



**COMPARATIVE REPORT ON THE SITUATION OF  
RESPECT FOR HUMAN RIGHTS AND FREEDOMS  
IN ALBANIA  
FOR 2022 - 2023**

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## ABBREVIATIONS

<b>AMA</b>	<b>Audiovisual Media Authority</b>
<b>POA</b>	<b>Police Oversight Agency</b>
<b>EU</b>	<b>European Union</b>
<b>CPT</b>	<b>Committee for the Prevention of Torture</b>
<b>GDSP</b>	<b>General Directory of State Police</b>
<b>LPD</b>	<b>Local Police Directory</b>
<b>GDP</b>	<b>General Directory of Prisons</b>
<b>ECtHR</b>	<b>European Court of Human Rights</b>
<b>CC</b>	<b>Constitutional Court</b>
<b>SCCOC</b>	<b>First Instance Special Court against Corruption and Organized Crime</b>
<b>IEPD</b>	<b>Institution for the Execution of Penal Decisions</b>
<b>NITP</b>	<b>National Inspectorate for Territory Protection</b>
<b>HJI</b>	<b>High Justice Inspector</b>
<b>MI</b>	<b>Minors' Institute, Kavaja</b>
<b>TPI</b>	<b>Territory Protection Inspectorate</b>
<b>CRIPDP</b>	<b>Commissioner for Right to Information and Personal Data Protection</b>
<b>EC</b>	<b>European Commission</b>
<b>ECTHR</b>	<b>European Convention for the Protection of Human Rights</b>
<b>HJC</b>	<b>High Judicial Council</b>
<b>HPC</b>	<b>High Prosecutorial Council</b>
<b>CoM</b>	<b>Council of Ministers</b>
<b>CPD</b>	<b>Commissioner for Protection against Discrimination</b>
<b>SAC</b>	<b>Special Appeals Commission</b>
<b>IQC</b>	<b>Independent Qualification Commission</b>
<b>CEC</b>	<b>Central Election Commission</b>
<b>AHC</b>	<b>Albanian Helsinki Committee</b>
<b>MoJ</b>	<b>Ministry of Justice</b>
<b>UNO</b>	<b>United Nations Organization</b>
<b>OSCE ODIHR</b>	<b>Office for Democratic Institutions and Human Rights</b>
<b>CSO</b>	<b>Civil Society Organization</b>
<b>MTUHC</b>	<b>Mother Teresa University Hospital Center</b>
<b>LFI</b>	<b>Legal Forensic Institute</b>
<b>RA</b>	<b>Republic of Albania</b>
<b>SPAK</b>	<b>Special Structure Against Corruption and Organized Crime</b>
<b>UPR</b>	<b>Universal Periodic Review</b>
<b>CMD</b>	<b>Council of Ministers' Decision</b>

*Dear reader,*

The rise of hybrid governance regimes with autocratic elements or serious humanitarian crises created by military conflicts, such as the unprecedented Russian aggression on Ukraine, or the latest conflict between Hamas and Israel, causing serious humanitarian crises and massive loss of human life, have led to an aggravation of human rights and freedoms across the globe.

Governments that fail to live up to their legal obligations to protect human rights at home sow the seeds of discontent, instability, and ultimately war.<sup>1</sup>

In Albania, aside from the inevitable impact of global factors, the political crisis these past two years has led to extreme polarization, unprecedented hate speech, and continued conflict in parliament, as well as lack of dialogue, very important for democracy and the sustainable development of reforms. As a result, this situation has harmed the values of democracy, such as tolerance, inclusivity, transparency, accountability, and at the same time, has worsened the situation of human rights and freedoms.

The years 2022-2023 saw critical challenges and developments for the situation of human rights and the rule of law, which was reflected in the activity of the Albanian Helsinki Committee (AHC), which in some instances, encountered obstacles in the exercise of its mission.

This report on respect for human rights and freedoms in Albania for the year 2022-2023 aims at informing the public, institutions, and international organizations accredited to our country, as well as at increasing the responsibility and accountability of public authorities to strengthen the culture of lawfulness, transparency, the principle of open governance, and improve their activity for better protection of and respect for fundamental human rights.

AHC's contribution throughout the years remains oriented toward quality and concrete impact for citizens, having at its focus mainly the participation of the public in decision-making processes, providing legal critique for important policymaking and legislative initiatives, the fight against and prevention of corruption, monitoring of the implementation of justice reform, free and fair elections, and representation of cases in domestic courts, the Constitutional Court, and the European Court of Human Rights, proactive monitoring of respect for human rights by the bodies of the public administration and the judiciary, with special focus on environmental rights, protection against discrimination and the advancement of the situation of rights of marginalized groups of society, prevention of harmful phenomena to the society, such as violent extremism, improvement of transparency of institutions, freedom of expression and free media, freedom of organization.

The reactive strength and proactive nature of AHC's activity continued to be felt in public opinion, thanks to coverage in the print and electronic media, increased activism in social media, and the expansion of the organization's activity to various areas of the country.

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<sup>1</sup> From the deliberate attacks by Russian President Putin against civilians in Ukraine to the open-air prison of Xi Jinping for the Uyghurs in China, to the Taliban putting millions of Afghans at risk of starvation.

<https://www.hrw.org/world-report/2023>

The resources for concluding about the state of and respect for human rights in the country are diverse. However, in this report, AHC focuses mainly on the data it has obtained as a result of its own activity, particularly on monitoring missions conducted on real methodologies and with trained, objective, and professional observers, on cases that the organization has represented with its specialized legal staff at Independent Institutions, domestic courts, the Constitutional Court, and the ECtHR, on various study and research reports during this period, on correspondence and contacts that it had with institutions and the evaluation of their reaction.

I take advantage of this opportunity to express profound gratitude and thank for the support for the realization of AHC's activity the members of the organization's Assembly, the executive staff, network of correspondents, external consultants and dedicated and tireless observers, partner organizations, the counterpart Helsinki Committees in the region and beyond, as well as the donors who supported financially the activities of the organization, such as the U.S., UK, Netherlands, Canadian Embassies, the European Commission, the Sigrid Rausing Trust Foundation, GCERF, and the public institutions that collaborated with us during these two years.

*Sincerely,*

*Erida Skëndaj*  
*Executive Director*

## EXECUTIVE SUMMARY

The participation of citizens in the decision-making processes of the Assembly appears almost lacking, which has weakened during these two years the potential for an inclusive and open system of governance. AHC notices a lack of systematic lack of reaction by the Assembly in providing answers for causes submitted through petitions and legislative initiatives of youth assisted by AHC; meanwhile, the Group of MPs “Children’s Friends” showed interest by holding special hearing sessions regarding them. On the other hand, the Executive mainly consults legal initiatives through the Public Consultation Platform, which is not entirely accessible.

AHC notices a considerable drop in requests for consultation upon the initiative of the Parliament’s Committee on Legal Affairs, which covers human rights issues, and the lack of consultations on annual reports of independent institutions. In contravention of the principle of equality before the law, the Parliament gives priority to the review of initiatives proposed by the Executive in its Work Programs, thus creating a practice that is not equitable vis-à-vis the legal initiatives of MPs and those of voters.

AHC views as positive the activity of Specialized Justice Institutions against Corruption and Organized Crime (SPAK and SCCOC), which are laying the foundations in fulfillment of the objective of dismantling the myth of impunity for high-level officials accused of corruption. data on SPAK proceedings point to an increased level of trust of denouncers in the mission and activity of SPAK for striking corruption without compromise, while the same trust is not reflected in the prosecution offices of ordinary jurisdiction.

In parallel with punishment, prevention is also very important, and it requires strengthening the integrity of public institutions, including those in education, business, media, and civil society.

As a result of the effects of the New Judicial Map, 18 courts or 47.3% of the courts appear to be dissolved, leading to an unprecedented development in comparison to judicial maps of countries in the region and the EU itself. With its entry into force, the costs of lawyer services have increased by 50-200% of previous fees, while to these are added the very high costs of transport for following trial hearings by district lawyers in the new courts.

AHC considers that the ethical-professional integrity of members of the Councils (HJC and HPC) as two important bodies for governing justice should be strengthened. Data made public about prosecutor and judicial police officer members, appointed in the same prosecution office, with family relations among them and with officials of the Assembly, harm public trust in the justice system. In a small country like Albania, we should not forget for many years to come the reasons that led the country to reforming its justice system, including the inappropriate influences on the judicial system by the two other powers.

Although in the sixth year of decision-making of the vetting process, its positive results for cleansing the justice system appeared mainly in the administrative field and they were not of sufficient use for the prosecution office to bring before criminal responsibility the corrupt subjects with considerably unjustifiable wealth.

For the IQC, the priority is to complete the process within the new constitutional deadline as it only has one year until that deadline expires. For one subject, from the lottery to the conclusion of the process at the SAC (if there was an appeal), the re-evaluation process lasts about four years. These subjects, until the decision becomes final at the SAC, receive 75% of their salary, which is a high financial cost for the state budget.

Monitoring by AHC observers in the local elections (the by-election in 2022 and the full election in 2023) highlighted systemic, carryover issues, such as misuse of public assets, cases of family voting, claims of vote buying and selling, some of which under investigation by the prosecution office. We find with regret that the Special Parliamentary Committee on Electoral Reform remains non-functional. Also, it is unacceptable that in the rule of law, for about one year, the decision of the Constitutional Court on the obligation of the Assembly to fill the legal vacuum that enables the effective exercise of the constitutional right for emigrants to vote, remains unexecuted.

During these two years, AHC realized 26 thematic and sporadic monitoring missions in closed institutions.

It is a positive fact that some of the most problematic prisons in the country closed during 2022. Meanwhile, some of the monitored prisons continue to display worn-out infrastructural conditions, lack of new internal Regulations, and in some cases, overcrowding. The most disturbing, with regard to infrastructure, are the two buildings of the Shënkoll IEPD, which have been adapted for the accommodation of patients with a security measure, while these citizens, according to the ECtHR decision in *Strazimiri vs. Albania* should have been accommodated in a special medical institution. This decision of the ECtHR is not implemented either.

During 2023, three of the sporadically monitored cases in the prison system have to do with loss of life of three citizens deprived of liberty, one of whom, by suicide. In all these three instances, a problem remains with periodical monitoring of health conditions by medical personnel and the immediate follow-up for concerns displayed by inmates.

A grave and unprecedented incident took place in our prison system on December 15, 2023, at IEPD Peqin, where citizen A.L. lost his life. The prosecution investigation will help resolve the case. It is worth emphasizing that complaints presented through the years to AHC by inmates scared of revenge and blood feuds, though sporadic in numbers, have continued in the prison system. They should have been a sufficient alarm bell for taking preventive measures in order to secure the life of every inmate and detainee.

Because of the engagement for years in the prison system, the highest number of complaints to AHC belongs to convicted and detained citizens. Of a total of 584 complaints received during the two years, 50% of them belong to these citizens who complain mostly about the justice system as well as about their rights in the prison system, transfers near family members, reward permits, unjust disciplinary measures, etc. AHC has regularly conveyed the received complaints and the encountered problems



to the Institutions of the Penitentiary System, but in many cases, we have not had a response about the approach of the institutions to addressing and verifying them and then their reflection.<sup>2</sup>

Pursuant to monitoring conducted on the situation of respect for the rights of individuals detained or accompanied to police commissariats, AHC encountered issues with infrastructure, lack of adequate airing and natural light, overcrowding in cases of accompaniment of protesters.<sup>3</sup> There continues to exist a systemic concern with failure to respect procedural deadlines and regulations, lack of initial and periodical checks by doctors, and lack of proper documentation of the health condition of citizens in their health report cards. The delay in the urgent transportation to civil hospital premises of arrested citizen L.K. was fatal for him. Nevertheless, in spite of encountered violations highlighted in AHC's public reaction, after more than one year after this incident, the Tirana Prosecution Office asked the court to drop the case. With regard to official correspondence with State Police structures, we find a positive approach in the reactions of the GDSP, its readiness to take organizational measures to follow up recommendations/suggestions presented by AHC.

In April 2022, AHC reacted publicly and expressed regret about the removal without arguments or transparency of the AHC representative from the National Commission on Asylum and Refugees. The Minister of Interior of the time made it known that AHC and civil society organizations may take part as observers in the meetings of the Commission, but this pledge has not been respected to date.

In 2023, the path of irregular migration in the Western Balkans experienced some changes, including the decline in migratory flows and increased use of the Middle Mediterranean route by irregular migrants and Albanian smugglers. The latter, referring to the judicial practice researched by AHC, appear to be involved in some operations of assisting illegal border crossing against payments that vary between 5,000 and 8,000 euros.

