracted an Albanian NGO, Center for Legal Information and Study Team [hereinafter LIST] to conduct another study of importance named “On moral and sexual harassment in the Albanian public administration”. The LIST, in collaboration with our institution, conducted the study, and upon approval from the People’s Advocate, this study report was presented in a workshop, on March 2017.

The People’s Advocate in collaboration with “Activity Team” organized a workshop on Data Collection and Analysis Skills for Special Investigations. The “Activity Team” worked also on the Guidelines for Communication and Engagement with Civil Society, Media and the Parliament. The Guidelines offered a solid framework for strengthening cooperation with different stakeholders and NGO-s through Regional Roundtables with civil society and media, how to conduct joint inspections with NSOs through a transparent selection procedure, and joint campaigns of educating the public with their rights and the mechanisms to claim those rights. The Activity Team has included in the Guidelines two databases of NGOs working: in the health and anticorruption areas to be used for strengthening engagement in these areas.

On October 9, 2018 the People’s Advocate organized a third Inter-Institutional Technical Working Group meeting, with senior staff of the partner institutions. The meeting was hosted in ASAI premises. The meeting focus was the presentation of the ICT tools for the “watchdog” institutions. The People’s Advocate IT officer presented the new Mobile App for receiving complaints. A staff member from the Parliament also attended the meeting and was engaged in a discussion regarding the tracking tool mechanisms for the recommendations issued to public institutions by the ASAI and People’s Advocate in the framework of the Parliament’s planned online system for monitoring the implementation of recommendations of watchdog institution. On December 11, 2018, the People’s

Advocate Office held its Annual Conference on “70 years of the UN Human Rights Declaration and 20 years of the Albanian Constitutions.” The highest representatives of the UN agencies participated in the conference while a separate session was dedicated to the role of CSO in the respecting of human rights in Albania. The Activity contributed to the conference with the printing of the People’s Advocate’s Annual Report 2017, both in Albanian and English language, which was part of the conference participant files.

The People’s Advocate Institution has also collaborated with many civil society actors in the areas of third age and disability. Specifically, activities were held on the following topics: (i) “Active aging in active communities”; (ii) Albanian society for all ages (ASAA). (iii) Roundtable on the Law "Active aging"; (iv) Public dialogue - Solidarity between generations; (v) Roundtable on "How to improve access to justice for vulnerable groups" etc. In addition, consultative meetings were held with the Local Government Unit, civil society organizations and groups in need on monitoring and evaluation methodology for social services provided by local government units.

The People’s Advocate Institution has been working closely with civil society organizations focusing on the protection of women’s rights and gender equality. On 9th of July 2019, the People’s Advocate in cooperation with UNDP organized the first consultation meeting with civil society on: Drafting a framework law to address all forms of violence against women in full compliance with the recommendations of the Istanbul Convention on preventing and combating violence against women and domestic violation.

On 11 July 2019, the People’s Advocate Institution with the support of UNDP organized a roundtable discussion on the drafting of policy and the procedural documents of various public institutions and private entities against harassment and sexual harassment as a guarantee to ensure a safe working environment. This roundtable was attended by experts on legislation in the field of gender equality, the state police representatives, the Ministry of Health and Social Protection, trade unions, civil society, etc.

On May 2019, the People’s Advocate in cooperation with representatives from different Civil Society Organizations organized a joint activity within a special thematic: "Open Day: LGBTI rights are Human Rights!".

8.2 Relationship with other with other bodies

The Paris Principles state that within the framework of its operation, the national institution shall maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions).

The GANHRI has adopted the following General Observations on Cooperation with other human rights institutions: NHRIs should closely cooperate and share information with statutory institutions established also for the promotion and protection of human rights, for example at the state level or on thematic issues, as well as other organizations, such as NGOs, working in the field of human rights and should demonstrate that this occurs in their application to the GANHRI Sub-Committee.

Discuss how the NHRI carries out this responsibility. Please explain:

- (i) Whether the provisions in the NHRI’s founding law formalize relationships between the NHRI and other bodies with human rights responsibilities;**
- (ii) How the NHRI has developed relationships with these bodies in practice;**
- (iii) Which bodies the NHRI cooperates with (i.e. governmental agencies, the justice system, the parliament, any human rights committees, or any other bodies that might affect the human rights situation in the country);**

(iv) How frequent and what type of interaction the NHRI has with such bodies (e.g. training, consultations, meetings, joint projects, through complaints handling)

(v) The NHRI's relationship with other human rights institutions at the national level (e.g. specialized human rights institutions, ombudsmen) (OPTIONAL: only for NHRIs operating in countries where such bodies have been established).

(i) Chapter IV of the law No.8454, dated 04.02.1999, "On the People's Advocate" as amended, refers to the relation of the Institution with the Parliament, governmental authorities and non-governmental organizations. More specifically, Articles 26 and 27 provide that the People's Advocate must submit annual reports to the Parliament, which can be discussed in plenary session. A copy of the report must be submitted to the President of the Republic and the Prime Minister. Article 29 stipulates that The People's Advocate shall contribute to preparing the reports of the Albanian state for international organizations regarding the implementation of the ratified conventions pertaining human rights and freedoms in the Republic of Albania, while gives the right to submit also parallel reports to them.

In addition Article 30 provides for the cooperation of People's Advocate with non-governmental organizations "The People's Advocate in cooperation with non-governmental organizations, shall organize at least annually a national activity on the situation of human rights and freedoms in the Republic of Albania".

The role of the People's Advocate as envisioned in its enabling legislation is to directly and indirectly influence all decision processes in the society that affect the freedoms of everyone provided by the Constitution and other normative Acts of the Republic of Albania as well as the generally recognized principles and norms of international law. This provision ensures that the People's Advocate must be the national focal point and expertise center for the human rights and freedoms of everyone, with close connections to and cooperation with all state structures, business structures and civil society structures.

Furthermore, the People's Advocate must directly and in cooperation with these structures raise awareness on freedoms of everyone, and of national and international human rights standards among all people as rights holders and empower them to claim their rights.

The above is transposed also to the Albanian People's Advocate Institution Strategy 2018-2022, where is specified that "Through conferences, roundtables, public hearings, media, and personal contacts, the People's Advocate promotes the principles of good governance and rule of law to central and local administration.

(ii) People's Advocate promotes the principles of good governance and rule of law to central and local administration through conferences, roundtables, public hearings, media, and personal contacts. People's Advocate has regular contact with all relevant bodies through written and exchange information and regular meeting.

The People's Advocate cooperates regularly with parliament and its committees on the protection and promotion of human rights. The cooperation is made possible through the legal means specified in the law. The People's Advocate has no mandate to initiate the law making process and depends therefore on the willingness of the Parliament and the government to follow up on the recommendations of the People's Advocate. At this regard the Law "On the People's Advocate" details the specific tasks that the People's Advocate must carry out in order to fulfil its mandate, which can be broadly categorized as follows:

- Ensure that national laws are aligned with international law, by drafting legislative proposals, commenting on draft laws, and by contesting existing laws before the Constitutional Court.
- Participate to the examination of the recommendations, request or proposals.
- Propose or recommend amendments and improvements of legislation and bylaws in order to ensure their compliance with Constitutional human rights.
- Support the adoption of legal amendments to the national legislation proposed by the international human rights monitoring reports.

(iii) The People's Advocate Institution of Albania cooperates closely with the Parliament and other government institutions, civil society, media and the business community also on the adaptation of the SDGs on the national level. For instance, the Albanian People's Advocate participated in discussions on the 2017 state budget, recommending ways to align it with the SDG targets at the national level.

The latest Progress Reports of the European Commission (2014, 2015, 2016) have raised concerns and have commented on the level of implementation of the recommendations of constitutional institutions, such as the People's Advocate, by charging the Albanian Parliament with a specific role to systematically monitor the level of implementation of the recommendations of independent constitutional institutions and those established by law. As noted above, the People's Advocate has requested and suggested:

Imposing the obligation to establish responsible internal mechanisms from each institution of the Public Administration (central and local), to identify the issue in question and resolve it as quickly as possible on a case-by-case basis. This suggestion came because, during the day-to-day operation, there was a lack of cooperation not only from institutions at the central level, but also from institutions at the local level. Consequently, this would also help local government units to respect the principles of good governance at the local level.

Assessing the possibility that at least once a year the Government should report to the Parliament on the state of implementation of the People's Advocate's recommendations, considering it as an instrument for strengthening the level of implementation of the People's Advocate's recommendations by the public administration and the good governance.

The Albanian People's Advocate considers as very positive the fact that the Albanian Parliament has already adopted Decision No.49 / 2017 "On the Establishment of a Mechanism for Systematic Monitoring of the Follow-up and Implementation of Recommendations of Independent Constitutional Institutions and those established by law", which includes also the suggestions of the People's Advocate. The People's Advocate is aware that the activity of this institution is very necessary to have an efficient and systematic mechanism for pursuing and fulfilling the recommendations addressed to the public administration. Also, the People's Advocate estimates that the rigorous follow-up and enforcement of this decision, will increase parliamentary control over the Government, will contribute to a better understanding of the reasons why the recommendations of independent institutions are not implemented and will lead the Parliament to further involve itself as a law-making body and the law enforcement controller of the Government.

According to the organic law, the People's Advocate also performs duties as set forth in other applicable laws. With the entry into force of Law no.115 / 2016 "On the Governance of the Justice System" and Law no. 84/2016, "On the Provisional Reassessment of Judges and Prosecutors in the Republic of Albania", the People's Advocate Institution has exercised its powers given by these laws. The legal package of justice reform, assigns to the People's Advocate important competencies for the smooth running of procedures related to the organization, administration, verification and management of structures that assist the process of final selection of candidacies by the Albanian Parliament. These procedures are related to the verification of candidacies for members of the institutions for the transitional re-evaluation of judges and prosecutors, verification of formal legal criteria for advocacy candidates, who express interest to the High Judicial Council and the High Council of Prosecutor's Office, as well as for candidates who express interest from the Civil Society, for members of the High Judicial Council and the High Council of Prosecutor's Office. Likewise, an important competence is related to the monitoring of the processes regarding the functioning of the organs administering justice, such as the Council of Appointments in Justice.

