



• RIGHT TO LIFE • **R**IGHT TO
EDUCATION • RIGHT TO PROPERTY •
RIGHT TO HEALTH AND SOCIAL CARE **E**
• RIGHT TO DUE LEGAL PROCES • RIGHT
TO WORK • RIGHT OF **P**ERSONS WITH
DISABILITIES • THE RIGHT TO BE CHOSEN
AND TO CHOOSE • CHILDREN'S RIGHT
• GENDER EQUALITY • FREED **O**M
OF EXPRESSION • THE RIGHT OF
NATIONAL MINORITIES RIGHT OF THE
LGBTIQ COMMUNITY • F **R**EEDOM
OF ASSEMBLY • PROTECTING WOMAN
AND GIRLS FROM VIOLENCE • RIGHT
TO INFORMATION **T**ION

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A WORD FROM THE PEOPLE'S ADVOCATE



In my capacity as the People's Advocate, it is my honour to present the 2024 Annual Report — a document which encapsulates not only the activities, challenges, and accomplishments of our institution, but more fundamentally, the concerns, rights, and aspirations of the citizens we are mandated to serve.

This report offers a comprehensive overview of our sustained efforts to act as a bridge of trust between the public and the administration, to uphold and advance human rights, and to contribute meaningfully to the strengthening of the rule of law in Albania.

The year 2024 was marked by notable political, social, and economic developments. Within this dynamic context, the Institution of the People's Advocate continued to fulfil its constitutional mandate with independence, professionalism, and a strong commitment to the protection of individual rights — particularly those of vulnerable and

marginalized groups. We have handled hundreds of complaints, carried out thorough investigations, formulated substantive recommendations, and taken clear positions on matters of significant public interest.

The 2024 Annual Report is the product of collective effort, reflecting the unwavering dedication of our staff and sustained cooperation with civil society actors, as well as national and international partners. Above all, it stands as a testament to the trust that citizens have placed in our institution — a trust that continues to be our greatest source of motivation and responsibility.

I invite all readers to engage with this Report not solely as an instrument of institutional transparency and accountability, but more importantly, as a call to shared responsibility in safeguarding human dignity and the fundamental rights of every individual.

Erinda Ballanca

CHAPTER I

LEGAL AND INSTITUTIONAL FRAMEWORK

In the contemporary era, the protection and advancement of human rights have emerged as an essential and visibly sensitive imperative across all domains of public and private life. The proliferation of institutions devoted to the safeguarding of fundamental rights attests to this evolving reality. Nonetheless, it is widely recognized that only an institution endowed with genuine legal and functional independence—insulated from the influence of both the executive and judicial branches of governance—can occupy a singular and leading role in the human rights field. Such an institution serves not only as a safeguard against abuses but also as a catalyst for cultivating a culture grounded in the respect for and promotion of human dignity.

The Constitution of the Republic of Albania enshrines the imperative to preserve the autonomy and integrity of constitutional institutions, explicitly shielding them from any form of political or executive encroachment that may compromise their ability to discharge their constitutional mandates. This foundational guarantee is further delineated and operationalized through organic legislation, which governs the modalities of functioning of these bodies. Independence, in this context, must not be misconstrued as a privilege; rather, it is a necessary constitutional prerogative that ensures efficacy, impartiality, and durability in the fulfilment of institutional functions.

The rights and freedoms articulated in the Constitution constitute the bedrock of Albania's legal order. Article 15 imposes a binding constitutional obligation on public authorities to respect, guarantee, and actively realize these fundamental rights. Within this normative framework, the People's Advocate assumes a central and multidimensional role—as guardian, monitor, promoter, and guarantor of human rights. Its constitutional and statutory mandate encompasses both vertical and horizontal axes

of responsibility, with the overarching aim of enhancing the quality and scope of human rights protection throughout the country.

In accordance with both domestic and international standards—notably the **Paris Principles** and the principles articulated by the **Venice Commission**—the People's Advocate functions as Albania's preeminent national human rights institution, vested with a broad and authoritative mandate. This mandate finds expression in the constitutional provisions, the amended Law on the People's Advocate, and a suite of complementary legislative frameworks. It is the institution's solemn duty to influence—both directly and indirectly—societal and governmental decision-making processes that bear upon the rights safeguarded under national and international law. In doing so, the People's Advocate serves as both a locus of expertise and a central actor within the national human rights infrastructure, maintaining close and constructive cooperation with all state organs and civil society stakeholders.

Safeguarding the institution's independence, augmenting its human and material capacities, and embedding best practices into its operational framework constitute enduring priorities. On Albania's pathway toward accession to the European Union, the robust protection of human rights remains an indispensable pillar of the broader integration agenda. While Albania has made meaningful strides in advancing the human rights agenda, persistent structural and normative challenges must still be addressed to align fully with the EU requirements.

Moreover, there is increasing recognition that the existing constitutional catalogue of rights, while foundational, is no longer sufficient to meet the evolving complexities of contemporary human rights discourse. Emerging needs demand the

recognition and incorporation of new categories of rights. In this regard, the **EU Charter of Fundamental Rights** represents the most comprehensive and forward-looking instrument. Its integration into the domestic legal order would not only demonstrate Albania's commitment to European values but also serve to the national human rights framework. The People's Advocate therefore calls for a broad and inclusive national dialogue—among constitutional scholars, civil society, and institutional actors—on embedding the Charter as part of Albania's normative and ethical alignment with the European Union.

In the year 2023, the European Union undertook a comprehensive and rigorous evaluation of the Institution of the People's Advocate, affirming its full alignment with the foundational standards of the Union. This favorable assessment constituted a significant endorsement of the institution's normative integrity and operational efficacy within the framework of European human rights architecture. Nevertheless, the report simultaneously underscored the imperative of continued institutional evolution—most notably, the need to broaden the scope of the institution's mandate to encompass human rights concerns arising within the private sector.

In light of this evolving mandate, the People's Advocate has undertaken a proactive legislative initiative to amend its organic law. The proposed amendments are designed to bring the institution into full conformity with the highest international norms and exemplary practices, including the Paris Principles and the interpretative guidance of the Venice Commission. Furthermore, the revisions incorporate the recommendations issued by the European Commission thereby further

strengthening the mandate and independence of the institution. The legislative drafting process has now been finalized, and the ensuing procedural step is the formal submission of the draft law to the Parliamentary Committee on Legal Affairs, Public Administration, and Human Rights, where it shall undergo deliberation in accordance with the established legislative framework.

It is equally important to reaffirm that in a democratic and rule-bound society, the respect for—and diligent implementation of—the recommendations issued by the People's Advocate stands as a profound testament to the State's commitment to the protection of fundamental rights and the promotion of the common good. The People's Advocate is committed to pursuing the best human rights standards, aware that its “soft binding force” on the administration rests on the cogency of its argumentative power and the moral weight of its institutional credibility.

The responsiveness of public administration bodies to the recommendations issued by constitutionally independent oversight institutions must be regarded as the clearest expression of adherence to the organic legal framework, and relevant regulatory frameworks. Such responsiveness ensures not only the fulfilment of institutional mandates, but also the preservation of their autonomy and authority. Accordingly, the recommendations of the People's Advocate ought not to be perceived as formal documents, but as identification of areas wherein enhanced protection and deeper social justice are necessary. A society's willingness to engage with and implement these recommendations is a measure of its capacity to construct an equitable and dignified future for all its citizens.

CHAPTER II

IMPLEMENTATION OF THE RESOLUTION OF THE ASSEMBLY OF THE REPUBLIC OF ALBANIA 2022 BY THE INSTITUTION OF THE PEOPLE'S ADVOCATE

As part of the assessment of the activities of the People's Advocate (PA) Institution for the year 2023, the Parliament of Albania approved, on 25 July 2024, a corresponding resolution which, among other things, recommended that the People's Advocate undertake a series of actions related to its mandate in the protection and promotion of human rights and freedoms in the country.

To implement this resolution, pursuant to its mandate as the highest national institution for the promotion, and protection of human rights, as well as preventing abuse of these rights, the People's Advocate Institution — acknowledging the significance of the measures proposed therein for its mandate and broader vision — has, within the first five months of 2025, taken the steps and actions that are briefly summarized below.

Recommendation 1: Increase ex officio investigations into systemic issues related to human rights and draft general and strategic recommendations aimed at fostering institutional cooperation and coordination with the public administration.

According to Article 18, paragraph one, of Law no. 8454, dated 04.02.1999, "On the People's Advocate", as amended, investigations are triggered by complaints or requests addressed to the PA by the concerned or affected persons, as well as ex officio with respect to particular public issues. The People's Advocate institution attaches special importance to the ex officio identification of cases related to violations of human rights that have a broad social impact and are linked

to systemic issues. For this reason, based on the internal regulations, daily monitoring groups are created on a monthly basis to follow public communication outlets (media, social networks, etc.), with the aim of identifying cases that may be pursued and addressed by the People's Advocate.

For the period January–December 2024, 375 *ex officio* cases have been entered on the case management system (Doculive), compared to 228 cases over the same period in 2023 (more than a 60% increase). A significant portion of these cases relate to systemic issues, deriving general and strategic recommendations. These recommendations have incorporated general elements from individual complaints on a case-by-case basis. Community-based issues were also addressed, which are currently being developed into special reports, with a focus on general and strategic elements that are important for evaluating the administrative activity of public bodies, in accordance with the principles and criteria of the rule of law, as well as vis-à-vis the actual realization of the right to good governance.

More specifically, the People's Advocate has addressed a series of general and strategic recommendations on:

- the right to property and the right to due legal process in administrative procedures;
- the protection and observance of children's rights;
- delays in the reasoning of criminal court decisions;
- the conclusion of investigations, as required

by due legal process;

- the needs of vulnerable groups for access to digital public services.

The People's Advocate has also launched the examination of systemic issues surrounding the housing of families affected by the earthquake, to be followed by relevant recommendations. These issues relate to the rent subsidy (delivered by local government units) and the social housing program for homeless individuals and families, along with their adequate placement until permanent housing is provided.

Additionally, the People's Advocate, with UNICEF support, drafted the Special Report "Efficiency of Juvenile Justice in the Field of Child Protection and Family Law", which has been submitted to the Assembly of Albania.¹

Special Report

"Efficiency of Juvenile Justice in the Field of Child Protection and Family Law"



The establishment of institutional cooperation and coordination with the public administration has been recognized as a primary issue of loyal and continuous communication between the People's Advocate and public authorities. However, there have also been cases of lack of cooperation, prompting the People's Advocate to recommend measures against the responsible individuals along with steps to prevent the recurrence of such practices in the future. Additionally, efforts are underway to establish a constant communication channel between the People's Advocate and other public bodies, by establishing relevant focal points.

¹ Letter no. 550 prot., dated 19.11.2024.

Recommendation 2: Submit to the Assembly legislative proposals aimed at harmonizing national legislation with the EU frameworks

In accordance with its constitutional mandate, the institution of the People's Advocate, as a key actor in the national system for protection of human rights, places the highest value on the process of aligning national legislation with that of the European Union, in particular legislative acts related to human rights. Pursuant to Article 24 of Law No. 8454, dated 04.02.1999, "On the People's Advocate," as amended, when it finds that the contents of a law or other normative act, rather than their implementation, lends itself to violation of human rights as recognized by the Constitution or other laws, the PA has the right to recommend to the legislative authority proposals for the amendment of such laws. Accordingly, throughout its activity, the People's Advocate has continuously drafted and submitted recommendations on the improvement and harmonization of national legislation with international obligations and commitments, including European Union law.

Over 2023–2024, the People's Advocate provided opinions and concrete suggestions on several laws and by-laws, in course of both public consultations and the legislative process, as embodied in the nine PA recommendations on:

- Gender equality and violence against women;
- The rights and protection of children;
- The rights of persons with disabilities;
- Observance and protection of property rights;
- The rights of prisoners;
- The rights of prison police officers;
- Freedom of Association.

It is also important to highlight the initiative to amend the law "On the People's Advocate," aimed at aligning it with the highest international standards and best practice (such as the Paris Principles, Venice Principles, etc.), including the incorporation of recommendations provided by European Commission reports concerning the

amendment of certain provisions in this law.

Recommendation 3: Continuously update and regularly publish on the official website information and statistics related to the organization and functioning of the institution, with the aim of further enhancing public transparency and outreach.

As National Human Rights Institutions (NHRIs) are conceived as key actors in the advancement and safeguarding of human rights, the institution of the People's Advocate regards the promotion, dissemination, and cultivation of human rights awareness as an integral component of its mandate. In this spirit, the official website of the People's Advocate (www.avokatipopullit.gov.al) serves as a dynamic and user-friendly platform that offers dedicated sections on institutional structures, expanded coverage of activities, a media and press area, and interactive features enabling citizens to file complaints online and consult examples of resolved cases.

The website also hosts a wide array of multimedia and educational materials, including videos and brochures that elucidate the institution's mandate and its avenues of recourse for individuals whose rights may have been infringed upon by public authorities, or other human rights abuses. Furthermore, the site includes a human rights blog titled "*Success Stories in the Protection of Human Rights*", showcasing cases in which the institution's recommendations have led to tangible improvements—sometimes even systemic reform—within specific legal or administrative domains.²

A key feature of the institution's commitment to openness is its *Transparency Program*, a structured mechanism designed to foster accountability and public trust. The program is continuously updated and presented in an accessible format on the institution's website, thereby reinforcing the public's right to access information and promoting institutional transparency.

In addition to regularly publishing its recommendations to public administration bodies, the

² For more see: <https://www.avokatipopullit.gov.al/sq/list/publications/histori-suksesi-7/>

People's Advocate maintains a comprehensive and up-to-date section on the unimplemented recommendations, the institutions responsible, and those that have failed to respond. This transparency measure ensures public visibility and access to this information for all interested parties, while fully upholding data protection and privacy standards.³

The institution's presence on social media—particularly its official Facebook page—plays a pivotal role in enhancing communication and engagement with the public. Through this platform, the People's Advocate disseminates timely information regarding its mission, roles, and activities, while also marking national and international human rights observances and events of relevance to its mandate. A noteworthy feature of the official website is "*Facts in Figures*", which presents a range of statistical data on the institution's work, including the volume of complaints received, requests processed, and the interventions and recommendations made. This initiative offers citizens a clear and verifiable snapshot of the institution's operational scope and its measurable impact on the protection of individual rights and administrative justice.

Recommendation 4: Issue targeted recommendations and proposals for improvement to justice institutions, with a view to strengthening public confidence in the judiciary, ensuring the effective protection of fundamental human rights and freedoms, and reinforcing procedural safeguards

In 2024, the People's Advocate addressed a series of recommendations to justice system institutions concerning the protection of citizens' rights to a fair trial and the right to access information from judicial authorities. The PA institution identified a number of systemic shortfalls, most notably:

- Delays in providing reasoned decisions in civil and criminal cases within legally prescribed and reasonable timeframes,

³ For further reference visit:

<https://www.avokatipopullit.gov.al/media/manager/website/media/Regjistri%20i%20insistucioneve%20qe%20nuk%20kane%20kthyer%20pergjigje%20si%20dhe%20nuk%20kane%20zbatuar%20rekomandimet%20e%20AP.pdf>

particularly during the ongoing period of judicial reform;

- Exceeding the reasonable time limits for adjudicating cases, as guaranteed by the Constitution and relevant laws;
- Failure to issue execution orders for criminal court decisions within legal deadlines, negatively affecting citizens—this issue became especially apparent following the entry into force of Law No. 33/2024 “On Amnesty”;
- Insufficient communication and transparency by judicial bodies regarding the progress of cases and procedural investigative actions;
- Lack of clarity from prosecution authorities, as exemplified by the case of the Prosecutor’s Office with the Tirana First Instance Court of General Jurisdiction, which failed to clarify whether the prisoner A.M. qualified for amnesty under Law No. 33/2024, pursuant to Article 465(1) of the Criminal Procedure Code. This provision obliges the prosecutor to determine amnesty eligibility and the remaining sentence when the execution order is issued after the amnesty law’s entry into force.⁴

Following administrative investigations, the People’s Advocate issued the following recommendations in pursuit of ensuring a fair legal process:

- To the High Judicial Council (HJC), High Justice Inspectorate (HJI), and the Court of Appeal of General Jurisdiction, regarding unjustified delays in issuing reasoned criminal court decisions, with particular focus on cases involving amnesty beneficiaries;⁵
- To the High Prosecutorial Council (HPC), Prosecutor General, HJI, and the Prosecutor’s Office at the Korçë First Instance Court of General Jurisdiction,

4 Relevant Recommendation sent to the Tirana Prosecution in December 2024 with no response as of the drafting of this Report.

5 No response as of the drafting of this Report

urging measures to conclude investigations in line with the principles of due process;⁶

- Eight recommendations to the Tirana Court of Appeal of General Jurisdiction concerning prolonged delays in hearings and in the issuance of reasoned decisions;⁷
- Three recommendations to the First Instance Courts of General Jurisdiction in Tirana, Shkodër, and Elbasan;⁸
- To the HJI and High Judicial Council, recommending evaluation of the grounds for initiating disciplinary proceedings against judges, based on findings by the People’s Advocate;
- Three recommendations to the Administrative Court of Appeal for delays in adjudicating administrative cases;⁹
- To the High Prosecutorial Council, HJI, and the Lezhë First Instance Prosecutor’s Office, requesting immediate action to enforce criminal court decisions in compliance with due process guarantees;¹⁰
- Similar recommendation to the HPC, HJI and Shkodër First Instance Prosecutor’s Office;¹¹
- To the General Prosecutor’s Office and the Korçë First Instance Prosecutor’s Office, calling for immediate steps to respect the rights to the information of parties to the proceedings, and to provide timely information to the People’s Advocate;¹²
- To the High Judicial Council, HJI, and the Elbasan First Instance Court, regarding undue delays in delivering reasoned

6 No response from any of the institutions as of the drafting of this Report.

7 Of these recommendations, one was accepted, three refused and three remain without response as of the drafting of this Report.

8 One refused, two accepted and one without response.

9 One refused, two without response

10 No response from HJI and HPC; implemented by Prosecution in Lezhë

11 No response from HPC, Implemented by Prosecution in Shkodër

12 Answer received from the General Prosecution, Implemented by the Prosecution in Korçë

decisions in criminal cases concerning amnesty beneficiaries.¹³

In addition, the People's Advocate prepared a Special Report on the observance of constitutional and legal rights and the highest standards of human rights in criminal proceedings. This general report, prompted by the case of journalist Elton Qyno, has been made available for public consultation.¹⁴

As part of the implementation of the Albanian Assembly Resolution of May 27, 2024, "*On Deepening Reforms for Good Governance, Rule of Law, and Anti-Corruption for Albania 2030 in the European Union*," the People's Advocate has actively contributed—through its participation in the specially established Committee—to advancing the pillars of **Good Governance** and **Rule of Law**, providing ongoing input and expertise.

Recommendation 5: Design a comprehensive communication strategy with measurable indicators to enhance the institution's visibility and strengthen public awareness of its role in the protection of human rights, and to initiate the drafting of a new Strategic Plan and relevant Action Plan to guide its implementation

The People's Advocate has approved a new Public Communication Strategy¹⁵, developed to ensure that the citizens of Albania are well-informed about human rights protection issues and know where to seek assistance if their own rights, or those of others, are violated. The strategy aims to realize the vision of a society that upholds the principles of equality and equal opportunities, with the People's Advocate serving as a trusted guarantor in the promotion of equality by enhancing public awareness regarding the protection and advancement of human rights. Moreover, the strategy serves a practical purpose of maximizing the impact of public communication

in raising awareness, and in changing the attitudes, opinions, and behaviours of Albanian citizens toward human rights protection.

By Order of the People's Advocate, a working group has been established to draft the Strategic Plan and Action Plan for the Institution for 2025–2029.¹⁶ The objective is to identify a set of priorities and intervention areas aimed at fulfilling the People's Advocate's mission and contributing to the realization of the institution's vision of a society governed by human rights principles, where state institutions operate in a transparent, fair, responsible, and effective manner.

Through this Strategic Plan, the People's Advocate seeks to foster and develop a culture of good governance, characterized by sound administration, transparency, and accountability of the public administration to the citizens of Albania, alongside the overall strengthening of the rule of law—key elements essential to the functioning of democracy and Albania's integration into the European Union. This strategic document will also serve as a valuable guide for fulfilling the People's Advocate's commitments to citizens and institutions, while enhancing and broadening the scope of the institution's activities in line with its mandate and international human rights standards. To ensure the plan's successful implementation, the working group will undertake a comprehensive process of consultation and collaboration at all stages across the institution's internal structures, international partner organizations, relevant public institutions, and civil society, with the aim of producing a comprehensive and realistic strategic document.

Regarding the visibility and promotion of the People's Advocate Institution, there has been a significant increase in communication efforts at all levels. Nevertheless, there remain essential needs to further strengthen institutional capacities to enhance awareness-raising and communication effectiveness.

Recommendation 6: Continue promotional and awareness-raising activities with children in pre-university educational institutions, including

13 Fully implemented. Answer received from PJC, HJI, and the Elbasan First Instance Court of General Jurisdiction

14 Available on the PA's official website.

15 Approved by Order of the People's Advocate No. 194, dated 31.12.2024. For more information, go to:

<https://www.avokatipopullit.gov.al/media/manager/website/reports/Strategjia%20e%20Komunikimit.pdf>

16 Order no. 16, dated 21.01.2025.

special schools attended by children with disabilities across the country

During the period January-December 2024, with the aim of improving the knowledge of students, teachers, and parents regarding the fundamental rights of children, as well as raising awareness about the work and activities of the People's Advocate in protecting these rights, the Section for the Protection of Children's Rights organized 46 (forty-six) "Open Days" and informative meetings with students in various cities. Additionally, 8 (eight) inspections were conducted in special schools across the country where children with different abilities attend classes.

In pre-university educational institutions, the role of the People's Advocate in guaranteeing and protecting children's rights has been actively promoted. Efforts have been focused on consolidating the knowledge of students, parents, and teaching staff regarding the People's Advocate's activities in safeguarding these rights. Furthermore, the voices of children were heard concerning issues and challenges that concern them.

The continuity of Open Days organized by the People's Advocate within educational institutions has enabled the consolidation of a sustainable process aimed at:

- Encouraging children's participation in decision-making, allowing them to play a key role in improving the infrastructure of educational institutions through the submission of their complaints to the People's Advocate's institution;
- Increasing awareness and enjoyment of their rights, with children being the main contributors in advancing initiatives focused on the right to education for children with disabilities. This has been achieved through inspections conducted in special education institutions and the submission of 8 (eight) recommendations to public authorities at both local and central levels;
- Changing the behaviors of students, teachers, and parents by disseminating

good practices related to internet safety, particularly on issues such as online bullying.

Recommendation 7: Continue cooperation with the General Directorate of State Police and the General Directorate of Prisons, with a focus on real-time information sharing, implementation of PA recommendations, and further strengthening its active role in raising awareness and providing training for police officers and staff of the Institutions for the Execution of Penal Decisions (IEPD)

The People's Advocate has continued cooperation with the General Directorate of Police and the General Directorate of Prisons, aiming to ensure timely and quality implementation of recommendations, as well as to guarantee the rights of citizens deprived of their liberty. This has been achieved through awareness-raising and training of State Police officers and personnel working in the Institutions of Execution of Penal Decisions (IEPD). In this context, several recommendations have been addressed to these institutions regarding legislative, sub-legal, and administrative changes or improvements, as follows:

- Regarding respect for the rights of the employees of the Albanian Republic Guard and Prison Police personnel:
 - o Recommendation to correct and improve the Regulation of the Guard of the Republic of Albania, approved by Decision of the Council of Ministers (DCM) No. 777, dated 15.12.2021, specifically to remove the word "syndicated" from letter "dh", point 13, Article 158.
 - o Recommendation to the General Directorate of Prisons to ensure budget planning for the remuneration of Prison Police officers promoted from 'Sub-Inspector' to 'Inspector' under Law No. 39/2023 amending Law No. 80/2020, given that pay adjustments reflecting the new rank began only in May 2024, despite the law taking effect in July

2023.¹⁷

- Suggestion to the Ministry of Justice to finalize and approve the draft guideline on the food allowance for Prison Police officers, as required under DCM No. 920, dated 25.11.2020¹⁸ (repealed by DCM No. 423, dated 26.06.2024). Despite ongoing correspondence, the allowance has yet to be approved by joint instruction of the Ministry of Justice and the Ministry of Health.
- Regarding respect for the rights of persons deprived of liberty and improvement of State Police work:
 - Recommendation to the General Directorate of Prisons to take measures to revise the relevant normative acts to allow prisoners held in facilities far from their family residence to receive postal packages from their relatives.
 - Recommendation to the General Directorate of Prisons to adopt clear rules and procedures for the treatment of prisoners during transport to court hearings, including the provision of a meal and drinking water for both detainees and escorting staff.
 - Conduct an administrative investigation (initiated ex officio) regarding the allocation of specialization quotas for doctors serving in the penitentiary system provided they agree to serve in the system following their specialization. The persistent shortage of medical staff in prisons remains a serious concern. In November 2024, a formal request for information was sent to the Ministry of Justice and the General Directorate of Prisons; a response is still pending.
 - Recommendation to the High Judicial Council, the Ministry of Justice, the

General Directorate of Prisons, and the Institute of Forensic Medicine to:

- Take measures for issuing and distributing a sub-legal administrative act to first-instance courts of general jurisdiction reminding them of their legal obligation to review, within the deadline set by Article 46 of the Penal Code, decisions concerning compulsory outpatient treatment and compulsory treatment in a medical institution, and to send these decisions promptly to the respective IEPD.
- Establish a database or special registry to manage judicial decisions related to compulsory outpatient and inpatient medical treatments.
- Design and submit for adoption a special procedure to regulate the timeline and process for conducting forensic psychiatric evaluations by the Institute of Forensic Medicine, in order to avoid delays in adjudicating requests for the revocation of medical security measures.
- Recommendation to the Ministry of State for Local Governance and Ministry of Interior to expedite the establishment of Local Public Safety Councils at the grassroots level of LGUs, as well as the National Council for Community Safety at the central level.
- Recommendation to the General Directorate of State Police and Korçë Local Police Directorate to ensure all police structures take measures to secure crime scenes, conduct regular inspections of public/private entities with legal obligations for enhanced public safety, and equip Command Centers with digital systems for recording emergency calls.
- Recommendation to Tirana Local Police Directorate and Tirana Traffic Police Station to review the legal violation

¹⁷ No response yet from the General Prisons Directorate

¹⁸ Decision of the Council of Ministers no. 920, dated 25.11.2020, "On the treatment with salary and salary supplements and on the procedure for financial compensation during the period of employment of prison police officers."

committed by judicial police officer A.S. and provide training to judicial police officers on the rights and procedural safeguards of minors in conflict with the law, victims, and/or witnesses, as set out in the Juvenile Criminal Justice Code.

