



## Questionnaire

### **Human Rights Council resolution 24/16 on “The role of prevention in the promotion and protection of human rights”**

1. a. **Please describe legislative, judicial, administrative and other measures aimed at prevention of human rights violations and abuses in place at the domestic level, both with regard to direct prevention (aiming to prevent violations from occurring by reducing the risk factors that cause violations) and indirect prevention (aimed at ensuring non-recurrence through investigation and addressing causes of violations as well as accountability).**

The Albanian legal system dealing with protection of human rights is quite advanced and the general political and institutional climate is favourable to such legislation and the following policies but serious problems have been noticed with regards the implementation of legislation and strategies. Difficulties have always been noticed in consulting and collaborating with different stakeholders (including NGOs) especially while drafting, passing or amending laws and also while preparing different strategies. Some improvement has been noticed in this field in the last 2 years but a lot more remains to be done. This lack of coordination and consultations has impeded efficient implementation, participation of stakeholders and communities, adequate and informed budgeting, assignment of duties and responsibilities to other institutions, follow-up and monitoring etc. Also, sometimes lack of coordination between institutions but also different levels of governance and partners like CSO's have caused an overlapping of projects and initiatives which have not been able to be coordinated.

As mentioned, in the last two years several ministries have improved their consultations with CSO's on different draft laws and strategies. However consultations have not taken place on very important strategies and plans such as the 2015 budget which includes the plans and strategies that CSOs have been consulted for during 2014. In December 2015 the Albanian Parliament approved the 2015 budget without consulting civil society. CSO's lost an opportunity to influence allocation of finances allocated at preventing such violations.

Many issues can be addressed with regards recording of human rights violations and designing intervention plans based on evidence. The State Police and other law enforcement agencies still have little practice on the categorisation of the nature of crimes and offences committed in Albania. While CSOs are quite aware that crimes can occur based on hatred due to characteristics such as gender, sexual orientation, political affiliations, religious beliefs etc institutional practice is lagging behind in this regard. Also this is reflected in the way how one single case is investigated or addressed from different institutions. Lack of coordination mechanisms in this case is also a problem. Without accessing national reports and statistics on these issues, interventions remain limited also.

Issues noted in this aspect are;

- lack of unified data analysis,

- lack of human resources (Police officers end up playing the role of social workers, psychologists, mediators, legal experts etc),
- lack of evidence and data (for example lack of data on bullying makes little space for interventions in the school and education system),
- On the legal aspect, there is space for vague approaches to the criminal code, wrong terminology, out-dated articles leaving space for vague decisions or approaches, no gender neutral legislation and definitions;
- No specific court for children and no Children's Ombudsman
- Limited access to free legal services;
- Poor performance of legal experts;
- Frequent changes in administration officials with low impact from capacity building trainings and futile expenses made from many international donors;
- Repetitive legal, institutional and administrative reforms which often are poorly communicated with stakeholders;
- Lack of / or poor infrastructure, for example overpopulation of prisons, lack of privacy during interrogations or meetings with victims of human rights abuses at Police Stations etc.
- Confusing indicators on economic aid etc.

**b. Please describe any good practices in the implementation of these measures, as well as any challenges which have been faced.**

- Consultation with CSO's on several strategic plans, policy plans and legal reform (education, social inclusion etc);
- Amendment of the law on information and the new Transparency Program;
- The law on VAT which exempts NGO's from taxes;

**c. Please describe how such measures encompass all branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level, - national, regional or local.**

- As mentioned above there is lack of coordination and multidisciplinary approaches and interventions. There is poor monitoring and evaluation and as a result non adequate analysis on cases or lack of follow-up.
- There is no knowledge on repetition and prevalence of human rights violations. For example, does a victim of any type of violence get fully integrated into society?

**2. a. What action-oriented policies, practices and strategies to prevent human rights violations and abuses have been put in place at the national level, including the establishment of independent national institutions, national human rights action plans and early warning mechanisms?**

2. a. – Social Inclusion

b. roma inclusion

c. children's protection

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- Commissioner for Protection from Discrimination;

- Ombudsman

Both have played an active role on protection of citizens and in coordination with all stakeholders.