More specifically, since 2016, The Albanian People's Advocate Institution has continuously monitored the drafting process of the justice reform and the legal package prepared on that regard. The institution has expressed its willingness to actively contribute with comments and suggestions, and has shown its full commitment to the responsible and independent implementation of all legal provisions set forth in the package of Law Reform, on the transitional reassessment process, the drawing up of the Justice Appointment Council pools, and the establishment of the High Judicial Council and the High Prosecutorial Council. The Justice Reform has received a special focus on the work of the Albanian Peoples' Advocate Institution, for the very importance that this reform has in relation to the human rights. Under this responsibility, the People's Advocate has been and continues to be in full support of the implementation of the Justice Reform, as a vital reform for all Albanians, as many of the issues addressed by citizens, relate to the justice system. Moreover, the People's Advocate considers the return of confidence in the justice system in the country as vital for all Albanian society, and it is also for that reason that has fully contributed to the monitoring of many of the processes carried out under this Reform. The Justice Reform was in fact one of the fronts where the People's Advocate, despite the interpretative and budgetary obstacles, successfully fulfilled its task by confirming once more that this institution remains a reference point for its independence, impartiality and justice.

(iv) The interaction with such bodies is very frequent written information through complaints handling, participation in legislative procedure monitoring activities. The People's Advocate has access to influence the law making process through its recommendations based on analysis of draft laws, complaints resolutions, and investigations. The People's Advocate has access to lobby and advocate for legislative reform, which can be done through conferences, roundtables, public hearings, media, personal contacts etc.

The People's Advocate closely cooperates with the ministries on several topics of concern. One example of this collaboration is the MoU with the Ministry of Education, Sports, and Youth, which has agreed to collaborate with the AP Institution on integrating Human Rights Education in the curricular of the educational sector. The methodology is to integrate human rights topics in the curricular as a cross cutting element of all main school subjects. The AP institution has conducted training of trainers for teachers on human rights, so they are capable of teaching on rights of children. The People's Advocate has close cooperation with the municipal social service structures as well as with civil society organizations, with which joint inspections have been organized at their treatment centers, to resolve many cases in favor of these individuals which are part of vulnerable groups. A concern for the well-functioning of these centers remains the low budgeting by the municipalities, the lack of investments and the increase of the capacities of the employees performing these tasks. The People's Advocate has recommended to local government bodies to plan more funds in their annual budgets for solving problems that disturb the communities in need, making investments, and taking measures to recruit and train more professional staff for the treatment of vulnerable groups.

Pursuant to the Child Rights and Protection Law (2017), the Peoples Advocate is a member of the National Council for the Rights and Protection of the Child, a body empowered to provide advice, proposals and recommendations to the Council of Ministers for laws, policies and implementation measures with regard to children.

In addition the Peoples Advocate is a member of The National Council for European Integration. NCEI was established in May 2015 as the highest national advisory body on EU integration matters at the premises of the Parliament, aiming at providing strategic orientation and enhancing broad national consensus. It is a consultative mechanism that brings together representatives from political parties, public institutions, civil society organizations, business community and media. Its overall goal is to guarantee an all-inclusive cooperation, transparency and consensus building on EU integration matters.

People's Advocate Institution is a Member of the Board of Ethic, of Albania Media Council, which is an independent organization of journalists, registered as a legal NGO aiming at a more ethical, professional and independent media. The founding members of the Council are more than thirty Albanian journalists from TV, print and online media. Governing body of the Albanian Media Council is the General Assembly of Members and Steering committee comprised of 7 members.

(v)The People's Advocate Institution and the Commissioner for Protection from Discrimination (CPD) and The Information and Data Protection Commissioner (IDP) signed a cooperation agreement, drafted with the coordination and support of the OSCE Presence in Albania. The agreement aims to strengthen cooperation between institutions, in accordance with the legislation in force, according to specific activity, and to increase the effectiveness in respecting fundamental rights and freedoms. Through this agreement, the three Authorities have committed to:

- Coordinate respective activities with special focus on the field of the right to information.
- Cooperate in implementing joint projects and exchange of experiences and best practices.
- Use common approach as defenders of fundamental human rights in in Albania.
- Monitor parliamentary activity in order to respect the standards during the process of consulting draft laws before their adoption.
- Cooperate in promoting the continuous improvement of the national legal framework in accordance with international conventions signed / ratified by Albania.
- Cooperate in organizing joint national and international awareness raising activities to guarantee fundamental human rights and freedoms.

8.3 Cooperation with the United Nations and other organizations

The Paris Principles state that a national institution shall have the responsibility to cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights. It is important for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs providing input to, and participating in, these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.

*The GANHRI has adopted the following General Observations on the **Interaction with the International Human Rights System**: The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.*

Discuss how the NHRI carries out this function. Please explain:

- (i)The legal provisions that vest the NHRI with this function;**
- (ii)How the NHRI carries out this function in practice;**

- (iii) Which UN mechanisms the NHRI has engaged with (e.g. Human rights Council, UPR, Treaty Bodies, Special procedures mandate holders, Commission on the Status of Women, etc)**
- (iv) Which regional mechanisms the NHRI has engaged with (e.g. regional human rights commissions, courts, etc);**
- (v) The type of interaction the NHRI has had with these bodies (e.g. sending information, parallel reports, amicus curiae briefings; attending the meetings; acting as an implementing partner etc)**
- (vi) How your NHRI has followed up at the national level to the recommendations resulting from these bodies, etc.);**
- (vii) Which UN agencies the NHRI has engaged with (e.g. OHCHR regional or field offices, UNDP, UNCHR, human rights components of UN peacekeeping missions, etc);**
- (viii) The type of interaction the NHRI has had with these bodies (e.g. sharing information, undertaking joint activities, acting as an implementing partner etc).**

(i) The legal provisions that vest the NHRI with this function;

National Human Rights Institutions are state bodies with a constitutional and/or legislative mandate to protect and promote human rights. They operate and function independently from the government. Chapter IV of the Constitution of the Republic of Albania stipulates that the People's Advocate Institution of Albania protects the rights, freedoms and legitimate interests of the citizens from the illegal and irregular acts or omissions of the public administrations bodies, as well as the third parties acting on its behalf. It is a promoter of the highest standards of human rights and freedoms in the country. Article 60, sections 2 and 3, Article 61 and 62 of the Constitution of the Republic of Albania guarantees that the People's Advocate is independent in the exercise of his duties. The independence of the People's Advocate is further detailed in Chapter II of the Law "On the People's Advocate". In accordance with the Paris Principles, the People's Advocate was provided with a broad mandate, based on the international human rights standards, for the promotion, prevention of violations and the protection of human rights. With such institutional standing, the legitimate expectations of the public and all the other actors and factors of Peoples' Advocate fragile democratic society have been and are still high compared to the activity of the People's Advocate's Institution.

The Albanian People's Advocate Institution has been accredited by GANHRI Sub-Committee on Accreditation (SCA) with Status "A" for the first time in 2004; has been re-accredited in 2008 and October 2014 with the same status.

(ii) How the NHRI carries out this function in practice;

According to the internal regulation of institution, approved by the People's Advocate (Regulation no.182, dated 15.07.2016), the Unit responsible for international cooperation coordinates the work with other departments in this respect. In this context a chapter within the annual report to the Parliament contains information about International Cooperation of the People's Advocate Institution.

People's Advocate Institution has enhanced collaboration and partnership with national international partners to contribute to the Global agenda of Human Rights and to assure equal implementation of international standard in local level.

The People's Advocate Mrs. Erinda Ballanca, has been elected in 2018, as Board Member of both ENNHRI and GANHRI and Vice President of the Association of Mediterranean People's Advocate. The representation of Albania at these levels supports a positive image for Albania, and paves the way for supporting the institutional national efforts in the field of protection and promotion of human rights.

Currently, the People's Advocate Institution is also a full-fledged member of the International and networking Organizations below:

1. International Ombudsman Institute (IOI), member from the year 2000.
2. European Ombudsman Institute (EOI), member from the year 2000.
3. The Association des Ombudsman's et Médiateurs de la Francophonie (AOMF), member from the year 2000.
4. US Ombudsman Organization (USOA), member from the year 2006.
5. International Ombudsman ASSOCIATION (IOA), member from the year 2007
6. Association of Ombudsmen of Mediterranean (AOM) , member from year 2009.
7. National preventive mechanisms (NPMs) of the so-called South-East Europe (SEE), member from year 2013.
8. European Network of Ombudspersons for children (ENOC), member from year 2015.

During 2015, the People's Advocate maintained constant communication with the Commissioner for Human Rights at the Council of Europe, Mr. Niels Muzniek, sharing among others, related findings and recommendations of the People's Advocate institution on emergent issues in the country. Among others it is worth noting the interaction concerning the forced eviction of Roma community settled near the artificial lake of Tirana. Also, Amnesty International on October 13, 2015 issued an official statement related to Roma eviction issue – giving emphasis to a matured management of this issue by the authorities, in accordance with the standards and recommendations of the People's Advocate.

Bilateral cooperation of People's Advocate institution:

The year 2017 marked an important cooperation with People's Advocate institutions and national institutions for human rights in Sweden, Malta, Germany, the Czech Republic and Poland, including the exchange of information and expertise, participation in respective activities and coordination within the international initiatives and organizations. With the support of DANIDA project, from 26 to 30 April 2015, a selected representative media community and the People's Advocate media adviser took part in a study visit to Germany. They had meetings at the German Institute for Human Rights, the Agency the Federal Commissioner for Stasi records, the Federal Foundation for Re-evaluation of the dictatorship, with a focus on social and institutional reflection of the totalitarian past.