The People's Advocate's cooperation with these institutions aims to enhance recognition of the People's Advocate's role and competencies as defined by national and international legislation, address existing challenges, accelerate progress in human rights in Albania, and foster joint and innovative efforts by taking concrete steps to guarantee human rights for all citizens.

Accordingly, central institutions such as the Ministry of Justice, Ministry of Defense, and Ministry of Interior have been requested to coordinate activities related to:

- Organizing high-level leadership meetings between the two institutions to establish expert communication channels for drafting curricula in educational and university institutions under their jurisdiction with a dedicated chapter on human rights topics;
- Conducting open lectures with students and staff to promote the People's Advocate's role and increase awareness of the legislative framework underpinning its institutional activities;
- Organizing "Open Days," actively participating in joint trainings and seminars to further strengthen the proactive role and raise awareness among leaders and employees at all levels of central institutions for the effective implementation of People's Advocate recommendations;
- Providing real-time updates on international developments in human rights;
- Identifying and addressing pending obligations for Albania as issued by international and regional institutions.

Within its proactive role in protecting and promoting prisoners' rights, besides inspections carried out by the National Mechanism for the Prevention of Torture (NMPT), the People's

Advocate's institution conducted 15 thematic inspections in IEPDs nationwide to verify the implementation of DCM No. 602, dated 13.10.2021, "On determining special rules for the employment of prisoners, relevant working conditions, working hours, and remuneration."

Moreover, 12 "Open Days" were organized in IEPDs to promote the People's Advocate's role and functions and to receive complaints from prisoners serving sentences in penitentiary institutions.

Through the NMPT, the People's Advocate has continued cooperation with the General Directorate of Police and General Directorate of Prisons to ensure timely and quality implementation of recommendations and guarantee the rights of citizens deprived of liberty through awareness and training of State Police and IEPD personnel.

In 2024, a key point in the sub-recommendations for each inspected institution concerned:

- The General Directorate of Prisons enhancing the professional capacity of the psychosocial service through provision of training aimed at improving the quality of individual and group counseling services for prisoners.
- The General Directorate of State Police organizing training for police officers serving in information offices and security rooms.

Following cooperation with the State Police, it was reported that training sessions have started with police officers holding the rank of "First Inspector" regarding the knowledge and application of Articles 7, 9/f, 19, 22, 25, and 26 of the new Law No. 82/2024 "On the State Police," the standard procedure "Rules for handling citizens detained in police premises," approved by the General Director's Order No. 894, dated 19.07.2022, and the standard procedure "Handling and securing arrested/detained persons in police premises, recording and resolving their requests/complaints," approved by Order No. 1720, dated 20.11.2023.

In 2024, 42 police commissariats, including 12 local directorates nationwide, were inspected,

along with 20 Institutions of Execution of Penal Decisions. For all inspections, the People's Advocate, through the NMPT, issued 78 recommendations and 7 additional recommendations were issued relative to complaints or cases initiated ex officio.

All recommendations to relevant institutions have been accepted and partially implemented. Correspondence with institutions indicates that incomplete implementation is mainly due to lack of budgetary funds, however for some of them funding is already planned. The People's Advocate will continue to follow up on the implementation of these recommendations.

Recommendation 8: Continue nationwide inspections and awareness sessions by the Section for Protection and Promotion of Child Rights to ensure the protection and fulfilment of children's rights

As emphasized in the response provided under Recommendation 6 (above), the People's Advocate, through the Section for the Protection of Children's Rights, conducted eight (8) inspections/monitorings in special schools across the country where children with disabilities are taught, specifically in Tirana, Durrës, Korçë, Shkodër, Vlorë, and Elbasan. In addition, promotional and awareness-raising activities were carried out to protect and ensure children's rights. Based on the findings from these inspections, relevant recommendations were formulated and addressed to public authorities at both central and local levels, with the objective of guaranteeing the right of children with disabilities to education, grounded in the best interests of the child, in accordance with Articles 18 and 28 of the Convention on the Rights of the Child, as well as Law No. 18/2017 "On the Rights and Protection of the Child," and within the framework of achieving the Sustainable Development Goals related to education in Albania.

Increased attention was devoted during this period to monitoring Community Centers providing daily services for children in need and those with disabilities. The monitoring aimed to coordinate efforts between professionals in the

field and the People's Advocate in addressing challenges and facilitating the social inclusion of these children. During visits, representatives of the People's Advocate presented the institutional approach to identifying and addressing violations, as well as sharing best practices to strengthen the institution's role as a child protection partner.

As a legal member of the National Council for the Rights and Protection of the Child, the People's Advocate played an active role in drafting the Action Plan for implementing the recommendations of the Convention on the Rights of the Child (CRC). Meetings and discussions were held with the Ministry of Health and Social Protection on the role of independent institutions in monitoring and implementing the plan, and on opportunities for collaboration with relevant actors.

As part of these efforts, 34 recommendations were submitted to public administration bodies to improve the treatment of children and ensure the protection of their rights, in line with their best interests.

Recommendation 9: Include in annual and periodic reports the level of implementation of EU Progress Report recommendations addressed to the People's Advocate, in line with Decision No. 134/2018, "On the approval of the annual and periodic monitoring manual"

In the annual or periodic reports of the People's Advocate institution, the recommendations of the EU Report on Albania are consistently referenced and considered highly important in the context of fulfilling the institution's constitutional mandate for the protection and promotion of human rights. The Decision of the Albanian Parliament no. 134/2018, "On the adoption of the manual for annual and periodic monitoring," in relation to the content of the annual report of the monitored institution, under point 3 (ç), stipulates that the report must also include a "*dedicated section explaining the recommendations of the EU Progress Report on Albania*" and the extent to which these recommendations have been fulfilled by the institution under monitoring, if the progress report contains recommendations to be implemented by that institution." In this regard, it

should be emphasized that the content of the EU Report recommendations is not directly related to their implementation by the People's Advocate institution, but rather by other public institutions. Specifically, referring to the 2023 European Commission Report on Albania or the 2024 Rule of Law Report, the recommendations identified pertain to:

- Strengthening the People's Advocate's human and financial capacities;
- Improved implementation of its recommendations by public authorities;
- Amendment of the Law "On the People's Advocate" (Article 28).

The implementation of these recommendations depends primarily on other institutions—such as the Parliament, Ministry of Finance, and Ministry of State for Public Administration—although the People's Advocate plays a supportive role through advocacy and institutional dialogue.

This is the reason why the People's Advocate institution proposed the inclusion of concrete measures in the Rule of Law Roadmap aimed at enhancing the implementation of its recommendations by public institutions—a proposal that was accepted. Among other elements, the proposal included the establishment of contact points within state administration institutions to coordinate the implementation of the recommendations issued by the People's Advocate, as well as the improvement of the inter-institutional mechanism for the systematic monitoring of the follow-up and implementation of recommendations issued by independent constitutional bodies and those established by law. Additionally, the inclusion of measures aimed at strengthening the human and financial capacities of the People's Advocate institution, as well as the amendment of the Law "On the People's Advocate," was also suggested. These proposals are now incorporated into the set of measures outlined in the Rule of Law Roadmap.

However, although the proposals for strengthening institutional capacities were approved by the Committee on Legal Affairs, Public Administration, and Human Rights,

they were not supported by the Committee on Economy and Finance, resulting in their rejection. *The People's Advocate deems it impossible to fully carry out its mandate and maintain a proactive reporting role under the current human resource limitations.*

Nevertheless, the institution will continue, as it has in the past, to include in its annual and periodic reports all provisions required under Decision No. 134/2018 "On the approval of the manual for annual and periodic monitoring."

Recommendation 10: Actively and effectively fulfill its institutional obligations related to reporting within the framework of the European Union integration process

The European Union is founded upon and continuously evolves through a genuine commitment to the protection and promotion of human rights, democracy, and the rule of law. Guaranteeing fundamental rights is one of the core principles of the Union. Human rights have significantly advanced thanks to the interpretations of the European Court of Justice and the unique documents addressing these issues.

The institution of the People's Advocate, as a key actor within the national human rights protection system, has highly valued the European integration process by cooperating with all state structures responsible for monitoring and implementing the relevant obligations. Through providing meaningful contributions, the People's Advocate plays an important role in respecting human rights and strengthening the rule of law.

According to Prime Minister's Order No. 94 prot., dated May 20, 2019, "On the establishment, composition, and functioning of inter-institutional working groups for European integration," as amended, the PA institution continues to contribute to this process by participating in various EU-Albania format meetings and by submitting contributions through the Inter-Institutional Working Groups (IIWGs) established to cover the *acquis* chapters. Notably, the People's Advocate has been actively engaged in Chapter 23, which covers areas under the general umbrella of the Judiciary and Fundamental Rights. Chapter 23

is essential in the pre-accession efforts and holds particular importance during the membership negotiations, where strict conditions and specific stages are set alongside monitoring by the European Union. The People's Advocate has also provided participation and concrete contributions for Chapter 19 (Social Policies and Employment).

The People's Advocate has contributed to the drafting of the National Program for EU Accession (NPEA) 2024–2030, the National Plan for European Integration (NIEPD) 2024–2026, the Rule of Law Roadmap, and to the continuous preparation of the Albanian Government's inputs for the European Commission's reports on Albania.

It is also worth highlighting the participation of the People's Advocate, Ms. Erinda Ballanca, in the high-level roundtable held at the European Parliament on 20 February 2024 in Brussels, where National Human Rights Institutions were invited to discuss, alongside EU parliamentarians, issues focused on strengthening the rule of law, democracy, and human rights in enlargement countries. At this roundtable, a particularly positive development was shared regarding the "Rule of Law Report" in EU member states, which serves as a tool for monitoring and assessing the respect for the rule of law across the Union. Notably, this report also includes potential EU candidate countries—such as Albania, North Macedonia, Montenegro, and Serbia—on the same footing as EU member states. The inclusion of enlargement countries in the report reflects the European Union's commitment to supporting candidate countries on their path toward membership and ensuring that they uphold the standards and values required by the EU for integration.

During discussions at this high-level roundtable, Ms. Ballanca shared her views and concrete experiences regarding the rule of law in Albania, while also providing details about the work of the institution she leads—as an independent guarantor and protector of the rule of law in the country. The People's Advocate also highlighted the challenges faced in this crucial process. Referring to the role of National Human Rights Institutions (NHRIs) as

key actors in identifying rule of law deficiencies, the roundtable reached agreement on shaping a new vision and partnership between the European Union and NHRIs.

At the 14th meeting of the European Union–Albania Subcommittee on "Justice, Freedom, and Security," and during bilateral meetings with several institutions as part of the preparation process for the 2024 EU Rule of Law Report for candidate countries in the region (Albania, Montenegro, Serbia, North Macedonia), held on 20–21 March 2024 in Brussels, Belgium, the People's Advocate institution was represented by Ms. Erinda Ballanca. Albania, along with the other candidate countries, was invited for the first time to contribute directly to the drafting process of the EU Rule of Law Report.

The European Commission provided a list of institutions that would participate in bilateral meetings within the framework of this report-drafting process, among which was the People's Advocate, under the pillar "Checks and Balances."

Meanwhile, the People's Advocate has continued to actively participate in the meetings and reporting sessions organized by the National Council for European Integration (NCEI), the highest national advisory body on European integration, operating under the Albanian Parliament. The purpose of this engagement is to promote and ensure inclusive cooperation among political forces, public institutions, and civil society, as well as to enhance transparency in decision-making on integration matters.

As previously addressed, the People's Advocate is objectively constrained in continuously fulfilling this duty at the expected level. For years, the institution has requested the strengthening of its human resource capacities, particularly to establish a dedicated subsection for reporting to UN bodies and EU institutions. However, this request has not yet been approved by the Ministry of Finance and the Parliamentary Committee on Economy and Finance.

CHAPTER III

ASSESSMENT OF HUMAN RIGHTS COMPLIANCE BY THE PUBLIC ADMINISTRATION

3.1 Summary of the Activities of the People's Advocate Sections in 2024

3.1.1. Activity of the Section on Police, Secret Service, Prisons, Armed Forces and the Judiciary¹

The Section on Police, Secret Service, Prisons, Armed Forces, and the Judiciary had a particularly active year, both in fulfilling its core mandate—addressing citizens' complaints against law enforcement agencies—and in conducting thematic inspections in correctional institutions. It also organized meetings with key stakeholder groups, primarily with individuals in detention, to receive and address complaints directly related to their concerns. The primary objective of both complaint handling and thematic inspections was to identify systemic or individual issues affecting the protection of fundamental rights and freedoms, particularly in response to unlawful actions or omissions by law enforcement bodies. The People's Advocate Institution responded promptly by addressing these issues and issuing relevant recommendations for their resolution. Although complaints were typically individual in nature, the recommendations issued were often general, aiming to improve practices across police bodies at both central

and local levels, penitentiary institutions, armed forces units, the judiciary, and other relevant authorities. Notably, positive outcomes were frequently achieved through mediation, with many complaints resolved in favor of citizens. The implementation of the People's Advocate's recommendations has generally been met with a constructive response from state institutions, which have taken administrative and regulatory measures to enhance the effectiveness of their law enforcement bodies.

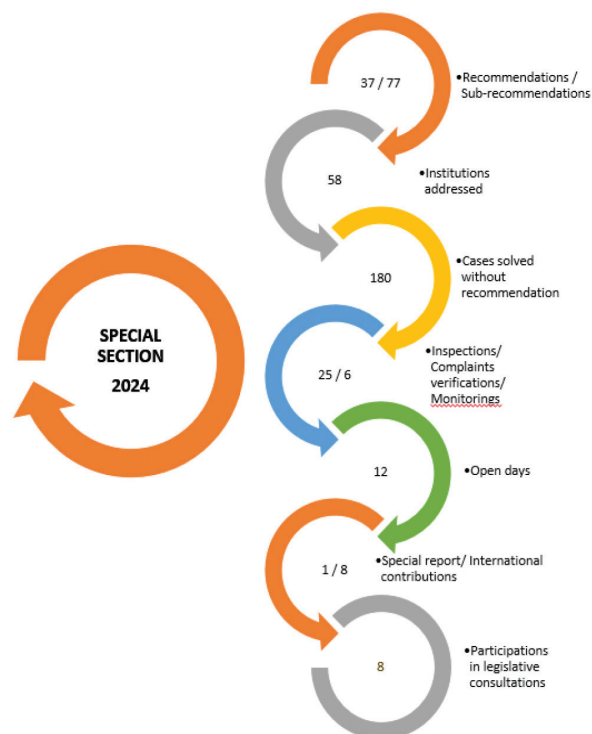
In 2024, the Section processed 470 cases (including complaints and ex officio cases),² with administrative investigations either completed or ongoing. Of these, 57% were resolved in favor of citizens through mediation with public institutions. In 37 cases, human rights violations were identified, prompting the issuance of recommendations to the respective authorities to restore the violated rights or to amend relevant legislative, sublegal, or administrative acts when these were found to be the root causes of the violations. Recommendations were addressed to 58 law enforcement institutions within the public administration, and for informational purposes, to 9 additional bodies. In total, 77 sub-recommendations were issued for implementation by the relevant entities.

¹ The activities of this Section encompass areas related to:

- rights of persons deprived of their liberty;
- respect for human rights by the State Police;
- respect for human rights by the Prosecution Office;
- right to a fair trial within the judicial system;
- access to free legal aid;
- rights of former convicts and individuals persecuted under the communist regime.

² The complaints, categorized by the areas of activity of this Section, were as follows: Prisons – 151; Police – 88; Prosecution – 75; Judiciary – 146; Formerly convicted and politically persecuted individuals – 10; Free legal aid, counseling, and guidance on the legal avenues available to complainants/applicants – 5,800 cases.

Section on Police, Secret Service, Prisons, Armed Forces, and the Judiciary in Figures



The primary focus of the work carried out by the institution of the People's Advocate has been the *protection and guarantee of the rights of persons deprived of liberty*, due to the legally mandated segregation and restriction of certain rights of prisoners compared to the rest of society. Some of the concerns or complaints submitted by prisoners to the People's Advocate's institution include: inadequate healthcare treatment, unjust transfers of convicts from one penitentiary institution to another, refusal of requests to be transferred to penitentiaries closer to their family residences, denial of requests to benefit from Law No. 33/2024 "On Granting Amnesty," restrictions on receiving postal packages from family members, poor condition of prisoner transport vehicles, abuse of the right to information, and unreasoned court decisions, among others.

Additionally, this Section has focused on addressing and conducting administrative investigations of complaints submitted by employees of penitentiary institutions. The work and contribution of penitentiary staff in managing the penitentiary system are to be positively

acknowledged, as they maintain direct contact with persons deprived of liberty and face numerous daily challenges.

Another area covered by complaints and ex officio cases administered and handled by the People's Advocate's institution relates to citizens' grievances against local authorities and State Police officers. The scope of complaints and ex officio cases has been diverse, including documented cases of failure to issue or deliver official records for actions performed by police officers, illegal detentions or prolonged custody beyond legal limits, unlawful arrests or detentions, failure to record the actual time of arrest in reports for persons apprehended in flagrante delicto, physical or psychological mistreatment during custody or questioning by police, failure of police to notify family members of detainees or to allow detainees to communicate with their families by phone, unethical conduct by police officers during communication, inadequate detention conditions, failure to receive, administer, or pursue complaints or reports made by citizens, violations of freedom of movement outside the country, infringements of trade union rights, failure to ensure the presence of a psychologist during procedural actions involving minors, unlawful administrative measures imposed by traffic police officers, or failure to notify those measures according to the Road Traffic Code provisions, among others.

In 2024, there was a significant increase in complaints from citizens regarding the functioning of the judicial system. Despite the independence of the judiciary and the limited legal powers of the People's Advocate's institution in this area, as regards the effectiveness of judicial protection, reviews by People's Advocate have revealed significant delays in judicial procedures (court hearings, delays in reasoning court decisions, enforcement of national court rulings, as well as delays or failure to publish decisions).

In the criminal field, delays in judicial procedures have openly violated the rights of convicted or detained persons to benefit from Law No. 33/2024 "On Granting Amnesty." Due to judges' heavy caseloads and the shortage of judges following the justice reform, numerous

cases showed extensive delays in the reasoning of judicial decisions thereby infringing on prisoners' right to timely justice, indefinite pretrial detention (because of the decision not taking final form due to the absence of a reasoned ruling), and delays in exercising the right of appeal or cassation before the High Court.

Regarding citizens' concerns and problems currently affecting the judicial system, the People's Advocate sent several recommendations to the newly established governance bodies of the justice system, as well as to high-level state decision-making institutions. These recommendations highlight the urgent need for support with adequate human resources and financial backing to invest in improving judges' infrastructure and working conditions, with the aim of delivering timely justice in accordance with international standards and domestic legislation.

This Section's activity has also included verifying issues raised by citizens in *complaints against the prosecution authority*. Investigations revealed unjustified delays in criminal investigations, which infringed upon the right to a fair legal process; failure to provide information and refusal to allow parties' access to investigation files, violating the right to information and equality of arms in a fair process; breaches of deadlines and procedures in executing criminal rulings, infringing on the rights and freedoms of convicted persons; Failure to register the accused in the criminal proceedings register, based on a filed complaint, resulting in breaches of investigation deadlines and the right to a timely and fair trial.

Regarding the *protection and promotion of the rights of former convicts and victims persecuted under the communist regime*, the PA institution has addressed recommendations to state institutions concerning unresolved issues, mainly due to insufficient funds.

An unresolved issue remains the search, recovery, and identification of individuals executed during the communist regime whose burial sites are still unknown. Despite legitimate concerns raised by the families and descendants

of the disappeared, and the organization of several discussion forums to highlight these concerns, no concrete steps have yet been taken to advance the process.

3.1.2. Activities of the Section of the National Preventive Mechanism Against Torture, Inhuman or Degrading Treatment or Punishment³

The People's Advocate, through the National Preventive Mechanism against Torture, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the National Preventive Mechanism – NPM)⁴, continued during 2024 to fulfill its functional duties as defined in the national legislation and international standards.

The NPM conducted 82 inspections during the year, including regular periodic inspections, thematic controls, and monitoring visits to all institutions of deprivation of liberty. It also addressed citizens' complaints and issued a number of recommendations. In total, 85 recommendations were made, accompanied by extensive official correspondence aimed at clarifying various issues and phenomena identified during the inspections. The purpose of these visits and inspections was to assess the progress of competent authorities in implementing the NPM's recommendations and to assess observance of the rights of detainees and persons deprived of liberty, which rights are guaranteed by the Constitution of the Republic of Albania, as well as the applicable legal and sublegal acts. In addition, the NPM undertook promotional activities related to human rights, in

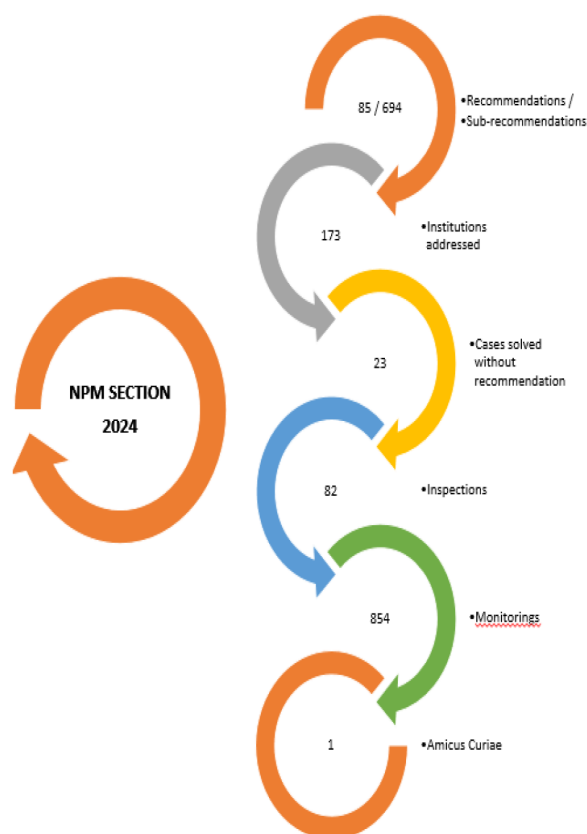
3 The activities of this Section cover areas related to: periodic inspections and monitoring to ensure respect for the human rights of individuals deprived of their liberty in the penitentiary system and police units; the level of respect for the rights of individuals in psychiatric hospitals; the level of respect for foreigners' rights in closed centers, the National Reception Center for Asylum Seekers, as well as the National Reception Center for Victims of Trafficking; the level of respect for rights in nursing homes; independent monitoring of the rights of foreign migrants; and monitoring of operations for the forced return of Albanian nationals residing illegally in EU countries.

4 Article 81 of Law no. 81/2020, "On the rights and treatment of convicted and pre-trial detainees", as well as Articles 30 and 30/1 of Law no. 8454, dated 04.02.1999, "On the People's Advocate," as amended.

cooperation with the Prison Administration and the State Police Directorate.

In 2024, the NPM⁵ handled 32 complaints, of which 14 ex officio and 18 submitted by individuals, mostly concerning the prison system (e.g., lack of medical treatment and medication, inadequate living conditions, absence of activities, and allegations of violence). As a result of its complaints handling, the NPM issued 3 ex officio recommendations and 4 additional recommendations stemming from the investigation of these complaints.

Naal Prevention Mechanism in Figures



In 2024, following inspections carried out in penitentiary institutions, the NPM identified a series of findings concerning inadequate infrastructural conditions in many prison facilities, including residential buildings and shared spaces,

⁵ The NPM also reviews complaints based on Internal Order no. 154, dated 18.10.2021, "On defining the scope of responsibility and specific rights to be covered by the Deputy Commissioners of the sections within the institution of the People's Advocate."

non-functional central heating/cooling systems, lack of basic personal hygiene items, absence of vocational courses, significant shortcomings in providing opportunities for social and cultural activities for inmates, as well as the absence of adequate healthcare staff, medical facilities, and suitable infrastructure. Regarding prison overcrowding, despite the decrease in 2024, issues persist in the pre-detention sectors of several penitentiary institutions.

Inspection of police services also revealed several persistent issues, including the lack of designated rooms for interviewing/questioning detainees in State Police facilities, and the improper handling of probatory evidence by judicial police officers contrary to procedural rules on evidence management.

Additionally, there were instances of failure to meet the legal obligations to construct or adapt detention rooms in line with the required standards (three separate rooms: one for adult men, one for women, and one for minors), or to undertake overall renovation of police station buildings. Other issues include delays in the provision of timely medical services in certain Local Police Directorates (LPD), incomplete or incorrectly maintained medical records and registers, and unsuitable facilities for consultations. Deficiencies were also identified in installing surveillance camera systems in the corridors leading to detention rooms, security areas, and interview rooms in some police stations, as well as documentation irregularities, such as compilation of apprehension reports and filling-in detention registers. The People's Advocate has continuously emphasized that due handling of apprehension and arrest documentation is a legal obligation.

Concerns have consistently been raised about the situation in mental hospitals in Albania. In 2024, through the NPM, inspections were carried out in mental health institutions, calling on central and hospital authorities to implement both national and international acts, in particular, the package of implementing bylaws issued pursuant to Law no. 44/2012 "On Mental Health," as amended.

During 2024, the NPM also assessed the level of respect for elderly rights in Foster Care Facilities. An insufficient number of staff required to provide services in accordance with social care standards was employed in these homes. Furthermore, the existing beds are not adapted to elderly needs with serious mobility issues, posing challenges not only for this category of residents but also for the staff responsible for their care.

With regard to the rights of foreign nationals, the NPM undertook inspections in asylum-seeker centers, including the Closed Centre for Foreigners in Kareç, the National Reception Centre for Asylum Seekers in Babrru (Tirana), and the National Reception Centre for Victims of Trafficking in Linzë. Following these inspections, the People's Advocate issued recommendations to the state administration institutions at both central and local levels.

In 2024, the NPM continued to implement the Cooperation Agreement signed with UNHCR as part of the joint project "Refugees and Asylum Seekers in Southeast Europe," focusing on border control and the protection of refugees in southern Albania (Gjirokastrë, Sarandë, Përmet) and southeastern Albania (Korçë, Devoll, Bilisht). During meetings and monitoring visits with representatives of FRONTEX and the Border and Migration Department, the NPM recommended measures ensuring a humane return that fully respects the fundamental rights of both Albanian and foreign migrants, and the strict observance of EU standards and Albanian law.

Throughout 2024, the NPM cooperated closely with the Network of National Preventive Mechanisms of Southeast Europe, the United Nations Subcommittee on Prevention of Torture (SPT), the Association for the Prevention of Torture (APT), UNHCR, the Council of Europe, as well as various national and international NGOs. These collaborations took the form of joint meetings, conferences, and direct exchanges aimed at sharing experiences and evaluating the needs and tools necessary to protect the rights of persons deprived of liberty.