The protocol signed between the two heads of the Executive of Albania and Italy, for the use of the Albanian territory to create areas assigned to receiving and holding asylum-seeking refugees, in the opinion of AHC and some civil society organizations, represents a serious concern for the lack of transparency, consultation, and the violation of the Geneva Convention toward these citizens who migrate toward Italy and originate from countries in Africa.

Regarding the case of treatment of citizens diagnosed with mental health irregularities in the Civilian 'Ali Mihali' Psychiatric Hospital in Vlora,<sup>4</sup> where disturbing data were reported by investigative media,<sup>5</sup> AHC addressed the Ministry of Health and Social Protection officially<sup>6</sup> with a request to allow verification of the situation on site. There has been no official response from this institution.

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<sup>2</sup> It is worth emphasizing the positive practice of the reaction of IEPD 325 "Ali Demi," which responded in a reasoned manner to the AHC recommendations, as well as the MI Kavajë and IEPD Elbasan, which drafted concrete plans of measures to fulfill the suggestions that they accepted.

<sup>3</sup> LPD Tirana, Commissariat no. 3 (Mine Peza Street) and Commissariat no. 5 (Kamëz).

<sup>4</sup> <https://www.youtube.com/watch?v=Vëëbq4FëP0g>

<https://www.youtube.com/watch?v=9isF03KkD0E>

<sup>5</sup> <https://www.youtube.com/watch?v=Vëëbq4FëP0g>

<https://www.youtube.com/watch?v=9isF03KkD0E>

<sup>6</sup> Letter no. 617., prot., of September 20, 2023, "Request for entry permit to the 'Ali Mihali' Psychiatric Hospital, Vlora"

Formalities and delays created by some institutions, thus disabling AHC access to observe respect for human rights and freedoms, harm transparency, accountability, and the possibility to reflect upon the criticism and recommendations that may be useful for them. Such closed approaches are a regress for democracy, harm freedom of organization, and make it difficult for AHC to fulfill its mission as a monitoring organization.

Overall, we notice a closed approach of institutions toward monitoring reports by CSOs and a prejudicial and obstructive climate toward organizations for exercising their mission with regard to the rule of law and protection of human rights. Against the shrinking trend that the civil society sector in the region is encountering, it is a positive fact that local, regional, and international civil society organizations are collaborating to address the proper forms of reaction toward freedom of organization and human rights and freedoms.

The use of hate speech remains disturbing, especially in an important institution that exercises legislative power (such as the Assembly) and at the same time in the digital space and social media. Different forms of hate speech are motivated mostly by sexual orientation, religious affiliation, ethnic background, and political leanings.

With regard to freedom of expression and safety of the media and journalists, it is disturbing that almost one in every two journalists reported in 2022 that they feel censored by their newsroom hierarchical and supervisory structures and that just as many used self-censorship. Meanwhile, the majority of those surveyed or 68% of them think that media in Albania is little or not at all free.

The right to information is at a crossroads as a result of lack of respect by some institutions of obligations of the law “On the right to information.” Based on the practice of AHC’s information requests, the year 2023 represents further regress compared to 2022 as it is noticed that institutions respond late or partially on the subject of requests. In the case of some positive decisions of the Commissioner, they are appealed by the institutions in court. However, delays in adjudication irreversibly harm the right to information and the actuality of the requested information.

Through its staff of lawyers, AHC has represented a series of important cases for the protection of human rights and freedoms, focusing on the environment, the right to information, journalists’ rights, the rights of individuals deprived of liberty, equality, and protection against discrimination, especially of the Roma and LGBTIP+ communities, etc. In this regard, there have been some positive decisions that have promoted the best standards in the domestic judicial system, aside from resolving the issues at hand.

AHC notes with concern the delays in the execution or the failure to execute fully the judicial decisions of final form, not only those of domestic courts, but even of the ECtHR. As a result of failure to execute judicial decisions with an impact on public interest, such as environmental pollution on the Tërkuze River in Kamëz and Gjanica River in Fier, environmental rights do not have the adequate attention of oversight authorities, which are forced by courts to exercise their competences, but do not respect these decisions either.

Although appeal in a judicial process is a fundamental procedural right of parties in litigation, in the cases represented by AHC, it is often used as a tool by public institutions in order to delay or make impossible the execution of judicial decisions. AHC reaches this conclusion because institutions



appeal decisions even for basic requests that are linked with their functional and organic duties, such as cases linked with the lack of complete and comprehensive investigations by the prosecution office, environmental rights, or in the field of non-discrimination.

## 1 Civic and civil society engagement in decision-making and lawmaking processes<sup>7</sup>

During 2022, AHC organized 18 open discussion days with the participation of high school students of the country and some of the MPs of the Assembly of the Republic of Albania. Seven petitions and one lawmaking initiative conceived by the youth, but the latter was supported by one MP, were submitted in the Assembly. Social causes addressed by youth varied greatly, including those linked with environmental rights, those of democratic representation of marginalized communities, the earmarking of budget dedicated for youth by Municipalities or the strengthening of the post-university career system, and the formalization of the phenomenon of volunteerism. AHC contributed technically and legally to the compilation of draft laws submitted in the Assembly by informal citizen groups, such as the Trade Union of the United Farmers of Albania on amendments proposed to the law on VAT and the one on agriculture and rural development, the Political Organization on the determination by law of the living minimum, or the submission of a petition in favor of the process of in-vitro artificial fertilization guaranteed by the state.

In spite of these serious efforts by youth and citizens who were part of informal groups, we find a lack of systematic reaction by the Assembly, to provide responses to the addressed causes through relevant petitions and legislative initiatives. These deficiencies weaken the potential for a more inclusive and representative governance system and infringe upon the trust of citizens in democratic instruments of participation in the Assembly's decision-making processes.

Based on an earlier study,<sup>8</sup> AHC submitted to the Assembly recommendations that aim at improving procedures for the treatment of Petitions, based on the practice pursued by relevant parliamentary committees. Nevertheless, in spite of positive reactions to reflect on the submitted recommendations, the Assembly's Rules are yet to undergo amendments, while Parliamentary Committees continue to not respond on the petitions and legal critiques that AHC has submitted during the period 2022 - 2023, regarding the completion of the Criminal Code following the Constitutional Court decision-making on the criminal provision regarding illegal rallies, the review of the Assembly Rules to improve provisions on petitions, parliamentary oversight on the activity of the High Justice Inspector regarding the archiving of citizens' complaints as a result of the expiration of the statute of limitations. On the other hand, it is positive that the new website of the Assembly includes the consultation platform rubric, which may be used better by civil society actors to address directly comments and suggestions that contribute to improving draft laws and is accessible for citizens and MPs.

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<sup>7</sup> Public stances taken by AHC:

- Petition to the Assembly: Provide assisted 'in vitro' fertilization also in state hospitals

<https://tirananews.al/organizatat-e-shoqerise-civile-peticion-ndaj-kuvendit-te-ofrohet-riprodhimi-i-asistuar-in-vitro-edhe-ne-spitalet-shteterore/>

- Policy paper, challenges of legal education in Albania

[https://ahc.org.al/wp-content/uploads/2023/01/Dokument-politikash-Sfidat-e-Edukimit-Ligjor-te-Publikut-ne-Shqiperi.pdf?fbclid=IëAR17mpj4FvOL19eJxCxz2XvDBDeAkkO18K8xBqtkbC51\\_VvKCTGNdCr0J7o](https://ahc.org.al/wp-content/uploads/2023/01/Dokument-politikash-Sfidat-e-Edukimit-Ligjor-te-Publikut-ne-Shqiperi.pdf?fbclid=IëAR17mpj4FvOL19eJxCxz2XvDBDeAkkO18K8xBqtkbC51_VvKCTGNdCr0J7o)

<sup>8</sup> Research report by AHC for a 5-year period January 2016 – October 2020, accessible at this link:

<https://ahc.org.al/wp-content/uploads/2022/10/Raport-Studimor-Instrumentet-ligjore-dhe-sfidat-e-angazhimit-te-tyteta-reve-dhe-te-shoqerise-civile-ne-proceset-vendimmarrese-dhe-legjislative-te-kuvendit.pdf>

In spite of the position expressed in different meetings among civil society organizations and heads of Parliamentary Committees, AHC notes that during the years 2022-2023, there was a considerable drop in requests by these Committees to AHC, especially the Committee on Legal Affairs, which covers human rights issues, to consult draft laws, as well as a lack of consultation on reports by independent institutions. Upon its own initiative, AHC submitted comments and suggestions on different draft laws that address issues related to its mission, but in no case received any institutional response regarding them and, therefore, nor the level of reflection of our comments and suggestions.<sup>9</sup>

In contravention of the principle of equality before the law, AHC has noticed that in its Program of Work, the Parliament gives priority to the review of lawmaking initiatives undertaken by the Executive, thus creating a disadvantageous for the legal initiatives of MPs or those of voters. This practice is not positive for democracy and participation. Important initiatives such as the draft law compiled and submitted by civil society experts ‘On collective lawsuits’, supported by an MP’s initiative for over two years still awaits review in the Assembly.<sup>10</sup>

With regard to consultations by the Executive, those are of a selective nature, while AHC has found problems with regard to the functioning of the national platform for public consultation of draft acts.<sup>11</sup>

## **2 Impact of corruption on human rights and freedoms and democracy in general**

Besides punishable criminally, corruption weakens the rule of law, weakens citizens’ trust in institutions, and creates injustice and inequality among citizens.

AHC applauds the courageous decision-making by SPAK and the SCCOC aimed at punishing organized crime and corruption at the highest levels of public officials.<sup>12</sup> This activity has seen progressive growth during 2022 and 2023, including the investigation and conviction of former high-level officials.<sup>13</sup>

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<sup>9</sup> Initiatives such as the draft law on the organization and functioning of committees of inquiry of the Assembly, on amendments proposed to the Criminal Code and the Criminal Procedure Code, proposals for the review of administrative violations by fixed fine that are present in some of the legal acts in force, etc.

<sup>10</sup> <https://www.parlament.al/dokumentacioni/aktet/80cfda5e-a3c6-497e-9def-0cdf23d76ecd>

<sup>11</sup> AHC has encountered difficulties in addressing comments/suggestions on the ‘National Strategy on Migration 2024-2030’ because no special section was envisaged for comments on the platform, as well as the National Program for Accession into the European Union 2030 and the National Action Plan on European Integration 2024-2026 for Chapter 23 “Judiciary and Fundamental Rights” and the Functioning of Democratic Institutions.

<sup>12</sup> It is worth emphasizing that the following have been submitted to court for adjudication: 8 criminal proceedings with 8 defendants (former judges); 3 criminal proceedings with 3 defendants (former prosecutors); 1 criminal proceeding with two defendants (former MP); 1 criminal proceeding with 1 defendant (former Deputy Minister); 1 criminal proceeding with 1 defendant (IQC member); 4 criminal proceedings with 4 defendants (former Mayors).

<sup>13</sup> During 2020, it appears that 238 cases were addressed, of which 50 proceedings were submitted for adjudication; 22 proceedings were dropped; 4 of them were suspended; 28 were suspended and 134 cases are still under investigation. With regard to data for 2021, there is an increasing number of cases, namely 339 cases (or 101 more cases), of which 33 were submitted for adjudication; the prosecution office decided to cease the criminal proceeding for 24 cases; 9 cases were suspended; 38 cases were transferred to competent authorities, and 235 cases are still under investigation. Meanwhile, for 2022, of 422 cases reviewed by the Special Prosecution Office, 43 were sent to court; 30 criminal proceedings were ceased, while 5 cases were suspended; 59 were transferred to competent authorities and 285 cases are

The reports and published data, which reflect an increased number of denunciations, indicate a growing trust of citizens in SPAK. However, these data are an indirect indicator of low trust of the public in district jurisdiction prosecution offices. Meanwhile, it is necessary to have an increased and systematic sensitization of the public about SPAK competences, in order to reduce the number of transferred cases due to lack of competences. There is a need for higher awareness of citizens because the intensification of the fight against corruption is indispensable.