During 2018 and 2019 the People's Advocate Institution has cooperated with the Global Alliance of National Human Rights Institutions (GANHRI) and the European Network of National Human Rights Institutions (ENNHRI) and attended all activities of GANHRI and ENNHRI. The most of the activities within GANHRI, the People's Advocate Institution carries out within the European Network of Human Rights. Thanks to the very proactive role of ENNHRI Secretariat in enhancing interaction between member institutions, People's Advocate staff participated in the working group on people with disabilities, the working group on the rights of aged persons, the working group on the Prevention of Ethnic conflicts, the women's rights working group etc. This participation serves to exchange experiences, but also has improved capacities and raise human rights standards.

In the framework of ENNHRI in its role as member of the Coordinating Committee (ECC), the Institution of the People's Advocate has constantly contributed with information and expertise exchange through online communication platforms, as well as through participation in periodic meetings of the agenda.

Referring to ENNHRI, continuous contributions have also been provided by the working groups for the rights of refugees and asylum seekers, as well as in support of national institutions of human rights facing difficulties in the implementation of their mandate

In cooperation with the international community within the country and abroad, the People's Advocate activity placed special focus on the attraction, promotion and contextualization of the best

practices and standards of human rights at European and international level – including also the European jurisprudence in the field of human rights. In this respect, special importance was given to strengthening institutional capacity through study visits, exchange programs, continuous training through profile qualification events, as well as active participation in various initiatives and specific subject working groups under the framework of regional and international institutions and organizations.

The People's Advocate Institution has held the presidency of the AOM Association for two consecutive mandates 2014-2016 and 2016-2019, actively participating in working groups, joint visits to migrant centers and subject-based trainings, focusing mainly on the theme of protecting and promoting the rights of migrants as the main objective of the Association under the Ombudsman's Presidency. Currently, the People's Advocate is elected board member and Vice President of the AOM Association.

Representatives of the Institution of the People's Advocate participated in the European Network of Ombudsmen conference on improving participatory democracy in the EU, held on 8-9 April 2019 at the European parliament in Brussels. The annual European Network of Ombudsmen (ENO) conference, discussed measures to improve participatory democracy in the EU.

On 1-3 July, 2019, People Advocate attended the 'ENNHRI's Board meeting held Dublin. The board meeting discussed, among other, the progress in the implementation of ENNHRI's Strategic Plan 2018-2021 and the next steps ahead for the network. The meeting was hosted at the premises of the National Human Rights Institution (NHRI) of Ireland and ENNHRI's Chair, the Irish Human Rights and Equality Commission.

(iii) Which UN mechanisms the NHRI has engaged with (e.g. Human rights Council, UPR, Treaty Bodies, Special procedures mandate holders, Commission on the Status of Women, etc)

The People's Advocate has engaged the cooperation with a number of key international institutions in the framework of the United Nations Council of Europe.

During 2015, the Institution of the People's Advocate continued communication and interaction with organizations and various mechanisms in the UN system, including among others, the Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council (HRC) tasked to conduct Universal Periodic Assessment process (UPR) for all UN member countries.

The Institution of the People's Advocate pondered as an important event the fact that Albania was an elected member of the HRC for the period 2015-2017, thus promoting the fulfillment of obligations in the field of human rights and fundamental freedoms. As found in the recommendations of the Universal Periodic Assessment conducted in 2014 for Albania, the Albanian government was to be engaged in a substantive manner to support the People's Advocate activity - including inter alia, promotion of required financial and human resources, and considering the implementation of recommendations of the People's Advocate.

Referring to the fulfillment of obligations arising from the UN Convention on Protection of All Persons from Enforced Disappearance, in October 2015, the institution of the People's Advocate addressed a recommendation to the Ministry of Foreign Affairs concerning the submission of this report to the Committee of Enforced Disappearance.

On July 10-13, 2016, the People's Advocate Institution participated in the proceedings of the 64th Committee of the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) in Geneva, presenting the Institution's report on the level of implementation of the Convention in Albania.

Representatives of the People's Advocate Institution, from 26 to 27 October 2015, participated in the 11-th Meeting of ENNHRI Working Group on implementation of the Convention on the Rights of Persons with Disabilities (CRPD), organized in Zagreb, Croatia. The meeting was focused on Article 12 of the Convention, and on standards of monitoring indicators and practices, for which the institution of the People's Advocate has addressed a recommendation to the Ministry of Justice for inaccuracies identified in the Albanian language version of the Convention.

During 2017, the People's Advocate's Institution further strengthened its cooperation with UNDP and the United Nations' agencies. A video conference was attended by representatives of the UNDP Liaison Office in Turkey and Head of the Office for Human Rights' Institutions, Regional Mechanisms and Civil Society in Geneva. During the meeting, it was agreed on some possible areas of cooperation and for the establishment of an inter-institutional coordination group. The first fruit of this cooperation was the joint organization of the Annual Conference of the People's Advocate on the topic: "Leave no one behind! Protection, Equality and Empowerment for All". International Activity of the National Mechanism for the Prevention of Torture.

On July 11, 2019, in cooperation with UNDP Albania and the Commissioner for Protection from Discrimination and the Ministry of Health and Social Protection, the People's Advocate Institution organized a consultation roundtable on "Principles, Policies and Standards of safe working environment".

People's Advocate of Albania addressed with a video statement to the 42nd session of the Human Rights Council, in the universal periodical review (UPR), of the Human Rights situation in Albania.

On 2019, The Albanian people's Advocate has sent Mrs. Catalina Devandas-Aguilar Special Rapporteur on the rights of persons with disabilities a contribution to the Questionnaire on the rights of older persons with disabilities.

(iv) Which regional mechanisms the NHRI has engaged with (e.g. regional human rights commissions, courts, etc);

The People's Advocate considers crucial the cooperation with The Commission against Racism and Intolerance (ECRI) at the Council of Europe and other Bodies and structures protecting the rights of certain social groups or those with disabilities, minorities, LGBTI, ect. Our Institution engages with European Committee for the Prevention of Torture Inhuman or Degrading Treatment or Punishment (CPT), European Union Agency for Fundamental Rights (FRA), EQUINET.

The People's Advocate considers the cooperation with ECRI and other bodies of the Council of Europe as particularly important in order to create coherence and synergies of legal initiatives and institutional reforms in order to meet the criteria and advance the standards of human rights in the country along the process of European integration. Institution of the People's Advocate continued sustainable communication and interaction with the Commission against Racism and Intolerance (ECRI) of the Council of Europe, giving its contribution to the confidential institutional dialogue.

The ECRI 5th periodic report for Albania, inter alia, identified the vital role of the People's Advocate for the protection and promotion of human rights in general and of vulnerable groups and minorities in particular, as well as institutional contribution in a number of legal and awareness initiatives, including the rights of Roma/ Egyptian community and the rights of LGBTI.

In October 2015, the Albanian People's Advocate, was re-elected as member of the Board at International Ombudsman Institute (IOI), following his mandate in this post in 2014. In the framework of cooperation and mutual support between partner member institutions, as a member of the European Board, the People's Advocate has supported the IOI's official efforts and statements for the support of People's Advocate Institutions who faced difficult situations on the fulfillment of their mission, including difficulties and obstacles linked with political pressure, lack of inter-institutional cooperation, as well as limitation of available financial resources and support

In the framework of bilateral relations with international stakeholders within the framework within the country, the People's Advocate Institution has had continuous contacts with the EU Delegation in Tirana, as well as with representatives of the regional and global organizations and institutions operating in Albania, such as the OSCE Presence in Albania (PiA), Council of Europe Office in Tirana, Office of UN Resident Coordinator and agencies in the framework of UN such as UNDP, UNHCR, UNICEF and UN Women, and Save the Children Albania.

Cooperation was made possible through continuous communication and exchange of information, coordination of activities with civil society and international stakeholders, partnership in joint public awareness activities, monitoring of the situation and preparation of reports on human rights, and consultancy for legal initiatives and institutional reforms with an impact on human rights and fundamental freedoms.

OSCE Presence in Tirana (PiA) continues to be a key partner for the institution of the People's Advocate, a very important and contributing collaborator for the activities organized by PA. Reports, analyses and recommendations of the People's Advocate constitute a main source information for OSCE.

In this context, contacts were established with focus on providing financial support and building partnerships, including the Council of Europe, European Union, Organization for Economic Cooperation and Development, as well as other mechanisms within the United Nations system.

(v)The type of interaction the NHRI has had with these bodies (e.g. sending information, parallel reports, amicus curiae briefings; attending the meetings; acting as an implementing partner etc)

Cooperation and interaction with this bodies was made possible through continuous communication and exchange of information, coordination of activities, preparing parallel reports, participating in different meetings as well as the preparation of reports on human rights.

In this context The People's Advocate Institution has followed the implementation of recommendations and the obligations of international acts, prepared and submitted the shadow report with assessments for the implementation of the Convention on the Elimination of all forms of discrimination against Women (CEDAW), within the framework of the 64th CEDAW Working Group. Referring to the fulfillment of the obligations deriving from the UN Convention.

In 2015, the Institution of the People's Advocate drafted a parallel report in the context of monitoring the implementation of the Convention on the Rights of Persons with Disabilities (CRPD), and submitted this report to UN CRPD Committee, in addition to the report filed by Albanian state. A number of international and regional organizations have made references and citations from the reports, analysis and recommendations of the People's Advocate institution as a reliable source of information.

On December 2017, the People's Advocate signed a cooperation agreement with the German Agency for International Cooperation (GIZ) to improve social services. The focus of the project is on improving the capacity to deliver social services to vulnerable groups, especially the Roma. In addition to capacity building, the project also provides for the beneficiaries' awareness of their social rights, including the right to non-discrimination. As the project is regional, the exchange of experiences and best practices with partners contributing to this field in the countries of the region is also an important place.