In 2024, Albania was visited by the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), in accordance with the Optional Protocol to the Convention against Torture (OPCAT). The visit took place from 14 to 20 April 2024 and was pre-announced by the SPT.

The SPT delegation officially began its visit on 14 April and held a working meeting with the NPM on 15 April. This meeting was intended to enable the SPT to engage more substantively with the NPM and to discuss its working methods, visit schedule, reports, and preventive activities. Representatives of the SPT, together with the People's Advocate, the Commissioner, and NPM members, jointly conducted several monitoring visits in institutions of deprivation of liberty. At the end of the visit, a concluding meeting was held, during which the SPT delegation presented its preliminary observations and discussed best practices for torture prevention.

In 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe also conducted a visit to Albania from 4 to 15 May 2023. Throughout 2024, the NPM followed up on the implementation of CPT recommendations regarding the findings made during its visit. Based on this, the NPM developed additional recommendations, highlighting, among other issues, the ongoing need for the implementing the recommendations still pending.

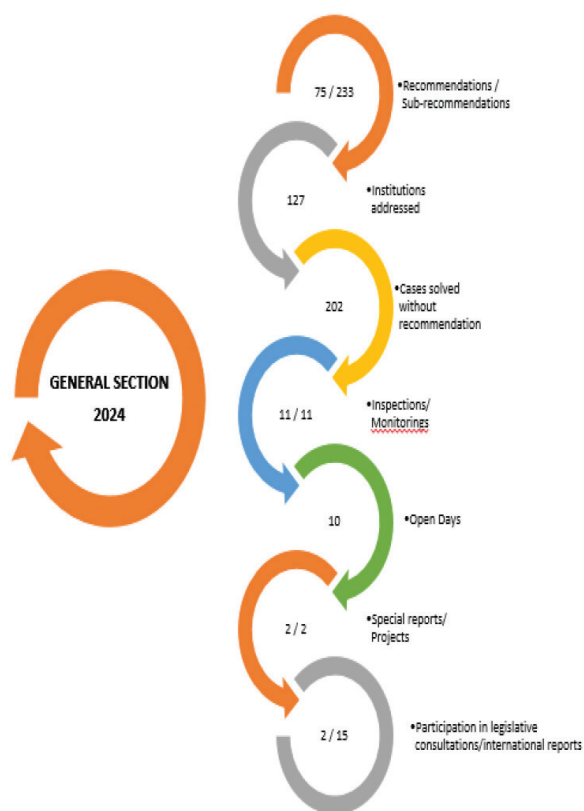
3.1.3. Activity of the General Section⁶

In 2024, the General Section handled a total of 488 cases and issued 75 recommendations in the areas of national minority rights, gender equality and violence against women, environmental protection, social insurance, healthcare, education,

⁶ The activities of this Section include areas related to: the right to education; the right to healthcare; the rights of persons with disabilities; the rights of national minorities; the rights of women and the LGBTIQ+ community; economic assistance and social protection; and the right to a healthy environment.

and social care, protection of human rights defenders, the rights of persons with disabilities, and the rights of LGBTIQ+ individuals. In addition to the above, two special reports were prepared in 2024, focusing respectively on the killing of women and girls/femicide over 2021–2023, and the digitalization of public services.

General Section in Figures



With regard to *the rights of national minorities*, the People's Advocate continued to take steps to protect and promote these rights, with particular attention to the Roma and Egyptian communities. In 2024, a total of 20 cases were reviewed involving various issues, such as the lack of basic infrastructure in areas inhabited by these communities, difficulties in accessing education and healthcare, and absence of registration of individuals in the civil registry—an omission that limits their access to state services. The People's Advocate issued recommendations for improving living conditions in cities such as Kukës, Saranda, Korça, and Durrës, and launched administrative investigations to address the concerns of minority groups. A specific focus was placed on the need

for transparency during the process of registering the population (CENS) and the accurate use of names for national minorities.

In 2024, the People's Advocate also maintained a strong focus on the protection of *women's rights and the fight against gender-based violence*. The key challenges identified included domestic violence, sexual violence, femicide, and a marked increase in cyberviolence. The People's Advocate issued recommendations for improving legislation and services for victims, including emergency shelters and specialized centers. An important development was the establishment of the Femicide Observatory, which monitors and analyzes cases of the killing of women. The Observatory's first report, published in December 2024, highlighted the urgent need for more effective policies and stronger victim protection measures.

The right to a healthy and sustainable environment was another area of attention. Major challenges identified included air pollution exceeding permitted levels, particularly in cities like Tirana and Elbasan; water pollution and noise pollution in residential areas; and waste management issues, including the collection of urban waste and construction debris. In 2024, 42 cases reflecting recurring problems were addressed. The People's Advocate issued recommendations to improve monitoring, implement preventive and corrective measures, and strengthen inter-institutional cooperation. However, the inadequate response of responsible institutions—especially at the local government level—reflected a lack of will to address these issues effectively.

In the area of social insurance, 78 cases were handled in 2024, of which 64 were closed and 14 remained under review. Main issues included miscalculation of pensions, delays in granting pensions, and non-recognition of periods of work history. The People's Advocate took action to inform and guide citizens through the relevant procedures, including judicial recourse where required. One key intervention was the monitoring of the branches of the Albanian Post to ensure citizens received timely information on changes to pension withdrawal affidavits.

With regard to *the right to healthcare*, the main reported problems included shortages of medications in public hospitals, long bureaucratic waiting times, and understaffed regional hospitals. The General Section of the People's Advocate carried out inspections in public hospitals and recommended ways to improve health services. Additionally, the PA staff examined the state of art of autoambulances in public hospitals.

In the field of the *right to education*, findings included the lack of adapted programs for persons with disabilities and noncompliance with laws that provide for reduced tuition fees for students with disabled parents. The People's Advocate issued recommendations to improve education policies and ensure implementation of existing laws.

In 2024, 76 cases related to the *rights of persons with disabilities* (PWDs) were addressed. The main concerns were lack of access to public facilities and non-implementation of employment-related legislation for PWDs. The People's Advocate made recommendations to improve living conditions and services for this group.

In the area of *LGBTIQ+ rights*, the People's Advocate played a key role in 2024 by addressing issues such as discrimination, hate speech, lack of legal recognition of rights to marriage and gender identity.

Cases related to *the right to social care* involved issues such as low levels of economic assistance and inadequate retirement pensions. The People's Advocate recommended improvements to the social protection system and enforcement of existing legislation.

Throughout 2024, the People's Advocate played a key role in promoting and supporting the adoption of a minimum subsistence level, emphasizing its necessity for ensuring the right to a dignified life for all citizens. In public appearances, both in the media and in formal reports to the Albanian Parliament, the institution stressed that its recommendations should not be viewed merely as bureaucratic documents, but as the voice of those most in need of protection and social justice. It called for these recommendations

to be followed responsibly, as an expression of societal commitment to building a fairer and more inclusive future. The People's Advocate emphasized that the lack of a legally defined minimum subsistence level is not a technical issue, but a matter of political will and budgetary priorities.

The institution repeatedly raised the concern that human rights cannot be meaningfully upheld unless the state guarantees minimum conditions for a dignified life—such as access to food, housing, and basic services. Maintaining a clear and consistent stance, the People's Advocate advocated for the legal adoption of the minimum subsistence level, calling it a fundamental standard that should underpin all social protection schemes, including economic aid and pensions. It warned that without this essential step, promises to guarantee human rights vis-à-vis the reality of people's daily lives will continue to be like the two sides of the coin which rarely match. In all interviews and reports during the year, the People's Advocate reaffirmed its institutional commitment to fighting social injustice and advancing human rights protection in line with European principles and standards.⁷

The People's Advocate plays a key role in supporting and protecting Human Rights Defenders (HRDs), particularly those working with marginalized groups. This is done by cooperating with international organizations and organizing awareness-raising activities. Although there is no specific law dedicated to the protection of HRDs, Albania is actively working to ensure a safe and enabling environment for them. This includes engaging in the EU integration process and improving cooperation between the public sector and civil society.

⁷ The public appearances of the People's Advocate during the reporting year in the media can be found on the web, on Facebook, as well as on the official website of the People's Advocate. Some of them are available at:

<https://www.tpz.al/aktualitet/avokatja-e-popullit-ja-sa-duhet-te-jete-minimumi-jetik-ne-shqiperi-pe-i257091>; <https://scantv.al/sa-duhet-te-jete-minimumi-jetik-ne-shqiperi-avokatja-e-popullit-210-mije-leke-per-plotesimin-e-nevojave-baze>; <https://www.balkanweb.com/vilma-shurdha-minimumi-jetik-sot-ne-shqiperi-do-te-ishte-21-mije-leke-ne-muaj-per-person/#gsc.tab=0>

3.1.4. *Activities of the Section for Central Administration, Local Government, and Third Parties Acting on Their Behalf*⁸

In 2024, this Section monitored the respect for several fundamental human rights, including property rights, housing, local government-related rights, enforcement of civil and administrative court decisions, labor relations, consumer protection, access to public services, the right to information, and, to some extent, the right to a healthy environment. From the total of 523 cases handled by this Section—both complaints and cases initiated ex officio for which administrative investigations were completed—69 recommendations were prepared and submitted.⁹

The bulk of this Section's work related to *property rights*, including ownership disputes, enforcement of administrative or final court decisions, compliance with due legal process, and housing of persons affected by natural disasters.

The highest number of citizen complaints involved violations of property rights, particularly actions or inactions by the State Cadastre Agency (ASHK) and its local branches. A total of 149 complaints¹⁰ were filed against ASHK's local directorates, reflecting a consistently high number. The same issues have been repeatedly identified year after year. Specifically, the failure to review self-declarations submitted over the years for informal constructions remains unresolved, along with persistent delays in delivering prepaid services requested by citizens.

The prolongation of the property compensation

8 The activities of this Section include areas related to: the enforcement of civil and administrative court decisions; the respect for property rights and the legalization of informal constructions; the regulation of labor relations and the right to due process in administrative procedures; consumer protection; and the respect for rights related to local government.

9 During this reporting year, 11 cases falling within the areas covered by this Section were handled by Deputy Commissioners from other sections, due to a high volume of cases and the fact that the Section was without a Commissioner from September 2022 until April 2024.

10 These complaints account for 8.16% of the total number of complaints handled by the institution, and 28.4% of the total number of complaints addressed by the Section concerning central administration bodies, local government, and third parties acting on their behalf.

process for former owners, in one of the forms provided by Law no. 133/2015 “On the Treatment of Property and the Completion of the Process of Property Compensation,” as amended, continues to be a problematic issue. Based on complaints received against the Agency for the Treatment of Property, it has been found that the financial compensation process remained significantly slow throughout 2024. Another major concern is that the compensated subjects are not able to receive the corresponding financial compensation. As a result of this situation, the deadline for the execution of payments for all final decisions recognizing the right to compensation—set to conclude within 10 years from the entry into force of the law—is at serious risk of not being met.

As evidenced in the content of this annual report, *the legalization process of informal constructions*, at the current pace and despite several legal amendments over the years since its initiation, remains without a clear timeline for its completion. The failure to resolve this issue has led to economic, social, and legal problems, due to the failure to respect legal deadlines for the conclusion of an administrative procedure, thereby resulting in violations of human rights.

Other problematic issues identified through the administrative investigations of this Section include the *failure to comply with public expropriation procedures*. This is due to the fact that, based on complaints submitted to the People's Advocate in 2024, several cases were identified where public investment projects were implemented on privately owned immovable properties, without initiating the required legal expropriation procedures for the complainants, who were lawful property owners.

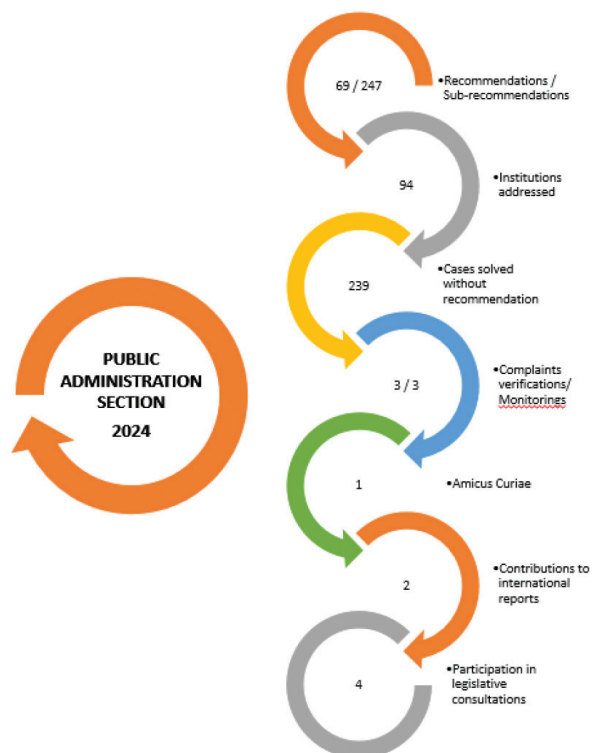
During this year, this Section also reviewed the *activities of the Territorial Protection Inspectorates at the local government units and the National Territorial Protection Inspectorate*, in light of complaints submitted against these bodies for failure to implement legislation in the field of territorial development. The administrative investigations revealed a lack of effectiveness in the performance of these public bodies in carrying out their legal functions.

The *right to housing* has also remained one of the pressing social issues addressed by this Section, particularly in the context of inclusion in social programs. The main problems identified in this area relate to the lack of transparency during the implementation of legal procedures concerning services offered by local government units.

Throughout 2024, this Section also addressed issues concerning:

- infrastructure and public services, including matters relating to the construction, rehabilitation, and maintenance of local roads; road signage; lighting of public spaces; local public transport; collection, removal, and treatment of waste; construction, rehabilitation, and maintenance of housing; provision and treatment of drinking water; and the management of wastewater and stormwater;
- the regulation of labor relations and the respect for the right to due legal process in administrative procedures;

Section on Central and Local Government and Third Parties Acting on Their Behalf in Figures



- consumer protection, mainly in relation to the supply of drinking water and electricity;
- and the right to a fair trial.

These issues will be addressed in greater detail in the following.

3.1.5 Activity of the Children's Section¹¹

The priority of work in 2024 was the protection and realization of the rights of children and future generations, with a focus on their dignified living and well-being, free from violence and bullying, poverty and exclusion, while receiving the necessary health care services. Issues related to the protection, guarantee, and promotion of children's rights, the prioritization of the best interests of the child, as well as the identification of achievements and challenges in child protection, have continued to be the core mission of the People's Advocate institution.

The year 2024 marked the 35th anniversary of the adoption of the United Nations Convention on the Rights of the Child (CRC), which serves as a guiding framework for action and advocacy. It reminds us that the protection of children's rights is everyone's responsibility and duty, and that ensuring that their voices are heard is essential to develop and empower children for their future. Despite progress, the most vulnerable children remain those from Roma and Egyptian communities and rural areas, children with disabilities, social orphans, and others, who require increased financial and social support, learning assistance, psychological care, and increased leisure opportunities.

Planning the necessary financial and human resources, increasing budgets for child services, and child-focused budgeting in general continue to be essential for the realization of children's rights in Albania.

Children's access to information—provided in a child-friendly and age-appropriate manner—regarding their benefits and the necessary safety in the digital environment, as well as the right to

¹¹ Activities of this Section cover issues related to the protection and guarantee of children's rights.

education for children with disabilities, have been key focuses during this year. Despite strategies and improvements in the legal framework, the education system still faces challenges related to limited financial and human resources and school infrastructure. These factors impact the effective fulfillment of the right to education for children according to international standards. Moreover, educating children on the proper use of technology remains an undeniable priority, highlighting the need to strengthen initiatives for prevention and awareness regarding safe internet use.

The People's Advocate, in the context of children's rights, has continued to review complaints and requests concerning children's rights, draft individual, general, and legislative recommendations, as well as conducting inspections (including in special schools nationwide) in order to upgrade public administration performance towards the effective implementation of children's rights.

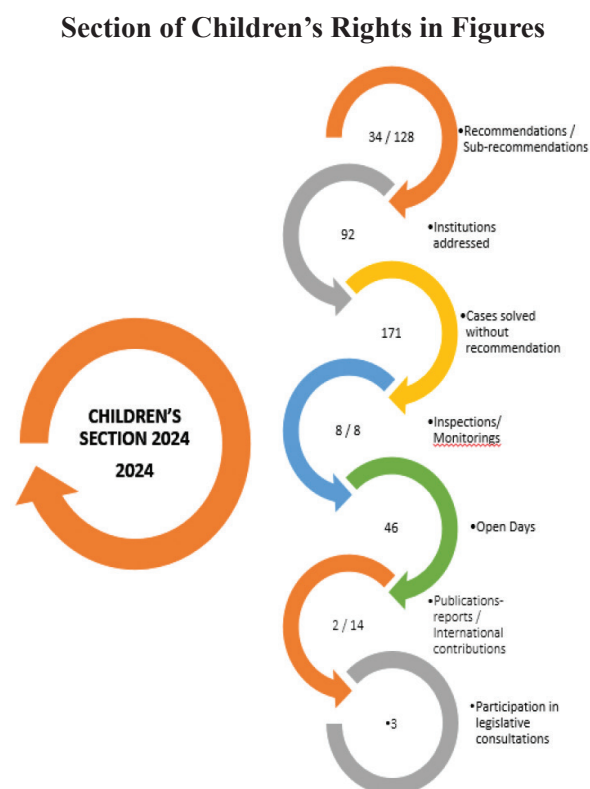
During this year, a total of 212 cases were handled, including 102 ex officio initiatives for the protection of children's rights, and 110 complaints—of which 50 were submitted directly

by children. A total of 34 recommendations were issued to public administration bodies at central and local levels. Among the People's Advocate's recommendations, particular attention was given to obligations related to meeting the Millennium Development Goals for Sustainable Development (MDGs), as well as to the recommendations made by the Geneva Committee on the Rights of the Child in its 2023 Concluding Observations for Albania. In protecting these rights, within the framework of promotional activities and human rights protection, the People's Advocate also conducted awareness campaigns in 2024 targeting students and teaching staff in educational institutions across the country.

3.2 The rights of people deprived of liberty¹²

Albania's social and economic transition brought many changes to the penitentiary system. Reforms in this sector were designed to produce progressive improvement, yet a number of persisting issues requiring the attention of state institutions have been identified. Based on the review of prisoners' complaints and the results of administrative investigations conducted by the PA institution, this section of the report will address and analyze matters concerning the current situation of the Penitentiary Institutions in the Republic of Albania. The goal is to draw the attention of responsible state institutions to the need to coordinate efforts in resolving the challenges faced today by the penitentiary system as a whole, as well as by the prisoners themselves. Shedding light on the conditions and problems of detainees serving sentences in Penitentiary Institutions is crucial under the human rights standards for people deprived of liberty, which make it essential to provide care and support to this segment of society. By identifying and assessing the current status of prisoners, the objective is to improve their conditions and take appropriate measures.

The degree of democratization of a society, the



¹² This area of law is covered by the Section for the Police, Secret Service, Prisons, Armed Forces, and the Judiciary, as well as by the NPM within the institution of the People's Advocate.

freedoms that exist, and respect for human rights are better understood by observing how a state treats those deprived of their liberty and how it administers justice. *“No one truly knows a nation until they have been inside its prisons. A nation should not be judged by how it treats its exemplary citizens, but by how it treats its worst.”*¹³

The Albanian state, with the support of international institutions, has undertaken comprehensive reforms across all sectors to enhance prison services and uphold human rights and freedoms. These reforms have encompassed amendments to legal and sub-legal acts to align with European standards, recruitment and training of personnel, improvements in conditions of detention, and initiatives for social rehabilitation. Since the onset of these reforms, Albania’s penitentiary system has undergone significant development and transformation, particularly in its conception as a public service, in the protection of fundamental human rights, in its engagement with the People’s Advocate and civil society, as well as in expanding accommodation capacities and raising standards for the treatment of prisoners.

In its efforts to demonstrate a clear legal commitment to combating specific unlawful phenomena, the judiciary has often responded with measures that are severe and easily understood by the general public. However, these actions have not always been the most effective or balanced in terms of reinforcing the system or building public trust. As a result of implementing more punitive penal policies centered on incarceration, Albania has, over the past decade, recorded the highest imprisonment rates per capita in Europe. This has led to persistent overcrowding in prisons. In response, the only viable course of action for central authorities has been to address this issue through the adoption of a legislative amnesty initiative.

According to the Council of Europe report published on 26 June 2023, as of 31 January 2022:

- Albania had 176 prisoners per 100,000 inhabitants, ranking 8th in Europe out of 51

¹³ Mandela, N. (1994). *Long Walk to Freedom*. London: Little Brown, 1994. Quoted in Coyle, A. *A Human Rights Approach to Prison Management*. Tirana: Grafon 2005

countries for which statistics were provided;

- 58% of the prison population in Albania consisted of persons not yet convicted by a final decision (pre-trial detainees), ranking 3rd in Europe among the 51 countries reported.

According to data published by the Council of Europe in June 2024¹⁴ for January 2023:

- Albania ranked 8th in Europe for the highest number of prisoners per capita (179 prisoners per 100,000 inhabitants).

Based on the analysis conducted by the People’s Advocate, which confirmed underuse of alternative personal security measures, most European countries have reduced their reliance on pre-trial detention (“arrest in prison”). In contrast, this severe measure remains widely applied in Albania as a solution to numerous criminal and social issues.

The rights of individuals deprived of their liberty have remained a central focus of the People’s Advocate, due to the inherent restrictions and isolation from the rest of society. In 2024, a total of 151 cases—comprising both complaints and ex officio investigations—were administered and processed, involving prisoners and their family members. These cases were addressed through investigative procedures carried out within the framework of administrative inquiries.

The primary issues identified through the reviewed cases include:

- Inadequate medical treatment;
- Unjustified transfers between penitentiary institutions;
- Denial of requests for transfer to facilities closer to family residence;
- Denial of requests for benefits under Law No. 33/2024 “On Granting Amnesty”;
- Restrictions on receiving postal packages from family members;
- Poor conditions during prisoner transport

¹⁴ <https://infogram.com/incarceration-rates-across-europe-in-2023-1hxj48mmv881q2v?live>

due to dysfunctional police vehicles;

- Lack of access to information;
- Non-reasoning of court decisions, among others.

In addition, the People's Advocate has also focused on complaints filed by staff of the penitentiary administration (IEPD employees). As a critical group in daily contact with individuals deprived of liberty, these employees face considerable challenges in their efforts to manage the penitentiary system and implement existing legal and sub-legal provisions.

The institution has continued to follow up with the Ministry of Justice regarding the completion of the sub-legal act regulating secondary and higher education within penitentiary institutions, as stipulated in Article 45, Paragraph 9 of Law No. 81/2020 "On the Rights and Treatment of Prisoners and Pre-trial Detainees." In its most recent response, dated August 2024, the Ministry informed the People's Advocate of the signing of a cooperation agreement, "On the Education of Citizens in Penitentiary Institutions of the Republic of Albania." The implementation of this agreement is still pending verification.¹⁵

Following the entry into force of Law No. 33/2024 "On Granting Amnesty"¹⁶ on 24 April 2024, the People's Advocate actively monitored its implementation. The institution also reviewed General Instruction No. 4, dated 25 April 2024, "On enforcing Law no. 33/2024 'On granting Amnesty'" issued by the Prosecutor General, which defines the duties of prosecutors in applying this law and the responsibilities of prosecution leaders in overseeing its enforcement and reporting to the Prosecutor General. Since the law's enactment, the People's Advocate has addressed numerous complaints from prisoners concerning inability to benefit from the amnesty.

Types of complaints varied, but the majority

¹⁵ Agreement No. 3414/1 Prot., dated 18.06.2024, for the Ministry of Justice, and No. 4137/2 Prot., dated 18.07.2024, for the Ministry of Education and Sports.

¹⁶ Under Article 8 of Law No. 33/2024 "On Granting Amnesty," this law entered into force 15 days after its publication in the Official Gazette. The law was published in Official Gazette No. 61, dated 09.04.2024

were related to:

- delays in issuing reasoned decisions, exceeding the legal deadline, although the decision was announced well before March 31, 2024;
- failure by the prosecutor to issue the order for enforcement of the criminal sentence;
- prolonged delays in judicial procedures concerning combined sentences;
- inability to benefit from Law No. 33/2024 "On Granting Amnesty" due to inaction by judicial authorities within the deadlines provided by the penal legislation and applicable sub-legal acts.

Law No. 33/2024 "On Granting Amnesty" sets criteria for amnesty regarding sentences rendered by a final court decision by March 31, 2024, as well as criteria for amnesty from criminal prosecution for offenses committed until the same date. The law does not specify which institutions are responsible for its implementation. Since practice showed that clarification was needed on the procedures for implementing Law No. 33/2024, the Prosecutor General issued Instruction No. 4, dated April 25, 2024, "On the implementation of Law No. 33/2024 'On Granting Amnesty'" which likewise did not resolve all the cases under the PA review. These cases were sent to the General Prosecutor's Office by letter No. K2/16-5 prot., dated October 30, 2024, and a response is still pending.

People's Advocate Erinda Ballanca with a team of experts, conducted a general inspection at the "Ali Demi" IEPD in Tirana.¹⁷ Among the complaints received, one mentioned by several female prisoners related to the conditions of their transport from the penitentiary to the courts to attend hearings. The prisoners reported poor conditions of vehicles used by the General Directorate of Prisons. They also noted that travel times and waiting periods before and after court sessions are excessively long, and that they are not provided with food or water during this time. At the conclusion of the administrative investigation, the

¹⁷ This institution housed convicted women and girls until 30.06.2024, when they were transferred to the newly operational Pojskë Penitentiary in Pogradec

institution recommended to the General Directorate of Prisons to transport adult and minor females in separate vehicles from those transporting males, in order to preserve their privacy. Also, the PA recommended the provision of meals and drinking water for prisoners during transport, especially if the journey is long or waiting times at the courts are extended. This recommendation also applies to the accompanying staff.¹⁸

The General Directorate of Prisons¹⁹ informed that their fleet consists of 10 prison transport vehicles. Under these conditions, providing separate vehicles for the transport of female prisoners is currently not feasible due to shortage of vehicles. Such a measure would improve the safety and privacy of female prisoners during their transfer from IEPD Pojskë, Pogradec, to the courts where their hearings take place. Until this standard is met, female prisoners are escorted by personnel of the same gender from the security groups and/or operational forces of the General Directorate of Prisons, ensuring respect for their dignity. Furthermore, their privacy during transport is guaranteed, as they are never placed in the same seating area with male prisoners. The women's seating area is separated by metal bars, preventing inappropriate behavior or any possible communication.