In the context of AHC's monitoring of the activity of SPAK, it is positive that SPAK has played a proactive role in exercising the right for criminal prosecution upon its own initiative (*ex officio*), with an increase of about 56% in 2022 compared to 2021. During the period 2020-2022, the Special Prosecution Office managed to register investigations into former high-level officials, a total of 24 criminal proceedings with 25 individuals under investigation.<sup>14</sup> It is worth mentioning the cases made public in the media, such as SPAK's criminal proceedings and the criminal conviction of the General Secretary of the Ministry of Health for tenders for the reconstruction of health centers in Tirana and Durrës; SPAK's investigation into the former Minister and officials of the Ministry of Health on the sterilization of surgical instruments concession; SCCOC decision-making in September this year with convictions for abuse of office and corruption in relation to the Fier and Elbasan incinerators, among which the former Environment Minister was convicted for the first time for criminal offenses in the field of corruption.<sup>1516</sup>

Upon the request of the heirs of one of the minor victims in the tragic Gërdec incident, SPAK decided to revoke the decision to drop the case against the former Defense Minister.<sup>17</sup>

There have also been investigations against mayors or other high-level functionaries in the Municipalities of Durrës, Kukës, Dibër, for criminal offenses linked with abuse of office, violation of equality in tenders, passive corruption.<sup>18192021</sup> The transparency that SPAK ensures on its official website regarding these issues, in our opinion, makes a positive contribution to informing the public.

SPAK has also been investigating public officials at the Agency for the Treatment of Properties,<sup>22</sup> NITP,<sup>23</sup> Judicial Police,<sup>24</sup> State Advocacy Office,<sup>25</sup> Tirana Municipality,<sup>26</sup> the National Agency for

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under investigation. Data for 2024 will be made public in 2024, but based on public information, we notice a systematic number of cases that involve former high-level officials.

<sup>14</sup> [https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022\\_Publikuar.pdf](https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf) p. 4

<sup>15</sup> Press Release (dated 09.12.2023) - spak.gov.al

<sup>16</sup> <https://spak.gov.al/njoftim-per-shtyp-date-18-11-2023/>

<sup>17</sup> <https://spak.gov.al/njoftim-27/>

<sup>18</sup> <https://spak.gov.al/njoftim-per-shtyp-date-07-12-2023-dergim-ceshtje-per-gjykim/>

<sup>19</sup> <https://spak.gov.al/njoftim-per-shtyp-date-07-12-2023-dergim-ceshtje-per-gjykim/>

<sup>20</sup> <https://spak.gov.al/njoftim-per-shtyp-date-06-12-2023/>

<sup>21</sup> <https://spak.gov.al/njoftim-per-shtyp-date-16-09-2023-dergim-per-gjykim/>

<sup>22</sup> <https://spak.gov.al/njoftim-per-shtyp-date-22-11-2023/>

<sup>23</sup> <https://spak.gov.al/njoftim-per-shtyp-date-27-10-2023/>

<sup>24</sup> <https://spak.gov.al/njoftim-per-shtyp-date-20-10-2023-dergim-per-gjykim/>

<sup>25</sup> <https://spak.gov.al/njoftim-per-shtyp-date-26-07-2023-dergim-per-gjykim-a-laho/>

<sup>26</sup> <https://spak.gov.al/njoftim-per-shtyp-date-26-07-2023-bashkia-tirane/>

Medications and Medical Equipment,<sup>27</sup> accused of criminal offenses in the field of corruption. A case with a high public profile is the one for the privatization of the ‘Partizani’ sports complex.<sup>28</sup> On December 18, 2023, the Council on Mandates and Regulations, in the Assembly of Albania, approved the SPAK request to arrest the former Prime Minister, who is under investigation for privatization procedures, with the suspicion that he favored his son-in-law.<sup>29</sup>

Meanwhile, we consider that the treatment of the phenomenon of corruption requires a multi-faceted and all-inclusive approach, including the realization of further legal reforms, the strengthening of human resources, increase of transparency and the essential budgetary provisions for responsible institutions and actors.

During 2023 as well, AHC continued its practice of creating bridges of cooperation with public institutions, identified by Reports of the European Commission on Albania, at high risk of corruption. Our legal framework on whistleblowing and the protection of whistleblowers who denounce corruption in the workplace, although in the seventh year of its implementation, sees a lacking impact. Whistleblowers continue to be considered ‘spies’ by their own colleagues; the number of alerts of corruption at the workplace remains too low and the few alerted cases did not mark any success in the fight against corruption and its punishment. Our legislation is worth revising to be aligned at a better level with the EU directive that guarantees protection for anonymous whistleblowers who denounce also in external channels or publicly.

### 3 Justice Reform

Albania has entered the 7<sup>th</sup> year of implementation of reform in the justice system while AHC, pursuant to its mission, continued to monitor some of the new institutions of the justice system (vetting institutions and the justice governing bodies), as well as other developments, such as the judicial reorganization of 2022.<sup>30</sup>

#### 3.1 Judicial efficiency and challenges of justice governing bodies

During 2023, AHC addressed the Constitutional Court with a request to invalidate the Council of Ministers’ Decision for judicial reorganization, arguing the violation of constitutional principles and rights such as access to justice, court created by law, and the principle of proportionality. As a result of the effects of the new Judicial Map, 18 courts or 47.3% of the first-instance courts and appeals that the country had before the judicial reorganization were dissolved, leading to an unprecedented development vis-à-vis judicial maps in the region and of member countries of the EU.

<sup>27</sup> <https://spak.gov.al/njoftim-per-shtyp-date-25-07-2023-akbpm/>

<sup>28</sup> <https://spak.gov.al/njoftim-per-shtyp-date-22-10-2023/>

<sup>29</sup> <https://www.balkanweb.com/voa-keshilli-i-mandateve-miraton-kerkesen-e-spak-per-arrestimin-e-berishes/#gsc.tab=0>

<sup>30</sup> <https://qbz.gov.al/eli/vendim/2022/07/21/495/47876633-7e33-4294-9c85-00fc1be32e90;q=Vendimit%20t%C3%AB%20K%C3%ABshillit%20t%C3%AB%20Ministrave%20nr.495.%20dt.21.07.2022%20E2%80%9CP%C3%ABr%20riorganizimin%20e%20rretheve%20gjyq%C3%ABsore%20dhe%20kompetencave%20tok%C3%ABsore%20t%C3%AB%20gjykatave>

The data that AHC secured through its correspondents and points of contact in Gjirokastrë, Vlorë, Korçë and Shkodër<sup>31</sup> point to an increase in advocacy service costs, varying between 50% and 200% of previous fees, as well as very high transport costs for lawyers to follow trial hearings in cases forwarded to the new courts. Furthermore, court users complain about the time dedicated to trial cases that lead to losing work days, as well as delays in the adjudication of these cases, demonstrating a discouragement for initiating new judicial processes, especially in the sole Appeals Court. These data in fact point to worsening citizens' access to justice.

If we were to compare data on efficiency during 2022 against those of 2023, which marks the start of the effects of the implementation of the new judicial map, we notice a further decrease in the efficiency of the new courts, although the proposal to dissolve courts aimed at precisely the opposite of that. Based on data that AHC possesses, for the period February – September 2023, we notice that the sole Appeals Court of general jurisdiction in Tirana, tried 1712 fewer cases compared to the same period of the previous year, by the six appeals courts that have now been dissolved. We notice a lower judicial efficiency also in First Instance Courts of General Jurisdiction, which after merging, adjudicated 4260 fewer cases or about 85% of the number of cases tried during the same period before the merger. Furthermore, the Administrative Courts of First Instance adjudicated only 75% of the cases, or 451 fewer cases compared to the same period of July-September 2022.

Against recommendations of the EC, AHC notices that even during the first six months of 2023, the HPC continued to not wait for decision-making by vetting bodies in order to promote magistrates (prosecutors), thus giving priority to the right to career of the competing subjects.

As a function of public trust, the responsibility to prove the opposite of any suspicion of public significance of corporatism and clientelism in the process of appointments and promotions in the justice system only lies with the Councils. One of these cases is the public debate created as a result of the appointments/transfers conducted by the HPC for 3 prosecutors and 1 judicial police officer with family ties in the Tirana judicial district prosecution office and their ties with functionaries of the Assembly.<sup>32</sup> In spite of the justification by the HPC of decisions as a result of the lack of prohibitions of environmental incompatibility in the cases in question, referring to the Constitutional Court decision,<sup>33</sup> in a small country like Albania, this situation does not help to strengthen public trust in the activity of the Councils. The situation is not addressed by the Council in a black-and-white background, as we should not forget for many years, until the consolidation of the system, the causes that led the country to reform the justice system, including inappropriate influences in the system.

The governing bodies of the justice system require systematic external monitoring in order to increase awareness, transparency, and responsibility of these institutions and prevent inappropriate interferences in the activity of the Councils. In this regard, professional and ethical integrity of the Councils' members needs to be enhanced.

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<sup>31</sup> Cities that represent the centers of the counties where the Appeals Courts and Administrative Courts of First Instance were located previously.

<sup>32</sup> <https://euronews.al/motra-e-ermonela-felaj-emerohet-prokurore-ne-tirane/>

<sup>33</sup> Decision of the CC in 2017 and the law revised later no. 96/2016.



In its latest report, the EC highlights that the Justice Inspector approved a revised methodology for reducing the number of 1066 complaints for disciplinary violations by judges and prosecutors, carried over from previous institutions. Regarding these data, AHC wishes to share the concern raised with the Assembly of the RA about the exercise of parliamentary oversight, given that domino-effect delays in establishing the new justice institutions, which led to delays in reviewing complaints on violations by the magistrates, should not be ground for not addressing and investigating them, leading to archiving by the HJI (complaints submitted before justice reform).

### 3.2 Efficiency and standards of vetting institutions

Monitoring conducted by AHC experts point out that the decision-making institutions of vetting,<sup>34</sup> during the period covered by this report, made further efforts to accelerate the vetting process and respect for the right to due legal process vis-à-vis the subjects of vetting.

Although the 6<sup>th</sup> year since the first decision-making by the vetting bodies is coming to an end, AHC notes that compared to the high number of decision-making for dismissals and cease of the process as a result of resignations, the cases when investigations were initiated by the prosecution office are scarce.<sup>35</sup> Part of these proceedings have been passed for lack of competence from SPAK to prosecution offices of general jurisdiction. This has happened since the accusations brought against the subjects who are not special (are not members of the High Court, the Constitutional Court, or the General Prosecutor) are not linked with criminal offenses in the field of corruption, but to failure to declare or hiding of assets. Therefore, the results of the vetting process appeared mainly in the administrative front and they did not serve the prosecution body sufficiently as to investigate and effectively bring before criminal responsibility the subjects who were corrupt and had considerably unjustifiable wealth.

As a result of delays in the flow of the vetting process according to the initial provisions of the constitutional amendments of July 2016, in 2022, the Constitution was amended again.<sup>36</sup> Based on data made public by the IQC itself, it is highlighted that during the period February 2022 – November 2023, about 205 decisions were issued, of which more than half (56%) are decisions to confirm subjects in their offices.<sup>37</sup> Meanwhile, according to SAC data, from 2018 until November 2023, 219

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<sup>34</sup> Independent Qualification Commission (IQC) and the Special Appeals College (SAC)

<sup>35</sup> Meanwhile, there were also judicial decisions of criminal convictions, as the one against the former Prosecutor General.

<sup>36</sup> The constitutional amendments approved by law no. 16/2022, dated 10.2.2022, made it possible to extend the mandate of the IQC and the Public Commissioners until 31.12.2024. In favor of this extension, the public stance taken by AHC was appreciated by the Venice Commission itself.

<sup>37</sup> From February 28, 2022, until December 27, 2022, the IQC issued 97 decisions, of which:

- 53 confirmation decisions for 24 judges, 28 prosecutors, 1 legal aide;
- 26 dismissal decisions for 11 judges, 14 prosecutors;
- 13 decisions for interrupting the process (article G of the Annex of the Constitution) for 9 judges, 1 prosecutor, 2 legal aides, 1 former prosecutor;
- 3 decisions for the conclusion of the process without a final decision;
- 2 decisions for suspension from office.

From December 27, 2022, until November 30, 2023, the IQC issued 110 decisions, of which:

- 63 confirmation decisions for 27 judges, 35 prosecutors, 1 HJC inspector;
- 26 dismissal decisions for 11 judges, 16 prosecutors, 1 former judge in the HC;

decisions have been issued, of which in most cases (76% of the decisions), the IQC decision has been upheld. As in previous years, assets remain the most important criterion, with the highest impact in the dismissal decisions of the IQC.

AHC notes with concern that the period of administrative investigation, from the moment of the lottery, lasts on average for 2 years and just as long is the process of review of the appeal against the IQC (when there is one). In total, the re-evaluation process lasts about 4 years (for subjects against which there is an appeal or who file an appeal against the IQC decision). This disproportionate period has a high financial impact in the cases of dismissed judges. The latter, until the decision assumes final form, that is, after the decision-making of the SAC (when there is a complaint), receive financial treatment of 75% of the salary. For the IQC, it is a priority to complete the process within the new constitutional deadline as it has only one year until meeting that deadline.