Likewise, the institution is also engaged in drafting of special reports related to the protection and promotion of the vulnerable group's rights, where it is worth mentioning; the report "On employment of persons with disabilities in central and local institutions" (2016); Report "On the implementation of the CEDAW Convention in Albania" (Presented by the PA Institution to the United Nations Committee on the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW); Report "On definition of minimum standard of living in Albania" (2016); Developing of a Monitoring and Evaluation Methodology for Social Services Provided by Local Government" (2018); Monitoring Report on the Distribution of Economic Aid and Respecting the Rights of the Disabled Peoples(2019).

On July 11, 2019, in cooperation with UNDP Albania and the Commissioner for Protection from Discrimination and the Ministry of Health and Social Protection, the People's Advocate Institution organized a consultation roundtable on "Principles, Policies and Standards of safe working environment".

Furthermore, it is important to emphasize the work done by the People's Advocate toward the drafting and submitting of many recommendations for duly addressing the infringed rights of vulnerable groups, legislative recommendations with the aim to improve or amend legal and sub-legal acts related to vulnerable groups; publishing and distributing leaflets, brochures, posters and other promotional materials for their rights; performing periodic inspections and monitoring of residential institutions etc.

The Institution of the People's Advocate continued sustainable communication and interaction with the Commission against Racism and Intolerance (ECRI) of the Council of Europe, giving its contribution to the confidential institutional dialogue. In addition, the staff of People's Advocate Institution works closely with human rights structures and mechanisms at European level. In this regard the People's Advocate Institution continued to exchange information with the European Committee against Racism and Intolerance (ECRI), and has adopted its recommendations for the protection of the rights of persons in need of international protection, who have been the focus of the Committee during 2016 due to the refugee crisis in Europe

During the period 2014 - 2019, the People's Advocate Institution participated in a number of international activities, in the framework of bilateral and multilateral cooperation of the Institution.

(vi) How your NHRI has followed up at the national level to the recommendations resulting from these bodies, etc.);

Referring to the fulfillment of obligations arising from the UN Convention on Protection of All Persons from Enforced Disappearance, in October 2015, the institution of the People's Advocate addressed a recommendation to the Ministry of Foreign Affairs concerning the submission of this report to the Committee of Enforced Disappearance. Also, in 2015, the Institution of the People's Advocate drafted a parallel report in the context of monitoring the implementation of the Convention

on the Rights of Persons with Disabilities (CRPD), and submitted this report to UN CRPD Committee, in addition to the report filed by Albanian state. A number of international and regional organizations have made references and citations from the reports, analysis and recommendations of the People's Advocate institution as a reliable source of information.

UN report on Albania 2015 presented by the UN Office in Tirana underlined the institutional commitments and initiatives of People's Advocate for the protection and promotion of human rights and vulnerable groups, including those of the LGBTI community, Roma, persons self-isolated in blood feud situations, and politically persecuted persons. The report also underlined the institutional commitment related to CEDAW awareness, the key role of the People's Advocate for human rights in the country, and the importance of consideration by Albanian state institutions to requests for information and recommendations given by the People's Advocate.

(vii) Which UN agencies the NHRI has engaged with (e.g. OHCHR regional or field offices, UNDP, UNCHR, human rights components of UN peacekeeping missions, etc);

The cooperation of People's Advocate Institution was further strengthened with organizations and various UN agencies, including among others, the Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council (HRC) tasked to conduct Universal Periodic Assessment process (UPR) for all UN member countries.

In the framework of international cooperation, the United Nations office in Albania and the People's Advocate are committed to work together to achieve the Sustainable Development Goals. In December 2016, the People's Advocate and the Office of the United Nations Resident Coordinator in Albania organized the annual Conference of the People's Advocate.

People's Advocate of Albania participated in a regional consultation meeting in the Western Balkans on impact of Global Immigration. The conference was organized by the International Organization for Migration (IOM).

A regional dialogue was organized in Serbia on March 22-24 to reduce inequality, exclusion and the fight against homophobia and trans phobia in Albania, Bosnia and Herzegovina, FYROM and Serbia, as part of the UNDP project "Being LGBTI in Eastern Europe."

The 2nd Global Alliance Seminar on Reporting on the Progress of Comprehensive Equality and Justice in Society organized by UNDP / UNDOC / UNESCO was held in Oslo from September 7-8, 2017. Increasing social inequality is not only a concern but also a social injustice, and the seminar emphasized the role that institutions, including human rights, must play in ensuring that vulnerable individuals and social groups are not excluded, but become participants and beneficiaries of economic, social and political development

During 2017, the People's Advocate Institution further strengthened its cooperation with the UNDP and UN agencies. With the election of the new People's Advocate, Ms. Erinda Ballanca, a meeting was held between the People's Advocate staff and the staff of the United Agencies to look at concrete opportunities for cooperation between the parties. The conference was also attended by representatives of the UNDP Liaison Office to Turkey and the Head of the Office for Human Rights Institutions, Regional Mechanisms and Civil Society, in Geneva. During the meeting, it was agreed on some possible areas of cooperation as well as the creation of an inter-institutional coordination group.

The people's Advocate, has continued the interaction for the protection with a particular focus on the need to eliminate the use of juvenile labor and to protect the rights of street children and those in situation in this situations.

The People's Advocate Institution in cooperation with the UNDP office in Albania organized on June 25, 2019, a consultation roundtable with representatives of civil society organizations with the aim to exchanging views on a general law on violence against girls and women.

(viii)The type of interaction the NHRI has had with these bodies (e.g. sharing information, undertaking joint activities, acting as an implementing partner etc).

The People's Advocate shares/exchanges information and includes these bodies in its regular activities (eg. meetings on the issue of migration, roma rights, children rights etc). Cooperation was made possible through continuous communication and exchange of information, coordination of activities with civil society and international stakeholders, partnership in joint public awareness activities, monitoring of the situation and preparation of reports on human rights, and consultancy for legal initiatives and institutional reforms with an impact on human rights and fundamental freedoms.

People's Advocate reached an agreement with UNHCR on border control and protection of refugees, in accordance with international standards and best practices in this field. In this context, an external expert has been deployed in Gjirokastra contracted by our Institution, which is present at the time of receiving and interviewing refugees arriving through this border crossing point. The Agreement, which will also be effective during 2018, provides for the promotion and monitoring of access to territory and asylum procedures for asylum seekers and refugees identified at Albanian borders, enhancing the capacity of responsible authorities with regard to asylum and human rights, as well as support for the promotion of information for refugees and asylum seekers.

With the UNICEF Office in Albania, the People's Advocate has continued the interaction for the protection of children's rights with a particular focus on the need to eliminate the use of juvenile labor and to protect the rights of street children and those in situations of migration. The People's Advocate maintained frequent communication, with the Office of the UN High Commissioner for Human Rights. Thanks to this communication, a High Level International Conference on the Role of Ombudsmen in Protecting the Rights of Migrants was held in Tirana on September 7-8, 2016. This Conference brought together Ombudsmen from all over the world as well as representatives from IOI, AOMF, AOM and the Ibero-American People's Advocate Forum.

The current and the former People's Advocate have played a very proactive role in the relations with the international partners during the period under review. In this regard, the above mentioned activities constitute only a part of the activities carried out by the institution during the reporting period. A more detailed information for each year may be provided upon request.

9. SPECIFIC MANDATE (OPTIONAL)

******only for those NHRIs which have been formally designated as NPM, by States that have ratified OPCAT******

9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT

Under OPCAT: "Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level.

*Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions (Art. 17). NPMs will be allowed to visit any place under the State jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment (art.4). The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel. (2) The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country. (3) The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms. (4) When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights Article 18: (1).
For more information please refer to art. 19-23 and 35 of OPCAT.*

Please discuss how the NHRI carries out its function. Please explain:

- 1.Are the mandate and powers of the NPM clearly and specifically established in national legislation as a constitutional or legislative text?
- 2.How “places of deprivation of liberty” visited by the NPM are defined? Is this definition in line with the OPCAT requirements?
- 3.Is the NPM established by a public, inclusive and transparent process?
- 4.Does it include civil society and other actors involved in the prevention of torture?
- 5.Has the designation of the NHRI as the NPM be open for debate, involving civil society?
- 6.How the independence of the NPM is fostered?
- 7.What is the process of selection and appointment of members?
- 8.Are ways to avoid questions of conflict of interest in place?
- 9.Are there stated criteria relating to the experience and expertise required to carry out NPM work effectively and impartially?
- 10.Is the NPM gender-balanced?
- 11.Does the NPM have adequate representation of ethnic, minority and indigenous groups?
- 12.Has the State taken the necessary measures to ensure that the expert members of the national preventive mechanism have the required capabilities and professional knowledge?
- 13.Have ad-hoc training been provided to the NPM?
- 14.Have adequate resources been provided for the specific work of the NPM (in accordance with article 18, 3 of the OPCAT)? Are they ring-fenced, in terms of both budget and human resources?
- 15.Does the work programme of the NPM cover all potential and actual places of deprivation of liberty?
- 16.Does the scheduling of the NPM visits ensure effective monitoring of such places with regard to safeguards against ill-treatment?
- 17.Have working methods of the NPM been developed? Have they ever been reviewed with a view to effective identification of good practice and gaps in protection?
- 18.Does the NPM report on visits with feedback on good practice and gaps in protection to the institutions concerned?

19. Does the NPM address recommendations to the responsible authorities on improvements in practice, policy and law?

20. Has the NPM established an ongoing dialogue with authorities based on the recommendations for changes arising from the visits and the action taken to respond to such recommendations (as per article 22 of the OPCAT)?

21. Does the NPM publish its annual report (as per article 23 of the OPCAT)?

22. Does the NPM communicate with the international human rights system and, in particular, with the Sub-committee on Prevention?