Despite the current lack of adequate infrastructure and conditions, the People's Advocate maintains that the General Directorate of Prisons should increase the number of vehicles to enable separate transport of prisoners by gender—men, women, and juveniles—in dedicated vehicles. This measure is necessary to prevent any inappropriate gender-based acts. In light of ongoing improvements to prisoners' rights and treatment, this standard should be enforced as a mandatory obligation for the penitentiary system. The People's Advocate will continue to monitor this issue until full compliance is achieved.

¹⁸ See full recommendation at: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20trajtimin%20e%20te%20burgosurve%20gjate%20shoqerimit%20me%20autoburg.pdf>

¹⁹ Letter no. 1208/1 Prot., dated 26.08.2024

Another issue identified by the People's Advocate concerned complaints from several high-security prisoners at the IEPD in Burrel. They alleged that their transfer from IEPD Burrel to IEPD Korçë was unjustified and that their family-sent parcels were unjustly discontinued. Investigations and institutional responses showed the need to revise normative acts regarding the allowance of receipt of parcels by prisoners. Additionally, prisoner transfers should be used as a last resort for maintaining order and security, with awareness and disciplinary mechanisms prioritized first. Accordingly, relevant recommendations were addressed to the General Directorate of Prisons.²⁰ In response, the Directorate informed that they are working on revising normative acts to enable prisoners far from their family residence to receive postal parcels via postal service, by approving internal regulations of the IEPDs.

Furthermore, during inspections at IEPD Lezhë and other medical institutions²¹ where persons with mental health problems subject to compulsory medical treatment are held, concerns were raised that some inmates continued to be detained despite significant health improvements confirmed by medical staff. Courts did not comply with the legal obligation under Article 46, penultimate paragraph, of the Criminal Code, *which stipulates that the measure is revocable when circumstances cease to exist, and that the court must review the decision one year after its issuance.*

Following the conclusion of the administrative investigation, the People's Advocate recommended to the High Judicial Council, the Ministry of Justice, the General Directorate of Prisons, and the Institute of Forensic Medicine to issue and disseminate a sublegal administrative act to all courts nationwide, reminding them of the legal obligation set forth in the second-to-last paragraph

²⁰ See full PA recommendation at: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20pranimin%20e%20pakove%20postare%20per%20te%20burgosurit%20te%20derguara%20nga%20familjaret.pdf>

²¹ Prison Hospital housing women with mental health issues on "Forced medical treatment in a health-care institution".

of Article 46 of the Criminal Code to review, ex officio, all decisions issued regarding the medical measures of “Compulsory outpatient treatment” and “Compulsory treatment in a medical institution,” as well as to transmit such decisions to the institutions where the respective individuals are being treated. We also recommended the establishment of a database or a dedicated registry to manage judicial decisions related to the medical measures “Compulsory outpatient treatment” and “Compulsory treatment in a medical institution,” as well as the drafting and adoption of a special procedure aimed at improving the current situation. This would regulate the procedure and deadlines for court hearings and the conduct of forensic psychiatric evaluations of the mental condition of these individuals by the Institute of Forensic Medicine, in order to avoid delays in the adjudication of requests for the revocation of medical measures.

During the COVID-19 pandemic, the General Directorate of Prisons and the penitentiary institutions (IEVPs) were placed under considerable strain following the declaration of a state of natural disaster. They were required to strike a delicate balance between implementing additional restrictive measures to prevent the spread of the virus within prisons and continuing to provide services to inmates, in order to avoid increased tensions as a reaction to the restrictive measures—tensions that, combined with the fear of infection, could easily become unmanageable. Although the situation evolved and the pandemic was officially declared over by the World Health Organization, the legal right of convicted prisoners to benefit from compensatory leave was not being implemented by the prison administrations and the General Directorate of Prisons. This was due to Ministerial Order No. 372, dated 11.06.2021, “On the implementation of measures for preventing the spread of the COVID-19 infection in institutions for the execution of criminal decisions,” which, in point 1, letter “e”, had imposed the “suspension of compensatory leave for convicted persons” by the General Directorate of Prisons and the institutions for the execution of criminal judgments. However, the People’s Advocate found that Order No. 372 had been repealed by Ministerial Order No. 133,

dated 07.04.2022. In light of this, the issue²² was brought to the attention of the Ministry of Justice and the General Directorate of Prisons. These institutions responded by informing all penitentiary institutions to begin the assessment and planning for granting compensatory leave to eligible convicted persons in accordance with legal provisions.

The institution has also focused on complaints raised by employees of penitentiary institutions, not only because this category falls within our mandate in terms of the rights they enjoy, but also because their treatment reflects directly on the service they provide to prisoners. In this context, the People’s Advocate has initiated an administrative investigation concerning the financial treatment of Prison Police employees when they are seconded or transferred to perform duties outside their regular workplace or place of residence. Point IV of Decision of the Council of Ministers (DCM) no. 920, dated 23.11.2020, “On salary and additional pay treatment and the procedure of financial compensation during work assignments for Prison Police employees,” provides that Prison Police officers transferred or seconded outside their place of residence are entitled to free food based on the daily nutritional norm approved by a joint instruction of the ministers responsible for the Prison Police and health. If food is not provided, the employee is compensated with a monetary amount equivalent to the nutritional norm. This DCM has now been repealed by DCM no. 423, dated 26.06.2024, which in its Point V maintains the same food provision standards for Prison Police officers as those set in the repealed decision.

Regarding the implementation of this issue, we submitted arguments to the Ministry of Justice and the Ministry of Health and Social Protection for the approval of a joint instruction by both ministries, which would establish the daily food norm for Prison Police employees. Regrettably, despite more than four years having passed since the approval of the DCM that provides for this food

²² Letters No. K2/I15-2 prot., dated 24.05. 2023, No. K2/I15-3 prot., dated 26.09.2023 and No. K2/I15-5 prot., dated 24.01.2024.

treatment, this right has not yet been implemented. This issue will remain a priority for the People's Advocate in the coming year until it is resolved.

Another complaint concerns several Prison Police employees who raised the issue that they have not been paid according to the new rank granted to them in July 2023, when their rank changed from 'Sub-inspector' to 'Inspector'. Law no. 39/2023 "On some additions and amendments to Law no. 80/2020 'On the Prison Police'" introduced several changes to Law no. 80/2020 "On Prison Police". One of the changes was the removal of the 'Sub-inspector' rank. According to point 1, Article 9 (Transitional Provisions), upon the entry into force of this law, Prison Police employees holding the rank of 'Sub-inspector' are granted the rank of 'Inspector'²³. Following the conclusion of the administrative investigation on this matter, it was found that those Prison Police employees who benefited from Law no. 39/2023 and were promoted from 'Sub-inspector' to 'Inspector' were only paid according to the new rank starting May 2024, upon the entry into force of the Prime Minister's Order no. 68, dated 30.04.2024, "On the approval of the structure and staffing of the General Directorate of Prisons and its subordinate institutions," and not from the date of the law's entry into force. The People's Advocate has assessed that the General Directorate of Prisons must implement the changes introduced by Law no. 39/2023 regarding the awarding of the 'Inspector' rank to former 'Sub-inspector' officers, and take the necessary steps to allocate the funds required to compensate these employees at the 'Inspector' pay scale, starting from the date the law came into force until May 2024, when payment based on the new rank actually began.²⁴

Transparency and independent oversight of public authorities are integral parts of any governance system based on the principles of

democracy and the rule of law. This is especially true in the case of monitoring the use of state force against persons deprived of liberty.

Similarly, in 2024, the National Mechanism for the Prevention of Torture (NMPT) handled 18 complaints and cases initiated ex officio related to the prison system. Most of these cases concerned issues such as lack of timely provision of healthcare and medical aid to prisoners, inadequate living conditions, lack of activities, as well as allegations of violence exercised by prison staff, among others. Upon conclusion of the administrative investigations of these cases, the People's Advocate Institution issued 5 recommendations²⁵ to the responsible penitentiary institutions. Some of the most notable cases among these recommendations are:

- A complaint was registered with the People's Advocate by the sentenced citizen G.K., serving his sentence at the Drenovë Penitentiary Institution (IEPD), Korçë. The NMPT's administrative investigation found that timely healthcare services were not provided to the prisoner G.K.
- The People's Advocate initiated the investigation ex officio of a case made public by the media, concerning the Shkodër Penitentiary Institution, where a prisoner reportedly attempted suicide by hanging due to violence used on him by guards of the Reç Prison Police.²⁶ The investigation established that the sentenced person E.P., who suffered from mental health issues, was not guaranteed the right to be placed in the Special Care Section, but was instead kept in observation rooms, in clear violation of applicable legal acts.
- A complaint was received from the sentenced citizen Q.GJ., serving his time at the Peqin Penitentiary Institution, concerning his medical treatment and undue

²³ Law no. 39/2023 was adopted on 8.6.2023 and entered into force 15 days after publication in the Official Journal (no. 95, 27.06.2023).

²⁴ See full recommendation at: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20trajtimin%20me%20pagese%20te%20punonjesve%20te%20policise%20se%20burgjeve%20sipas%20grades%20inspektor.pdf>

²⁵ <https://www.avokatipopullit.gov.al/sq/articles/mechanisms-against-torture/jails/recommendations-towards-the-prison-and-detention-system-2024-1072/>

²⁶ <https://top-channel.tv/video/denoncimi-ne-fiks-fare-djali-im-ne-koma-e-rrahen-gardianet-ne-burgun-e-recit-fiks-fare/>

accommodation in the Special Care Sector. The administrative investigation found that there was a lack of healthcare provision for this individual, and that his accommodation in the Special Care Sector was carried out without medical consultation.

- The People's Advocate initiated an administrative investigation following media reports on May 7, 2024, alleging that violence was used against prisoners in the Peqin Prison. The investigation found that the Operational Forces of the General Directorate of Prisons (GDP) failed to demonstrate ethical and professional conduct in performing their duties, manifested by unjustified use of violence in breach of the General Regulations of Prisons.
- A complaint was received from Mr. I.S., lawyer of the Russian citizen I.K., detained in the pre-trial detention facilities at Reç, Shkodër, alleging that his client was not receiving adequate medical care. The administrative investigation and review of documentation concluded that based on diagnoses, laboratory tests, and therapy, it would have been appropriate for this individual to be treated at the Special Health Institution for Prisoners (I.V.SH.B.) in Tirana. As the Prison Hospital Center is the only institution guaranteeing specialized medical treatment for sentenced persons, pursuant to Article 42 "Healthcare services for special categories," point 10 of Law No. 81/2020 "On the rights and treatment of sentenced and pre-trial detainees,"²⁷ the General Directorate of Prisons should have taken immediate measures to ensure this person's treatment in accordance with the legal provisions

²⁷ The General Directorate of Prisons guarantees the provision of necessary healthcare services within the institutions for the execution of penal decisions. In cases where such services cannot be provided within these institutions, they are ensured through specialized healthcare facilities outside the prison system

3.3 Observance of Human Rights by the State Police and Guard of the Republic²⁸

The State Police has continued reforms in all aspects, both of its structure and functioning, as well as in form and substance, aiming to respond to the changes undergone by the Albanian society as a whole. The police are not merely a hierarchical organization, but also a cultural element of the people itself, reflecting the level of emancipation and development of society. The mission of the Police to maintain public order and safety cannot be fulfilled if, through its actions or omissions, it fails to respect human rights and freedoms. The Police have the responsibility to protect individuals from potential dangers, their lives, as well as the safety and property of every individual, regardless of their ethnic affiliation. The exercise of police responsibilities and the protection of citizens must be carried out in accordance with the principles of equality and non-discrimination, as enshrined by the Constitution of the Republic of Albania.

Special measures that the police are authorized to take in the exercise of their legal duties, such as summons to police stations and bringing citizens to police premises, must not be used by police officers as means of pressure against individuals. Despite the generally non-problematic overall situation, during 2024, the People's Advocate Institution received and processed 117 complaints and cases initiated ex officio, for which administrative investigations were conducted according to the subject matter of the complaints. It is important to note that for 12 cases, evident violations of human rights were found and referred to the competent law enforcement bodies of the public administration through recommendations for implementation.

In exercising its mandate, the People's Advocate has conducted on-site verifications based on citizens' complaints and has also initiated several cases ex officio regarding structures and personnel of the Ministry of Interior and the State Police for violations of citizens' legal rights. The main issues addressed, which constitute the core of the PA work, include:

²⁸ This area of law is covered by the Section for the Police, Secret Service, Prisons, Armed Forces, and the Judiciary within the institution of the People's Advocate.

- Violations of procedures at the moment of arrest, taking in custody, or during interrogation of citizens by police authorities;
- Illegal apprehension or detention beyond the lawful time limits;
- Failure to receive, duly record, or pursue complaints or reports filed by citizens;
- Obstruction of free movement of travel abroad;
- Obstruction of the activity of the Union of the Republic's Guard by the institution's leadership;
- Violation of citizens' right to education at the Security Academy and unfair disqualification of candidates by the same police educational institution;
- Imposition of unfounded and *in absentia* administrative measures by traffic police officers and failure to notify citizens thereof;
- Failure to keep or provide access to official records of actions taken by police officers;
- Violation of legal rights of State Police employees regarding their labor relations and disciplinary procedures, etc.

Meanwhile, based on cases handled by the People's Advocate Institution, the subject of complaints and ex officio cases were more diverse, involving allegations of physical or psychological mistreatment during apprehension or interrogation at police premises, failure of police to notify family members of detainees or allow detainees to communicate with them via their own phones, unethical behavior by police officers during communication, unsuitable conditions in detention facilities, failure to ensure the presence of a psychologist during procedural actions with minors, violation of the right to information, impairment of citizens' right to be admitted to the State Police through subjective reliability verifications, violation of the right to education, unfair exclusion from the State Police, violations of rights of foreign nationals in Albania, and others.

Instances of violation of constitutional and legal rights of citizens by unlawful acts or omissions of police officers result in damaging the image and reputation of the State Police, as well as the public trust in this body of the public administration. It must be noted that increasing public trust in the State Police is directly linked to the improvement of the agency's performance in fulfilling its legal mission, as foreseen in Article 4 of Law No. 82/2024 "On the State Police," namely the maintenance of order and public safety, prevention of and fight against crime, ensuring the enforcement of the law, protection of life and property, and respect for human rights and freedoms in accordance with the Constitution, international acts ratified by the Republic of Albania, and the legislation in force.

Within the framework of reviewing complaints and conducting administrative investigations, the People's Advocate Institution, besides mediating the resolution of certain complaints with this public body,²⁹ addressed several recommendations to the State Police structures and the Ministry of Interior. Below are some of the most broad-spectrum recommendations³⁰ according to the impaired rights.

3.3.1. The rights of citizens to free movement

The right of every person to move freely within their own country and to leave and return from any country, including their own, is one of the fundamental universal human rights.³¹ Several complaints were submitted to the People's Advocate Institution by citizens who alleged that they were prevented by the Border and Migration Police from leaving the territory of the Republic of Albania. Upon review, it was found that according to police structures, the prevention of the complainants from leaving the country was related to their failure to meet the

²⁹ 35% of complaints were solved in favour of the complainants

³⁰ See: <https://www.avokatipopullit.gov.al/sq/articles/special-issues/police/recommendations-for-violation-by-state-police-structures-2024-1073/>

³¹ Guaranteed by Article 38 of the Constitution of the Republic of Albania, Article 13 of the Universal Declaration of Human Rights, and Article 2 of Protocol No. 4 of the ECHR.

relevant criteria provided in Law No. 71/2016 “On Border Control,” as amended. However, from the administrative investigation carried out by the People’s Advocate staff, there were also cases where the legal impediments claimed by State Police officers were unfounded.

One case resolved in favor of the complainant is that of citizen A.J., who reported that the Special First Instance Court against Corruption and Organized Crime had imposed a personal security measure on him: ‘Obligation to Report to the Judicial Police,’ under Article 234 of the Code of Criminal Procedure. On April 23, 2024, he presented himself at the Rinas Airport Border Crossing Point with the intention of traveling abroad to participate in a seminar organized by UEFA aimed at training referee observers, scheduled for April 23-25, 2024. The Border Police officers denied him exit from the territory of the Republic of Albania, arguing that the TIMS system showed a personal security measure ‘Obligation to Report to the Judicial Police.’ From the administrative investigation and review of the documentation administered by the People’s Advocate Institution, it was found that the reason for denying the complainant permission to leave the country was not provided for in Law No. 71/2016 “On Border Control,” as amended, which is the primary normative act regulating the activity of the Border and Migration Police, specifically Article 6 entitled “Competences of the Border and Migration Police at the border.” The Court had imposed only a restrictive personal security measure ‘Obligation to Report to the Judicial Police’ on the complainant and had not imposed any other security measure such as ‘Prohibition to Leave the Country’ or any restriction on leaving the country. Therefore, the Rinas Border Police Commissariat, the Tirana Regional Border and Migration Directorate, and the Department for Border and Migration were recommended to:³²

- Annul the administrative act, ‘Refusal of Exit from the Republic of Albania,’ dated April 23, 2024, against citizen A.J.,

and allow him to freely exit the country; delete the related note in the TIMS system concerning the notification at the border for the person under investigation A.J.; thoroughly analyze this case, establishing responsibilities, and imposing disciplinary sanctions on the police officers who violated the constitutional right of the complainant to freely leave the country.

This recommendation was accepted and implemented.

3.3.2. Constitutional Right to Education

The right of citizens to education is a fundamental constitutional right guaranteed by Article 57 of the Constitution of the Republic of Albania. Meanwhile, the admission of citizens to the Security Academy and the legal criteria for their admission were provided for in Article 38 of the now-repealed Law No. 108/2014 “On the State Police,” as well as in the new Law No. 82/2024 “On the State Police,” which entered into force on August 24, 2024.

Several complaints were submitted to the People’s Advocate Institution by various citizens claiming that they were not qualified to compete in the Security Academy for the study program of ‘General Patrol’ or the first cycle of studies ‘Bachelor’, in the program of ‘Security and Investigation,’ for the academic year 2024–2025, or that they were unfairly disqualified or excluded from this Academy. Upon review, it was found that the non-admission, disqualification, or expulsion of the complainants from the Security Academy had occurred for legal reasons or obstacles related to criteria defined in the implementing legislation. Some did not meet the legal criterion of reliability required to serve as officers of the State Police, or they had violated the obligations established in the internal regulations of the Academy in the case of those expelled.

One such case involved Mr. A.Zh., an officer of the Fier Local Police Directorate (LPD) with the rank of ‘Inspector.’ The complainant reported that by Order No. 1036 of the General Director of the State Police, dated July 23, 2024, applications

32 Visit: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandimi%20per%20te%20drejten%20e%20levizjes%20se%20lire.pdf>

were opened for the first cycle ‘Bachelor’ in the Security Academy, program ‘Security and Investigation,’ for the academic year 2024–2025. His concern was that this order set the criterion that, at the start of the academic year, the applicant should not be older than 25 years of age. According to him, this criterion was not provided for in Law No. 108/2014 “On the State Police,” and for this reason, although he submitted his application at the Fier LPD for this study program, he was not accepted because he was over 25 years old. From the administrative investigation of this complaint and the documentation reviewed, the People’s Advocate Institution recommended to the General Director of the State Police:³³

- To take the necessary measures to avoid violating the constitutional and legal rights of citizens who have completed secondary or higher education and police officers in basic roles, through administrative acts issued for enrollment in the first cycle ‘Bachelor’ study programs at the Security Academy, by refraining from imposing criteria beyond those provided in the Law “On the State Police.”

This recommendation was accepted.

3.3.3. Trade Union Freedom as a Fundamental Universal Human Right

The right of every person to establish or join trade unions is enshrined in the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly by Resolution No. 217A(III) on December 10, 1948, which has been recognized and ratified by our country. Article 23, paragraph 4, states that: “*Everyone has the right to form and to join trade unions for the protection of their interests.*” This fundamental universal human right is also guaranteed by the Constitution of the Republic of Albania, specifically in Article 50. Furthermore, the Labor Code of the Republic of Albania provides special and comprehensive

regulation of trade unionism, the creation of trade union organizations, trade union freedoms, and the prohibition of interference by state authorities or employers in the creation, functioning, or administration of such organizations (Articles 10, 176-187). According to these provisions, trade unions and employer organizations are professional organizations. They are social, independent organizations established as voluntary associations of employees or employers, whose purpose is to represent and protect the economic, professional, and social rights and interests of their members.

A concrete case of violation of this right was found within the Guard of the Republic of Albania. According to a complaint filed by the Chairman of the Union of the Guard of the Republic, it was reported that a founding group of 21 members, employees of the Guard of the Republic (the Guard), had established the Union of the Guard of the Republic Union). Based on the request of this founding group and the documentation approved by them, the Tirana First Instance Court of General Jurisdiction, by decision No. 4 dated February 20, 2024, ruled to *register the Union of the Guard of the Republic as a legal entity and ordered the Office of the Registry of Non-Profit Organizations to file the acts and make the relevant entries in the registry of non-profit organizations.*

According to the complainant, after the creation and registration of their union, its founding members faced various pressures from the leadership of the Guard. They were summoned and threatened with dismissal due to their involvement in the union creation and were punished with various disciplinary measures. The People’s Advocate assessed that the stance taken by the Guard’s leadership was in clear and complete contradiction with the aforementioned legal acts, which allow and guarantee the exercise of this fundamental right of employees. Moreover, Law No. 33/2021, “On the Guard of the Republic of Albania” does not prohibit the creation of a union within the Guard, nor the participation of its employees in union activities. Additionally, it was found that the actions of the Guard’s leadership contradicted the final court decision issued by the Tirana First Instance Court of General Jurisdiction,

³³ See: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandimi%20per%20te%20drejten%20e%20arsimimit%20te%20punonjesve%20te%20Policise%20se%20Shtetit.pdf>

which ordered *the registration of the Union of the Guard of the Republic as a legal entity and the relevant entry of such registration in the registry of non-profit organizations.*

It was concluded that the actions taken by the Guard's leadership against the Union constituted unlawful interference by the employer in the functioning of the Union's activities. To restore the violated right, we recommended the Guard of the Republic to:³⁴

- Immediately cease any actions by its leadership structures against the founding members of the Guard Union which hindered the Union's activities; immediately annul all disciplinary measures imposed by the Guard structures against the founding members of *the Union*.

This recommendation was accepted.

At the same time, we recommended to the Council of Ministers:

- To take the necessary measures to correct and improve the Regulation of the Guard of the Republic of Albania, approved by Council of Ministers Decision No. 777, dated December 15, 2021, specifically remove the word "union" from letter "dh," point 13 of Article 158 of the Regulation.³⁵

A response has not been received as of the time this Report was being drafted.

3.3.4. *The mandatory involvement of a psychologist at every stage of criminal proceedings concerning minors, including not only minors in conflict with the law but also minors who are victims or witnesses of criminal offenses.*

The adoption of the Juvenile Criminal Justice Code (JCJC) marked a significant development in Albanian legislation concerning the protection of

the legal rights of minors. This Code harmonizes the best international standards applied to minors in conflict with the law, as well as minors who are victims and/or witnesses of criminal offenses. It sets out a series of provisions regulating the status of minors and establishes specific rules and procedures necessary for the treatment of this vulnerable group. Among its objectives, the JCJC regulates aspects of criminal responsibility for children who commit offenses but also contains important provisions regarding child victims of crimes. Indeed, the JCJC addresses issues such as the status of the child victim during investigation and prosecution, interviewing of children, protective measures throughout the process to prevent further trauma, protection of the personal data of child victims, and other related matters. However, during routine activities, law enforcement officers, including State Police personnel, have shown varying levels of familiarity and compliance with the Code in respecting the rights of minors who are procedural subjects, whether as minors in conflict with the law, victims, or witnesses of criminal offenses.

A concrete case was brought to the attention of the People's Advocate by citizen. A.B., who reported that on April 1, 2024, her 10-year-old son, F.B., had been injured in a traffic accident on Rruga e Barrikadave, Tirana, involving a vehicle driven by Mr. A.Q. Among other concerns, she claimed that while her son was undergoing medical examination in the hospital, he was questioned by the Judicial Police Officer A.S. from the Juvenile Police Unit without the presence of a psychologist, despite his minor status. The administrative investigation found that the absence of the psychologist during the child's interrogation was justified by the police officer on the grounds that *the child was questioned only as a witness with knowledge of the circumstances of the investigation, and thus the psychologist's presence was deemed unnecessary*. The People's Advocate concluded that the actions of Officer A.S. contravened Article 18 of the JCJC,³⁶

³⁴ See: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandimi%20drejtuar%20Gardes%20se%20Republikes%20per%20ankesen%20e%20Sindikates%20per%20mos%20pengimin%20e%20veprimtarise%20sindikale.pdf>

³⁵ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandimi%20drejtuar%20KM%20per%20shfuqizimin%20e%20Rregullores%20se%20Gardes.pdf>

³⁶ This article provides that: "1. At every stage of the criminal proceedings involving a minor in conflict with the law, as well as during the questioning of a minor who is a victim or witness, regardless of whether they are above

which mandates the psychologist's involvement. Accordingly, the following recommendations were made to the Tirana Road Police Commissariat and the Local Police Directorate of Tirana³⁷:

- Review the legal violation committed by Judicial Police Officer A.S. during procedural actions and the interrogation of the minor victim, F.B., without the presence of a psychologist.
- Initiate disciplinary and/or administrative proceedings against Officer A.S. and apply the appropriate disciplinary sanction.
- Take necessary measures to train judicial police officers within the Tirana Local Police Directorate and its subordinate commissariats to ensure full knowledge of the rights and procedural guarantees afforded to minors in conflict with the law, victims, and/or witnesses, as stipulated in the JCJC.
- Use this case as a precedent to prevent recurrence of such violations of minors' rights in the future.

This recommendation was accepted.

3.3.5. *The constitutional and legal rights of those employed in the police structures*

The Institution of the People's Advocate has also received and examined complaints related to violations of labor rights of employees, specifically those of the State Police personnel.³⁸ The aim is to, through an analysis of the issues reported to the People's Advocate concerning the State Police, identify the paths, tools, and methods to enhance the efficiency of this institution in fulfilling its mission and responsibilities in the areas of public order, crime prevention, and overall security.

According to the People's Advocate's opinion,

or below the age of 14, the presence of a psychologist is mandatory..."

37 See: <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20pranine%20e%20detyrueshme%20te%20psikologut.pdf>

38 Guaranteed by Article 49/2 of the Constitution and Law no. 108/2014 "On the State Police," as amended

this process of development and modernization, as well as the challenges faced by the bodies and structures of the State Police, must be supported by other law enforcement institutions, human rights bodies, and civil society through effective cooperation and coordination among these institutions and citizens. This collaboration aims at preventing violations and ensuring the respect of human rights and freedoms in our country.