With regard to acts of transparency, overall, it is viewed as positive. Meanwhile, there is a need for a summarized reasoning of intermediate decision-making in judicial hearings, the publication in real time of hearing sessions planned by the IQC, reflection on the official website of the date for the publication of the decision-making, reflection and better reasoning for the subject and reliability of the denunciations of the public in decision-making by institutions. AHC reiterates again the need to unify the financial analysis of the criterion of assets, in order to provide as fully and clearly as possible the elements that make up the financial analysis.

#### **4 The right to elect and be elected during the two electoral processes of 2022-2023**

Through its accredited observers, AHC monitored both electoral processes for the local government bodies, namely the by-election held on March 6, 2022, and the national one, held on May 14, 2023.

The overall climate of the monitored processes was calm, with the exception of some incidents.<sup>38</sup> Violations and procedural irregularities are still of the same nature as in previous elections, dictating a need to improve the effectiveness of the law on decriminalization, the democratization of the process for proposing candidates by electoral subjects, guaranteeing the freedom of media coverage, and the address of OSCE/ODIHR recommendations regarding the problem of tapes prepared in advance, the increase of initiative, objectivity, and efficiency of the prosecution offices to guarantee the punishment of electoral crimes.<sup>39</sup> AHC reiterated its recommendation for the Ministry of Interior

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- 11 decisions for the interruption of the process (article G in the Annex of the Constitution) for 4 judges, 5 prosecutors, 3 legal aides;

- 10 decisions for the conclusion of the processes without a final decision.

<sup>38</sup> [https://ahc.org.al/deklarate\\_ngjarja-e-vaut-te-dejes-te-hetohet-me-perparesi/](https://ahc.org.al/deklarate_ngjarja-e-vaut-te-dejes-te-hetohet-me-perparesi/)

<https://www.balkanweb.com/zgjedhjet-ne-durres-shenohet-incidenti-i-pare-goditet-jashte-qv-komisioneri-i-pd/#gsc.tab=0>

<https://lapsi.al/2022/03/06/incident-zgjedhor-ne-diber-shpallet-ne-kerkim-nje-40-vjecar-pasi-rrahu-komisionerin/>

<https://a2news.com/incident-ne-diten-e-zgjedhjeve-goditet-kandidati-i-ps-erion-isai>

<https://shqiptarja.com/lajm/zgjedhjet-e-14-majit-30-incidente-ne-disa-qtete-gjate-votimeve-boci-e-noka-hyne-ne-disa-gendra-te-votimit-ne-elbasan-probleme-edhe-ne-durres-kavaje-diber-kamze-fier-e-korce>

<sup>39</sup> Positions taken by AHC:

[https://ahc.org.al/.../KShH\\_Sinjalizim\\_Keqinformim-dhe...](https://ahc.org.al/.../KShH_Sinjalizim_Keqinformim-dhe...)

<https://www.facebook.com/KomitetiShqiptarIHelsinki/videos/1312992209612489/>

and local government bodies to take early and complete measures for guaranteeing the written notification of voters, in accordance with the data of their electoral information.

Even after the publication of the OSCE/ODIHR report, the Special Parliamentary Committee on Electoral Reform is still not functioning, which may lead to difficulties and obstacles for the 2025 elections, particularly with regard to voting by Albanian citizens who live abroad. We note with regret that the decision of the Constitutional Court of one year ago remains unexecuted with regard to the obligation of the Assembly to fill the legal vacuum that enables the effective exercise of the constitutional right of voting by emigrants.

Members of the local electoral administration<sup>40</sup> have been found partially unprepared to carry out their duties, especially in cases when they were recently replaced ahead of the conduct of the electoral process. AHC recommended the taking of measures for the total depoliticization of the local electoral administration. Both electoral processes were characterized by the presence of unaccredited individuals inside voting centers and in their vicinity, in contravention of the order of the State Election Commissioner.<sup>41</sup> The abuse of public assets, family voting, and the process of giving assistance to voters who have difficulty voting, in contravention of the provisions of the Electoral Code, remain systemic problems of the process that harm free and fair elections.

SPAK has registered criminal proceedings against some citizens for committing passive or active corruption in elections, or the exercise of unlawful influence on persons exercising public functions,<sup>42</sup> while the lack of knowledge by those referring the offenses has led them to address First Instance Prosecution Offices of general jurisdiction, thus leading to delays as a result of declaration of lack of competence for the registration of criminal proceedings by SPAK about 2 years late.<sup>43</sup> AHC noticed different standards on security measures for similar cases, such as that of the Mayor of Rrogozhina Municipality<sup>44</sup> and the candidate who was elected Mayor of Himara Municipality,<sup>45</sup> each accused of ‘Active corruption in elections, in collaboration with others.’

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[https://ahc.org.al/wp-content/uploads/2023/09/Raporti-Perfundimtar-per-Monitorimin-e-Zgjedhjeve-19-Shtator-2023.pdf?fbclid=IeAR2Y1C0n9SyF4URkX7d\\_TMIhIe25X90\\_hu4QeXIPZtXpHz9oH7SA0oLG88](https://ahc.org.al/wp-content/uploads/2023/09/Raporti-Perfundimtar-per-Monitorimin-e-Zgjedhjeve-19-Shtator-2023.pdf?fbclid=IeAR2Y1C0n9SyF4URkX7d_TMIhIe25X90_hu4QeXIPZtXpHz9oH7SA0oLG88)

<https://ahc.org.al/subjektet-zgjedhore-te-mos-kufizojne-mbulimin-mediatic-per-zgjedhjet-e-qeverisjes-vendore-te-dt-14-maj-2023-ne-respekt-te-pavaresise-editoriale-te-mediave/>

<https://ahc.org.al/kshh-percjell-sinjalizimin-mbi-keqinformimin-dhe-presionin-e-ushtuar-ndaj-disa-qytetareve-ne-bashkine-elbasan-per-leximin-e-votes-nga-te-tretet-te-ushtuar-me-sistemin-e-pilotimit-te-votimit-d/>

<sup>40</sup> Indicates CEAZ (Commissions for the Electoral Administration Zones) and VCCs (Voting Center Commissions)

<sup>41</sup> Prohibited by Article 109, paragraph 6 of the Electoral Code and Order no. 62, dated 03.05.2023, of the State Election Commissioner.

<sup>42</sup> <https://spak.gov.al/dergim-per-gjykim-korrupsioni-aktiv-dhe-pasiv-ne-zgjedhje/>

<https://spak.gov.al/njoftim-per-shtyp-date-17-08-2023-dergim-per-gjykim/>

<https://spak.gov.al/njoftim-per-shtyp-date-05-12-2023/>

<https://spak.gov.al/njoftim-per-shtyp-date-02-11-2023/>

<https://spak.gov.al/njoftim-per-shtyp-date-20-10-2023-dergim-per-gjykim/>

<https://spak.gov.al/njoftim-per-shtyp-date-09-06-2023-2/>

<sup>43</sup> <https://spak.gov.al/njoftim-per-shtyp-date-13-10-2023-dergohet-per-gjykim-ceshtja-penale-korrupsion-aktiv-dhe-pasiv-ne-zgjedhje/>

<sup>44</sup> <https://spak.gov.al/njoftim-per-shtyp-date-02-11-2023/>

<sup>45</sup> <https://spak.gov.al/njoftim-per-shtyp-date-01-08-2023-dergim-per-gjykim-dhionisios-alfred-beleri/>

## 5 Property rights

In the context of the Free Legal Clinic, AHC has received and handled 7 complaints for 2022 and 5 complaints for 2023, with regard to violations claimed by citizens of the right to property, by public authorities or private subjects.

Due to the public sensitivity and the nature of the claimed violation, AHC undertook during 2022 a monitoring mission on the complaint by inhabitants of Bërxull Administrative Unit (Vora Municipality). At the time, the inhabitants protested against the lack of effective public consultation and the level of financial compensation as a result of expropriation of their immovable properties for public interest, as a result of the construction of the Thumanë-Kashar road axis. Following monitoring in the field in November 2022, AHC highlighted an infringement of legal certainty. The private subject, at the start of works for the realization of this project, did not possess a development permit or a construction permit, while it resulted that there was an extra-legal procedure pursued toward the inhabitants as there was no real procedure and an expropriation act by the Council of Ministers, conveyed to them. The public recommendations addressed by AHC toward a series of institutions,<sup>46</sup> among which the NITP and Vora Municipality TPI, judicial and prosecution office structures, received no concrete response.

Another flagrant case monitored by AHC is the case of the environmental pollution at the Zharrëz Administrative Unit,<sup>47</sup> Patos Municipality in Fier County, caused by the activity of hydrocarbon companies. Observers in the field found disturbing pollution of private areas around the site. Given that the majority of inhabitants have been faced with damage to their homes as a result of shaking in the oil-extraction area but also as a result of their inability to effectively use their properties, AHC submitted the monitoring report and the relevant recommendations to the institutions that, by law, are responsible for stopping the violation and the restoration of the situation in the previous condition. However, it received no response regarding these recommendations.

In collaboration with the Res Publica Center and the Association “For the protection of properties and the environment of the Drini i Zi basin,” AHC addressed the Constitutional Court on the compatibility with the constitution of the special law on the construction of the Skavica hydropower station. The inhabitants, whose interests were represented in this process by civil society actors, claim that they were not consulted in advance about this major project of public interest, while the constitutional principles of legal certainty, equality before the law, proportionality, fundamental values, substantial economic, social, and cultural freedoms and rights, were infringed upon.

## 6 Right to education

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<sup>46</sup>Monitoring of property rights of inhabitants of the Bërxull Administrative Unit, affected by the Thumanë-Kashar highway <https://ahc.org.al/monitorimi-i-te-drejtave-pronesore-te-banoreve-te-njesise-administrative-berxull-qe-prekennga-autostrada-thumane-kashar/>

<sup>47</sup>[https://ahc.org.al/wp-content/uploads/2022/11/Njoftim\\_Konkluzionet-Paraprake-per-Ndotjen-Shqetesuse-ne-Zharrez.pdf](https://ahc.org.al/wp-content/uploads/2022/11/Njoftim_Konkluzionet-Paraprake-per-Ndotjen-Shqetesuse-ne-Zharrez.pdf)

Referring to data made public in the media,<sup>48</sup> some of the issues in exercising the right to education in our country during 2022-2023 were carried over from previous years, while new problems also emerged. Among these, we can mention the inadequate infrastructure in some public schools and lack of proper access of children in some villages who travel in difficult conditions to get compulsory education, decline in quality of teaching, lack of laboratories, drop in the number of students as a result of the emigration phenomenon, deficiencies in learning created by the online education system during the pandemic, approval of the law suspended in November this year by the Constitutional Court on the obligations of students of the school of medicine.<sup>49</sup>

January 2022 put the Ministry of Education in front of the protests of the Independent Trade Union of Pre-university Education,<sup>50</sup> who sought improvement of working conditions, safety at work regarding Covid-19, increase of salaries and payments for classes above the norm. Considering the increase in the number of infections or the new variants of the pandemic, AHC reacted for increased attention and more transparency by the Ministry of Education on the effects of this situation on the teachers and students, measures taken to motivate teachers in the conditions of their workload or the replacement of their colleagues, and preventive measures that serve to improve the situation.<sup>51</sup>

In September 2022, it was decided to close the Turkish College “Mehmet Akif Ersoy”. AHC’s monitoring highlighted that the imposition of the harshest and unmotivated measure by the Ministry of Education was hasty, disproportionate, and with harmful consequences for the continuation of education of about 159 students.<sup>52</sup> The administrative judicial processes that were conducted in the context of the lawsuit by the private education institution were monitored by AHC observers who reported lack of comprehensive judicial investigation based on the highest interest of the child (referring to the UN Convention on the Rights of the Child). We also found elements of the violation of the principle of impartiality of the court and the principle of contradictoriness, which did not place the litigating parties on an equal footing.<sup>53</sup>

## 7 Rights of persons in conditions of deprivation of liberty

Monitoring in closed institutions continue to be one of the main pillars of AHC’s activity. In the years 2022-2023, AHC conducted 26 thematic and sporadic monitoring missions in closed institutions; namely, 20 of them were conducted in the premises of Institutions for the Execution of Penal

<sup>48</sup> <https://citizens-channel.com/2023/10/23/pa-rruge-pa-uje-pa-shkolle-fshati-i-harruar-i-beratit/>  
<https://abcnews.al/problemet-e-arsimit-pergatitja-e-mesuesve-dhe-infrastruktura-ekspertja-pandemia-i-theksoi/>  
<https://www.evropaelire.org/a/bie-numri-nxenesve-shkolla-fillore-mesme/32588056.html>  
<https://top-channel.tv/2023/11/14/gjykata-kushtetuese-pezullon-ligjin-per-studentet-e-mjekesise/>

<sup>49</sup> Law no. 60/2023 “On the special treatment of students who pursue the integrated program of second-cycle study on ‘general medicine’ in higher education institutions,” which forces students to work up to five years in Albania otherwise pay the state upon graduation.