1-The function of the National Mechanism of Prevention of Torture has been attributed to the People's Advocate in January of 2008. This was possible after the ratification by the Parliament of Law no 9094, of 03.07.2003 "On the Ratification of the Optional Protocol of the Convention against Torture and other Inhuman and Degrading Treatments (OPCAT)", under the obligations of this Convention the People's Advocate Institution formally requested to act as NPM.

Following that the NPM has been established as a special structure to the People's Advocate Institution of Albania and became effective upon the entry into force of the Law No. 9888, dated 10.03.2008 "On some amendments and addenda to the Law No. 8328, dated 16.04.1998 "On the Rights and Treatment of Prisoners and Pre-Trial Detainees".

The National Preventive Mechanism against Torture (NPM) operates on the basis of national legislation, also guided by principles and instruments sanctioned in international legislation, such as: The European Convention on Human Rights and Fundamental Freedoms, and its supplementary protocols, ratified by the Republic of Albania with Law no. 8137, dated 31/7/1996; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Republic of Albania with Law no. No. 7727, dated 30/06/1993; the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), ratified by the Republic of Albania with Law no. 9094, dated 07/2003; European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, ratified by the Republic of Albania with Law no. 8135 dated 31/7/1996.

This list of legal instruments guiding the work of the said Mechanism is not exhaustive, as there are a number of recommendations in place, particularly those of the Council of Europe, which are crucial in guaranteeing the rights of persons deprived of their liberty. Nevertheless, these instruments are the "cornerstones" to the already several years long NPM work in Albania.

NPM operates in compliance with the national legislation, a tool in the Albanian citizens' hands to ensure they enjoy their rights stipulated in: the Constitution of the Republic of Albania; the Albanian Criminal Code; the Albanian Criminal Procedures Code; Law no. 8454, dated 04/02/1999 "On People's Advocate", as amended; Law no. 9749, dated 04/06/2007 "On the State Police"; Law no. 44/2012, dated 08/05/2012 "On Mental Health"; Law no. [8331, dated 21/04/1998 "On the execution of criminal decisions"](#); Law no. 9887, dated 10/03/2008 "On personal data protection"; Law no. 10032, dated 11/12/2008 "On Prisons Police"; DCM no. 187 dated 17/3/2010 "On some additions and amendments to the Council of Ministers Decision no. 303, dated 25/03/2009 'On approval of Prisons' General Regulations'", Law no. 9069 dated 15/05/2003 "On Military Police in the Armed Forces"; Law no. 8432, dated 14.12.1998 "On Asylum in the Republic of Albania"; Law no. 9959 dated 17/7/2008 "On foreigners"; DCM NO. 589, dated 28/8/2003 "On the set-up and operation of the Reception Centre for Victims of Trafficking".

Further, Article 19/1, of Law no 8454, of 04 February 1999 "On the People's Advocate", as amended, provides that the People's Advocate authorizes an independent, overall and complete monitoring and investigative activity for any case of torture, inhuman or degrading treatment, guaranteeing a greater

access to every facility or office, to any official holding no immunity and to every piece of documentation, be it even classified documentation of the public administration bodies.

In addition, the amendments of March 2010, on Law no 8328, of 02 April 1998, “*On the rights and treatment of people in detention or prison*”, enables exploitation of a greater space by the People’s Advocate as the National Mechanism on Prevention of Torture to carry out his services during penitentiary services’ controls. Article 74 of this Law stipulates that the People’s Advocate, at the NPM role, being a special subject, is entitled to the right of supervising the implementation and enforcement of the law for the detainees and prisoners. People’s Advocate enjoys competencies to regularly observe treatment of individuals deprived of liberty in the detention, arrest, or imprisonment centres, in order to strengthen, when appropriate, protection of individuals from torture, harsh, inhuman or degrading treatment, or punishment.

Amendments of the 2014 specified the establishment of NPM as a separate section within the People’s Advocate Institution, NPM operated with a multidisciplinary structure consisting of assistant commissioners, part of the civil service of the Republic of Albania, of whom three legal experts, an external expert (psychiatric medical doctor) and a psychologist. Since March 2018, for the first time after the amendment of the law “On Peoples Advocate”, the NPM is headed by the Commissioner, whose was elected by the Parliament of the Republic of Albania with the Act.43/2018, date 15.03.2018 on a 4 (four) year mandate.

2-As indicated in the legal framework above mentioned, NPM conducts regular visits in all premises, where the individual’s freedom is restricted or their release from the premises is made on the basis of a court decision or an administrative order.

The NPM has the power under its competences various institutions such as prisons, pre-trial detentions, police stations, mental hospitals, military units, reception centers for asylum seekers and detention center for foreigners. This definition is in line with OPCAT requirements. The NPM visits are in the average of the 80-100 inspections per year, including the participation in the FRONTEX monitoring operations of voluntary and compulsory repatriation of Albanian citizens from EU countries.

3- People’s Advocate Institution meets all the international criteria namely the “Paris Principles”, especially those related to the independent status of this institution, full legal competences to conduct inspection visits, and authority of access to all security premises. Amendments of the 2014 specified the establishment of NPM as a separate section within the People’s Advocate Institution, To formalize this proposal, the People’s Advocate addressed a recommendation to the Parliament of Albania and to the Prime Minister asking for assignment and an official authorization to perform the NPM role, together with an additional request of 5 new job positions for NPM experts to exercise this function. There are part of the civil service of the Republic of Albania.

With the amendments made to the Law No. 8454, dated 04.02.1999 “On the People`s Advocate”, as amended, it was anticipated that the NPM will be led by a Commissioner, therefore in 2016 the People`s Advocate announced several times the vacancy for the position of the Commissioner, but due to a small number of people meeting the qualification criteria, the process was prolonged until May 2017, when the candidatures were proposed to the Parliament.

The selection process was made through a public call, after which shortlisted persons appeared before a commission composed of reputed individuals in the field of human rights, heads of civil society associations, as well as a representative of the Institution of People's Advocate, Secretary General.

In May 2017, the previous People`s Advocate, presented to the Parliament, 4 candidates for commissioners, people with experience in the field of human rights and law. This process continued

with the interviews to Law Commission in the Parliament and concluded successfully on March 2018 with the election of the new Commissioner of NPM, by a simple majority voting procedure. The Commissioner of NPM, Mrs. Ermonela Xhafa was elected by the Parliament of the Republic of Albania with the Act.43/2018, date 15.03.2018 for a 4 (four) year mandate.

The present NPM structure is completed and the professional background of the members of the staff is 4 lawyers (the Commissioner included) and one psychologist (assistant commissioner). Since May 2019 the NPM Section is active in the social media (FaceBook) as “Avokati i Popullit- Mekanizmit për Parandalimin e Torturës” with a dedicated account.

4- Between 2014-2019, the People’s Advocate, as the National Mechanism on Prevention of Torture, has paid a special importance to joint activities with the NGOs. The People’s Advocate had signed cooperation agreements with the Albanian Center of Rehabilitation of Victims of Trafficking, Albanian Helsinki Committee and other civil society actors.

In 2014 and on, the People’s Advocate, through an agreement managed to ensure a greater support for its work, covering specialized professional aspects. Participation in our inspections, as well as taking of specialized opinions of legal and forensic experts, psychiatrists, and social workers working for the above-cited NGOs, has been a considerable success on successfully meeting our activities.

Paying visits with joint working groups, common exchange and verification of information, the added presence in state institutions and coming up with joint conclusions for every observation in the ground has been a novelty of a very effective cooperation with the NGOs.

Outcomes of this cooperation shall the main recommendations submitted by the People’s Advocate in the role of the National Mechanism on Prevention of Torture are related with concrete assistance and independence expertise provided by the above-mentioned NGOs. The specialized NGO-s have offered medical-forensic and psychological assistance for inspections in detention centers and psychiatric hospitals, which has yielded very positive results in our work.

Also, the People’s Advocate has been very committed in giving his/her institutional contribution in several publications issued by NGO-s on prevention of torture and improvement of standards of treatment of inmates with mental health problems.

Cooperation has continued in satisfactory levels even with the Albanian Helsinki Committee. We have organized joint monitoring and verification visits in the penitentiary system, especially related to the identification of problems addressed by groups of inmates. Also, an ongoing contact and correspondence is ensured on receiving and exchanging information and in the verification of complaints by inmates from the AHC correspondents working in districts.

During 2017-2018, the People's Advocate in the role of the NPM carried out monitoring visits in cooperation with civil society NGO conducted on the basis of the 2017 2018 approved inspection plan, and re-inspections, special subject checks and administrative investigations, in all institutions where the freedom of the individual, including penitentiary institutions, police units, psychiatric hospitals, centers where foreign nationals, asylum seekers and victims of trafficking are deprived or can be deprived, as well as border crossing points and environments where the treatment camps were foreseen temporary migrants.

Following the inspections reports and recommendations to responsible institutions on the identified issues and phenomena. The People’s Advocate has developed a successful cooperation with Albanian Center of Rehabilitation of Trauma and Torture. From 2014 and on, representatives from both institutions have carried out frequent joint inspections in all the detention facilities in our country. Apart from the monitoring visits, the Albanian Centre of Rehabilitation of Trauma and Torture and other NGO-s have provided a special medical-forensic expertise as well as psychiatrists and psychologists for treating the inmates and the mentally sick people in the penitentiary system.

Also in September 2018 the Institution of People's Advocate, with the expertise of the Albanian Rehabilitation Centre for Trauma and Torture, within the framework of the project: "URC/ USAID Transparency in Health System" has prepared a thematic report on "Transparency in the mental health system in Albania".

https://www.avokatipopullit.gov.al/media/manager/website/reports/Thematic%20Reports-%20Transparency%20in%20the%20mental%20health%20system_LQjv1Cp.pdf

The People's Advocate and NGO's have continued to jointly talk about the rights of inmates by broadcasting spots, and to hold consultative meetings focused on the penitentiary system reforms.