The People's Advocate emphasizes that the State Police force must improve its performance concerning the rights and freedoms of citizens and must also cleanse its ranks of individuals involved in criminal activities or cases of corruption.

3.4 Prevention of violence and torture³⁹

In 2024, the People's Advocate, through the National Mechanism for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment (NMPT), continued to fulfill its functional duties as defined by national legislation and the international conventions⁴⁰ to which the Republic of Albania is a party.⁴¹ More specifically, the NMPT conducted 82 periodic inspections, thematic control visits, and inspection visits to places of deprivation of liberty, as well as handled a number of complaints. All these activities were accompanied by 85 recommendations, prepared following extensive official correspondence aimed at clarifying numerous details and phenomena observed during the inspections.

The purpose of these inspections and visits was to assess the progress made by competent authorities in implementing the NMPT's recommendations, as well as to ensure respect for the rights of prisoners and persons deprived of their liberty—rights guaranteed by the Constitution of the Republic of Albania and the applicable legislative and sub-legislative acts. In addition,

39 This area of law is covered by the NPM Section within the institution of the People's Advocate..

40 Article 81 of Law no. 81/2020 "On the rights and treatment of sentenced prisoners and pre-detainees," as well as Articles 30 and 30/1 of Law no. 8454, dated 04.02.1999, "On the People's Advocate," as amended.

41 <https://avokatipopullit.gov.al/sq/categories/mechanisms-against-torture>

the NMPT has also considered the promotion of human rights activities in cooperation with the Prison Administration and the State Police Directorate.

In 2024, the NMPT processed 32 complaints -14 cases initiated ex officio and 18 complaints related to the prison system (lack of medical care and medication, inadequate living conditions, lack of activities, allegations of violence, etc.). Following the handling of these cases, the NMPT issued 3 recommendations for ex officio cases and 4 recommendations based on complaint investigations.

3.4.1. Findings from inspections in penitentiary institutions

Findings derived from inspections of penitentiary institutions are set forth as follows:

Inadequate infrastructure and degraded facilities in custodial environments – Continuous issues have been identified regarding inadequate infrastructure across numerous custodial facilities. Notwithstanding certain improvements and investments, the infrastructure of the penitentiary buildings requires ongoing maintenance and a possible reassessment of budgetary allocations for infrastructural enhancements. Deficiencies have been documented in every institution inspected; *in certain cases, conditions may be characterized as constituting degrading treatment*. The People's Advocate has recommended to the Minister of Justice and the General Directorate of Prisons to close the Pre-Trial Detentions and Prison Institutions (IEPD) 'Kosovë Lushnjë' and Kukës, with the subsequent relocation of detainees and sentenced persons to an alternative penitentiary establishment.

The People's Advocate deems that the continued detention of inmates in these institutions under manifestly unsuitable infrastructural conditions for habitation amounts to *inhuman and degrading treatment*, thereby warranting the immediate closure of these IEPDs and the transfer of detainees to alternative institutions. Furthermore, a comprehensive reassessment of system-wide capacities is necessary to facilitate

inmates' equitable redistribution.

The People's Advocate has persistently recommended to the Minister of Justice and the General Directorate of Prisons to close IEPD 325 'Ali Demi' in Tirana. Pursuant to Minister of Justice Order No. 351 dated 27 June 2024, entitled "On the Classification of Penal Enforcement Institutions," as amended, paragraph 24/1 provides for the establishment of the Penal Enforcement Institution in Pojskë, Pogradec, classified as a women's prison. This facility includes a 'high security' section, a 'medium security' section, a 'low security' section, and a pre-trial detention section. The People's Advocate welcomes the inauguration of this modern institution, which has been constructed fully in accordance with the recommendations of the People's Advocate and the Committee for the Prevention of Torture over the years. The principal objective of the penitentiary system remains the rehabilitation of persons in conflict with the law, affording them opportunities for a new and improved life following completion of their sentences.

Building Infrastructure and Common Areas continue to manifest issues related to structural deterioration, dampness, intermittent electricity and water supply, inadequate natural lighting and ventilation of cells, presence of vermin, and substandard conditions in toilets, kitchens, showers, ventilation spaces, isolation rooms, and the like. Institutions evidencing fundamental infrastructural deficiencies include IEPD Durrës, IEPD '302' Tirana, IEPD Rrogozhinë, IEPD Tepelenë, IEPD Burrel, IEPD Kukës, IEPD Lushnjë, IEPD '313' Tirana, and IEPD Fushë-Krujë.

In nearly all IEPDs where heating systems have been installed, they were found to be non-operational due to technical faults or fuel shortages. In most cases, inmates and detainees were not provided heating in accordance with legal requirements.

Overcrowding in Pre-Trial Detention Sectors – It is noted that while overall inmate overcrowding relative to official capacity has diminished during 2024, overcrowding persists in

the pre-trial detention sectors of several IEPDs, including IEPD ‘Fushë-Krujë,’ IEPD ‘302’ Tirana, IEPD ‘313’ Tirana, IEPD ‘Shën Koll’ Lezhë, and IEPD Durrës. Inspection teams observed instances where four to six persons were confined to a single cell, in contravention of the standard minimum space requirement of 4 square meters per detainee.⁴²

Deficiencies in Quality and Diversity of Food – The quality and variety of food remain a pervasive concern across virtually all IEPDs. The People’s Advocate’s recommendations to address this matter have been consistent and call for substantive remedial measures.

Insufficient Provision of Basic Hygiene Products – Deficiencies in the supply of essential personal hygiene items (such as toothpaste, toothbrushes, shampoo) and cleaning detergents necessary for cell sanitation, as well as shortages of uniforms and gloves during food distribution, were observed in the majority of IEPDs.

Lack of Basic Furnishings – It was observed that inmates and detainees store personal clothing in plastic bags or sacks, typically placed beneath beds.

Deficiencies in Social-Cultural Activities and Vocational Training – Inspections revealed significant inadequacies in the provision of socio-cultural activities and the absence of vocational training programs, which are essential for successful reintegration. Specifically, in eight IEPDs (namely IEPD ‘Jordan Misja’ Tirana, IEPD Burrel, IEPD Tepelenë, IEPD ‘Mine Peza’ Tirana, IEPD Kukës, IEPD Rrogozhinë, IEPD Pojskë, and IEPD Lushnjë), vocational courses were not offered due to infrastructural shortcomings and lack of cooperation from professional training centers. According to data collected during inspections, of the 4,447 persons deprived of liberty in the penitentiary system, only 164 participated in vocational training programs, representing 3.7% of the total population. The lack of socio-cultural activity opportunities also significantly impedes reintegration efforts.

Shortage of Healthcare Personnel, Medical Facilities, and Adequate Infrastructure:

- *The absence of a Specialized Medical Institution* as mandated by Law No. 44/2012, dated 8 May 2012, “On Mental Health,” as amended, remains the foremost deficiency of the closed penitentiary institutions in Albania. This issue continues to underscore structural deficiencies in the healthcare and penitentiary systems. At present, individuals subject to compulsory medical treatment or declared legally incompetent to stand trial are held within the penitentiary system, contrary to the law. Despite infrastructural improvements made in 2021 to the facility housing these individuals, the lack of medical staff and extreme overcrowding result in *conditions approaching inhuman and degrading treatment*. The agreement between the Ministry of Justice and the Ministry of Health to establish the Specialized Medical Institution required by law remains unimplemented.
- *The shortage of medical doctors within the Institutions for the Execution of Penal Decisions and the inadequate provision of medical services to inmates* remain pressing concerns. Throughout 2024, the People’s Advocate recommended that measures be taken nationwide to fill full-time medical posts in accordance with institutional staffing regulations. The deficiency of full-time doctors in many IEPDs is currently compensated by part-time physicians working four-hour shifts daily.
- In several penitentiary institutions, *Special Care Units (SCUs)* have not been established, in violation of legal provisions and People’s Advocate recommendations.⁴³
- *The absence of a standing system for psychiatric examinations* within the penitentiary system persists as an ongoing issue.
- There is a need to improve the infrastructure

⁴² Annex 1, Table on the Prison Population.

⁴³ As in IEPD Burrel, IEPD Vlorë, IEPD Berat, IEPD Rrogozhinë, IEPD Lushnjë, IEPD Kukës.

supporting medical examinations, as medical facilities are generally ill-equipped and without the necessary equipment and supplies.

- Furthermore, significant difficulties exist in *facilitating consultations, examinations, and specialized laboratory testing*. In some IEPDs, delays in transporting inmates requiring external hospital treatment are caused by the shortage of full-time medical personnel and the unavailability of auto-ambulances, thereby endangering inmate health and burdening regional hospitals, which often lack appropriate security conditions to admit such patients.
- The *provision of dental care remains deficient* due to shortages of equipment and supporting materials. Emphasis must be placed on improving dental services, as, beyond tooth extractions, medical care is difficult to obtain in public outpatient clinics or private facilities where inmates are required to bear costs by themselves.

The People's Advocate acknowledges the ongoing efforts to reform and modernize the penitentiary system; however, it stresses that addressing the existing challenges remains imperative to ensure the effective reintegration of inmates into society upon release.

3.4.2. Level of respect for the rights of persons apprehended, detained/arrested in police stations

The National Mechanism for the Prevention of Torture (NMPT), during the year 2024, conducted inspections of the facilities of the State Police, focusing particularly on the legality and regularity of the procedures related to the apprehension, detention, or arrest of individuals, the conditions and treatment of detainees within police stations, as well as infrastructural and material issues of these premises, among other aspects. For all identified cases, corresponding observations were presented in the recommendations sent to the superior bodies of the State Police.

The inspections carried out in police units aimed

to observe the premises and to collect and assess data regarding the actions and practices followed by the State Police in fulfilling the standards established in the relevant legislation,⁴⁴ as well as to verify the implementation of recommendations issued by the People's Advocate in the previous inspections. These inspections were conducted both on a scheduled basis and based on the identification of specific problems. In total, 42 periodic inspections were performed, covering 90% of all police stations nationwide. *From the inspections conducted within police structures, the following was noted:*

Lack of dedicated space (rooms) for the interviewing/questioning of persons deprived of liberty within State Police facilities — Regarding this issue, the NMPT continues to recommend to the responsible authorities the urgent creation (construction) within the system of detention and security rooms in the regional police directorates (RPD) and police stations throughout the country, of separate rooms specifically for the interviewing or questioning of apprehended/arrested/detained persons within the State Police premises. These rooms should be equipped with the necessary furniture and monitored by audiovisual camera systems, as a fundamental measure for the protection of human rights and freedoms. This is essential as it serves a preventive function against the commission of violent, and punishable acts, both by detainees/arrested persons themselves and by the police officers.

Furthermore, the People's Advocate requested that this issue be kept in focus during infrastructural improvement projects in various police stations, mandating that interview rooms be included in all cases where there are detention and security rooms.

Violations of work rules and procedures regarding the management of physical evidence

⁴⁴ Law no. 108/2014 "On the State Police", as amended; the Order of the General Director of the State Police no. 925, dated 18.07.2019, "On the approval of the standard procedure 'Treatment and security of arrested/detained persons in the premises of the State Police, registration and resolution of their requests/complaints'"; and the Order of the General Director of the State Police no. 938, dated 24.07.2019, "On the approval of the standard procedure 'Technical rules for bringing in people to the premises of the State Police'".

— In police stations, physical evidence is generally stored in the offices of judicial police officers, often unpacked/unsealed as seized in the criminal proceedings,⁴⁵ *in violation of the rules and procedures governing the management of physical evidence*. According to the legal provisions, the legislator has clearly established the obligation to create dedicated storage rooms for physical evidence, as a preventive measure to avoid possible psychological/physical abuse by police officers during questioning. The People's Advocate's verifications revealed that this legal obligation has not been fulfilled, thereby unlawfully circumventing a preventive measure which would mitigate the negative consequences reflected in repeated complaints.⁴⁶

Non-compliance with the legal obligations to construct or adapt detention facilities according to required standards (3 detention rooms: 1 for adults, 1 for women, and 1 for minors) — During inspections, detention rooms in the majority of police stations did not meet the standards set out in laws or regulatory acts, being insufficient in number and failing to provide appropriate, dignified conditions, adequately furnished for stay, and separated for women, adults, and minors.

Failure to fulfill legal obligations for the general reconstruction of buildings — Throughout 2024, monitoring by the NMPT revealed persistent long-standing problems related to wear and tear and overall poor condition of buildings in several institutions, which fail to meet the standards set forth in the applicable legal acts regarding general reconstruction. Among the most problematic are the police stations in Devoll, Ersekë, Tepelenë, Krujë, Kuçovë, Shijak, Peqin, Kurbin, Mirditë, and Mat.

⁴⁵ Criminal Procedure Code of the Republic of Albania: July 2017, Section VII, "Material Evidence", Article 187

"Definition of Material Evidence" (amended by Law no. 9085, dated 19.6.2003):

"Material evidence consists of objects that have served as instruments for the commission of the criminal offense or on which traces are found or which have been the object of actions by the defendant, the products of the criminal offense, and any other type of property that is permitted to be confiscated under Article 36 of the Criminal Code, as well as any other item that may assist in clarifying the circumstances of the case."

⁴⁶ <https://www.coe.int/sq/web/cpt/albania>, p. 3.

Issues with the timely provision of healthcare services and inadequate conditions for medical examinations — Inspections identified problems in providing timely healthcare services at some regional police directorates, including unduly kept medical records and registers, as well as unsuitable environments for medical examinations. In some institutions, medical examinations were still taking place beyond the 12-hour timeframe prescribed in the standard procedures of the State Police, and in some directorates, the presence of a physician was lacking entirely.

Problems with the installation of surveillance camera systems — Issues were found concerning the installation of monitoring camera systems in the corridors of detention rooms, security rooms, and interrogation areas in several police stations. Nevertheless, it is noteworthy that the conduct of State Police officers towards citizens has improved significantly.

Problems with proper documentation — The People's Advocate has consistently emphasized the importance of properly documenting apprehensions and arrests (apprehension minutes and registers), as a legal obligation.⁴⁷ Failure by responsible personnel to comply with documentation requirements, as noted by inspection teams, constitutes a serious disciplinary violation.

Issues regarding the use and accurate completion of the complaints/request register — Persistent problems continue to be observed across nearly all police stations nationwide concerning the introduction, use and correct completion of the complaints/request register for apprehended/detained persons, as required by the applicable legal provisions

3.4.3. Main recommendations by the National Mechanism for Prevention of Torture in 2024

Recommendation to Analyze the Legal Violations Committed during the Procedure

⁴⁷ Point VIII of the standard procedure "Technical rules for bringing people to the premises of the State Police" stipulates that: "The act/action of bringing people to the police station must be recorded and documented in the electronic system, in registers, in forms, and in official minutes."

of Placing the Prisoner G.K. in Solitary Confinement at IEPD Drenovë - On 08 February 2024, the People's Advocate Institution registered a complaint filed by the prisoner G.K., held at the Institution for Execution of Penal Decisions (IEPD) Drenovë, Korçë. According to the complainant, following a conflict with another inmate, the latter assaulted G.K. and struck in the face and on the nose. The prisoner alleges that the police staff at the IEPD Drenovë, Korçë, placed him in isolation and did not transfer him to the Regional Hospital of Korçë to receive medical treatment for his physical injuries inflicted by the co-prisoner, including the necessary radiographic examination of his facial area. A working group from the People's Advocate Institution conducted an on-site visit to IEPD Drenovë, Korçë with the aim of verifying the circumstances and clarifying the facts concerning the allegations raised by the prisoner G.K. A review of the medical file indicated that the prisoner G.K. was being *treated with methadone 20 mg by the medical staff of IEPD Drenovë, Korçë*. According to statements from G.K., he had made self-harm attempts due to the stress and frustration of being held in solitary confinement without justification. The police, medical, and psychosocial sectors deemed it necessary to impose a disciplinary measure against the prisoner for use of physical violence and deliberate damage to the prison's property, consisting of 14 days of confinement in his cell. However, instead of relying on this measure, the prison staff should have rather assisted the complainant in preventing such acts that cause substantial disruption of thought, perception, orientation, and damage to behavior, judgment, reality recognition, or the capacity to meet life's demands. In this regard, the aforementioned sectors should operate in a multidisciplinary manner to minimize the risk of self-harm among inmates, providing counseling, reintegration, and promoting the organization of educational, social-cultural, and sports activities with inmates. The prisoner's medical record showed that, during his stay in solitary confinement, the prisoner G.K. had received medical care for his physical injuries, including the self-inflicted ones.

Through the National Prevention Mechanism,

the People's Advocate Institution has repeatedly requested the Institution of Execution of Penal Decisions Drenovë, Korçë, and the General Directorate of Prisons to complete staffing in accordance with legal requirements, ensuring the provision of psychosocial services by educational staff with a daily presence of at least four hours, through conversations and activities with inmates. This would foster a safe environment promoting mutual trust, shared responsibility in communication, greater freedom of choice, and improved social skills. Social care staff should continuously conduct discussions on various topics to cope with group pressure and to acquire skills necessary for social adaptation. Psychologists should conduct daily counseling sessions, particularly with inmates presenting psychological problems or difficulties adapting to prison rules and conditions.

Accordingly, the People's Advocate recommended:⁴⁸

- A detailed review of the case by the competent structures of the General Directorate of Prisons, concerning the Police staff, psychosocial, and medical personnel at IEPD Drenovë, Korçë, within the scope of this administrative investigation, and the identification of relevant appropriate responsibilities to ensure correct conduct and quality service delivery in accordance with the law.
- The dissemination of this case across all IEPDs to enable police, health, and social staff to better assess the risk of self-harm posed by prisoners and provide appropriate counseling for rehabilitation.
- Immediate measures to complete the staffing of the institution's health sector as provided for with a full-time general practitioner and two nurses, to guarantee quality health services for inmates treated with methadone and others, as well as the reorganization and efficient functioning of the psychosocial sector for rehabilitation,

⁴⁸ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rast%20me%20iniciative%20ievp%20drenove%202024.pdf>

counseling, reintegration, and promotion of educational and social-cultural-sports activities with inmates.

- The General Directorate of Prisons should disseminate this case to all IEPDs and inform health staff about the findings of the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as the recommendations regarding documentation of bodily injuries and reporting cases of use-of-force.

By letter no. 10722/1 prot., dated 30 August 2024, the General Directorate of Prisons informed that *it accepted the recommendation* and had forwarded the People's Advocate's recommendations to all IEPDs in the country, with measures taken to implement them.

Recommendation Regarding the Prevention of Prisoner Self-Hanging Attempts at IEPD Reç, Shkodër, and Other IEPDs – The People's Advocate initiated the review of a publicly reported case where a prisoner in the Institution for the Execution of Penal Decisions Shkodër allegedly attempted suicide due to violence by security staff at IEPD Reç, Shkodër.⁴⁹

The administrative investigation and review of related documentation at IEPD Reç, including the review of the medical file, revealed from that prisoner E.P. suffered from mental health problems. It was noted that the prisoner was not accommodated in the Special Care Section (SKV), but rather in an observation cell, contrary to applicable legal provisions.⁵⁰

For prisoners with mental health disorders, particular attention must be paid by the health sector in choosing rooms with the proper standards to place them, personal hygiene, and their surrounding environment. Persons suffering from mental disorders require special care, particularly by the institution's multidisciplinary team as prescribed in Article 3, paragraph 4, of Law No.

49 <https://top-channel.tv/video/denoncimi-ne-fiks-fare-djali-im-ne-koma-e-rrahen-gardianet-ne-burgun-e-recit-fiks-fare/>

50 Law no. 81/2020 "On the rights and treatment of convicted prisoners and pre-detainees."

44/2012 "On Mental Health," as amended, which states that "*Multidisciplinary teams*" are groups comprising specialists from various fields such as doctors, nurses, psychologists, social workers, occupational therapists, speech therapists, developmental therapists, or other specialists working in coordinated manner according to protocols for maintaining and improving mental health.⁵¹

The Head of the Police Sector at IEPD Reç, Malësi e Madhe, Shkodër, failed to demonstrate ethical and professional conduct in their duties, as manifested by exceeding the scope of their authority, in violation of Article 70/1 of Law 81/2020,⁵² which states: "*The use of physical force against a prisoner is prohibited except when necessary for self-defense, to prevent violent acts, physical attacks against another prisoner, escape attempts, self-harm, or in case of active or passive resistance to a lawful order. Force must be used as a last resort and must not have a punitive character.*" Such actions may have contributed to the physical and psychological self-harm of prisoner E.P. Police staff must carry out their duties humanely, respectfully, ethically, and protect every right and freedom of each prisoner. The use of force for purposes of torture, inhuman or degrading treatment or punishment is prohibited under applicable laws.⁵³

Verification of the Medical Records of the Convict E.P. revealed that since November 2023 there has been an absence of documentation regarding diagnostic and therapeutic procedures routinely performed in clinical practice, across all types of services and outpatient or inpatient profiles, whether public or private, which the attending physician records in specific medical documents. These documents are managed and preserved in accordance with the applicable regulations of the healthcare institution. Consequently, it appears that during the six-month period in question, the individual E.P. did not receive any healthcare services. In our assessment, the procedure for

51 Point 4 of Article 3 of Law no. 44/2012 "On mental health."

52 Law no. 81/2020 "On the rights and treatment of sentenced prisoners and pre-detainees."

53 Law no. 80/2020 "On Prison Police".

determining the necessary treatment, the duration of medication use, as well as recommendations for further examinations or actions, must be strictly implemented across all Institutions for the Execution of Criminal Sanctions. This is essential to prevent any adverse consequences on the health of inmates, and to avoid claims either by inmates or their families. Strict adherence to this procedure would ensure the effective realization of inmates' right to health services and care, as guaranteed under legal acts pertaining to the treatment of convicted persons and pre-trial detainees.

Accordingly, the People's Advocate recommended:⁵⁴

- The General Directorate of Prisons to undertake continuous training of the management staff at the IEPD Reç, Malësi e Madhe, Shkodër, on normative acts, cases, and criteria regarding the placement of inmates in observation or segregation cells, and respecting the legal rights of inmates with mental health disorders.
- Immediate measures for accommodating inmates with mental health disorders in the Special Care Section (SKV), ensuring their placement in appropriate living environments that comply with legal space norms per person.
- Strict enforcement of procedures by the medical staff of the IEPDs regarding the recording and completion of inmates' medical records, in accordance with applicable laws and the recommendations of the European Committee for the Prevention of Torture (CPT).
- A detailed investigation by the competent structures of the General Directorate of Prisons concerning the conduct of police officers, psycho-social sector personnel, and healthcare staff at IEPD Reç, Malësi e Madhe, Shkodër, in connection with this administrative inquiry, with a view to establishing responsibilities and ensuring

proper, lawful service delivery and treatment of inmates.

The General Directorate of Prisons *accepted this recommendation* via official correspondence no. 17068/1 prot., dated 21.11.2024, informing that an administrative investigation has been initiated regarding seven police officers at IEPD Reç, Shkodër, involved in the case of inmate E.P.'s self-harm. The administrative inquiry is ongoing, and the said officers are subject to court proceedings. The recommendation is considered implemented, and its execution will be verified in subsequent inspection visits.

Recommendation regarding the healthcare treatment and placement of inmates in the relevant sectors (complaint by inmate Q.GJ.):

The institution of the People's Advocate received a complaint from Ms. R.GJ., sister of inmate Q.GJ., serving a sentence in IEPD Peqin. She reported that on 19.01.2024 her brother was assaulted by the rapid intervention unit at the IEPD, where he had been held for one year in the Special Care Section (SKV). According to Ms. R.GJ., the assault resulted from her brother's request to be removed from the SKV, as he allegedly had no mental health issues justifying his placement there. The People's Advocate formed a working group to verify the situation on-site on 19.01.2024 and to interview co-detainees and IEPD Peqin staff.

The administrative inquiry concluded that since the conflict had occurred within the inmate's cell, it was difficult to prove any excessive use of force by prison officers. However, medical documentation and information indicated that a timely medical examination was not conducted as required by applicable legislation and CPT recommendations. Immediate medical examination and documentation should have been completed, even if no health issues were detected.

The People's Advocate recommended:⁵⁵

- Measures by the healthcare staff of IEPD Peqin to conduct continuous health monitoring of inmates and to record relevant

⁵⁴ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20IEVP%20Re%C3%A7,%20Shkod%C3%ABr.%20ripar.pdf>

⁵⁵ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20IEVP%20Peqin%20rasti%20shtetasit%20Qamil%20Gjolena.pdf>

notes in clinical records, even when no injury or physical harm is evident.

- Dissemination of this case's findings by the General Directorate of Prisons to all IEPDs, along with staff training regarding the CPT's report on prevention of torture and inhuman or degrading treatment.
- Measures by the medical staff at IEPD Peqin for timely documentation of bodily injuries and reporting of incidents involving use of force.
- Enforcement of disciplinary responsibilities for failure to report and provide timely medical assistance, which constitutes a serious breach of duty.
- Appropriate placement of inmate Q.GJ., in accordance with the General Prison Regulations.

IEPD Peqin confirmed by official letter no. 728 prot., dated 17.07.2024, that *this recommendation was implemented* and the inmate was accommodated in a single cell.

Recommendation concerning allegations of violent actions by operational units of the General Directorate of Prisons at IEPD Peqin on 08.05.2024 - Acting under Article 13 of Law No. 8454, dated 04.02.1999 "On the People's Advocate," as amended, the People's Advocate initiated an administrative investigation following media reports dated 07.05.2024 alleging violence against inmates in Peqin Prison. The National Mechanism for the Prevention of Torture, on 08.05.2024 verified the situation at IEPD Peqin, interviewed inmates and staff in Building B, Sector no.1, where violence was alleged to have taken place, reviewed security footage, and obtained detailed information from the security chief and institution management.

NPM findings included:

- The Operational Force of the General Directorate of Prisons exhibited unprofessional and unethical behavior, constituting abuse of authority and unjustified violent acts contrary to the General Prison Regulations.

- Documentation confirmed the Operational Forces acted pursuant to the order of director of police dated 22.04.2024, no. 6781 prot., "Regarding the search for prohibited items and inspection of security elements" at IEPD Peqin.
- A pronounced negligence by healthcare staff in conducting timely medical examinations and recording relevant information in the clinical files of inmates subjected to physical force was noted. Staff failed to promptly notify medical personnel, who examined inmates only after a delay of 4–5 hours.⁵⁶

The People's Advocate recommended:⁵⁷

- Investigation of the operational forces' actions, determination of responsibilities, and disciplinary measures against liable personnel.
- Proper and lawful implementation of procedures regarding detection and reporting of the use of force during inmate management.
- Dissemination of this case's findings by the General Directorate of Prisons to all IEPDs, including medical staff information on the findings of the Report by the Europe Committee for the Prevention of Torture and Cruel and Degrading Treatment or Punishment along with relevant recommendations related to documentation of bodily injuries and reporting of use of force.
- Measures by medical staff at the Institution for the Execution of Penal Decisions in Peqin for continuous health monitoring and accurate documentation of condition of inmates subjected to physical force,

⁵⁶ General Prison Regulation: Article 96 "Use of force and means of physical restraint," point 8:

"In cases of physical injury, the prisoner shall be provided with immediate medical assistance, which is recorded in the medical file."