<sup>50</sup> Protest realized on January 20, 2022

<sup>51</sup> <https://www.facebook.com/KomitetiShqiptarIHelsinki/posts/pfbid02xF4QCtChSBDadKURPQuëpaZqhxpcKgL4navhXqMdëYJEoJ6tYoGno397SsCqmQG7l>

<sup>52</sup> <https://ahc.org.al/deklarate-per-shtyp-5/>

<sup>53</sup> <https://ahc.org.al/konkluzione-per-monitorimin-e-procesit-gjyqesor-administrativ-per-sigurimin-e-padise-per-mbylljen-e-kolegjit-mehmet-akif-ersoy/>

Decisions (IEPD),<sup>54</sup> 5 in Police Commissariats,<sup>55</sup> and 1 visit to the Closed Center for Foreigners in Kareç.

Access to observation in monitored institutions was generally good. However, we note with regret that in two cases, such access was obstructed in an unjustified and unfounded manner – two IEPDs (313<sup>56</sup> and Rrogozhina). In AHC's opinion, this approach represents regress toward the known and accepted activity of AHC through the years in monitoring the prison system and does not serve at all the mutual cooperation between institutions of the prison system and AHC, toward the shared goal of respect for the rights and freedoms of inmates and pre-trial detainees.

## 8 Human rights in penitentiary institutions<sup>57</sup>

In particular, during 2023, monitored cases in the prison system were sensitive and with serious repercussions for the life and health of inmates. AHC monitored the loss of life of citizens E.Sh. in the premises of IEPD 313 and inmate S.T. in IEPD Fier, on the way to the Fier civilian hospital, and the suicide of prisoner Q.H. in the premises of IEPD Lezha. AHC observers encountered lack of access to information in the case of the victim detainee E.Sh. Regarding this case, AHC highlighted as a problem the vacancies among doctors, failure of the nursing personnel present in the site to take effective measures to provide necessary medical assistance, and found correction of data in the registers administered by the institutional staff. In all three of these cases, featuring the death of citizens deprived of liberty, a problem remains with the lack of periodical monitoring of their health condition by medical personnel, and the immediate follow-up on concerns displayed by inmates, thus creating delays in the adequate and individualized treatment of these citizens.

Although this was addressed in a systematic manner, AHC notes that the monitored IEPDs did not finalize the process of approving Internal Regulations, thus creating room for the application of extra-legal rules in the treatment of imprisoned citizens. vacancies in medical personnel, psycho-social personnel, and uniform personnel, constant changes in leadership staff of institutions, often without adequate experience, as well as the needs for training for the existing staff remain challenges and priorities in the prison system. Instability of staff and recruitment of new inexperienced staff in the penitentiary system is a practice observed at IEPD Reç, IEPD Vlora, and IEPD Peqin. In spite of measures taken by AHC to increase the capacities of psycho-social staff at the Institute for Minors in Kavaja on the ToP program, their dynamic workload has turned this curriculum into impossible to implement.

### 8.1 Overcrowding

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<sup>54</sup> During 2022, we realized 8 monitoring missions; during 2023, we conducted 12 monitoring missions.

<sup>55</sup> During 2022, we realized 4 monitoring missions; during 2023, we conducted 1 monitoring mission.

<sup>56</sup> <https://ahc.org.al/institucionet-pengojne-vezhguesit-e-kshh-se-te-monitorojne-praktiken-per-humbjen-e-jetes-se-te-pandehurit-e-sheshi/>

<sup>57</sup> Positions taken by AHC:

- Conditions in prisons and presentation of the situation

[https://top-channel.tv/video/nis-hetimi-per-enver-sheshin-kushtet-ne-burgje-ja-si-paraqitet-situata-breaking-top-nees/?fbclid=IëAR0eQQ7vFG-e\\_N5GusJKRUQteRnGj\\_AYpVh-oq4fuNNOZcPb5GNDre6RBnc](https://top-channel.tv/video/nis-hetimi-per-enver-sheshin-kushtet-ne-burgje-ja-si-paraqitet-situata-breaking-top-nees/?fbclid=IëAR0eQQ7vFG-e_N5GusJKRUQteRnGj_AYpVh-oq4fuNNOZcPb5GNDre6RBnc)

- [Serious incident at Drenova prison](#)

In general, we did not encounter circumstances of overcrowding in the monitored institutions, which thus functioned in accordance with the institutional capacities that they possess.

An exception was noticed in the case of IEPD Telepena (Bënça), which in August 2022,<sup>58</sup> accommodated 100 individuals, about 33% more than the functional accommodating capacity. In spite of this population evidenced in the institution, because the institution has 110 beds, each of the inmates had individual bedsheets. In March this year, AHC observers found disturbing levels of overcrowding in the premises of two buildings of IEPD Shënkoll, where patients with medical security measures are accommodated. Aside from the institutional capacity of 186 individuals, we found 230 accommodated individuals with medical measure of “compulsory medication in a medical institution” and 174 individuals under the personal security measure “temporary hospitalization in a psychiatric institution.” There were lower levels of overcrowding during the monitoring in June 2023,<sup>59</sup> at IEPD Vlora. As long as official data on institutional capacity on the GDP’s official website are not updated, AHC is unclear about the accuracy of data declared by the institution staff compared to what is published.<sup>60</sup>

## 8.2 Infrastructure conditions

In terms of the significance that accommodating infrastructure has for humane treatment, AHC views as positive the GDP’s decision-making in 2022 for closing down IEPDs with serious infrastructure issues, such as Zaharia, Vaqarr, Tropoja, and Saranda, as well as measures taken for building the IEPD Pojska (Pogradec).

Meanwhile, AHC noticed that, in general, institutions such as IEPD 325 “Ali Demi,” IEPD Burrel, IEPD Peqin, IEPD Lushnje, and IEPD Tepelena, feature worn-out buildings, which in spite of superficial reconstruction, do not guarantee respect for the dignity and humane treatment of imprisoned/detained citizens. We noticed presence of humidity in the first floors of IEPD Fier, while the lack of showers, failure to equip classrooms with necessary logistical equipment, and lack of glass in the windows in some of the cells was encountered in IEPD Fushë-Kruja and there was a lack of recreational premises in IEPD Lushnje and IEPD Shënkoll. Buildings no. IV and V at IEPD Shënkoll, adapted to accommodating patients with security measures, were projected as prison buildings, equipped with heavy metal doors; such logistics do not guarantee the fulfillment of standards of a special medical institution.

In October 2022, AHC found that there was no drinkable water for inmates at IEPD Fier and they were obliged to buy it.

## 8.3 Request-complaint mechanism

The internal mechanism for addressing request-complaints showed notable deficiencies, in terms of lack of the documentation of full procedures pursued by institutionally responsible personnel, failure

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<sup>58</sup> Monitoring mission undertaken on August 1, 2022

<sup>59</sup> Monitoring mission undertaken on June 26, 2023 (13 individuals above capacity)

<sup>60</sup> There were 173 individuals accommodated in the institution while capacity declared by personnel was for 160 individuals. According to GDP data, the institution has a capacity for 115 individuals.

to update periodically the data in the dedicated register for this purpose, failure to provide responses for citizens who complain, by not guaranteeing efficiency and transparency toward them.

The practice created by IEPD 325 “Ali Demi” through the establishment of the commission for reviewing complaint/requests and its periodical functioning twice per week, is positive and may be borrowed by other IEPDs. The individualization of personnel responsible for addressing complaints and requests serves the increase of internal accountability and encourages the strengthening of bridges of interaction and cooperation with imprisoned/detained citizens.

With regard to the external request-complaint mechanism for these citizens, it is worth mentioning that during 2022, in the context of the Legal Clinic, we offered about 322 free legal aid services for requesters/complainers, of whom about half (177) were referred by individuals deprived of their liberty or their family members. Meanwhile, during the year 2023, we notice a light decline in the number of services, about 262, with about 44% of complaints/requests (or 115) were referred by individuals deprived of their liberty or their family members. During these two years, citizens deprived of liberty in the prison system mostly had claims about violation of due legal process or unfair judicial decisions, lack of guarantees for the right to information by the prison administration, lack of respect for the right to private and family life with regard to meetings, and failure to take into consideration requests for transfers, receiving packages from family members, and exchange of correspondence. During 2022, we notice that the highest number of complaints from those accommodated in penitentiary institutions, came from IEPD Burrel,<sup>61</sup> Rrogozhina,<sup>62</sup> and Reç.<sup>63</sup> The same trend from the same IEPDs is also noticed during 2023.<sup>64</sup> Citizens with a medical measure accommodated at IEPD Shënkoll, complained mostly about unjust decisions of LFI experts’ conclusions, which influenced the decision-making of courts.

In a repeated manner, inmates expressed concern about refusal to give reward permits, since the spread of Covid-19. AHC asked the GDP to reflect and review the suspension decision, due to the improvement of the situation, but there has been no reaction from the institution.<sup>65</sup>

A serious and unprecedented incident was seen in our prison system on December 15, 2023, at IEPD Peqin, where citizen A.LI. lost his life and another inmate was injured. The prosecution office investigation will help resolve the incident and the responsibilities in failure to fulfill the positive obligation that penitentiary institutions have for guarantee the life of citizens deprived of liberty. Complaints presented to AHC by inmates scared of revenge and blood feuds, although in isolated cases, have been present continuously in the prison system. As a result, they are a sufficient alarm bell for prison authorities to take preventive measures to secure the life and review every claim with adequate care. During 2023, AHC faced the repeated request of two citizens (brothers) accommodated at IEPD Peqin, who claimed that they were in conditions of threat and risk of life from criminal organizations, which are thought to have potential contact with other inmates

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<sup>61</sup> 37 complaints.

<sup>62</sup> 13 complaints.

<sup>63</sup> 34 complaints.

<sup>64</sup> IEPD Burrel (26 complaints), IEPD Rrogozhina (6 complaints), IEPD Reç (24 complaints).

<sup>65</sup> Letter no. 557 prot., dated 23.08.2023 “Recommendation to review Instruction no. 6285/1 dated 14/06/2021 ‘On the procedure for visits of inmates with family members in the conditions of the pandemic and preventive measures.’”



accommodated in the same IEPD.<sup>667</sup> The verification conducted by the GDP pointed out that their claims have been repeated through the years and that concrete measures have been taken for re-accommodation inside the IEPD and the replacement of individuals who distribute food. Their claims were reported by the GDP as untrue, but IEPD Peqin confirmed that it has taken measures for increased care.<sup>68</sup> In July 2019, another complaint was registered in this institution by an inmate who claimed that during airing time, he was threatened by another individual in the presence of security officers.<sup>69</sup> Also, he asked to be accommodated in a cell by himself, because he is afraid of frequent changes made in his room and that may be connected with past problems. AHC verified the request with IEPD Peqin and, after referring it to the GDP, the latter decided to accommodate the inmate in the high-security sector, in a room by himself.

#### 8.4 Re-integration and rehabilitation

Thematic monitoring missions undertaken by AHC observers during 2022 pointed to the need for increased attention by multi-disciplinary teams of IEPDs to draft and update systematically the re-integration and rehabilitation plans for each individual/inmate.

AHC observers reported a lack of measures to strengthen relations between inmates and their family members, with a special focus on citizens abandoned by their families. Determined practices due to the spread of Covid-19 helped even after the citizens deprived of liberty to hold online meetings with family members. Nevertheless, in some instances, we noticed limited technological equipment, lack of regular planning of online meetings, or failure to respect the length of these meetings according to law, precisely in IEPD Burrel, IEPD Tepelena, and IEPD Lushnjë.<sup>70</sup>

The practice of imposing disciplinary measures on inmates does not appear to be unified throughout the prison system, while there were noticed also legal irregularities with regard to announcing administrative acts issued in the context of the disciplinary process and the accuracy of fulfilling them, lack of argued reasoning of decision-making, lack of presence and in some cases failure to present the views of the doctor about the health condition of the inmate and how they coped with the measures.