In the quality of the National Mechanism for Prevention of Torture, the People's Advocate has taken into consideration also the very important role of the Center for Free Legal Aid (TLAS) in delivering legal aid to the inmates. In many cases, the People's Advocate has addressed inmates to TLAS, asking for legal aid while settling their private cases in the court. Part of our cooperation with this NGO was the joint participation in several activities held on the rights of inmates and legal aid to them.

5-Albania ratified the OPCAT in 2003 and established its NPM five years later, in 2008. This Act has imposed the binding obligation to the Member Parties to create a national structure for the prevention of torture or to attach such an activity to an institution with similar work profile.

During the analysis and the discussions made on the role of NPM, in a national seminar with the topic "Albania without Torture", the main actors present from civil society specialized NGO, representatives from the government, came to the conclusion that the institution of the People's Advocate was considered as the most suitable body meeting all the criteria for such an activity.

This institution, according to their discussions, meets all the international criteria namely the "Paris Principles", especially those related to the independent status of this institution, full legal competences to conduct inspection visits, and authority of access to all security premises.

With these main reasons, participants put forward the proposal that the authority of the People's Advocate was the right body to take over in the future the legal attributions of exercising the NPM mission.

6-The function of the National Mechanism of Prevention of Torture has been attributed to the People's Advocate, so the Independence of NPM is closely related to the independence of the People's Advocate. Independence is formally expressed in the Albanian Constitution and the Law "On People's Advocate". The article 60/2 of Constitution explicitly provides: "People's Advocate is independent in exercising his duty".

Independence is noticed at the discretion of the People's Advocate in hiring his staff, as well as, what is most important, in the relationship the People's Advocate establish with the Government and the Parliament. Although it is an organ appointed by the Parliament, People's Advocate in his activity cannot and must not accept interventions that affect his institutional performance and duties.

The activities that the National Preventive Mechanism performs in conjunction with findings from the visits, various channels of communication, not only through reports but also by in-site recommendations, many of which were immediately implemented, for example, pertaining to providing of information and accommodation to refugees, treatment of vulnerable groups, availability and quality of healthcare, night-time organization of work and schedule for volunteers, distribution of food, clothes, blankets and other.

7-In April-May 2008, the People's Advocate carried out the competition procedures, in conformity with the Law "On Status of Civil Servant" and "OPCAT" in order to assign the employees of the NPM Section. During 2014 until March 2018, the NPM operated with a multidisciplinary structure consisting of 6 (six) assistant commissioners, part of the civil service of the Republic of Albania.

The Directorate of Human Resource Services at the People's Advocate Institution announces the vacancy on the People's Advocate's website and at the National Labour Office. After the deadline, the

short listed persons will pass two stages of written and oral exam, supervised by an ad hoc commission, set up with representatives of the People's Advocate Institution and University professors of the field.

When it comes to the Commissioner, the selection process was made through a public call, after which shortlisted persons appeared before a commission composed of reputed individuals in the field of human rights, heads of civil society associations, as well as a representative of the Institution of People's Advocate, Secretary General.

In May 2017, the former People's Advocate, presented to the Parliament 4 candidates for commissioners, people with experience in the field of human rights and law. This process continued with the interviews to the Legal Affairs Parliamentary Commission and concluded successfully on March 2018 with the election of the new Commissioner of NPM, by a simple majority voting procedure, for a 4 (four) year term.

The actual NPM structure since April 2018, is completed with professional members of the staff, by which 3 assistant commissioners and the Commissioner are lawyers and one (psychologist), assistant commissioner. For their assignment, the People's Advocate respected the principle of gender equality but also the principle of adequate representation of ethnic minority, religious groups and former persecuted people from the communist regime according to OPCAT guidelines and in respect of the specifics of the country.

The independence of the NPM staff is assured through the independence of the Institution, and the fact that, with exception of the commissioner they are all civil servants.

8-Members of Albanian NPM are subject to Law No. **9367 dated 7.4.2005** (Published in the Official Journal No. 31 dated 11 May 2005) *“On the Prevention of Conflicts of Interest in the Exercise of Public Functions”*. (For further information please refer to Chapter 2 *“Independence”*)

9-The process of selecting the members of NPM was based on the requirements of the law on Civil Servants and the OPCAT criteria, which explicitly expresses the requirements of the expertise and experience of the members of NPM in order to exercise their duties effectively and impartially.

The members of Albanian NPM were selected based on these criteria among experienced professionals in the field of criminal, law, human rights, prison specialists, police experts and university lecturers on matters of public health.

A person working in the NPM of Albania needs to have 5 years of relevant experience in public administration in relation to the work of NPM, to have a university degree in legal or humanities/social studies (currently, apart from lawyers, the staff includes persons with educational background in psychology and social work), knowledge of English language and computer literacy. The experience of working in prisons is an advantage. Have good communication and teamwork skills.

10-The NPM Section is composed of 5 officials, of which 2 females and 3 males.

For the assignment, of the members of NPM the People's Advocate respects the principle of gender balanced according to OPCAT guidelines and further identified for each of them specific areas of responsibility.

11-For the assignment, of the members of NPM the People's Advocate in continuity has respected not only the provisions of the Law *“On Status of Civil Servant”* which foresees the criteria relating to the experience and expertise but also the principle of adequate representation of ethnic minority, religious groups and former persecuted people from the former communist regime according to OPCAT guidelines and in respect of specifics of each country.

12-Since the initial establishment of the Albanian NPM in 2008 the experts of NPM have been subject to extensive training both nationally and internationally. So, the experts on NPM have been trained under the CoE, OSCE, APT and also with European Union projects, which has helped to equip the Albanian NPM with the best training professional knowledge and required capabilities in line with the best practices, methodologies and know how in the field.

An Expert of NPM has been elected from 2011 to 2015, as Albania’s member of the CPT. The state authorities responsible for selecting the candidate in respect of Albania have had the intention not only to supply the CPT with the adequate expertise required but also to strengthen the NPM staff with CPT experience.

13- The NPM staff receives ad-hoc trainings through participation in conferences and network meetings on specific topics.

Example the IOI Workshop for NPMs in Copenhagen, participation in all meetings of East European NPM Network, IPA forced return monitoring training, etc

With the consideration that the NPM role and activity is very important and worth to be promoted, the People’s Advocate has organized and conducted a number of ad-hoc training meetings and co-chaired a number of conferences focused on the prevention of torture, and advocated the work and the progress made by the NPM.

In concrete terms, many ad-hoc trainings were organized in 2014 and on and on with participation of representatives from the Ministry of Justice, State Police, General Directorate of Prisons, Civil Society organizations, etc. In the area of the cooperation and exchange of experience, promotion of the work done by NPM in the international arena, members of the, NPM, have participated in many international meetings and ad-hock trainings organized by the Council of Europe, APT, and with other NPM-s in the region, concerning the respect of human rights in prisons and police premises.

In these meetings, Albanian NPM-s participants have shared their own experience and acquired the experience of other countries with regard to the application of best practices for the prevention of tortures in places where people are deprived of their liberty.

14. The People’s Advocate has its own budget, which is allocated annually by the State Budget. Between the period 2014-2019, the People’s Advocate institution, was allocated a budget which is presented in the tables at the end of this chapter. The internal finance department divides this budget according to the proportionality of the needs for all 5 Sections. According to this internal arrangement, the NPM is provided with a fair share of the total amount in terms of operational costs, publications, and human resources.

The internal finance department divides this budget according to the proportionality of the needs for all 5 Sections. According to this internal arrangement, the NPM is provided with a fair share of the total amount in terms of operational costs, publications, and human resources. The NPM budget has steadily increased through years.

The tables below explain the budget amounting for period of time 2014-2019

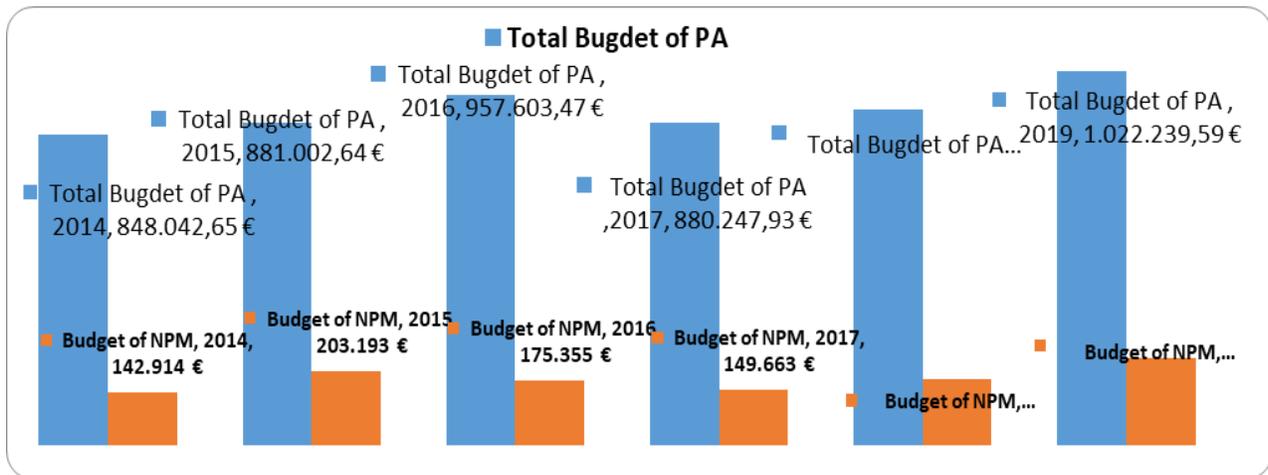
NPM’s Budget

No.	Year	2014	2015	2016	2017	2018	2019 - on going
1	Project Funds for NPM	31,801 €	68,885 €	43,171 €	17,267 €	31,844 €	50,807 €

2	State Budget of NPM	111,113 €	134,308 €	132,184 €	132,396 €	148,391 €	188,052 €
Total Budget of NPM		142,914 €	203,193 €	175,355 €	149,663 €	180,235 €	238,859 €

NPM's Budget versus Total Budget of PA

No.	Year	2014	2015	2016	2017	2018	2019 - on going
1	Total Budget of PA	848,042.65 €	881,002.64 €	957,603.47 €	880,247.93 €	918,600.07 €	1,022,239.59 €
2	Budget of NPM	142,914 €	203,193 €	175,355 €	149,663 €	180,235 €	238,859 €



15-From 2014 and on, the NPM Section of the People’s Advocate Institution has conducted an average from 80 to 100 inspection visits per year and also other inspections with a specific focus, and monitoring events at the premises subject to violation of human rights and individual freedoms such as: prisons, pre-trial detention premises, institutions of State Police, Mental Hospitals, Civil Hospitals with a restricted freedom of patients (infection diseases’ quarantine), reception centers for asylum seekers and detention center for foreigners, social Centers for the Treatment of persons subject to Illicit Trafficking, Military Bases, etc.