**b. Please describe how national human rights institutions contribute to prevention of human rights violations.**

- Awareness raising activities;
- Active participation in awareness raising activities of CSO's;
- Publication of reports, recommendations and other relevant documents;
- Hearing sessions at Parliament;
- Working tables with relevant Ministries and institutions;
- Decisions on cases of discrimination, unfair treatment etc;
- Promotion of institution with vulnerable communities, meetings, etc;
- Monitoring of perceptions, cases of discrimination etc;
- Implementation of different projects in collaboration with CSO's

**c. In those States that have established a national preventive mechanism under the Optional Protocol to the Convention against Torture, please provide information on any lessons learnt regarding prevention of torture that may also apply to prevention of other human rights violations.**

Monitoring as a practice is quite poor in Albania. There are no regular reports on human rights violations by law enforcement agencies, ministries or human rights institutions. Special reports have been published on different groups but they are not enough. Coordination with institutions in order to produce relevant reports, interventions or other strategies is poor. There is interference, non-coordination on data collection and analysis. There is no coordination on reaching common conclusions.

Serious problems continue to remain with the judiciary. It continues to be perceived as corrupt and unreliable. Often, there is a subjective interpretation of the law.

**3. a. Please describe what policies and processes are in place at the national level to collect, maintain and analyse statistical records on the situation of human rights in the country, in order to monitor the human rights situation and inform the formulation of prevention strategies and programmes; and please describe any good practices and the main challenges in this regard.**

Until now, more than one year in power, the new Government seems to be more open and transparent towards civil society and citizens. The Human Rights House in Albania have been invited to be part of different consultative meetings and sessions organized with the CSO-s by different Ministries such as: the Ministry of Social Welfare and Youth, The Ministry of Integration, the Ministry of Education, the Ministry of Interior, the Ministry of Health, the Ministry of local Governance, etc. These consultative meetings and sessions were related to the youth strategy, gender issues, CEDAW convention, minority's rights, early childhood, anti-trafficking, project-law for the state policy, territorial reform, social services reform, mental health reform, etc. These consultative processes with civil society have positively impacted our organization because we are much more informed about the changes that the government and ministries are undertaking and also give us the opportunity to express our opinion on the issues discussed.

During this year a series of positive practices of national public institutions' communication with civil society sector, have occurred. Different meetings with the civil society organizations to have their opinion on different issues and to establish an institutional communication with them are organized. Human Rights House have been part of the

consulting processes and meetings with the Parliament, Ministry of Youth, Ministry of Health, Ministry of Interior, Ministry of Education, etc. So, we have been part of the consulting processes & meetings with: the Ministry of Youth & Social Affairs to give our inputs on the Strategy of Social Inclusion, on the strategy of Youth; the Ministry of Interior to give our inputs on the anti-trafficking Strategy; Ministry of Health to give our inputs in the Health Strategy 2015-2020; Ministry of Education to give our inputs on the Strategy of children's inclusion on the preschool & high education system. Also different hearing sessions are organized between the Parliament and the CSO's to consult different draft laws, such as: the law of economic aid; civil society Manual; Ombudsman report; social worker's status; the law for disable people, etc. At this point, Public Officials at national level periodically have consulted civil society and citizens on issues of concern and have institutionalized communication with the civil society sector by formal processes.

Also, positive changing for youth on national policies has been occurred. The budget of the government for youth is increased; Ministry of youth in Tirana has open a public youth center; the budget of the regional vocational training centers for young people has been increased; the youth national strategy is drafted in consultation with young people; etc. We estimate that above national policy agendas on issues that reflect youth interest, have been influenced after a series of meetings, advocacy work, pushing pressure, etc., from youth NGO's and partner.

**b. Please describe how statistical collection ensures the inclusion of all persons and groups.**

So far there is little inclusion of CSO' in preparing statistical information. There are no national mechanisms either.