#### 8.5 Rights of persons with mental health issues

In January 2020, in the case *Strazimiri vs. Albania*, the ECtHR asked our country to create “the proper institution,” by equipping existing buildings or building a new specialized building specialized for housing individuals with medical measures “compulsory medication” for the improvement of living conditions. However, although three years have passed since that decision, the Albanian state has not yet created such an institution, but it has transferred male individuals with a medical measure to 2

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<sup>66</sup> Inmates claimed that their lives were threatened through food

<sup>67</sup> Letter no. 103/1 dated 01.02.2023 AHC

<sup>68</sup> Letter no. 1784/1 prot., dated 22.02.2023 ‘Response on the complaint of inmates’

<sup>69</sup> As a result of the physical clash with the other inmate, it appears that he was punished by a disciplinary measure, but he said that he also informed the ICPS.

<sup>70</sup> In these IEPDs, we noticed access to computer equipment for 15-30 minutes, compared to the 1 hour envisaged by legislation.

buildings in Shënkoll IEPD. Aside from problems mentioned above,<sup>71</sup> AHC has noticed also that there is insufficiency of human resources (mainly in medical and psycho-social staff).<sup>72</sup> In general, the conduct of medical checks and examinations upon request of the patients themselves, does not guarantee a periodical and individualized health treatment. Failure to respect legal procedures in the case of the placement of these individuals in the conditions of physical isolation, against the violation of the 24-hour deadline, does not serve the treatment of this measure as an exclusive and temporary one.

In July 2022, AHC observers viewed as positive the practice established by IEPD Burrel to not assign any disciplinary measure on individuals diagnosed with mental health disorders. The inclusion of this category of citizens imprisoned in this IEPD in proactively taking part in recreational activities helps serve the process of their re-integration and rehabilitation.

The treatment of citizen Q.H., who ended his life in September 2023, in the premises of IEPD Lezha while executing his conviction converted to medical measure, pointed out a non-systematic pursuit of health measures by medical personnel. The treatment offered to him in a pharmacological measure was accompanied by limited recreational activities, based on his request and desire. In parallel, the involvement of the institutional staff in uniform in training for the proper management of emergency cases, such as suicides, did not serve the neutralization or reduction of psychological consequences for them.

About one month later, AHC verified in IEPD Drenova (Korça) the complaint of an inmate diagnosed with mental health disorders, I.J., who claimed an unfair measure of being placed in the special supervision sector, after he claimed to have been kept for about 6 days under the use of force for neutralization, by handcuffs, by the institutional staff. AHC observers reported that the decision made against the inmate was arbitrary and unlawful, as the prison authorities had failed to argue the need for imposing this measure against the risk that the person might cause himself or others. Meanwhile, the use of handcuffs and the tying up in chains, confirmed by testimonies of other inmates and staff representatives, was unlawful and in violation of international CPT standards and ECtHR case law.<sup>73</sup>

## 8.6 Minors in conflict with the law

In the monitoring visit at the IM Kavaja premises in February 2023, AHC observers noticed that aside from problems with physical conditions as a result of heavy moss smell in the shared toilet premises, humidity in minimal sanitary and hygienic conditions, the functional institutional staffing is three times higher compared to minor citizens placed at this institution.<sup>74</sup> A disturbing problem is the form

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<sup>71</sup> The monitoring mission was undertaken on 23.03.2023

<sup>72</sup> According to the staffing approved for IEPD Shënkoll, the health sector should have 22 employees, while observers noticed 5 vacancies in the position of the cardiologist, psychiatrist, biochemical lab doctor, and nurse (2). Also, three vacancies were noticed in the position “custodian for patients with medical measures.”

<sup>73</sup> [https://ahc.org.al/wp-content/uploads/2023/10/AHC-Deklarate\\_Nje-ngjarje-e-rende-ne-Burgun-e-Drenoves.pdf](https://ahc.org.al/wp-content/uploads/2023/10/AHC-Deklarate_Nje-ngjarje-e-rende-ne-Burgun-e-Drenoves.pdf)

<sup>74</sup> Based on information made available, it results that the staffing approved by the GDP consists of 80 persons, but on the day of monitoring, 71 employees were working in the institution. Of these, 31 employees were part of the civilian administration, while staff in uniform consisted of 40 employees. Vacancies were noticed also in the civilian administration, the position of one maintenance worker and one pharmacist, while the staff in uniform lacked 8 members

and manner of transport of minors in the presence of adults, in the same vehicle, for a long time in transit to prisons in the capital to follow judicial hearings. We consider that strengthening bridges of cooperation between the GDP and the HJC would help find efficient and appropriate solutions for the inclusion of minors in judicial processes.

## 8.7 Advocacy with institutions of the penitentiary system

In general, AHC found that the monitored IEPDs, upon becoming aware of the findings and recommendations filed by AHC in a systematic manner and officially, chose institutional silence. Exclusively, positive practices of reaction were noticed at IEPD 325 “Ali Demi,”<sup>75</sup> which responded with arguments to AHC recommendations, as well as IM Kavaja, IEPD Lezha, and IEPD Elbasan, which drafted concrete plans of measures to fulfill the suggestions that they had accepted.<sup>76</sup>

From June 2023, AHC noticed a more proactive approach by the Ministry of Justices with reactions by addressing institutions that were the subject of monitoring to seek continued information regarding the progress and level of implementation of the addressed recommendations.<sup>77</sup>

## 9 Monitoring in Police Commissariats

During 2022-2023, AHC conducted five monitoring missions in Police Commissariats and in three of the cases, it reacted publicly. In two verified incidents in 2022<sup>78</sup> and one incident in 2023,<sup>79</sup> citizens accommodated in the premises of Commissariats or under control/accompaniment of police officers, lost their lives. These incidents point to the need to address systemic problems in the State Police, among which the need for merit-based hirings, promotion of sustainable career, and support with continued training for staff, periodical medical checks, empowerment of the request/complaint mechanism, and the provision of necessary psycho-social support for those arrested in flagrance, detained, or even those accompanied.

### 9.1 Overcrowding

In AHC monitoring missions, realized mainly during the organization of massive protests and rallies by citizens, during 2022, we noticed that Police Commissariat no. 5 (Kamza)<sup>80</sup> and LPD Tirana do not guarantee the appropriate conditions and space for a large number of citizens who were

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in employees of basic role (five vacancies in the inspector rank; 2 vacancies in deputy-inspector; one vacancy in chief inspector). The pharmacist vacancy in the institution was covered temporarily by one of the nurses.

<sup>75</sup> After the monitoring visit undertaken on 20.10.2022

<sup>76</sup> Letter no. prot. 1138, dated 25.03.2023, of IEPD Elbasan, and letter no. 284 prot. dated 13.04.2023 e of IM Kavaja

<sup>77</sup> Letter from MoJ corresponding with monitoring missions undertaken by AHC in IEPD Lezha on 23.03.2023, IEPD Korça on 21.06.2023, IEPD Burrel on 09.08.2023, and IEPD Rrogozhina on 23.08.2023

<sup>78</sup> <https://ahc.org.al/deklarate-per-shtyp-ngjarja-tragjike-ne-komisariat-in-e-kavajes-mund-te-parandalohet/>  
<https://ahc.org.al/njoftim-per-shtyp-26/>

<sup>79</sup> [https://ahc.org.al/wp-content/uploads/2023/05/Fin\\_Raport\\_-Monitorimi-i-te-drejtave-dhe-lirive-te-Shtetasit-te-Minoritetit-Rom-J.R\\_.pdf](https://ahc.org.al/wp-content/uploads/2023/05/Fin_Raport_-Monitorimi-i-te-drejtave-dhe-lirive-te-Shtetasit-te-Minoritetit-Rom-J.R_.pdf)

<sup>80</sup> Monitoring undertaken on 11.03.2022

accompanied, detained or arrested in flagrance.<sup>81</sup> As a result, citizen Gj.B. claimed that 11 people stayed in the same room, during the arrest in flagrance and stay in the LPD Tirana and spent the night sleeping on a foam layer on the ground.

## 9.2 Infrastructure conditions

During the monitoring missions of 2022, we found a lack of appropriate accommodating premises in the Tirana Commissariats. The most disturbing cases were found during monitoring at LPD Tirana, Commissariat no. 3 (Mine Peza Street) and Commissariat no. 5 (Kamëz),<sup>82</sup> where there were difficult hygiene-sanitary conditions, lack of adequate airing, lack of natural light and lack of a heating system. Furthermore, there were problems highlighted with procedures for transferring some protesters from Police Commissariats no. 1, 2 and 3 in Tirana to Police Commissariats in Elbasan, Kavajë or even Kamëz, due to the lack of accommodating premises. Now, with the full functioning of the Security Block at LPD Tirana, whose conditions were verified during this year,<sup>83</sup> we find that this issue may be considered resolved.

## 9.3 Deadlines and procedural rights of citizens who are accompanied, detained, and arrested in flagrance

AHC monitoring during 2022-2023,<sup>84</sup> pointed out procedural irregularities in the way in which standard documentation was filled out, lack of medical controls from the moment of admission and periodical controls of detained/arrested individuals during the time of their stay in the Commissariat premises, as well as lack of respect for the rights of minor citizens in conflict with the law with regard to notifying their family members.<sup>85</sup>

Delays in urgent transportation to civilian hospital premises were found in the case of arrestee L.K., who lost his life after being accompanied to the Police Commissariat no. 3 in Tirana. However, in spite of violations found in the AHC public reaction,<sup>86</sup> after more than one year from that incident, the Tirana Prosecution Office asked the court to drop the case.<sup>87</sup> In contravention with the legal obligation to realize transfers only during the day, citizen Gj.B. was transported from Police Commissariat no. 3 to LPD Tirana around 22.00 of the evening. Failure to respect security conditions in accordance with standards established in State Police acts in the premises of security rooms in the Kavaja Police Commissariat created the possibility for committing the act of suicide, as happened with citizen I.M.<sup>88</sup> Regarding this incident, AHC also found lack of proper supervision and of preventive measures by police officers vis-à-vis the aggravated emotional state of I.M, at the initial

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<sup>81</sup> [https://ahc.org.al/ep-content/uploads/2022/03/Raport-Monitorimi\\_-Protesta.pdf](https://ahc.org.al/ep-content/uploads/2022/03/Raport-Monitorimi_-Protesta.pdf)

<sup>82</sup> Monitoring missions on March 11, 2022

<sup>83</sup> Verification missions undertaken on 3 - 4.05.2023

<sup>84</sup> LPD Tirana, Police Commissariat no. 2, 3 and 5 in Tirana

<sup>85</sup> Data verified during the mission undertaken on 11.03.2022 at Police Commissariat no. 3 (Tirana)

<sup>86</sup> <https://ahc.org.al/njofim-per-shtyp-26/>

<sup>87</sup> <https://shqiptarja.com/lajm/lear-kurti-vdiq-nga-mbidoza-prokuroria-e-tiranes-pushon-ceshtjen>

<sup>88</sup> Concretely, the horizontal metal bar in the hole of the cell should not be higher than 60 cm. in fact, it had been placed at about 2 meters, thus creating the possibility for self-hanging. <https://ahc.org.al/deklarate-per-shtyp-ngjarja-tragjike-ne-komisariat-in-e-kavajes-mund-te-parandalohet/>

moment of his admission to the institution. Periodically, in all verification missions conducted at Police Commissariats, AHC has highlighted irregularities in the exercise of the role of and respect for the deontological principles by the doctor, both in terms of failing to clearly and objectively document marks of physical injury in the bodies of accompanied individuals/inmates,<sup>89</sup> or in terms of not being present at the moment of admission into the institution and the periodical examination of health conditions.

#### 9.4 Advocacy with State Police institutions

During the period covered by this report, in spite of continued public reactions by AHC with regard to violations encountered during monitoring at Police Commissariats, the positive approach of reactions by the GDSP is laudable. This institution reacted by communicating its readiness to undertake organizational measures for following up on recommendations/suggestions presented by AHC.

In July 2023, pursuant to findings submitted by AHC for failure to guarantee respect for the rights of the late J.R., who lost his life in the premises of the TUHC, following his arrest and stay in Police Commissariat no. 3 (Tirana), the General Director of State Police issued a letter of errands to local structures for the medical treatment of individuals, with special emphasis on those who use the dosage of ‘methadone’ ‘for medication.’<sup>90</sup>

Furthermore, AHC appreciates the measures taken by GDSP toward the improvement of infrastructure conditions at the Korça LPD/Police Commissariat<sup>91</sup> or the referral by higher state police structures of claims of use of violence against accompanied minors during clashes with police officers at Myslym Shyri Street, in October 2022, namely at the Prosecution Office and Directory of Professional Standards.<sup>92</sup>

### 10 Rights of asylum-seekers and migrants

In April 2022, AHC published an open letter<sup>93</sup> to the Ministry of Interior about the unargued and unfounded exclusion of AHC representative/-s from the National Commission on Asylum and Refugees. Earlier, after becoming familiar with the draft decision of the CM, whereby its membership composing the Commission appeared to not have expressed any opposition regarding this provision.