⁵⁷ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20ushtrimin%20e%20forces%20ievp%20peqin.pdf>

including when no visible injuries are present.

To date, the People's Advocate has not received a response from the General Directorate of Prisons or IEPD Peqin regarding these recommendations.

Recommendations on the Conduct of Vocational Training Courses in Prisons and the Effective Implementation of the "Cooperation Agreement No. 17028/1 prot., dated 06.11.2024, between the General Directorate of Prisons and the National Employment and Skills Agency across all IEPDs" - The People's Advocate has initiated ex officio an administrative investigation concerning the development and conduct of vocational training courses within the reintegration activities of the penitentiary system.

Inspections conducted throughout 2024 in the Institutions for the Execution of Penal Decisions (IEPDs) revealed that, out of 18 inspected IEPDs, vocational courses were conducted in 10 institutions, specifically in IEPD Fushë Krujë, IEPD Peqin, IEPD Drenovë, IEPD Fier, IEPD Berat, IEPD Vlorë, IEPD Reç, IEPD Kavajë, and IEPD Durrës. The courses provided included 'Social Care', Italian language, English language, and vocational specialties such as plumbing, and electrician work, among others. In contrast, in 8 IEPDs no vocational courses were held, due to the lack of infrastructure or absence of cooperation with professional training centers. These institutions included: IEPD 'Jordan Misja' Tirana, IEPD Burrel, IEPD Tepelenë, IEPD 'Mine Peza' Tirana, IEPD Kukës, IEPD Rrogozhinë, IEPD Pojskë, and IEPD Lushnje, thereby failing to guarantee a significant aspect of prisoner rehabilitation pursuant to Law No. 81/2020 "On the Treatment and Rights of Prisoners and Pre-trial Detainees." Regarding the IEPD Pojskë in Pogradec, the women's prison, which is newly constructed and equipped with suitable premises for vocational training, a lack of cooperation with professional centers was observed. Conversely, at IEPD 'Jordan Misja' Tirana and 'Mine Peza' Tirana, an absence of appropriate premises for conducting such courses was noted.

Data collected during the inspections indicate

that out of 4,447 inmates present within the penitentiary system at the time of inspection, only 164 participated in vocational courses, representing 3.7% of the total inmate population.

As the promoter of the highest standards of human rights and freedoms in the country, the People's Advocate has called for the effective implementation of the Cooperation Agreement between the General Directorate of Prisons and the National Employment and Skills Agency across all IEPDs. The primary objectives of imprisonment or similar deprivation of liberty measures are the protection of society from crime and the reduction of recidivism. These objectives can only be achieved if the incarceration period is utilized to the extent possible to ensure the reintegration of such individuals into society upon release, enabling them to lead a lawful life and achieve financial self-sufficiency.⁵⁸

Accordingly, the People's Advocate recommended:⁵⁹

- Immediate measures to coordinate activities between the General Directorate of Prisons and the National Employment and Skills Agency for the effective implementation of vocational training courses in the Institutions for the Execution of Penal Decisions.
- Measures by the National Employment and Skills Agency to ensure the provision of short-term vocational training courses in all penitentiary institutions nationwide.
- Actions by the General Directorate of Prisons, based on the "Cooperation Agreement (No. 17028/1 prot., dated 06.11.2024) between the General Directorate of Prisons and the National Employment and Skills Agency," to plan and enroll inmates for participation in vocational courses in each IEPD, as well as to incentivize inmate participation through relevant incentive policies linked to reward leaves, among others.

⁵⁸ Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 4.

⁵⁹ <https://www.avokatipopullit.gov.al/media/manager/website/media/Kurset%20profesionale%2011.02.2025.pdf>

- Continuous reporting by the General Directorate of Prisons and the National Employment and Skills Agency to the People's Advocate on the progress of the implementation of this process.

By official letter no. 20034/1 prot., dated 09.01.2025, the General Directorate of Prisons informed that it is currently in close cooperation with the National Employment and Skills Agency and the regional vocational training directorates to fulfill obligations arising from the agreement and to commence the professional training process for inmates.

Recommendations to Guarantee Human Rights and Freedoms during the Transport of Persons in Police Premises, in Accordance with the Standards Set forth in Article 19 of Law No. 82/2024 "On the State Police" - The National Mechanism for the Prevention of Torture within the People's Advocate acknowledges the shortening of duration of temporary detention in police stations, as provided in the new Law on the State Police No. 82/2024. According to this law, detention begins at the moment the officer detains the person and continues until the case is clarified, but in no case exceeding five (5) hours.⁶⁰

However, on the official website of the Police Oversight Agency, it was observed that despite the entry into force of the new law on 20.08.2024, the amendments were not reflected. It still states that the maximum detention period is up to ten (10) hours,⁶¹ referring to the now-repealed Law No. 108/2014. Additionally, the State Police official website lacks publication of the new Police Law and fails to raise public awareness regarding improvements introduced by the new legislation

⁶⁰ Article 19 – Temporary Police Detention – of this law provides: “In cases of temporary police detention, do not apply the same measures applicable to a person under detention or arrest. Temporary police detention begins at the moment the officer apprehends the person and lasts until the matter is clarified, but in no case may it exceed 5 hours.”

Law no. 82/2024 “On the State Police” entered into force on 23.08.2024.

⁶¹ <https://www.amp.gov.al/faq/sa-kohe-mund-te-mbahet-i-shoqeruar-nje-shtetas-nga-strukturat-e-policise-se-shtetit/>

concerning the rights of persons taken to the premises of the State Police.⁶²

Monitoring of police station facilities nationwide by the National Mechanism for the Prevention of Torture revealed that detainees' rights are most consistently respected during the first hours of detention. Detainees are generally provided with information regarding their rights early in the detention process, which is crucial.

Furthermore, inspections confirmed that detainees receive written information about their rights from the moment of deprivation of liberty to ensure clear awareness of their legal and procedural rights. The Mechanism has repeatedly recommended that a “rights card” be provided immediately upon entry to the police station. This recommendation implies that the rights card, outlining detainees' entitlements upon arrival at police premises, should also be provided to those held in detention cells, from the earliest moments of deprivation of liberty. Given that detainees may be held up to five (5) hours in detention cells, and questioned afterwards by police specialists, it is imperative they be informed promptly of their rights to notify family members and seek legal defense.

Within the detention rooms and corridors, updated rights cards consistent with the new Police Law should be displayed, as existing posters incorrectly indicate a ten-hour maximum detention, potentially misleading detainees. Persons detained by police officers sign a declaration confirming receipt of a copy of their rights fact sheet at the conclusion of questioning.

According to the Mechanism's findings, detainees receive the explanatory rights sheet only at the end of questioning. Furthermore, detention areas lack a publicly posted list of defense lawyers with their contact information (a list provided by the bar association office for the respective region/municipality).

Accordingly, the People's Advocate has recommended:⁶³

⁶² <https://asp.gov.al/baza-ligjore-2/>

⁶³ [Ndryshimi i orëve të shoqërimit 08.11.2024.pdf \(avokatipopullit.gov.al\)](#)

- The Police Oversight Agency to take necessary measures to inform citizens regarding the changes introduced by the new Law on the State Police.
- The General Director of the State Police to amend Order No. 894, dated 19.07.2022, which approves the standard procedure “Rules for the Treatment of Citizens Brought in Police Premises,” in line with the amendments introduced by Law No. 82/2024 “On the State Police.”
- The General Director of the State Police to amend Order No. 367, dated 19.02.2024, “On Respecting and Guaranteeing the Right of Detained Persons to be Informed about Their Legal Rights in the State Police Premises,” (including updating the rights sheets).
- The General Director of the State Police to implement the recommendations of the People’s Advocate and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to ensure the respect and guarantee of the rights of detained persons (adults and minors), specifically their right to be informed about their legally recognized rights during their stay and treatment in State Police premises.

This recommendation was accepted by the Police Oversight Agency, which in its official correspondence no. 4922/1 prot., dated 12.12.2024, confirmed plans to conduct inspections focusing on *“verification of the legality and regularity of apprehension, detention, or arrest of individuals in light of the new legal amendments.”*

3.4.4. Level of Respect of the Rights of Individuals in Psychiatric Hospitals

During 2024, the People’s Advocate, through the National Mechanism for the Prevention of Torture, inspected mental health institutions including: Vlora Psychiatric Hospital, Shkodra Psychiatric Hospital, Elbasan Psychiatric Hospital, Lezhë IEPD, the Special Health Institute

for Prisoners (IVSHB), and “Xhavit Gjata” Psychiatric Hospital in Tirana.

From these inspections, the main issues identified are:

- Lack of adequate structural conditions for treatment and recovery of patients at “Sadik Dinçi” Psychiatric Hospital in Elbasan, “Xhavit Gjata” Psychiatric Hospital in Tirana, and the hospital in Shkodra.
- Absence of rehabilitative activities or occupational skills development facilities at “Xhavit Gjata” Psychiatric Hospital in Tirana, “Sadik Dinçi” Psychiatric Hospital in Elbasan, and the hospital in Shkodra.
- Insufficient capacity to accommodate patients in recovery phases.
- Repeated findings of lack of investments and full reconstruction of the building of “Sadik Dinçi” Psychiatric Hospital in Elbasan, a recommendation reiterated over the years by the People’s Advocate, as well as for the “Xhavit Gjata” Psychiatric Hospital in Tirana.
- Insufficient staffing provisions in psychiatric hospitals regarding psychiatrists, “caretaker/task force” nurses, security staff, orderlies, and barbers, impeding the provision of adequate services tailored to the specifics of inpatient mental health care. The People’s Advocate continues to stress the urgent need to increase quotas for psychiatry residents immediately and in future years; to reform employment criteria for clinical roles such as ‘caretaker’ and ‘task force’ requiring nursing education and advanced knowledge in psychiatric hospital rehabilitation, in addition to being of age and physical capacity suitable for managing agitation and high-risk situations, as well as providing training for current staff.
- Absence of monitoring systems with surveillance cameras in the common areas of psychiatric hospitals.
- Lack of creation or full reconstruction of isolation rooms, completing them in

accordance with section 4.6 “Isolation Infrastructure”, and the “Standards for Physical Restraint in Specialized Mental Health Inpatient Services.”

- Lack of mechanical restraint equipment in hospitals.
- Absence of reorganization of acute patient wards to separate them.
- Deficient infrastructural conditions in wards including heating, showers, and toilets, failing to provide dignified service to patients in psychiatric hospitals and lacking adequate material resources for psychosocial staff.
- Lack of training for support staff in the use of physical restraint devices, according to the standards set out in the regulatory framework under Law No. 44/2012 “On Mental Health,” section 1.1, and insufficient improvements to current conditions for isolating patients with acute crises.
- Shortages of medications and incomplete supply of drugs required by psychiatric hospitals according to needs.
- Lack of new beds and mattresses for all rooms in the inpatient Mental Health Service in Shkodra.
- Absence of clinical biochemical laboratories and lack of equipment for dental offices.

The People’s Advocate institution emphasizes the need for continuous coordination within structures managing psychiatric services and a committed engagement to responsibly analyze and implement recommendations, as well as strengthen cooperation with the People’s Advocate’s Institution. Over the years, the People’s Advocate has raised concerns that living conditions for patients with mental health disorders in Albania remain harsh and unacceptable. There is an urgent need to commence without delay the reconstruction of the “Xhavit Gjata” Psychiatric Hospital in Tirana and “Sadik Dinçi” Psychiatric Hospital in Elbasan.⁶⁴ Infrastructure conditions play a critical role in the well-being of patients

⁶⁴ Inspection dated 03.12.2024.

with mental health disorders. We acknowledge with appreciation the initiation of procedures for reconstruction projects of the Psychiatric Hospital buildings in Tirana and Elbasan, a process that must continue to provide a final resolution to these issues.

Situation and Treatment of Persons with Mental Health Issues in the Health Institutions of the Penitentiary System: IEPD Lezhë - The People’s Advocate, through the National Mechanism for the Prevention of Torture, conducted inspection visits to IEPD Lezhë during 2024, with a particular focus on the treatment and respect for the rights of persons with mental health disorders transferred to this institution, in accordance with the provisions of Law No. 44/2012 “On Mental Health,” as amended, and the Cooperation Agreement, “On the Treatment of Persons with Mental Health Disorders under Medical Measures” between the Ministry of Justice and the Ministry of Health and Social Protection.

IEPD Lezhë accommodates individuals under the measure of ‘compulsory medical treatment’ and ‘temporary hospitalization,’ with an official capacity of 280 patients. At the time of the visit, there were 444 male patients, indicating overcrowding. Specifically, in April 2024, the People’s Advocate found that in the medical measure section, a total of 444 persons were accommodated (compared to 418 in 2023), of whom:

- 308 individuals under the medical measure ‘compulsory medical treatment’ (up from 233 in 2023);
- 132 individuals under ‘temporary hospitalization’ (down from 181 in 2023);
- paraplegic inmates under medical care sentenced by court decision.

The confinement of mentally ill inmates in separate institutions within the penitentiary system constitutes a serious violation of their rights. It is important to note that IEPD Lezhë is considered a ‘transitional institution’ until concrete steps are taken toward establishing the Special Medical Institution.

Since the publication of the Report of the Council of Europe Committee for Prevention of Torture (CPT) (24 November 2023), NMPT, as a section of the People's Advocate, has been continuously monitoring the institutional steps to implement CPT recommendations through periodic inspections. The CPT visit to Albania from 4-15 May 2023 focused on the conditions of forensic psychiatric patients and inmates with mental health disorders. The 24 November 2023 Report, with recommendations to the Albanian Government, reiterated reservations regarding the establishment of the Special Medical Institution, emphasizing: *"The CPT wishes to be informed about the current status of planning, financing, physical facilities, and future staffing of the new special medical institution, as well as the Albanian authorities' plans regarding legislative changes related to Article 46 of the Penal Code and the establishment of outpatient care facilities for forensic psychiatric patients."*⁶⁵

The 2023 CPT report prioritizes conditions in prisons, ensuring a more suitable and personalized environment for patients under medical measures, removal of marine beds, longer daily outdoor exercise, medical staff shortages, lack of regulations, worn-out or missing medical equipment, contact with the outside world, initial and ongoing staff training on violence prevention, improved use of restraint devices, etc. Failure to fully implement CPT recommendations results in violation of widely accepted human rights standards.

Despite ongoing recommendations from the People's Advocate, international and domestic organizations, and government efforts over the years to build a dedicated institution for persons under judicial medical measures, no concrete results have been achieved, including the non-approval of the Council of Ministers Decision to implement Article 28/2 of Law No. 44/2012 "On Mental Health," as amended. In the case *Strazimiri v. Albania* (application no. 34602/16), the European Court of Human Rights (ECtHR) unanimously found:

- A violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights due to inadequate living conditions in the prison hospital where the applicant was held in pre-trial detention and insufficient psychiatric care.
- A violation of Article 5 (right to liberty and security) due to continuous deprivation of liberty in prison instead of a medical institution, and because his complaint against detention was pending before the Supreme Court since 2016.

The ECtHR particularly noted that Albanian authorities have failed over a long period to establish a special medical institution for mentally ill persons deprived of liberty under compulsory court-ordered treatment. Consequently, the lack of this institution violates Albania's internal legal obligations and represents a structural problem causing economic damage to the Albanian state.

3.4.5. Level of Respect for Rights in Closed Centers for Foreign Nationals, National Reception Center for Asylum Seekers, and National Reception Center for Victims of Trafficking

The People's Advocate, through the National Mechanism for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment, conducted inspections in 2024 at migrant reception centers to assess respect for their rights, with the following findings:

Closed Center for Foreign Nationals, Karreç

- On 23.01.2024, the People's Advocate conducted an inspection at the Closed Center for Foreign Nationals in Karreç,⁶⁶ where the following issues persisted:

- Staff shortages including social workers, educators, legal advisors, doctors, dentists, and interpreters, directly impacting the rights of irregular foreign nationals in Albania.
- Exposure of force-related objects in

⁶⁵ CPT Report 2023, pp. 5,35,36,37,38,39, and 45-48
<https://rm.coe.int/1680ae233b>

⁶⁶ <https://www.avokatipopullit.gov.al/media/manager/website/media/Kare%C3%A7%202024.pdf>.

common areas managed by police staff, causing psychological violence against residents.

- Deficiencies in maintenance and repairs of furniture, damaged doors, windows, etc.
- Ongoing problems with food quality and variety, and failure to reassess food quotas.
- Lack of dental services.
- Absence of emergency call bells in sleeping rooms.
- Dampness in almost all areas of the Center.
- Poor hygiene and lack of painting inside and outside the building, conducive to vermin.
- Lack of investments to improve hydro-sanitary and electrical systems.

By letter No. 5196/1 dated 21.06.2024, the General Directorate of the State Police informed that the needs for interpreters, legal assistance, dentists, and educators have been addressed on an as-needed-basis through cooperation with other police structures and with support from the Border and Migration Department and international organizations.

National Reception Center for Asylum Seekers, Babrru, Tirana⁶⁷ - On 30.07.2024, the People's Advocate inspected the National Reception Center for Asylum Seekers, finding ongoing issues:

- Failure to meet the daily food quota for asylum seekers, despite increased food basket prices and changes as evidenced in yearly national statistics.
- The staffing structure has not been reviewed, despite the ongoing trend of migratory movements. There is a need to consider increasing staff numbers by hiring doctors, nurses, night caretakers, maintenance workers, and cleaning staff, all of whom are essential to meeting the needs of the Center.
- There has been a failure to provide individuals with documentation that

outlines their rights and the rules of life within the Center, in a language that is understandable to the foreign nationals accommodated there. Additionally, the distribution of information to asylum seekers and vulnerable groups needs to be improved.

- There is a lack of posters in the Center's premises displaying the legal rights of the accommodated foreign nationals, in various languages.
- The Center lacks full supply of emergency medication, which is essential for safeguarding the health of the accommodated individuals.
- Food samples are not being labeled in accordance with legal requirements.
- The internal areas of the Center are not labeled in Arabic and English, which would help foreign nationals understand the purpose of each area.

In official letter no. 38, dated 13.01.2025, the Babrru Asylum Reception Center informed us that *the recommendations made by the People's Advocate Institution have been referred to the Ministry of Interior for resolution through letters no. 59 dated 30.01.2024 and no. 63 dated 02.02.2024. Furthermore, the Ministry of Interior issued order no. 215, dated 01.11.2024, "On the establishment of a working group to increase the daily food allowance for asylum seekers."*

National Reception Center for Victims of Trafficking, Linzë – On 31.07.2024, the People's Advocate conducted an inspection at the National Reception Center for Victims of Trafficking in Linzë, where it was found that the issues identified in previous inspections remain unresolved. Specifically:

- The position of the doctor at the Center remains vacant.
- There are no posters in the Center's premises displaying the legal rights of the accommodated beneficiaries.

⁶⁷ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20Babru%202024.pdf>.

- Food samples are not labeled in accordance with legal provisions.
- No request has been made for an increase in the budget to purchase the necessary equipment and furnishings.

3.4.6 Level of Respect for Rights in the Elderly Care Homes in Tirana, Fier, Gjirokastrë, Kavajë, and Shkodër

The People's Advocate, through the role of the National Mechanism for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment, based on Article 19/1 of Law No. 8454, dated 04.02.1999, "On the People's Advocate," as amended, conducted inspections during 2024 of elderly care homes in Tirana, Fier, Gjirokastrë, Kavajë, and Shkodër.

From these inspections, it was found that these institutions faced a shortage of caregivers and nurses, negatively impacting the services provided to the elderly, especially those with serious illnesses who cannot perform self-care. Additionally, due to limited staff, many elderly persons did not receive adequate attention for personal hygiene and daily activities, thus deteriorating their quality of life. More specifically, the problems identified in the recommendations made to the relevant authorities are as follows:

***Elderly Home, Tirana*⁶⁸**

- Absence of 2 (two) full-time nurses in the staffing plan, although three full-time nurses are foreseen, and lack of a building guard.
- Need for improvement and funding for maintenance of the institution and procurement of necessary equipment according to needs.
- Lack of a therapeutic environment with special equipment for elderly persons with health problems.
- Lack of staff training.

68 [https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20Shtepia%20e%20te%20Moshuarve%20Tirane%202024%20\(4\).pdf](https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20Shtepia%20e%20te%20Moshuarve%20Tirane%202024%20(4).pdf)

- Failure to keep labeled food samples according to the established standards by the director of the Elderly Home in Tirana.

By letter no. 10013/1 prot dated 10.01.2025, the Directorate of Social Services informed us that the State Social Service, taking into account institutional requests for budget allocations, has approved an increase based on final expenditure ceilings. For the Elderly Home Tirana, in 2025 the State Social Service plans to purchase electrical equipment.

***Elderly Home, Shkodër*⁶⁹**

- Vacant positions not filled for two nurses and one psychologist, as the institution lacks a psychologist and has only one nurse.
- Lack of maintenance of the institution and procurement of necessary equipment according to needs.
- Need to establish a socio-health center to provide care for elderly persons with serious health problems.
- Lack of staff training.

By official letter no. 10012/1 prot., dated 10.01.2025, the Directorate of Social Services informed us that the Ministry of Health and Social Protection approved Instruction no. 168 prot., dated 29.03.2024 "On the approval of service standards for social care for the elderly in residential centers and related Implementation Manual." A working group has been established and is in the process of upgrading specific standards for this service.

***Elderly Home, Gjirokastrë*⁷⁰**

- Vacancy of a psychologist, full-time physician, and need to increase staff by adding a physiotherapist.

69 [https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20Shtepia%20Moshuarve%20Shkoder%202024%20\(4\).pdf](https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20Shtepia%20Moshuarve%20Shkoder%202024%20(4).pdf)

70 <https://www.avokatipopullit.gov.al/media/manager/website/media/2024%20Sht%20C3%ABpia%20e%20t%20C3%AB%20moshuarve%20gjirokastr%20C3%ABr.pdf>

- Problems related to dampness in the institution's premises.
- Need to establish a socio-health center to provide care for elderly persons with serious health problems.
- Lack of equipment with adjustable beds dedicated to elderly persons with serious mobility problems.

Elderly Home, Fier⁷¹

- Need for maintenance and procurement of necessary equipment according to needs.
- Staff shortages of 2 nurses and caregivers for the second and third shifts, as well as increasing the number of specialized staff such as physiotherapist and psychologist.
- Need to create a therapeutic environment with special equipment for elderly persons with health problems.
- Need for staff training.

Elderly Home, Kavajë⁷²

- Need for maintenance of the institution and procurement of necessary equipment (beds, mattresses, and wheelchairs).
- Necessary to fill two vacant positions for nurses and employ of a part-time psychiatrist.
- Need to replace existing beds with beds adapted for elderly persons with serious mobility problems accommodated on the first floor.
- Lack of staff training.
- Lack of heating/cooling system.
- Lack of adequate outdoor areas and need to equip with benches and playgrounds

for elderly persons to stay and engage in various activities.

Regarding the above recommendations, the State Social Service, based on the needs of social care institutions to improve provided services, has requested the revision of organizational structures of these institutions at the municipalities of Fier, Kavajë, and Gjirokastrë proposing changes or adjustments to improve the service.

3.5 Respect of Human Rights by the Prosecution⁷³

Over the past ten years, the Assembly of the Republic of Albania has undertaken a comprehensive justice reform through the adoption of constitutional amendments alongside 27 supplementary laws, aiming to establish, organize, and operationalize new judicial bodies in the Republic of Albania. In this context, the creation of the High Prosecutorial Council (HPC), the Special Structure against Corruption and Organized Crime (SPAK), and the reorganization of the Prosecutor's Office in accordance with the new judicial map, among others, have strengthened the autonomy of prosecutors in their leading role throughout the investigative phase of criminal proceedings. These reforms have also enhanced public trust in the prosecutorial institution by dismantling the myth of impunity for any public official or individual who violates or acts contrary to the law. Furthermore, these reforms have increased transparency, accountability, and the public's access to information concerning prosecutorial activities. However, as has been consistently emphasized in our public activities, the People's Advocate stresses that investigative and judicial activities must be conducted in full compliance with the applicable normative acts and guarantee respect for human rights throughout the criminal process.

Through this annual report, the People's Advocate seeks to highlight several issues related to certain elements of Human Rights,

⁷¹ <https://www.avokatipopullit.gov.al/media/manager/website/media/Shtepia%20e%20te%20moshuarve%20Fier%202024.pdf>

⁷² <https://www.avokatipopullit.gov.al/media/manager/website/media/Shtepia%20e%20te%20moshuarve%20Kavaje%202024.pdf>

⁷³ This area of law falls under the Section for the Police, Secret Service, Prisons, Armed Forces, and the Judiciary within the institution of the People's Advocate.

guaranteed both nationally and under international conventions, for which the provisions of the Code of Criminal Procedure, or their interpretation, fail to provide sufficient or satisfactory guarantees. As the highest national institution for the protection of human rights, our primary objective is to encourage a proactive attitude among prosecutors in exercising their leading role during the phase of criminal investigation. This encouragement focuses both on organizational aspects that could assist prosecutors in better utilizing available resources and on practical considerations prosecutors must observe during criminal investigations. The Prosecutor's Office must exercise its competencies while respecting the principles of a fair, equal, and lawful process, and safeguarding fundamental human rights and freedoms as well as the public interest. Every individual has the right to be treated equally before the law and presumed innocent until a final judicial decision is rendered.

Despite a heavy workload, enhancing the efficiency and effectiveness of the Prosecutor's Office is essential to guarantee a fair criminal prosecution process and support the work of prosecutors. Considering the practical challenges currently faced by prosecutors, our approach has been driven by a vision of understanding and improving cooperation, optimizing resource use, enhancing public perception of prosecutorial work, and increasing their proactivity. The exchange of information with the Prosecutor's Office regarding the nature of complaints and issues addressed by the People's Advocate is of paramount importance. Such exchange will increase public trust in the Prosecutor's Office, foster a culture of mutual respect and cooperation, and create a shared approach in addressing challenges related to the investigation process while avoiding bureaucratic delays.