**4. What measures have been taken to promote a human rights culture among the population and increase the level of human rights awareness in your country, including among public officials?**

CSO's have taken many initiatives in promoting human rights in Albania and they have made extensive efforts to include public institutions, public officials, international community, media and the general public. Some type of activities is:

- Awareness events (fairs, festivals, exhibitions, conferences, workshops etc)
- Higher media visibility with active participation in many TV shows and debates. In many cases debates have been taking place with the participation of public officials or politicians;
- CSO's have promoted and lobbied for legal reform, improvements and changes and have fought against changes which could have negative impact on vulnerable groups and communities;
- Involvement or designing of strategic plans which aim to be as inclusive as possible in term of implementation and coordination with public institutions;
- Capacity building trainings and other activities with public institutions, schools, health services etc;
- Supporting and empowering vulnerable communities;

**5. a. How have partnerships with civil society been strengthened to harness their experience and expertise to promote and protect human rights?**

As mentioned above public institutions have improved their approach with the civil society sector especially with regards to consultations on strategic plans, legal reform and in some cases in offering support to vulnerable communities. Public institutions have become more aware of the positive role that CSO's can play in implementing reforms and assisting communities. However more coordination is needed and more needs to be done in empowering CSO financially. They continue to be dependent on foreign aid and support. CSOs have contributed exponentially in strengthening the capacities of public officials on human rights issues and on cases of coordination public officials have benefited from exchanges with international institutions and networks.

**b. What roles and actions can and do civil society and NGO's take to prevent human rights violations?**

- Monitoring human rights violations and producing reports;
- Assist victims of human rights violations with free legal services, orientation and trainings, keeping them informed on different issues and strengthen their trust and cooperation with public institutions, especially law enforcement agencies, health services and school administrations;
- Lobby and advocacy with stakeholders;
- Organizing trainings, open lectures and other events with students, media, health services, law enforcement agencies, public officials etc on human rights and prevention of human rights violations;
- More public outreach and increased participation from general public in the human rights discourse;

**6. Recommendations regarding your country issued by international or regional human rights mechanisms, and which may contribute to preventing human rights violations?**

We use almost all recommendations and international mechanisms to advance human rights. A closer cooperation with EU institutions has been noticed in the last years due to EU integration. CSO's are more consulted on many issues and the EU has promoted a closer cooperation between CSO's and the government. The Council of Europe recommendations and closer cooperation with different bodies such as ECRI etc. OSCE reports are very relevant for CSO's due to their expertise and role in drafting new legislation and policies. Cooperation with regional networks and associations. Universal Periodic Review. World Bank and IMF reports etc. All these mechanisms are used in order to strengthen cooperation of CSO's with public institutions, in order to implement new policies and actions.

**7. a. What legislative, judicial, administrative and other measures are in place to provide victims of human rights violations by State actors and abuses by non-State actors with an effective remedy?**

We have little information on effective remedies to victims of human rights abuses. The process has to be legal and followed through the court system and so far very few human rights organizations are involved in this process. More needs to be done in this field and we have no specific data or experience.

**b. What measures are in place to ensure that all can access such remedies in practice?**

We have no information on this.

**8. What contribution do international and regional organizations make to the prevention of human rights violations? What additional role could they play?**

International organizations are the main contributors to the protection and advancement of human rights in Albania. State mechanisms are going through a thorough and exhaustive reform which requires new infrastructure, policies, laws and regulations, efficient human resources etc. Due to good political willingness Albania has signed and endorsed most international human rights treaties and mechanisms but their implementation in the field is hampered by outdated bureaucratic practices and lack of experience in collaboration with CSOs of public institutions. The international community in Albania is mainly responsible for such an improved cooperation between CSOs and human rights groups in general and the government. What the international community can do at this stage is promote mechanisms and practices which will guarantee a long-standing and efficient cooperation of government agencies and other public institutions with civil society organizations.

END

Notes: The Human Rights House is comprised of several leading human rights organizations and programs in Albania such as:

- Children's Rights Centre of Albania (CRCA)
- National Children's Helpline (ALO 116)
- Coalition for Participation of Women and Youth in Politics
- PINK Embassy / LGBT Pro Albania
- "Every Roma Child in Kindergarten" Initiative
- Coalition for Children's Qualitative Education (ACCE)
- Tirana Youth Leadership

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