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<sup>89</sup> During the monitoring of March 11, 2022, at LPD Tirana, citizen Gj.B. who was arrested in flagrante, claimed that during the accompaniment, violent actions were used against her by police officers. The AHC observers, based on visual examination, evidenced visible marks, scratches, and other marks in the forearm. The encountering of marks of physical harm was documented in the process-verbal drafted by the doctor, at 01:30, date 11.03.2022, as well as on the Book of Medical Visits (no. 473). Based on the review of the personal file of this citizen, it was noticed that the medical card with the relevant doctor’s notes was missing.

<sup>90</sup> Letter no. 4772/1 prot., dated 27.07.2023 “On the implementation of AHC recommendations, regarding monitoring for the case of citizen J.R.,” issued by the General Directory of State Police.

<sup>91</sup> Letter no. 7436/1 prot. dated 02.12.2022 of the General Directory of State Police to AHC

<sup>92</sup> Letter no. 15793/3 prot., dated 02.11.2022 “Response to your letter no 509, dated 12.10.2022” of the Tirana Local Police Directory

<sup>93</sup> [https://ahc.org.al/leter-e-hapur-komiteti-shqiptar-i-helsinkit-perjashtohet-pa-arsye-nga-anetaresia-ne-komisionin-kombetar-per-azilin-dhe-refugjatet/#\\_ftn3](https://ahc.org.al/leter-e-hapur-komiteti-shqiptar-i-helsinkit-perjashtohet-pa-arsye-nga-anetaresia-ne-komisionin-kombetar-per-azilin-dhe-refugjatet/#_ftn3)

Later, in a contradicting manner, the CM, by decision no. 669, dated 10.11.2021, changed the composition of the Commission, stripping the civil society representative (AHC) of its membership.<sup>94</sup> It is worth mentioning that during the period of membership of AHC in the Commission, of eight reviewed cases on the basis of complaints by asylum-seekers, in five cases, AHC held a minority position, in favor of respect for the rights of these citizens.

During an interpellation held in the Assembly in April 2022, the Minister of Interior of the time made it known that AHC and civil society organizations may participate as observers in meetings of the Commission. As a matter of fact, during 2022-2023, AHC was not invited to any meeting held by the Commission.

AHC evidences a slight increase in requests for asylum, but only a small part of foreigners earned international protection in the country. Concretely, 24 individuals benefited from the total of 125 requests submitted for international protection during 2022 and, in the seven months of 2023, there were 123 requests registered and only 11 individuals benefited protection. The official data that were provided reflect that during the period 2022 and 2023, there were individuals<sup>95</sup> who interrupted procedures for international protection and left the Receiving Center. In parallel, asylum authorities report that during the period January-December 2022 and January-July 2023, before the procedure of the review of their asylum requests, 3,137 Afghan citizens withdrew their request for temporary protection and left on their own will from our country.

During 2023, the path of irregular migration in the Western Balkans underwent some changes, including the drop in migratory flows and the increase of the use of the Central Mediterranean route by irregular migrants and smugglers. Local authorities report that there continue to exist the main crossing points of irregular migration, in the region of Korça, mainly in the area of Kapshtica; the region of Gjirokastra, mainly in the area of Kakavija, and the region of Saranda, mainly in the area of Konispol (direction of Qafë Botë). The border with Greece remains a problematic area. Irregular migrants caught in the territory of the Republic of Albania appear to be coming from Bangladesh, Afghanistan, Algeria, Eritrea, Syria, Somalia, and Nepal.

Referring to data of a sample of judicial decisions researched for the period 2015-2021,<sup>96</sup> Albanian smugglers engaged in organized operations of assisting with illegal border crossing against very high payments by emigrants, varying between 5000 and 8000 euros. It is a positive fact that in the overwhelming majority of cases, courts did not issue criminal punishment for foreigners who received help to cross the border illegally, thus reflecting best international practices and standards of exempting them from prosecution.

In February 2023, the AHC observers' mission was interrupted by the Babrru National Receiving Center, where asylum seekers are accommodated. According to authorities, the cause was the argument that there was no direct authorization from the Ministry of Interior. In the past two decades,

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<sup>94</sup> Four ministries – Ministry of Internal Affairs, Ministry for Europe and Foreign Affairs, Ministry of Health and Social Protection, Ministry of Education and Sports, and one representative from the State Information Service.

<sup>95</sup> 18 individuals during 2022 and 3 individuals during January – July 2023.

<sup>96</sup> [https://ahc.org.al/ep-content/uploads/2023/12/Raport\\_Fenomeni-i-kalimit-te-paligjshem-te-kufirit-dhe-ndihmes-ndaj-tij-nen-Perspektiven-e-Gjykatave-te-Rretheve-Gjyqesore.pdf](https://ahc.org.al/ep-content/uploads/2023/12/Raport_Fenomeni-i-kalimit-te-paligjshem-te-kufirit-dhe-ndihmes-ndaj-tij-nen-Perspektiven-e-Gjykatave-te-Rretheve-Gjyqesore.pdf)

the cycle of monitoring missions in this institution was realized on the basis of AHC's Agreement with the GDSP. From October 2023, the draft-agreement has been in an internal review process with the Ministry of Interior. Such formalities that prolong obstacles to monitoring processes of AHC, whose mission's main direction is the observation of human rights and freedoms, represent an impediment to the exercise of organizational freedom by AHC.

In March 2023, during the monitoring mission of AHC at the Kareç Closed Center, where irregular migrants caught in our territory are kept under detention, the mission found inappropriate infrastructure conditions, such as disturbing level of humidity, heavy moss smell, lack of heating, worn-out ceilings, and lack of a card phone system for foreigners to conduct phone calls with their family members.<sup>97</sup>

After becoming familiar with the Protocol signed between Albania and Italy on the use of Albanian territory for creating areas destined for receiving and holding asylum-seeking refugees, AHC joined the call of 28 organizations of civil society activists, expressing serious concern about violations of human rights and freedoms of asylum-seekers who migrate to Italy and originate from countries in Africa, the lack of public consultation and transparency on such decision-making of high public interest, as well as seeking the revision and withdrawal of our country from this Protocol.<sup>98</sup>

## 11 Fight against radicalism and violent extremism

During the years 2022-2023, AHC had a positive relationship of cooperation with prison authorities for improving internal protocols and increasing the capacities of penitentiary personnel on the prevention and early identification of radical and extremist actions undertaken by individuals deprived of liberty and the rehabilitation of radicalized individuals.

The need for encouraging internal cooperation of the multi-disciplinary team, strengthening cross-sector and inter-institutional partnership, empowering the role of the employee and monitoring respect for legal procedures and mutual interaction among staff and prisoners, as well as the continued increase of staff personalities, emerged as suggestions of participants who were part of the eight IEPDs trained by AHC during the period July-August 2023.

According to the regulations of legislation on the rights and protection of the child, during the process of rehabilitation and re-integration of foreign fighters and their family members returned to Albania, the highest standards should be ensured for health, treatment, rehabilitation, and re-integration for minors, providing personalized and specialized services, in accordance with the principle of the highest interest of the child. Preserving confidentiality on personal data of individuals who are subject to rehabilitation and re-integration processes is a delicate aspect that contributes directly to securing the rights of children and human rights during the process of re-integration in society, and the very

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<sup>97</sup> During the joint consultation on November 9, 2023 (about 8 months later), representatives of responsible authorities made it known that measures have been taken for the infrastructural restructuring of the building and for addressing AHC recommendations; these elements need to be followed up by AHC.

<sup>98</sup> [https://m.facebook.com/story.php?story\\_fbid=pfbid02dvfY2GhXcYFkEÄh6xYzzEËQF38fE153FsEXTyRha9seSzH7bVcXDGr5PFgqëNhHNI&id=100064874522900&mibextid=Nif5oz](https://m.facebook.com/story.php?story_fbid=pfbid02dvfY2GhXcYFkEÄh6xYzzEËQF38fE153FsEXTyRha9seSzH7bVcXDGr5PFgqëNhHNI&id=100064874522900&mibextid=Nif5oz)

success of these processes. The improvement of the systems for the collection, preservation, analysis, and dissemination of information regarding the categories of returned foreign fighters and their family members, as well as of individuals affected by the phenomena of violent extremism or radicalism, is viewed as an important intervention for making sure that information is kept safely, it is analyzed, and there is effective interaction with other law enforcement agencies and institutions, inside and outside the country.

## 12 Hate speech toward marginalized groups

The use of hate speech continues to be of concern, especially in the digital space and social media. Different forms of hate speech are mainly motivated by sexual orientation, religious background, ethnic background, and political affiliation (for the latter, there is a growing trend closer to the electoral process).<sup>99</sup> Legal amendments of 2021 in the special law on protection against discrimination were important as they gave the status of an executive title to decisions of administrative measures by the CPD, making a positive differentiation between our country and the region. AHC considers that pro-activity and cases started upon the initiative of the CMD and AMA should increase when elements of hate speech are encountered in audiovisual media.

During 2023, AHC found that there were individuals or even journalists who went beyond freedom of speech and made calls for a stop to hate and denigrating speech in the media, with elements of pressure against justice bodies.<sup>100</sup>

## 13 Freedom of organization

The resolution approved by the Assembly of the RA in 2019 “On the recognition of and support for the activity of human rights defenders” remains a formal act, while, against its provisions, the Parliamentary Sub-Committee on Human Rights, has not conducted evaluations on the continued monitoring of how implementable this Resolution is.

Freedom of organization would not be effective if state institutions did not demonstrate an open approach to the inclusion and consultation of organizations in decision-making processes of importance for their mission and activity and for the public, providing information according to legislation in force, the creation of conditions free from disproportionate obstacles, to observe the situation of human rights and freedoms, and the acceptance in a constructive manner of the role that organizations have for providing critique, especially those that have been monitoring institutions for years. However, as analyzed in other parts of this report, in all these three components, we find a closed approach of institutions and the existence of a prejudicial and obstructive climate toward organizations for the exercise of their mission on the rule of law and protection of human rights.

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<sup>99</sup> During 2022, AHC highlighted 21 cases of the use of hate speech due to sexual orientation, 13 due to ethnic background, 8 due to political affiliation, and 6 cases due to religious background. Until November 2023, there were 8 cases of hate speech due to ethnic background, 3 due to religious background, 12 as a result of sexual orientation or gender identity, and 16 cases due to political convictions.

<sup>100</sup> <https://www.facebook.com/KomitetiShqiptarIHelsinki/posts/pfbid02qjJXPZVZirFoAUp7Tx3FRFUmqhtt54YaMncZGKRRXhv7q2EDpssuRUG1T2XEHYTQI>



During 2022, AHC contributed to the increase of capacities and the sensitization of young human rights activists, toward fundamental principles of human rights, and their involvement in a proactive role as observers of the level of respect for fundamental rights and freedoms on the basis of which, reports are drafted to the Universal Periodic Review (UPR), the special mechanism of the Human Rights Council at the United Nations.

As against the shrinking trend that the civil society sector is faced with in the region and beyond, it is a positive fact that local, regional, and international organizations of civil society are collaborating to address the right forms of reaction toward freedom of organization and human rights and freedoms. Together with partners, AHC reacted on important causes linked with human rights and freedoms, such as freedom of elections, of organization, the fight against corruption, and violent extremism.<sup>101</sup>

For the protection of organizational freedom, together with four civil society organizations (CRD, BIRN Albania, LGBT Alliance, and the AMC), AHC sent in January 2023 a request to the Constitutional Court to seek the annulment of some of the provisions of law no. 80/2021 “On the registration of non-profit organizations.”<sup>102</sup> In November 2023, the Constitutional Court decided to partially accept the request, invalidating some of the provisions that created a shrinking effect for the civil society environment and freedom of organization in our country.<sup>103</sup>

## 14 Right to Information

The situation of the implementation of law no. 119/2014 “On the right to information” remains problematic in our country, reflecting a generally non-transparent approach of public institutions. Based on the practice of AHC requests for information, year 2023 marks further regress compared to 2022, as we find that institutions respond late or partially to the subject of requests and, only after the Commissioner has been set into motion, information is obtained to some extent.<sup>104</sup> The role of the Commissioner remains a mediating one, while for complaints, no sanctions are issued for “repeating” offenders of the law no. 119/2014.