The People's Advocate institution has registered and addressed 66 complaints/requests, including cases initiated *ex officio*, concerning alleged violations of citizens' fundamental rights by prosecutorial bodies. The increase in the number of complaints against the Prosecutor's Office in particular, and the justice system

in general, was not unexpected. Numerous complaints relate to procedural investigative actions but predominantly concern frequent changes of the case prosecutor, resulting in delays in investigations, misinformation about the case status, failure to notify decisions regarding the initiation or termination of criminal proceedings, among others. Analysis of citizens' complaints against the Prosecution, reveals violations of fundamental rights, primarily including:

- Unjustified delays in criminal investigations, infringing the right to a fair trial;
- Failure to provide information or refusal to allow access to investigation file documents to parties in the criminal process, violating the right to information and equality of arms within a fair trial framework;
- Violations of deadlines and procedures in executing criminal judgments, infringing the rights and freedoms of convicted persons;
- Failure to register the accused's name in the criminal procedure register according to the filed criminal complaint, violating investigation deadlines and reasonable timeframes required for a fair trial.

The right to a fair trial is a constitutional right of every citizen, imposing on the prosecuting authority several obligations, including notifying individuals of the charges against them, respecting procedural rights, and conducting investigations and trials within a "reasonable time," preventing unlawful and arbitrary delays by the prosecuting authority. Compliance with procedural deadlines is directly linked to the protection of fundamental rights and freedoms, as well as the obligation to conduct an objective, thorough, accurate, and swift investigation and trial.

Respecting the right to information by the Prosecutor's Office would significantly improve citizens' access to justice, enhance public trust in the justice system, and foster better and reciprocal cooperation between prosecutors and citizens in the fight against crime.

It is important to emphasize that at no

point, during the analysis and review of cases concerning prosecutorial activities, has the People's Advocate sought to influence or pass opinion on the prosecutorial decisions on specific cases, as the competent authority for reviewing and assessing the legal grounds of these decisions is the court. However, cases of non-compliance with prosecutors' legal obligations relating to the rights of complainants and victims in the criminal process, as guaranteed by the Code of Criminal Procedure, have not been overlooked. Complainants and victims of criminal acts must be effectively guaranteed the rights provided in the Code of Criminal Procedure, specifically Article 58(1), Article 326(3) letters "d," "dh," "e," "ë," "f," and Article 329/a(4).

The adoption and entry into force of Law No. 33/2024 "On Granting Amnesty" was eagerly awaited by a large number of citizens benefiting from this legislation, especially those serving sentences in the Institutions for the Execution of Penal Decisions nationwide, awaiting release. Based on complaints from sentenced persons and cases pursued ex officio or during inspections within the penal execution environments, the People's Advocate has identified numerous issues concerning the procedures for executing criminal judgments. The review revealed a lack of cooperation and coordination among justice system bodies, including courts, prosecutor offices, IEPD administrations, as well as the General Prosecutor's Office and the Ministry of Justice.

By July 2024, according to official data obtained from the General Directorate of Prisons, there were 161 cases where amnesty could not be applied for eligible convicts due to non-compliance with legal deadlines by justice authorities. These included: 59 cases due to inaction by the Prosecutor's Office, 81 cases related to sentence consolidation procedures, prolonged judicial reviews, and others due to various reasons. Analyzing these data, the People's Advocate highlights that maximum engagement by the responsible structures in supervising and improving legal mechanisms would enhance the execution of criminal judgments, a critical link in the fair trial process. The People's Advocate

considers such issues directly affect public trust in the prosecution, the perception that the law applies equally to all, and represent a major concern among Albanian citizens, necessitating urgent resolution. Access to justice and rigorous enforcement of the fundamental principles of a fair trial must guide the justice system's work, particularly that of the Prosecutor's Office.

Grouped and ranked by the severity of rights violations in the criminal process, citizens' complaints present as follows:

Unjustified Delays in the Investigation of Criminal Proceedings - Complaints from citizens regarding delays in the investigation of criminal proceedings remain a significant concern and constitute a substantial portion of the cases handled by the People's Advocate's institution related to prosecutorial activity. According to responses from prosecution offices, the primary reasons for delays in investigations include:

- The reduced number of prosecutors within investigative and criminal prosecution structures, partly due to the dismissal of a significant number of prosecutors during the vetting process;
- A high caseload per prosecutor;
- The reorganization of prosecution offices as part of the implementation of the Judicial Map reform;
- The complexity of certain cases, especially those involving domestic violence, medical malpractice requiring complex expert evaluations, or other serious criminal offenses;
- Delays in receiving responses to letters rogatory from foreign judicial authorities;
- Failure to adhere to deadlines for submitting ordered expert reports;
- Frequent temporary reassignments of prosecutors to cover vacancies in other offices.

Despite these challenges, our investigations have uncovered instances of unjustified delays, where no investigative actions were taken for

several months. Below are highlighted several particularly sensitive cases that have been brought to the People's Advocate's attention through complaints and media coverage, reflecting concerns over prosecutorial conduct or inaction.

One notable case involves complainant P.R., who filed a criminal complaint on April 5, 2023, concerning the death of her son under unclear circumstances while in detention in the Security Cells of the Tirana Police Directorate. More than eighteen months have passed without any updates on the investigation (criminal proceeding no. 3283 of 2023, registered with the Prosecution Office attached to Tirana First Instance Court). Nearly twenty-two months have passed since registration of the case, yet the victim's relatives remain uninformed about progress, infringing on procedural rights guaranteed by the Criminal Procedure Code, including Articles 9/a, 58, 326(3), and 329/a(4). The prosecuting authority has failed to respect statutory investigation deadlines or notify the complainant of extensions granted.

This failure undermines access to justice and the fundamental principles of a fair trial, which are central to the goals of Albania's justice reform aimed at restoring public trust in the rule of law. The right to a fair trial imposes clear obligations on prosecutorial authorities to respect procedural rights and to conduct investigations and trials within a "reasonable time," avoiding arbitrary or unjustified delays. Legal deadlines for investigative actions serve not only to enhance judicial efficiency but also to preserve evidence integrity and facilitate the ultimate objective of the criminal process—identifying perpetrators and delivering appropriate sentences.

The People's Advocate has communicated its findings through formal recommendations to key institutions, including the High Council of Prosecution, the High Inspectorate of Justice, the General Prosecutor, and the Prosecution Office attached to the Tirana First Instance Court. We have requested disciplinary investigations to establish whether there is sufficient evidence to launch a disciplinary investigation against the prosecutor with the First Instance Court of General Jurisdiction in Tirana.

Violation of procedural provisions protecting and regulating parties' rights to information during preliminary investigations, impairment of the right to information regarding the progress of investigations and failure to grant access to case files—Violation of the right to information during the phase of preliminary investigations constituted the bulk of cases reviewed by the People's Advocate in 2024, among others: Lack of access to the acts and evidence (the case file) on which the criminal charges against the person under investigation or the accused are based; absence of, or delays in, notifying the parties of decisions made by the prosecution office—particularly the complainant in criminal cases, especially in instances where decisions are made not to initiate criminal proceedings; prolonged procedural inaction by the prosecutor; failure to inform the complainant about the status of their complaint; lack of transparency regarding actions taken to replace the prosecutor; and the unlawful seizure of vehicles, property, personal belongings, etc.

There have also been cases where the victim of a criminal offense, or their legal heir, has not been informed about the investigative actions or the stage of the investigation. It has been noted that although complainants—both individuals and legal entities—have provided their home or work addresses, email addresses, and phone numbers in their complaints, they have not received any communication from the prosecution office through any means (neither by post, nor electronically, nor by phone), thereby violating the procedural rights of citizens (complainants/victims of criminal offenses) as provided by the Criminal Procedure Code, specifically Article 9/a, Article 58, Article 326 paragraph 3, and Article 329/a paragraph 4. As such, there has been a violation of citizens' right to be informed by the prosecution authorities. This issue particularly affects complainants who submit requests for information to the prosecution offices regarding procedural actions taken in response to their criminal complaints, or about the current stage of the investigation, but receive no reply. The right of complainants—when they are also the victims of the criminal offense—is specifically provided for in Articles 58/1/e, 326 paragraph 3,

and 329/a paragraph 4 of the Criminal Procedure Code. In other cases, when complainants report a criminal offense that was not committed against them personally, but of which they became aware, the right to request information is based on Article 326 paragraph 3 and Article 329/a paragraph 4 of the same Code. Furthermore, this right is also grounded in Article 23 paragraph 1 of the Constitution of the Republic of Albania, Article 10 paragraph 1 of the European Convention on Human Rights, and Law no. 119/2014 “On the Right to Information,” specifically Articles 1, 2/1/a, and 3.

Citizens are not informed about the sublegal acts issued by the Prosecutor General, which set out the procedures for obtaining documents held by the prosecution related to a criminal case in which the citizen has a legitimate interest, as well as the applicable fees. This lack of information creates obstacles and difficulties in accessing such information. Although the Prosecutor General addressed this issue in Instruction no. 5, dated 30.07.2019, “*On Relations with the Public in Prosecutor’s Offices of General Jurisdiction*”, which guides prosecutors on how to balance the right to information with the need to preserve investigative secrecy, this instruction is often not implemented in practice.

In one case, the People’s Advocate institution handled a complaint against the Prosecution Office at the First Instance Court of General Jurisdiction in Korçë. The complaint stated that the complainant, R.M., the mother of the victim of a criminal offense, had repeatedly contacted the prosecution office—both in writing and verbally—to request information about the progress of the investigation and to obtain a copy of the investigation file, but the prosecution failed to provide her with this information.

As a result, the People’s Advocate conducted an administrative investigation. At the conclusion of the investigation, it was deemed necessary to take a position, and a recommendation was addressed to the Prosecutor General and to the Prosecution Office at the First Instance Court of General Jurisdiction in Korçë, requesting the following:

- That measures be taken to ensure the parties’ right to information during the criminal process is respected; That the People’s Advocate institution be provided with information regarding the investigative actions carried out by the Prosecution Office in the relevant criminal proceeding.⁷⁴

The handling of this case by the People’s Advocate prompted action from both the Prosecutor General’s Office and the Prosecution Office at the First Instance Court of General Jurisdiction in Korçë. The Prosecutor General’s Office informed us that, in response to the recommendation, it had notified all local prosecution offices about the obligation to respect procedural rights—particularly the right to information—and the measures to be taken in the event of non-compliance.

As noted in the previous case, a persistent concern in our work remains the lack of cooperation from certain prosecution offices, which has manifested in several ways:

- Failure to respond to the People’s Advocate institution;
- Delays in providing responses, which were sent only after repeated follow-up by our office;
- Failure to provide the requested information, or full information, in the context of administrative investigations related to complaints submitted by citizens against the prosecution authorities.

It is worth mentioning that the most frequent such cases this year involve the Prosecution Office at the First Instance Court of General Jurisdiction in Korçë, the Prosecution Office in Lezhë, and the Prosecution Office in Tirana.

We emphasize that the right to information and the time limits for receiving the requested information are guaranteed by the Constitution and specific legislation, including Law no. 119/2014 “On the Right to Information” and the amended Law no. 8454, dated 04.02.1999 “On

⁷⁴ For more, see: <https://www.avokatipopullit.gov.al/sq/categories/special-issues/prosecution/article>

the People's Advocate." Therefore, respecting this right is not only a legal obligation for every public institution, but also directly influences public perception regarding transparency and the level of corruption within the justice system. Despite the current challenges in the effective functioning of the justice system—some of which have been mentioned earlier—we believe that the failure to respect the right to information not only violates legal provisions but also results in delays in the processing of citizens' complaints submitted to the People's Advocate. This lack of institutional cooperation and the withholding of information obstruct the performance of the duties and competencies assigned to the People's Advocate by the Constitution and legislation. More importantly, it undermines the public credibility of the institution and, ultimately, erodes citizens' trust in the rule of law.

Cases of Unjustified Delays in the Execution of Criminal Sentences by the Prosecutorial Authority - Complaints concerning "delays in the procedures for executing criminal sentences" have been part of the People's Advocate's caseload in previous years related to prosecutorial activity. However, in the current year, such complaints have significantly increased, mainly due to the application of the criminal amnesty.

With the entry into force of Law No. 33/2024 "On Granting Amnesty" in April 2024, the People's Advocate Institution, based on complaints from citizens serving sentences in penitentiary institutions across Albania, as well as cases initiated ex officio or identified during inspections of detention facilities, has observed numerous problems related to the procedures for executing criminal sentences. Many convicted individuals did not leave the prisons nor benefit from the amnesty, although the final court decision had been issued before March 30, 2024. This was mainly because the decision had not acquired final and binding status, was not reasoned within the legal deadlines, or the execution order had not been issued by the responsible prosecutor. The failure of justice authorities to act within the procedural deadlines set by the Criminal Procedure Code resulted in violations of fundamental individual

rights, including the right to liberty, the right to benefit from the law's pardon, and the right to a fair legal process. Among all the cases handled in 2024, two will be singled out to illustrate the challenges faced by the justice system, where prosecutors fail to manage cases effectively, resulting in delays measured not in months but in years.

The People's Advocate reviewed the complaint of citizen M.H., who alleged undue delay in the execution of his final criminal sentence issued by the Kurbin First Instance Court. He also complained about a total lack of communication from the prosecutorial authorities regarding the status of his case. As a result, he was denied the right to benefit from Law No. 33/2024 "On Granting Amnesty." The administration of the IEPD in Malësia e Madhe, where he was serving his sentence, was unable to act without an official execution order from the prosecution. The final decision of the Kurbin First Instance Court became irrevocable on March 21, 2022, and was sent to the Lezhë Prosecutor's Office for execution procedures (official letter no. 161 prot., dated March 24, 2022). However, for over two years and eight months, the prosecutor's office failed to issue the execution order. This inaction severely infringed on the principles of a fair legal process and violated the rights of M.H. as a convicted person, including but not limited to:

- The right to be transferred from pre-trial detention to the regime of the convicted prisoners;
- The right to be transferred to a penitentiary closer to the family residence;
- The right to meet family members without prior prosecutor approval;
- The right to benefit from sentence reductions for good behavior;
- The right to obtain reward leave;
- The right to benefit from amnesty, sentence consolidation, or release upon sentence completion.

In light of this case, the People's Advocate issued recommendations to the institutions

of the High Council of Prosecution, the High Inspectorate of Justice, the General Prosecutor, and the Prosecutor's Office attached to the Lezhë First Instance Court. The People's Advocate urged immediate action by the Prosecutor's Office to issue the execution order for M.H.'s sentence and to initiate verification procedures concerning the facts established in the complaint, to determine whether sufficient grounds exist to start disciplinary proceedings against the head of the Prosecutor's Office with the Lezhë First Instance Court.

It is worth mentioning that, following the People's Advocate's administrative intervention and in response to the recommendation, the execution order was finally issued. Additionally, the High Inspectorate of Justice confirmed in response to the recommendation that it would review the case.

*The recommendation was fully accepted and implemented.*⁷⁵

A similar case involves the complaint submitted by brothers E.H. and M.H., both convicted by a final decision of the Shkodër Court of Appeal, which upheld criminal sentence no. 2084, dated November 8, 2021, issued against them by the Shkodër District Court. These individuals raised concerns regarding delays in the execution procedures of the criminal sentence and also complained about the lack of information from the prosecutorial authority on this matter.

In this case as well, the People's Advocate took a clear position and, through a recommendation addressed to the institutions of the High Council of Prosecution, the High Inspectorate of Justice, the General Prosecutor, and the Prosecutor's Office attached to the Shkodër First Instance Court, expressed the necessity for immediate measures by the Prosecutor's Office at the Shkodër First Instance Court to issue the execution order for the criminal sentence against E.H. and M.H. Additionally, the People's Advocate requested initiation of verification procedures regarding the findings related to the complaint, in order to assess whether there are sufficient grounds

to initiate disciplinary proceedings against the prosecutor responsible for sentence executions at the Prosecutor's Office of the Shkodër First Instance Court.

*The recommendation was fully accepted, and the prosecutorial authority ordered the execution of the criminal sentence.*⁷⁶

Justice reform, now in its eighth year, continues to face significant operational challenges within the system. It is the responsibility of all stakeholders—legislative, executive, and judicial institutions—to thoroughly analyze the situation and identify solutions to deliver the justice that citizens rightfully expect: a justice system where all are equal before the law.

Regarding the execution of criminal sentences, referring to the relevant criminal legislation—Law No. 79/2020 “On the Execution of Criminal Sentences,” Council of Ministers Decision No. 434 dated July 15, 2021 “On the Determination of Criteria for the Selection of Members and Detailed Rules for the Organization and Functioning of the Execution of Criminal Sentences Commission”—it is clear that many institutions are involved. If these institutions coordinated their efforts and cooperated more interactively, significantly better results could be achieved in terms of procedural compliance, efficiency, and respect for fundamental rights during this process. This applies especially to the Ministry of Justice, the General Prosecutor's Office, Prosecutor's Offices attached to First Instance Courts, the General Directorate of Prisons and Penitentiary Institutions, and the Commission for the Execution of Criminal Sentences under the Ministry of Justice.

Increasing public trust in the justice system depends primarily on changing the prosecutorial authority's approach regarding adherence to procedural norms and the right of citizens to be informed. The approval and implementation of justice reform must guarantee the objectives and satisfy the societal needs in respect of the rule of law, judicial independence, and the restoration of public confidence in the system's institutions.

⁷⁵ Link : <https://www.avokatipopullit.gov.al/sq/categories/special-issues/prosecution/article>.

⁷⁶ Link: <https://www.avokatipopullit.gov.al/sq/categories/special-issues/prosecution/article>.

Conversely, prolonged judicial processes—sometimes lasting months or even years, including investigative and execution phases—and the lack of interaction between justice bodies and citizens have undermined the right to access to justice and justice without delay.

The People's Advocate, committed to fulfilling its constitutional mission to protect the freedoms and rights of every citizen against actions or omissions of public administration bodies, including the judiciary, and engaged in promoting the highest standards for respecting fundamental human rights, will continue to monitor the judiciary's administration of cases and provide recommendations based on findings. During the current year, the People's Advocate has also played an active role in roundtables organized by justice system bodies, discussing major issues such as the difficulties faced by the system following the vetting process of magistrates, the conclusion of the implementation phase of the new Judicial Map, and pronounced infrastructure deficiencies in courts and prosecution offices—challenges that were significant in 2023 and persisted into 2024.

The People's Advocate considers it necessary to continue increasing the overall number of prosecutors and to improve infrastructure in order to establish the essential conditions for this critical function in accordance with the Constitution and the law.

3.6 The right to due legal process in the judiciary system⁷⁷

The rule of law is one of the cornerstones of democracy. When state actions are based on the principles of the rule of law, citizens are more likely to trust authorities and cooperate as members of the same society. In the absence of the rule of law, people tend to act very individualistically. In practice, the rule of law means a well-functioning legal system that provides guidance on basic rules defining the operation of social organization and assists in their practical implementation. With a

dysfunctional legal system, people feel insecure; thus, a fundamental element for building public trust is the conviction that the rules democratically agreed upon must be applied by the entire society, primarily by state structures.

Today, the justice system faces multiple challenges: a shortage of judges, a high backlog of cases at all court levels, lack of infrastructure (both buildings and material resources), and importantly, the Albanian state risks fines from the European Court of Human Rights in Strasbourg due to delays caused to the parties. Since the start of the judicial reform, apart from some achievements, there *has clearly been a deterioration regarding trial deadlines and the participation of parties in the process*, with appellate courts increasingly relying primarily on document-based judgments.

According to the People's Advocate's assessment, the right to a trial within a reasonable legal timeframe is one of the fundamental rights of citizens. For this reason, the right to trial within a reasonable time period is not and should not remain a declarative right or guarantee but a constitutional standard, guaranteed and sanctioned by acts that define human rights and fundamental freedoms, both at the international level (Article 6 of the European Convention on Human Rights) and within domestic law (Article 42 of the Constitution of the Republic of Albania). The right of access to court, the right to be heard, the principle of equality of arms, the adversarial principle, as well as the court's obligation to reason its judgments, are some of the essential elements to a fair legal process.

Within the exercise of its constitutional and legal competencies, the People's Advocate has paid special attention to the functioning of the judicial system following the implementation of the judicial map and, in particular, to the progress of judicial proceedings, publication of court decisions, respect for procedural rights of parties, etc. In this context, during 2024, the People's Advocate institution administered and processed a total of 146 complaints – a significant increase compared to the past. Based on the cases handled, the nature of the complaints, and the administrative investigations conducted, several problems have

⁷⁷ This area of law is covered by the Section for the Police, Secret Service, Prisons, Armed Forces, and the Judiciary within the institution of the People's Advocate.

been identified, outlined as follows:

- Delays in judicial procedures (delays in trials and reasoning judgments, respect for fair trial standards: execution of national court decisions, and delays or failure to publish decisions). Delays in the criminal field have also undermined the rights of sentenced or detained persons to benefit from Law No. 33/2024 “On Granting Amnesty.”
- Overburdening of judges and prosecutors due to the lack of personnel following the judicial reform (vetting), and the implementation of the new judicial map.
- Overcrowding in pre-detention sections as a result of the non-application of alternative security measures by the prosecution and courts.
- Significant issues related to the right to a fair trial, especially regarding trial within a reasonable time.
- Excessive trial durations, particularly in the First Instance Courts of General Jurisdiction in Tirana, Elbasan, Shkodër, as well as in two appellate courts,⁷⁸ where the number of judges was far below the effective number required.
- Concerns about access to justice for citizens following the implementation of the judicial map, highlighting the problems citizens face.
- Lack of reasoning in criminal appellate court decisions, especially from the Tirana General Jurisdiction Appellate Court, and failure to issue execution orders by the prosecutor.
- Dysfunctional implementation of Law No. 33/2024 “On Granting Amnesty”

⁷⁸ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20E.R%20-GJAJP.pdf>
<https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20-%20Y.B-GJAJP%20333.pdf>
<https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20zvarritje%20te%20ceshtjes%20penale%20Gjykates%20se%20Apelit%20te%20Juridiksionit%20te%20Pergjithshem.pdf>

accompanied by problems and obstacles that hindered prisoners’ ability to benefit from this law.

Since February 1, 2023, when six appellate courts were merged into one headquartered in Tirana, the Tirana General Jurisdiction Appellate Court has continued to operate with a low number of judges (varying between 25-28 judges at different times out of 78 authorized). During administrative investigations of this and other courts, it was found that judicial decisions remained unreasoned and undelivered to court secretariats for months, sometimes up to one and a half years. Official contact was also made with prosecutors in various offices concerning the withdrawal of reasoned final decisions and issuance of execution orders to enable beneficiaries to access amnesty. Based on cases identified, requests for cooperation have been submitted to the High Judicial Inspectorate.⁷⁹

The People’s Advocate has prioritized cases related to delays in reasoning judicial decisions, both civil and criminal.⁸⁰ In some cases, *recommendations have been sent to the respective courts*, drawing attention to how delays in reasoning and notifying parties undermine the right to appeal or cassation and essentially the right to a fair trial. The issues and consequences of delayed judicial decisions have been addressed in the jurisprudence of the High Court⁸¹ and the Constitutional Court.⁸² Finally, *recommendations have been addressed to the High Judicial Council, the High Judicial Inspectorate, and relevant courts.*⁸³

Following the approval of Law No. 33/2024

⁷⁹ Letter sent to the High Inspector of Justice on April 24, 2024, titled “Request for cooperation in the handling and verification of complaints.”

⁸⁰ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20arsyetim%20vendimi%20per%20shtetasin%20S.%20M..pdf>
<https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20arsyetim%20vendimi%20per%20shtetasin%20F.%20Sh..pdf>

⁸¹ Decisions of the High Court No. 38/2013 and No. 84/2013; Decision of the United Colleges, No. 5, dated 12.12.2013.

⁸² Decision of the Constitutional Court No. 5/2011.

⁸³ <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20vonesat%20e%20amnistise%20-%20KL.GJ.pdf>

“On Granting Amnesty,” the People’s Advocate’s institution has closely monitored its practical implementation by all institutions. The People’s Advocate welcomes this initiative but considers it a pragmatic solution. The need to address overcrowding requires structural changes in the application of pretrial detention or imprisonment measures in the country.

According to the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, significant efforts must be made to limit the use of pretrial detention (prison arrest) and reduce the time detainees spend in detention centers, aiming to halt the continuous increase of the pretrial detainee population and reverse the trend. It was found that pretrial detainees, due to failure in issuing execution orders implementing final court decisions on their sentences, remained in detention facilities, thus depriving them of rights granted to convicted persons and contributing to overcrowding, which further hindered their right to benefit from amnesty.

In this regard, the People’s Advocate has issued several recommendations, drawing the attention of competent institutions to take necessary measures to deliver justice without delay, respecting the standards established by international acts and domestic legislation. These rights are organically and functionally interconnected such that violating one standard inevitably affects the others.⁸⁴ Excessive delay from the last hearing until the issuance of a reasoned decision may infringe the right to a trial without undue delay and hinder parties’ effective exercise of the right to appeal. As part of the fair legal process, this principle guarantees protection for all parties from “*excessive procedural delays*” which, in judicial administration, threaten parties’ rights and the rule of law.

Particularly sensitive issues remain excessive delays in cases such as:

- Divorce proceedings and related matters like custody and child support obligations;

- Labor relations, recognition of the number of years worked, verification or falsification of documents affecting pension rights, etc.;
- Cases involving the imposition of security measures.

In conclusion, following the investigation of cases, recommendations have been directed to justice bodies (High Judicial Council, High Justice Inspectorate) and courts regarding the identified problems. *Some progress has been observed regarding timely reasoning of court decisions; however, no measures have been taken to implement the People’s Advocate’s recommendations regarding the excessive duration of court proceedings*, despite cases with waiting times of 3-6 years in the Administrative Appellate Court and the General Jurisdiction Appellate Court.

This year, the focus has been on judicial cases related to the recognition of years worked, as well as the verification or falsification of documents with legal consequences concerning pension benefits. Several recommendations have been issued to the respective courts,⁸⁵ urging the adoption of necessary measures to expedite the adjudication of these cases, with the aim of guaranteeing citizens their rights within the framework of due legal process.

According to the 2023 Report of the High Judicial Council, “*most courts have operated with a reduced capacity of judges, below 70%, while at the national level only 60.5% of the judicial posts were effectively occupied during 2023.*” The workload in courts was managed by only 247 judges, corresponding to 8.94 judges per 100,000 inhabitants. This figure is 60% lower than the European norm, which stands at 22.2 judges per 100,000 inhabitants.

The case clearance rate at the Court of Appeal of General Jurisdiction remains unsatisfactory.

⁸⁵ [https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20-%20V.C-GJAJP%20\(3\).pdf](https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20-%20V.C-GJAJP%20(3).pdf)

<https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20Gjykates%20se%20Apelit%20te%20Juridiksionit%20te%20Pergjithshem%20M.GJ.pdf>

⁸⁴ This issue was also addressed in Decision No. 39, dated 16.03.2017, of the Constitutional Court.