In spite of the activity of the NPM Section in 2014 and on, the monitoring activity of this Section during the years has tripled in number, showing a really high rate of working activity and a growing on side presence, in close contacts with the related institutions.

In this activity, the People’s Advocate has submitted to the respective institutions of the above-mentioned premises over 60 recommendations per year and also information reports, proposals and disciplinary measures, etc.

The activity of the Section has combined not only the legal obligations to carry out regular inspection visits in the premises subject to potential violation of human rights cases, but also to be present in

these premises where the events have occurred, or suspected to cases of torture, inhuman or degrading treatment. In general, NPM inspect all places of deprivation of liberty in Albania.

During 2018 up to now, the People's Advocate Institution is part of the project "Refugees and Asylum Seekers in South East European Countries" supported by UNHCR, Albania. Under this project we currently have 3 external experts covering monitoring of the borders, one the expert in the southern border, mainly in Gjirokastra district, northern border monitoring expert mainly in Shkodra region and since the beginning of August 2019 an expert on southeast border mainly in Korça region.

16-From 2014 and on, in its capacity of the National Mechanism for the Prevention of Torture (NPM), the People's Advocate Office has established and enhanced an effective structure of monitoring that works in a highly professional manner to examine each and every phenomenon that results into the violation of the human rights in the form of torture, inhuman and degrading treatment. Such improvements have led to a qualitative increase in the prevention of the above phenomena, to the promotion of good practices and boosting of the dialogue with state authorities. In the period from 2014 to 2019, 568 regular and follow up visits were conducted, while about 365 recommendations were issued.

On the other hand, Article 19/1 of the Law No.8454 of 04.02.1999, "On the People's Advocate," as amended, authorizes the conduct of an independent monitoring and investigative activity, which is complete and comprehensive for every case of torture, inhuman and degrading treatment, thus, guaranteeing greater access to every premise or office, to every official without immunity and to all the documents, including those classified ones, and to the public administration bodies.

The NPM was quite attentive to keeping a constant communication with individuals whose freedom has been deprived. For this purpose there is a dedicated telephone number free of charge at the institution, and the complaints sent to special postal boxes that only the NPM staffs is allowed to open in every penitentiary or pre-detention facility.

The annual scheduling of the NPM visits include all places where people are deprived of their liberty in Albania and the work methodology ensure effective monitoring of such places with regard to safeguards against ill-treatment.

17-The People's Advocate keeps having a serious and efficient cooperation with the Agency for Prevention of Torture (Agency), headquartered in Switzerland, which has offered a great technical assistance during 2014-2019 on supplying of the Albanian staff through manuals and advanced didactic brochure for carrying out of professional monitoring process. Albanian NPM has adopted and makes their own the APT methodology of the inspections and best practice of CPT in the field of the work. Working methods of NPM Albania have been developed and constantly reviewed according to best international standards of torture prevention bodies.

Cooperation with foreign organizations has been very productive and in interest of identifying and strengthening our institutional capacities, transforming these resources in a sustainable expertise and assisting factor to other countries.

The People's Advocate assesses the successful work and cooperation with the NGOs and media bodies, which have, with no doubt, given a precious contribution in strengthening and covering of our monitoring activities in each state institution.

On May 27-30, 2019, the NPM of Albania has conducted a series of monitoring and inspection visits to several institutions of deprivation of liberty in the Republic of Albania. The monitoring group besides the Albanian NPM team were the experts from the Council of Europe's National Torture Prevention Mechanism Network Observatory. The participation of NPM Observatory experts was very important in assessing the work of the NPM in Albania and in parallel to benefit from the experience of the international expertise.

18-National Mechanism for Prevention of Torture has intensified its work vis-à-vis protection of human rights and lawful treatment of individuals who are found in the state institutions where liberty is limited. From 2014 and on we have observed a serious and efficient cooperation with all the state bodies in charge of enforcing the legal framework in force and human rights in this field. Joint activities, communication and dialogue, exchange of information, and increase of dialogue level have been precious assets to affect substantial changes in respect of human rights.

A special consideration should be given to minimization of the flagrant cases of violence, torture, inhuman and degrading treatment in the state institutions, which means a high responsibility of title-holders and staff of penitentiary institutions regarding respect for the human rights.

The People's Advocate considered that there is still a lot to be done for consolidating standards of human rights and treatment of individuals. Priorities are continuity of infrastructure investments for improving the isolation rooms, constant treatment of security staff, promotion of best practices in relations with people who are deprived of liberty, more transparency in this field, etc.

At the quality of the National Mechanism for Prevention of Torture, the People's Advocate has assessed as insufficient the institutional commitment, funds and measures taken for improving the situation in hospitals. Apart from this, the Ministry of Health has often shown itself inactive and incapable of moving in time and of informing in each case on improvements made by it.

A good and correct cooperation is observed with the Ministry of Justice, Ministry of Labour, Social Affairs and Equal Opportunities (actually Ministry of Health and Social Welfare) to put in light proposals on changing the situation in some of the institutions depending on it.

In general, the health and social services offered to individuals in these centers need more investment funds, more staff, and better speed in realizing of projects, a better concentration and attention in the human treatment of the sick people, as well as new projects that would enable a substantial improvement of several aspects.

During the inspections in prisons, representatives of the NPM have not been prevented from performing their duties, on the contrary, they have had very good cooperation.

Recently the People's Advocate appraises the very good cooperation with General Directorate of Prisons, the climate of dialogue and reciprocal aid

Implementation of the reforms and measures taken for improving the prisons system has led a substantial improvement of the services. Also, steps undertaken in the training of staff, their involvement in experience sharing programmers has served as a positive model, leading to a substantial awareness-raising on human rights issues. The findings of the NPM issued to the General Department of Prisons are in line with those of the CPT reports.

Nonetheless, high level of depreciation of some of the penitentiary institutions, lack of funds for investments, lack of appropriate conditions in some prisons, offering of an appropriate living space, overpopulation and a complete standardization of penitentiary services all over the country keep being problematic.

Representatives of the NPM participated in the technical meetings, as well as provided their opinions and suggestions regarding the legal changes proposed by the Ministry of Justice for the legal package with 5 draft laws on penitentiary system and 4-year Master plan on penitentiary system for 2019 - 2022

The People's Advocate believes that the joint institutional efforts on the radical improvement in this field will be fostered in the future, in order to meet the obligations on respect for human rights and the integration commitment of the country as soon as possible.

In the context of respect for human rights and the prevention and fight against violent extremism in institutions of deprivation of liberty and probation, in December 2018 the People's Advocate (NMP), in cooperation with the OSCE Presence in Tirana organized an important conference, with the participation of the Coordination Center against Violent Extremism, the Ministry of Justice, the GDP, the Probation Service and some civil society organizations

<https://www.avokatipopullit.gov.al/sq/articles-layout-1/media/news/avokati-i-popullit-dhe-osbe-organizojn%C3%AB-konferenc%C3%ABn-e-p%C3%ABrbashk%C3%ABt-93/>.

19-One of the functional activities of the People's Advocate, in his role as the NPM, is submission of recommendations of a legislative character, which, through the proposal for changes and amendments of laws and by-laws, were aimed at improving the legal framework in power on prevention of torture, inhuman and degrading treatment and respect of the rights of individuals. According to the main OPCAT provisions, such activity is considered as very important in the context of prevention and correction of acts or phenomena that can cause torture, inhuman or degrading treatment.

In 2014-2019, People's Advocate, in its role as the NPM, submitted to the Ministry of Interior and the General Police Directorate several recommendations asking for issuance of by-laws for prevention of keeping of suspicious items in the police investigation venues, approval of new rules on treatment of arrested persons and detained according to the new standards of Law "On State Police", for clarifying rules of police activity in the isolation rooms, re-formatting of police registers with new sections for notifying the family members and the counsel of defense, re-dimensioning of the work of the psychologist in the state police institutions, showing attention even to the police staff who might have psychological problems, and for the review and update of the curricula of the Police Formation Center with the international acts on human rights.

In reply to these recommendations, the State Police informed us that several positive measures are taken by approving a new manual on treatment of the arrested and detained people, issuing an order to removal of all suspicious items that might serve for causing psychological pressure on persons from every office, and reformatting police registers according to new sections. The State Police has shown its willingness to offer psychological assistance to its staff, and has sought assistance for fulfilling the teaching curricula with human rights issues and for trainers specialized in human rights.