Based on AHC’s practice, we find that delays of over one year created as a result of challenges by institutions, in court, of positive decisions of the Commissioner in favor of the right to information

<sup>101</sup> <https://ahc.org.al/gjykata-kushtetuese-shfuqizon-pjeserisht-disa-prej-dispozitave-te-ligjit-nr-80-2021-per-regjistrimin-e-organizatave-jofitimprurese/>  
<https://ahc.org.al/leter-e-hapur-apel-per-rishqyrtim-te-marreveshjes-se-imigracionit-me-italineleter-e-hapur/>  
<https://ahc.org.al/njofitim-per-shtyp-thirrje-e-nje-grupimi-te-organizatave-shqiptare-te-shoqerise-civile/>  
<https://ahc.org.al/reagim-i-perbashket-i-nje-grupimi-organizatash-te-shoqerise-civile-per-zgjedhje-te-lira-dhe-te-ndershme/>  
<https://www.facebook.com/KomitetiShqiptarIHelsinki/posts/pfbid0kZCGM629qRmc1JiK7jR37hcVE7z1f3PVmbB83DfZkG4sDQëPfkBpLrv8ag4ësXXRI>

<sup>102</sup> With the argument that they infringed upon the constitutional right to be organized, envisaged in article 46 of the Constitution and article 11 of the ECHR, in contravention of provisions of article 17 of the Constitution and international standards

<sup>103</sup> [https://www.gjk.gov.al/web/NJOFTIM\\_VENDIMARRJEJE\\_2848\\_1-94.php](https://www.gjk.gov.al/web/NJOFTIM_VENDIMARRJEJE_2848_1-94.php)

<sup>104</sup> Compared to 2022 (8 administrative complaints), in 2023, there is almost double the cases (16 cases) in the number of administrative appeals addressed by AHC to the office of the Commissioner on the Right to Information and Personal Data Protection (CRIPDP)

harm the essence of the right to information within reasonable deadlines, thus weakening the currency of the requested information<sup>105</sup> AHC emphasizes the need for prioritizing judicial review of these complaints within reasonable deadlines by our judiciary.

Personal data remain vulnerable as a result of leaks or online attack by other countries, such as the case of Iran, but responsibilities on them are not being investigated fully.

Massive personal data leaks in 2021 were analyzed in-depth by AHC one year later, evidencing partial, ineffective investigations and impunity at low levels, both in the administrative aspect and the criminal one.<sup>106</sup> Meanwhile, in August 2023, there were reports about a data leak from TIMS, which reportedly has been sent back for additional actions by the Tirana Prosecution Office at the Police Oversight Agency (POA).<sup>107</sup> The lack of transparency to the public on the continuation of the investigation of this process is considered not positive in favor of the fight against organized crime and the increase of transparency and accountability of employees in uniform.

Amendments approved by the Assembly in the legal package on the right to information and personal data protection were subjected to public consultation by the Ministry of Justice. It is a positive fact that suggestions submitted by AHC were partially taken into consideration, including the invalidation of the provision on abusive requests, engagement of the Commissioner to propose the declassification of information when deemed that its publication is dictated by more important state and public interests, and the clarification of the objective inability to notify the head of the institution.

## 15 Freedom of expression

### 15.1 Freedom of the media and the rights of journalists in the work place

Based on data from the survey with media workers, processed in the form of the Barometer on Media Freedom in the country, it was confirmed that the situation of media and freedom of speech is not good.<sup>108</sup> AHC sees with concern the increase in the cases of physical and verbal threats toward journalists and media workers. It remains a disturbing fact that almost one in two journalists feel censored by the hierarchical and leadership structure of their newsrooms and just as many experienced self-censorship. Meanwhile, the majority of the surveyed or 68% of them (2.5% more than last year) perceive that media in Albania is little or not at all free. Representatives of politics at the central and local level remain the main censors and restrictors of media freedom, according to

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<sup>105</sup> Upon review of the complaint submitted by AHC at the end of 2022 against the vetting body (IQC), for failure to make available documentation requested on the transitory re-evaluation process, the Commissioner ruled in favor of AHC, forcing the public authority to provide the information. The appeal of this decision by IQC has led to the Administrative Court of First Instance in Tirana to draw the lottery and assign February 2024 as the time for realizing the first hearing session.

<sup>106</sup> <https://ahc.org.al/wp-content/uploads/2022/07/komiteti-shqiptar-i-helsinki-dokument-politikash-dhe-qendrimesh-mbrotja-e-te-dhenave-personale.pdf>

<sup>107</sup> <https://shqiptarja.com/lajm/kallezimi-i-amp-per-sistemin-tims-prokuroria-e-tiranes-materialet-e-dorezuara-nuk-ishinte-plota>

<sup>108</sup> [https://ahc.org.al/wp-content/uploads/2022/10/Barometri-Kombetar-per-Lirine-e-Medias-ne-Shqiperi\\_Tetor-2022-KSHH.pdf](https://ahc.org.al/wp-content/uploads/2022/10/Barometri-Kombetar-per-Lirine-e-Medias-ne-Shqiperi_Tetor-2022-KSHH.pdf)

those surveyed, followed by media owners, representatives of state structures, mainly police, and individuals identified as involved or implicated in crime.

With the purpose of guaranteeing the minimum standards of media freedom, AHC asked the HPC to review its Media Communication Regulations, in order to avoid the infringement of journalists' access to information.<sup>109</sup>

In some cases, AHC reacted publicly in protection of media freedom and of fast and effective investigation of attacks, such as the Mafioso attack on the Top Channel building, as a result of which, an innocent member of the security staff for the station lost his life.<sup>110</sup> Although about 11 months have gone by from this serious incident, the perpetrators do not appear to have been identified.

The National Barometer on Media Freedom highlighted that informality among media workers has seen a slight decrease compared to one year ago, that employers in the sector do not respect the legal requirements of the Labor Code, especially with regard to the ratio between working days and days off. AHC judges that efforts for trade union organization have not been concretized while journalists admit that they feel frightened from their employers and the effects that such organization would create in their current labor relations.

Thanks to the legal representation of three media workers during 2022-2023, the CPD found that the accompaniment of a journalist by police officers to the Lezha Police Commissariat had occurred due to discriminating reasons. The restriction of the right and freedom to exercise the profession of journalist Xh.M. by police forces, was found unlawful by the Administrative Court of First Instance in Tirana, which decided for his remuneration for the moral immaterial damage sustained. Furthermore, the decision of the Tirana Prosecution Office to not start criminal proceedings on some employees of the Municipal Police and other unidentified functionaries, who had exercised violence toward journalist S.M. and the television crew, after it was appealed in court, has led to a positive decision recently in the Tirana Appeals Court in favor of the journalist.<sup>111</sup>

In December 2023, AHC reacted publicly regarding the personal search of journalist Elton Qyno, his home, and the offices of TV Ora News where he works, and the sequestration of computer data and his working means upon request by SPAK and the SCCOC decision,<sup>112</sup> emphasizing the importance of protecting journalist sources and the implementation of the international standard elaborated by the ECtHR, in other cases against Albania.

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<sup>109</sup> <https://ahc.org.al/deklarate-per-shtyp-rregullorja-e-keshillit-te-larte-te-prokurorise-cenon-standartet-minimum-te-lirise-se-shprehjes/>

<sup>110</sup> <https://ahc.org.al/deklarate-per-shtyp-sulmi-ndaj-top-channel/>

<sup>111</sup> Journalist S.M., together with the Ora News crew, identified with their relevant logos, reporting from the “5 Maj” area in Tirana, on the demolition of homes, were violated by municipal police and other state employees. The Prosecution Office at the Tirana First Instance Court decided to not “*Initiate criminal proceedings.*” Against this decision, AHC lawyers filed an appeal with the First Instance Court, which was accepted. The Prosecution Office filed an appeal on this decision, but the Tirana Appeals Court rejected it and decided to send the case back for further investigations, with concrete taskings for the prosecution body.

<sup>112</sup> <https://ahc.org.al/deklarate-per-shtyp-6/>

## 16 Free legal representation of citizens at domestic and international courts

Through its lawyers, AHC represented a series of important cases for the protection of human rights and freedoms, with a focus on the environment, the right to information, journalists' rights, the rights of individuals deprived of liberty, equality and protection against discrimination, especially the Roma community and LGBTIQ, etc. In some cases, AHC's contribution helped judicial jurisprudence to establish good standards for addressing special cases, as a positive guiding model for similar cases.

The representation of cases before domestic courts has placed AHC in front of several challenges. Due to vacancies in the judicial system, the backlog of cases, and the number of new cases registered for adjudication, it is noticed that the adjudication of cases takes time, surpassing reasonable legal deadlines. This is an element that, aside from the violation of human rights, touches upon citizens' trust in justice. Mechanisms created on the basis of law no. 111/2017<sup>113</sup> for the reward for services offered by experts, in cases in which the Court admits the request to exempt the suing party from the payment of judicial taxes and fees, were challenged by the request of experts for payment in advance. This legal vacuum led to experts refusing to fulfill the assigned duty,<sup>114</sup> leading to the failure to hold hearings planned by the Court within reasonable legal deadlines.

AHC notes with concern the delays in the execution or the incomplete execution of Court decisions, which have taken final form, issued by both domestic courts and the ECtHR. This problem extends over both the procedural aspect,<sup>115</sup> and the material part of the courts' issuance of decisions.<sup>116</sup> As a result, the protection that the ECHR provides has not been fully effective, thus infringing upon the highest level of protection at the Strasbourg Court, the right to due legal process.

At the level of judicial protection in domestic courts, the right to due process has been infringed upon as a result of failure to execute judicial decisions with an impact for public interest, such as the environmental pollution in the Tërkuzë River in Kamëz and Gjanica in Fier, which does not serve to guarantee due legal process for the damaged citizens.<sup>117</sup> The complaints realized by public institutions that do not accept their functional and organic duties, have led to delays in the reinstatement of the

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<sup>113</sup> Law "On legal aid guaranteed by the state"

<sup>114</sup> In the case of drinkable water supply in the 'Kastriot' neighborhood in Fushë Kruja, during the review at the Administrative Court of First Instance in Tirana, the psychological expert summoned by the Court, refused the conduct of the expert examination, with the argument that she was not paid in the context of free legal aid. Meanwhile, in the case of the review of the case on civil remuneration for inmate V.G. who was violated earlier in the Peqin IEPD, a similar problem was noticed with medical forensic experts, which led to a delay.

<sup>115</sup> AHC monitored the execution of ECtHR decisions *Prizreni vs. Albania*, *Strazimiri vs. Albania*, and *Zaharia vs. Albania*, where it resulted that the CMD for awarding the remuneration was approved after an unreasonable delay that varies from one year and five months to three years and three months.

[https://ahc.org.al/wp-content/uploads/2023/08/Raport-Alternativ\\_Ekzekutimi-i-vendimeve-te-GJEDNJ-ndaj-Shqiperise.pdf](https://ahc.org.al/wp-content/uploads/2023/08/Raport-Alternativ_Ekzekutimi-i-vendimeve-te-GJEDNJ-ndaj-Shqiperise.pdf)

<sup>116</sup> Such is the case of failure to establish a special medical institution where to execute medical measures (*Strazimiri case*) but also offer appropriate medical treatment (*Zaharia case*).

<sup>117</sup> The Administrative Court of First Instance in Tirana admitted the AHC requests, forcing Kamza Municipality to conduct some administrative actions, among which informing the NEA for the damage caused by the pollution.

infringed upon right.<sup>118</sup> A novelty in judicial caselaw, for environmental cases represented or initiated by AHC, is the standard established by the Administrative Court of First Instance in Tirana to extend the active legitimacy to any person, physical or legal, to address the court to take care of the environment and its protection (including non-profit organizations).

AHC finds it positive that in the cases of the state of Albania at the ECtHR, the decisions of this Court on the same<sup>119</sup> or similar cases,<sup>120</sup> with that subject, have been considered as having the power of precedents by the domestic judicial system.

Positive practices created through strategic litigation (protection of public interest) by lawyers of AHC's Legal Clinic at domestic and international courts, have served to promote better standards in the domestic judicial system. In the absence of a special medical institution, it was possible to promote the importance of implementing compulsory outpatient medication at community premises instead of the medical measure of compulsory medication in a penitentiary institution.

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<sup>118</sup> In one of the cases, the right to appeal was realized due to the decision of the Court that decided “informing the NEA (another institution) about the damage caused by the pollution.”

<sup>119</sup> Decision no. 18, dated 15.07.2021 of the High Court, which followed the decision Strazimiri vs. Albania of the ECtHR

<sup>120</sup> The Administrative Court of Appeals decided that the accommodation of citizens with a medical measure in prisons represent discrimination, ordering responsible institutions to implement immediately the medical measure issued on citizen A.B. in a psychiatric medical institution.