In 2014-2019, at the quality of the National Mechanism for Prevention of Torture, the People's Advocate submitted several recommendations to the Ministry of Justice and to the General Prisons Directorate asking for approval and amendment of legal acts for improving the General Prisons Rules, for changing the registers of meetings for the detainees and prisoners, providing more information for them, for reducing overpopulation in some of the penitentiary facilities, re-categorizing some of the institution on execution of court judgments, for avoiding the responsibility of the prison doctor in cases of special permits for the inmates, etc. In reply to these recommendations, the Ministry of Justice and the General Directorate of Prisons have informed of a series of positive measures taken for a positive amendment of the General Prisons Rules, pursuant to our proposals, changing the registers of the penitentiary institutions, such as prisons and detention facilities, to treat more people in their venues in order to reduce overpopulation in other facilities.

Representatives of the NPM participated in the technical meetings, as well as provided their opinions and suggestions regarding the legal changes proposed by the Ministry of Justice for the legal package with 5 draft laws on penitentiary system and 4 years Master plan on penitentiary system for 2019 – 2022. The NPM recommendations during this period are dealing mostly not on the lack of services but on the quality of services that must be upgraded in prisons and police commissariats.

During 2018, the Ministry of Justice proposed legal amendments that were recently adopted to the Law "On the Rights and Treatment of Prisoners", who are accused or convicted of high social risk offenses. Amendments consisting of the reinforcement of security measures in the penitentiary system, with the special 41 Bis regime, to guarantee the termination of any links to criminal structures serving sentences for serious crimes, with other members of the criminal gangs who may pursue be free.

These prisoners will be subject to a special regime under which their actions will be more restricted than those of other prisoners.

The People's Advocate Institution has reviewed this draft law to assess its compliance with the Constitution, international acts ratified by the Republic of Albania, ECtHR decisions and Italian law on the rights and treatment of prisoners.

In the discussion with the interest groups in the Parliamentary Committee on Laws, the representatives of the People's Advocate (NPM) gave their suggestions for amending some of the proposed provisions.

20-Additionally, the amendments made by the Law No. 9888 of 10.03.2008 to Law No.8328 of 02.04.1998, "*On the Rights and Treatment of Prisoners and Pre-detainees*," the People's Advocate (acting as NPM) is entitled to issue specific reports and recommendations for the relevant authorities, with the purpose of improving the treatment or conditions of the individuals who have been deprived of their freedom and in order to prevent torture and a cruel, inhuman or humiliating treatment or punishment. NPM recommendations are well received by relevant authorities in which by the verity of law they are entitled to respond in due time and in technical detail. NPM has established on-going dialog with relevant authorities and follows diligently the action taken to the implementation of their recommendations and to the final respond to their recommendations in line with article 22 of the OPCAT.

Dialogue with authorities is through meetings, follow up visits, participation the roundtables with experts or through exchanges of information. NPM has upgraded the level of recommendations and changed their form during the years by obtaining better and more completed materials.

21-In implementation of OPCAT, in 2008 we established ties with the UNO's Sub-Committee Against Torture, knowing the need for cooperation and expertise from the UNO international experts and to build a sustainable cooperation and reporting relationship with SPT, in the light of implementation of Article 11 of OPCAT, as well as submitting our NPM annual report (as per Article 23 of the OPCAT)

The UNO's Sub-committee on Prevention of Torture has published Albanian NPM 2008-2010 Report and 2012 report has been submitted for publishing. The Albanian 2011 NPM report was a separate chapter of People's Advocate general report for 2011 due to difficulties on electing the new People's Advocate and budget shortage.

The People's Advocate Institution since 2012 was supported by Ministry of Foreign Affairs of the Government of the Kingdom of Denmark through the Project "Supporting the People's Advocate of Albania - Closer to Local Communities, Civil Society and Media (2012-2015)". Funding through this project brought the budget increase, so the Albanian NPM was able to carry on its duties effectively in 2012 and to publish its annual report, in compliance with article 23 of the OPCAT. The NPM compiled, published and shared with the SPT the annual reports of its activities for years 2012/2013/2014/2015/2016.

Regarding years 2017-2018 the special annual reports were compiled, but not published in hard copy due to lack of funds. Within this year the special report of NPM for 2018 will be available in the official website of the Institutions,

22-At the quality of the National Mechanism for Prevention of Torture, the People's Advocate has continued working in 2014-2019 as a structure with concrete plans of cooperation and reporting activities in the international arena.

During 2017-2018 the National Preventive Mechanism against Torture closely cooperated with the Committee for Prevention of Torture (CPT) and the United Nations Sub-Committee for Prevention of Torture (SPT), the Association for Prevention of Torture (APT) and the OSCE Presence in the countries of the Region to ensure a quality oversight and reporting system. Cooperation with the said structures is achieved through joint meetings and direct contacts and aimed at sharing experience and assessing needs and appropriate tools, in an effort to protect the right of persons deprived of their liberty, in compliance with OPCAT.

In implementation of OPCAT, since 2008 we established ties with the UNO's Sub-Committee against Torture, knowing the need for cooperation and expertise from the UNO international experts and to build a sustainable cooperation and reporting relationship with SPT, in the light of implementation of Article 11 of OPCAT.

The UNO's Sub-committee on Prevention of Torture has exchanged a dense correspondence with our office for 3 years, showing a great interest in the work for preventing torture and attaining tangible results in this regard. Through the Ministry of Foreign Affairs in Albania, but even though direct communications, the People's Advocate has tried to regularly inform this international structure on the torture, inhuman and degrading treatment preventing activities conducted in our country. At the quality of the National Mechanism for Prevention of Torture, the People's Advocate was called in June 2010 to report in a special session of the Sub-Committee against Prevention, headquartered in Geneva. This was the second reporting at a global level done only by those countries that have already started to consolidate their monitoring activity, according to OPCAT. At this meeting, the People's Advocate conveyed information on the status of human rights in Albania, referring to the annual monitoring reports on limitation of liberty, submitted before at the Albanian Parliament.

Members of Sub-Committee asked several questions and gave opinions on various issues, which were afterwards debated by both parties. In the end, the People's Advocate received very positive assessment on the work done so far, and an open support was declared on strengthening of professional and organizational capacities by UNO structures.

In this reporting session, the Albanian state took several positive assessments on the seriousness and operation within a short period of time of an independent and functional structure, as the National Mechanism on Prevention of Torture. In his concluding words, Mr. Victor Rescia, Chair of the Sub-Committee on Prevention of Torture, stated, inter alia, that *"from such a small country like Albania, we manage to get such big messages on the seriousness and resoluteness to respect international acts, freedoms and rights of the individual"*. Via this reporting meeting, the People's Advocate managed to fulfill one of the most important objectives and obligations as the National Mechanism on Prevention of Torture at the international plan, becoming one of the first countries in the world implementing an international act of such an advanced level.

In the context of international cooperation, representatives from the People's Advocate office have taken part in many international meetings held by the Council of Europe, in the context of "Peer to Peer" project. This project is aimed at training and offering experience vis-à-vis respect of human rights in prisons, police and other places where liberty of the individual is limited. In these meetings, our experts have given opinions and have received expertise and information on a number of inspection practices, also providing input on the running of our activity in general.

Stemming from what said above, in June 2010, the Council of Europe organized in cooperation with the People's Advocate in Tirana, the international conference with the participation of 23 European countries that have already established a NPM. This conference was focused on the main rights and freedoms of the individuals in relation to police bodies. Participants exchanged several opinions and best practices that should be applied by police bodies, and agreed also on establishing a joint manual on ways to monitor police venues.

In 2014-2019, People's Advocate continued its cooperation with several foreign partners acting in Albania and having a priority role in strengthening standards of human rights. In not a few cases, we have held meetings with representatives from the OSCE Office in Albania, and we have exchanged information and reports with them on the situation observed in the penitentiary institutions.

Another very important partner in our work for 2014-2019 was the Office of EU Delegation in Tirana, with which we have organized several meetings and have exchanged constant information, sharing with them information from the inspections of respect of human rights in the penitentiary institutions. In the framework of fulfilling the tasks foreseen in the Progress Report of the European Union, this office has appraised the work of the People's Advocate in the context of the NPM, and has shown a special interest in getting to know the recommendations issued by our office and related to implementation of tasks coming from the Progress Report.

Another point of interest has also been inclusion in the country's integration agenda of Item 12 of the Association and Stabilization Report, according to which Albania should examine and implement the People's Advocate's recommendations related to the situation in prisons, police and other venues where liberty of people is limited.

During 2017-2018, the People's Advocate in the role of NPM, in collaboration with Border and Migration Police Directorate and FRONTEX, constantly monitored operations of voluntary and compulsory repatriation of Albanian citizens from EU countries and Schengen area member states with the purpose of duly transferring Albanian citizens with repatriations decisions from the territories of EU member states. NPM was member of the monitoring team along repatriation operations, along with Mechanisms from other countries, accomplishing its legal and constitutional role as a guarantor, and at the same time acting in compliance with Directive 2008/115/EC of the European Parliament on common standards between EU member states and third countries on independent monitoring by NPM of citizens repatriation from EU countries to their countries of origin.

Furthermore, as a result of the effective collaboration they produced a series of promotion materials (leaflets, posters, manuals) and made possible a series of training courses focusing on human rights with employees of the state police and security, health and psycho-social staff of prison administration. Trainings and promotional materials have been designed to increase knowledge on Human Rights in police units, in prisons and detention facilities in order to ensure respect for their rights, improvement of knowledge on the institution of the People's Advocate and its role as the National Preventive Mechanism against Torture and information on other supervisory mechanisms. Trainings for prison staff have also been focused on the Conventions ratified so as to ensure respect for human rights in Albania and abroad, focusing mainly on aspects such as admission, registration, movement and transfer, classification and settlement, physical environment and living conditions, health care, education and employment, religious activities, notification of health problems, notification on the loss of a relative and special permits, physical restraint and use of force, disciplinary measures, inspections and complaints against staff, meetings and communication with families, women in pre-trial detention, and vulnerable groups.