Compared to the previous year, there has been a decline in the clearance of cases. Data shows that the clearance rate for civil cases decreased by 38%, while for criminal cases it fell by 12.1%.⁸⁶ The total backlog at the Court of Appeal of General Jurisdiction remains very high. The average workload per judge (ER indicator) increased by 56% compared to the previous year. It has been observed that the productivity of appellate judges increased by 8.2%. However, the workload of judges at the Court of Appeal of General Jurisdiction has been very high (357 cases examined per rapporteur judge). The volume of completed cases per judge has impacted the time taken to provide reasoned judicial decisions and consequently delayed administrative actions related to communicating these decisions.

In 2024, the High Judicial Council drafted and approved the “National Strategy for Reducing the Number of Pending Cases in Courts (2024–2027),” emphasizing the necessity of effective cooperation to achieve the objectives outlined in this strategy and its action plan, aiming to reduce the backlog across courts. Furthermore, by Decision of the Council of Ministers No. 787, dated 18.12.2024, the “Intersectoral Justice Strategy 2024–2030,” its action plan, and indicator passport were approved, aiming to consolidate previous reforms, harmonize the justice system, and align it with the best EU standards. Despite the fact that the new judicial map has been in effect for two years, challenges persist: reducing the backlog, filling vacancies created in the judiciary, increasing the judicial budget for necessary infrastructure improvements (buildings and human resources – administrative staff and advisors), and improving case management systems.

The People’s Advocate is aware that the judiciary faces a high volume of cases for processing with a low number of judges. It is also observed that the pressure on judges is very high and that almost half of the judges prescribed by the organizational structure are absent. Therefore, the above-mentioned problems arise due to the excessive workload faced by judges. We reiterate

that, from the People’s Advocate’s perspective, the principle of adjudication within a reasonable time frame is fundamental for civil, administrative, and criminal trials, thus concrete measures must be taken to resolve this situation definitively.

3.7 Free Legal Aid⁸⁷

Legal Aid is a free legal service guaranteed and funded by the state for all individuals who belong to vulnerable categories and/or have insufficient income, and who are unable to afford a lawyer (or legal advisor) to resolve their legal issues. It is the mission and duty of the state to ensure access to justice (the right to benefit from free legal services for these individuals) by protecting their fundamental constitutional rights. This service aims to guarantee access to justice for low-income citizens, socially excluded persons, marginalized groups and individuals, as well as those who, for any reason, find themselves in difficult economic circumstances and cannot afford a lawyer, so that they may defend their rights and freedoms guaranteed by national legislation and international standards.

The Institution of the People’s Advocate has continued to handle complaints and requests submitted to it regarding the criteria and procedures that must be followed to benefit from primary and secondary free legal aid, in accordance with Law No. 111/2017 “On Legal Aid Guaranteed by the State,” as well as the by-laws issued for its implementation.⁸⁸ Complaints and requests related to the provision of free legal aid have been addressed by directly advising complainants or through cooperation and consultation with primary legal aid service centers. The People’s Advocate, together with its regional offices, has maintained cooperation with these centers in informing

⁸⁷ This field of law is covered by the Section for the police, secret service, prisons, Armed Forces, and the judiciary within the institution of the People’s Advocate.

⁸⁸ In 2024, a total of 5,800 cases were handled as consultations and guidance provided to complainants/applicants regarding the legal avenues they should pursue.

⁸⁶ <https://klgj.al/wp-content/uploads/2024/04/RAPORT-VJETOR-2023.pdf>

citizens about their legal rights and obligations, ways to exercise them, and in providing legal assistance for completing forms and applications for secondary legal aid by the citizens who have approached these centers.

Numerous awareness-raising activities have been conducted jointly and interactively with other institutions in the field of law enforcement and human rights. Several open days have been organized with various interest groups, as well as activities with citizens, providing concrete legal guidance and advice, and addressing their issues. Referring cases from one institution to another, according to their field of activity, increases effectiveness and enables citizens to receive better service. Currently, in accordance with Article 13 of Law No. 111/2017 “On Legal Aid Guaranteed by the State,” primary legal aid is provided by:

- Primary Legal Aid Service Centers (through specially trained staff);
- Authorized non-profit organizations;
- Legal clinics affiliated with higher education institutions.

Primary Legal Aid Service Centers are specialized units that provide primary legal aid. The Directorate of Free Legal Aid administers 20 Primary Legal Aid Service Centers, of which 14 are funded by the state budget and 6 in cooperation with UNDP under the project “On Expanding Primary Legal Aid Services for Women and Men in Albania.” The establishment and expansion of free primary legal aid centers, ensuring fair geographic distribution, has been one of the People’s Advocate’s recommendations to ensure access to justice for all citizens regardless of their place of residence. The Ministry of Justice has authorized 14 non-profit organizations to provide free legal aid for the period 2024–2026.

In 2024, around 5,800 cases were handled in the form of advice and guidance, including free legal aid provided by the staff of the People’s Advocate and its regional offices, on the legal paths citizens should follow for the further resolution of their cases. The Directorate of Free Legal Aid has signed agreements with 13 higher education institutions in Tirana, Durrës, Shkodër, Vlorë, and Elbasan.

These institutions have made available internal offices suitable for receiving citizens, accessible also to persons with disabilities. According to cooperation agreements, the legal clinics will provide primary legal aid services following the standards established by the Ministry of Justice, and together with the primary legal aid centers and authorized non-profit organizations, they will provide free primary legal aid to every eligible beneficiary under the provisions of Law No. 111/2017.

Additionally, assistance continues to be provided through the ‘Juristionline’ platform and the toll-free number 0800 1010. To ensure citizens have access to free legal aid, the online services available at www.juristionline.al are open to everyone. Through this platform, any citizen can receive legal advice and information on current laws, the rights and obligations of legal subjects, and the ways to exercise these rights in both judicial and non-judicial proceedings. The platform also offers support in drafting and preparing documents needed to initiate administrative procedures or to apply for secondary legal aid. The platform has proven to be effective, with a large number of citizens using it to seek legal guidance for their concerns. Importantly, citizens can submit a legal question without being required to complete all the fields typically found in the forms for applying for primary legal aid.⁸⁹

3.8 Rights of Former Political Prisoners and Persecuted Persons under the Communist Regime⁹⁰

The People’s Advocate believes that only by approaching the past with courage, scientific objectivity, and empathy can the emancipation of Albanian society be truly served. This segment of society, which for half a century endured the violence and terror of the communist regime, has

⁸⁹ On the website: https://juristionline.al/?page_id=14190, applications for primary legal aid are offered free of charge to citizens, while secondary legal aid is provided for a fee.

⁹⁰ This field of law is covered by the Section for the Police, Secret Service, Prisons, Armed Forces, and the Judiciary within the institution of the People’s Advocate.

for many years continued its democratic and moral struggle to obtain its legitimate rights.

Throughout its work, as also presented in previous reports, the institution of the People's Advocate has paid close attention to the respect for the rights of former political prisoners and victims of persecution under the communist regime. Various complaints and requests have been received, particularly concerning financial compensation under Law no. 9831, dated 12.11.2007, *On the Compensation of Former Political Prisoners of the Communist Regime*, as amended, and the sublegal acts issued for its implementation. Other requests have also been received, such as those related to the search for burial sites of family members who disappeared during the communist regime.⁹¹

In 2024, improved cooperation has been observed between the Ministry of Finance and the People's Advocate regarding responses to submitted complaints. This cooperation has allowed for timely clarification offered to complainants and quicker resolution of issues, including the completion of missing documentation. For the handling of complaints and the provision of responses to citizens, coordination has taken place with the ministries assigned relevant responsibilities under the law—namely, the Ministry of Justice and the Ministry of Finance.

With regard to the rehabilitation of politically persecuted individuals, a dedicated line has been included in the budget of the Ministry of Health and Social Protection. This budget for 2024 amounted to 1,242,419 ALL, with a slight increase projected for 2025, totaling 1,448,051 ALL. However, despite this allocation, it is noted that there is no provision for the approval of a Decision of the Council of Ministers (DCM) for the implementation of Law no. 9831, dated 12.11.2007, specifically for the adoption of a special pension scheme for those interned and expelled during the communist regime. We take this opportunity to recall that the *recommendation of the People's Advocate to the Council of*

Ministers—On taking the necessary measures to ensure the effective realization of the rights of former political prisoners and persecuted persons within a reasonable timeframe, and to improve their quality of life⁹²—has still gone unanswered, even though two years have passed.

According to the Final Audit Report of the Supreme State Audit conducted at the Ministry of Finance and Economy in 2023, the outstanding amount owed by the Albanian state to former political prisoners, recognized but unpaid as of the end of 2022, amounted to 29,882,175,000 ALL.⁹³ At the current rate of budgeting, or if further reduced, this obligation would take approximately *30 years to settle*. The main reason for this delay lies in the state budget's inability to distribute the recognized obligation to this category over a shorter period.

In October 2024, the People's Advocate closely monitored a hunger strike organized by a group of former political prisoners in front of the Institute for the Former Politically Persecuted. In addition to their general grievances—already known to the People's Advocate—individual complaints were also collected, including the denial of retirement pensions, unemployment (both of the individuals and their family members), and unpaid labor in the mines. Despite recommendations issued by the People's Advocate to restore the rights of this category and ensure compensation and pensions within a reasonable timeframe, they have not been implemented due to insufficient funds, as stated by the Ministry of Finance.

It is worth emphasizing that only a **“complete clarification of the injustices of the past”** can prevent the past from becoming a burden on the future. Only by breaking from it we can **“prevent future crimes, build trust in a new form of governance, and foster reconciliation between opposing sides.”**⁹⁴

92 <https://www.avokatipopullit.gov.al/media/manager/website/media/Rekomandim%20per%20te%20perndjekurit%20-%20final.pdf>

93 <https://panel.klsh.org.al/storage/phpnUmySL.pdf>

94 https://www.nurembergacademy.org/fileadmin/publications_images/drejtesia-tranzicionale-ne-gjermani-pas-1945-dhe-pas-1990/Drejtasia_Tranzicionale-Versioni_FINAL.pdf

91 9 complaints and 1 (one) case initiated ex officio / 10 cases in total.

It must also be stressed that the issue of locating, identifying, and recovering the remains of persons executed during the communist regime—whose burial sites are still unknown—remains unresolved. In response to the rightful concerns of descendants and family members of those who disappeared during the regime, several roundtable discussions have been held, highlighting the challenges surrounding this matter. However, there is still no clear decision on how this process will proceed. It is worth recalling that our institution issued *a special recommendation on this matter several years ago, but no response has been received to date.*

3.9 Execution of court decisions, both civil and administrative⁹⁵

Respect for the principle of due legal process is one of the essential elements for ensuring justice in legal systems. This principle requires that individuals' rights and obligations be upheld through a clear and fair procedure that observes set deadlines and established standards. Its purpose is to ensure that the enforcement of executive titles takes place within a reasonable timeframe. If an executive title is not enforced within such a timeframe, serious consequences may arise — not only in the failure to realize the interested parties' economic rights, but also in the erosion of public trust in the judicial system and the imposition of financial burdens on both individuals and institutions. For this reason, it is critical that responsible authorities take appropriate measures to ensure the prompt and proper enforcement of executive titles, while also respecting the principle of reasonable time limits — a fundamental requirement for an efficient and trustworthy legal system.

The enforcement of executive titles is a legal procedure aimed at carrying out a civil court ruling or another act, such as administrative court decisions or notarial acts, which the legislation recognizes as executive titles. Their

enforcement is the responsibility of the Judicial Bailiff Service. This process is initiated when a party fails to voluntarily fulfill an obligation imposed by a court decision, thereby requiring state authorities to intervene and ensure that the rights recognized by the court are actually realized.

However, the enforcement process⁹⁶ often encounters a range of issues that hinder its effectiveness and fairness. Some of the main problems identified by the People's Advocate include:

- ***Delays in the process:*** The enforcement of administrative decisions is often slowed by bureaucratic procedures, lack of financial and human resources, inefficiencies within the Judicial Bailiff Service, or vague court decisions.
- ***Difficulties in identifying and seizing assets:*** A common challenge is locating and identifying assets that can be seized or sold to satisfy the executive title. Problems arise when the debtor hides their assets or when the assets fall under categories that are legally exempt from seizure.
- ***Non-compliance with legal deadlines:*** Delays often result from failure to meet legal deadlines — whether by the courts, the Judicial Bailiff Service, or the involved parties.
- ***Lack of cooperation between authorities:*** In some cases, a lack of coordination among key institutions — such as the courts, the Bailiff Service, and other state bodies — leads to a more complex and delayed process.
- ***Problems with communication and notifications:*** Executive titles are sometimes not properly or timely communicated, which

⁹⁵ This area of law is handled by the Section for Central Administration Bodies, Local Government, and Third Parties Acting on Their Behalf.

⁹⁶ The process of enforcing executive titles, which includes several key steps such as the request for enforcement, notification of the debtor, and enforcement actions, is governed by specific duties and rules. It requires the involvement of state institutions and aims to ensure justice for individuals seeking legal protection.

can lead to legal complications and hinder enforcement efforts.

- ***Insufficient financial and material support:*** State enforcement offices often lack the financial and human resources necessary to execute the high number of enforcement cases in a timely and effective manner.

All these issues undermine the effectiveness of the enforcement process. Therefore, it is essential to introduce legal reforms or improvements to existing procedures in order to make the process faster and more efficient. The Constitutional Court of the Republic of Albania has repeatedly stated in its rulings that failing to enforce executive titles within a reasonable timeframe constitutes a violation of human rights and legal guarantees. In the Albanian context, the Court has emphasized that failure to enforce a judicial decision over a long period directly contradicts the principles established in the Constitution, as well as the principles of justice and equality before the law.

Likewise, the European Court of Human Rights (ECtHR) has consistently ruled that failure to enforce court decisions and excessive delays in doing so violate Article 6 of the European Convention on Human Rights, which guarantees the right to a fair and timely legal process. This includes the right of individuals to have binding and enforceable decisions that ensure the realization of their legal rights. In such cases, the ECtHR has found that unjustified delays in enforcement amount to a violation of the right to a fair and expeditious legal process. The Court has also explained that a fair process involves not only access to a fair legal proceeding, but also the ability to have decisions enforced without unreasonable delay — otherwise, such shortcomings are seen as violations of the right to an effective remedy for the protection of rights.

As in previous years, during 2024, several individuals approached the People's Advocate institution seeking restoration of their right to a fair trial due to failure to enforce executive titles within a reasonable time. The People's Advocate

institution handled 12 complaints in 2024, fewer compared to 2023, of which 3 were against the State Judicial Enforcement Service, 5 against Private Judicial Enforcement Services, and 4 against debtor bodies/institutions. In these complaints, the claimants alleged violations of the principle of a fair trial as a consequence of the failure to enforce executive titles within a reasonable time by the responsible authorities. During the review of cases/complaints against the State and Private Judicial Enforcement Services and debtor state bodies, problems previously identified by the People's Advocate institution persisted in 2024, including:

- Delays in providing information and explanations requested by the People's Advocate regarding enforcement cases;
- Failure or unjustified prolonged enforcement actions regarding mandatory execution of executive titles, especially in cases concerning "Obligation to vacate and deliver an item" or "Obligation to perform a specific action";
- Lack of cooperation from local inspectorates and the National Inspectorate in supporting the Judicial Enforcement Service with resources and workforce during enforcement processes, such as demolition orders issued by civil court decisions;
- Failure of the Judicial Enforcement Service to impose sanctions on debtors or other parties who refuse to comply with enforcement obligations, fail to respect enforcement deadlines, or act contrary to court rulings;
- Failure to determine the "minimum subsistence level" of debtors, resulting in non-compliance with Article 533 of the Civil Procedure Code⁹⁷ by the Judicial Enforcement Service. Similarly, failure to request the court to determine the "unseizable wage" for debtors in accordance with Arti-

⁹⁷ Article 533 of the Civil Procedure Code, "Seizure of the Debtor's Salary" provides: "After deducting social security contributions and income taxes, the judicial enforcement officer shall seize the debtor's salary, but without infringing upon the minimum subsistence level, as defined by applicable laws and bylaws in force."

cle 123 of the Labor Code⁹⁸ in cases where seizure measures are imposed on wages, causing existential problems for debtors and their families;

- Failure of competent authorities to take appropriate enforcement actions to ensure fulfillment of monetary obligations by state institutions, as set forth in final court decisions;
- Lack of willingness from public administration authorities to fulfill monetary obligations imposed by court decisions, even when they have sufficient funds.

In reviewing cases, the People's Advocate institution issued a recommendation to a private judicial enforcement officer regarding complaints about the non-enforcement of several executive titles against the debtor entity "Urban Passenger Transport Park, Tirana." It was found that the debtor failed to fulfill the obligation to pay creditors as ordered by final court decisions for several years. Enforcement actions were incorrectly directed against the Municipality of Tirana instead of the actual debtor entity.

The recommendation⁹⁹ requested the judicial enforcement officer to initiate enforcement actions against the correct debtor, provide updates on the enforcement status to the National Business Center and Municipality of Tirana, notify the debtor and third parties of their obligation to declare assets, verify the debtor's assets with relevant authorities, including the local office of the State Cadastre Agency, banks, the General Directorate of Road

Transport Services, and the National Business Center.

Regarding the activities of authorities responsible for enforcing ECtHR rulings against the Albanian state, although the People's Advocate received no individual complaints during 2024, attention is drawn to the latest Annual Report No. 18 (2024) of the Committee of Ministers of the Council of Europe, "Supervision of the Execution of Judgments of the European Court of Human Rights 2024." This report provides statistical data on the status of these judgments and measures taken by the Albanian state.

According to this report, the statistical data for Albania are as follows:

- *Cases referred for supervision before the Committee of Ministers since ratification of the European Convention on Human Rights - 136*
- *Cases pending supervision before the Committee of Ministers as of 31.12.2024 - 58*
- *Cases pending supervision before the Committee of Ministers in the last ten years:*

2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
49	50	48	37	36	29	31	36	54	58

- *Cases closed in the last 10 years*

2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
0	13	4	18	4	10	3	3	4	16

- *New Cases* – In 2024, the Committee of Ministers received from the European Court of Human Rights (ECtHR) 20 new cases against Albania for supervision of their execution (compared to 22 in 2023 and 8 in 2022). Among the new violations identified by the ECtHR in 2024, one concerned the violation of the right to respect for private and family life, several related to excessive length of judicial proceedings, and others involved the non-enforcement of domestic decisions regarding property restitution.
- *Cases Pending Supervision* – As of

98 Article 123 of the Labor Code, "Inviolable Salary" provides: 1. The salary is considered inviolable to the extent necessary to ensure the livelihood of the employee and their family. 2. The inviolable portion of the salary is determined on a case-by-case basis by the court. In making its decision, the court shall take into account necessary expenses for food, rent, clothing, as well as the employee's and their family's tax obligations or mandatory social security contributions. 3. When the court determines that it is not possible to assess all elements required to define the inviolable salary, it shall be equal to the national minimum wage, as set by a decision of the Council of Ministers."

99 Recommendation no. 202400006/6, Official Letter no. K3/B1-6 prot., dated 26.12.2024. This recommendation has been accepted but remains unimplemented.

December 31, 2024, the Committee of Ministers was supervising the execution of 58 cases (compared to 54 cases in 2023 and 36 in 2022), of which 6 were ‘leading’ cases classified under enhanced supervision procedures (compared to 4 in both 2023 and 2022), and 19 were leading cases under standard supervision procedures.¹⁰⁰

Regarding the implementation of ECtHR judgments against Albania, based on the number of pending, unenforced decisions, it is evident that *Albania ranks among the bottom 15 out of the 46 member states of the Council of Europe*. It should be emphasized that this statistical reference is the only publicly accessible source regarding the situation and level of execution of ECtHR judgments against Albania, as no data are available on the official websites of the State Advocate’s Institution, the Albanian Parliament, or any other institution

3.10 Respect for property rights¹⁰¹

Respect for property rights is a crucial aspect of protecting the fundamental rights of individuals in a rule-of-law state and for the sustainable development of society. This right is grounded in the fundamental principles of justice and equality and serves as a guarantee for individuals and organizations that their investments and properties are legally protected from any form of abuse or expropriation. Immovable property represents an important source of wealth and economic stability, as it creates opportunities for business development and growth of personal capital. However, respecting this right requires strong legal and administrative mechanisms to ensure that property cannot be affected without due legal process and compliance with fair standards.

¹⁰⁰ Among the leading cases under the extended procedure, two had been pending supervision for five years or more. Similarly, eight leading cases under the standard procedure had also been awaiting supervision for five years or more (compared to a duration of 7 years in 2023 and 3 years in 2022).

¹⁰¹ This area of law is handled by the Section for Central Government Bodies, Local Authorities, and Third Parties Acting on Their Behalf.

The protection of rights over immovable property is regulated by a range of laws and subordinate acts that ensure registration and protection of both private and state ownership. This includes a detailed system of property registration elements that guarantees individuals the right to own and transfer immovable property, as well as mechanisms for resolving related disputes. This right is also closely linked to the concept of social stability and investment security, as protecting immovable property fosters citizens’ and investors’ confidence in a country’s legal and economic system. Nevertheless, significant challenges remain in implementing these laws, particularly in areas where property rights violations are most frequent, such as unauthorized construction and overlapping ownership titles, which lead to property conflicts.

The People’s Advocate Institution considers that respect for property rights is fundamental for the functioning of a just and developed society and requires continuous commitment to strengthen legislation and enforce it equally for all. The problems identified in the activities of state bodies in Albania related to immovable property registration are numerous and mainly concern the prolonged bureaucratic procedures, lack of transparency, and technological and legal deficiencies, as detailed below:

- ***Lack of an integrated and modernized system:*** Property registration is often fragmented across different, non-integrated systems, creating space for errors, inaccuracies, and manipulation. Despite progress in digitalization, processes remain slow and unreliable.
- ***Property rights violations and overlapping properties:*** Frequently, properties overlap, causing confusion and legal disputes. This occurs due to inaccurate documentation or insufficient detailed control by state institutions.
- ***Violations of legal procedures and bureaucracy:*** Administrative processes regarding immovable property registration are often slow and bureaucratic, resulting in

significant delays that in some cases enable abusive actions or demands by officials for bribes in order to expedite procedures.¹⁰² Public perception of corruption in this sector is very high.

- **Poor accountability of institutions:** There is often a lack of coordination and responsibility among state institutions involved in property registration, such as the State Cadastre Agency (local directorates), local self-government bodies, and other institutions or structures involved with property issues.
- **Updating immovable property records and information:** The absence of an effective mechanism for updating property information has impacted the accuracy and reliability of the registries. Frequently, registered information is incorrect, causing problems for owners.

By Prime Minister's Order No. 110, dated 16.07.2024, "*On the approval of the structure and staffing of the State Cadastre Agency*," the structure of the Digital Cadastre Center, part of the State Cadastre Agency, was revised. This center has operated since 2019 and has been restructured multiple times by Prime Ministerial orders. However, complaints reviewed during 2024 have revealed issues related to this center's status, competencies, and its organizational and operational structure. These issues are being continuously examined by the People's Advocate Institution to clarify the role of this center within

102 Media monitoring has also revealed cases of criminal proceedings initiated against employees of the Regional Directorates of the State Cadastre Agency (RDSCA), such as:

(a) former director A.D. and two former specialists, E.L. and E.S., of RDSCA Saranda, accused of abuse of office in May 2024;

(b) D.S., an official of the General Directorate of the State Cadastre Agency, was arrested in April 2024, accused of exerting unlawful influence over persons exercising public functions;

(c) in November 2024, criminal proceedings were initiated against the former head of RDSCA Durrës, A.K., and two other employees of the institution, for the criminal offense of "Abuse of Office";

(d) in December 2024, the Gjirokastra Court sentenced the former head of the Gjirokastra Cadastre, F.T., to imprisonment, among others.

the State Cadastre Agency and to evaluate whether its functioning has improved the agency's overall efficiency.

- **Problems with legalization and registration of illegal constructions:** Another significant problem concerns the registration of properties constructed without permits or not included in immovable property registries. This has resulted in legal uncertainty for owners and violations of property rights. The decades-long delay in reviewing self-declarations submitted since 2005 continues to undermine this process. The State Cadastre Agency, responsible for concluding transitional administrative-legal processes related to self-declarations, has not been effective in completing these reviews. Communications with local directorates reveal a high number of ongoing cases under review by local offices.

These delays have been examined by the European Court of Human Rights and the Constitutional Court of Albania, which issued important rulings on the need for a proper administrative process by public administration bodies. The principle of due administrative process is a fundamental tenet of administrative law, both in the European Union and Albania, aimed at ensuring that public administration actions are lawful, fair, and follow prescribed procedures. The ECtHR and the Constitutional Court have stressed that failure by administrative bodies to comply with this principle can violate individuals' rights and undermine the legitimacy of administrative decisions.

- **Lack of transparency:** Addressing problems in registering immovable property in cadastre registries requires deep reform and greater commitment by state authorities to improve registration systems, increase transparency, and ensure compliance with the law and property rights.

As in previous years, the majority of complaints regarding violations of property rights or failure to ensure due legal process relate to the activities of the State Cadastre Agency and its

local directorates. The number of new complaints remains high and concerns recurring problems that continue to worry claimants (a total of 149 complaints against local directorates of the State Cadastre Agency).

According to domestic and international legislation ratified by the Albanian Assembly,¹⁰³ the activities of local directorates of the State Cadastre Agency remain problematic. Complainants have requested the intervention of the People's Advocate Institution to restore violated rights. It is noteworthy that many complaints carried over from previous years remain unresolved. These complaints concern:

- Violation of the principles of transparency and active assistance by local directorates of the State Cadastre Agency;
- Denial of physical access for claimants/complainants to meet with relevant employees at local directorates;
- Failure to meet legal deadlines in processing individuals' requests/applications, causing delays or denial of services prepaid by citizens;
- Disputes with claimants over submission or non-submission of documentation to local directorates, and the form of such documentation (original, certified copy, or photocopy);
- Failure of local directorate staff to ensure that users' lack of knowledge does not worsen protection of their legally guaranteed rights and interests when accessing services;
- Failure of local directorates to provide services not just electronically through e-Albania platform, but also at the office's physical premises, as mandated by Article 10, paragraph 2 of the Administrative

Procedure Code;¹⁰⁴

- Lack of cooperation by local directorates in obtaining information from local government bodies and other institutions or structures involved in property matters, as required by Article 68 of Law No. 111/2018 "On Cadastre."¹⁰⁵ This obligation is often shifted to the claimants during service provision;
- Requirement for individuals to submit online applications via the e-Albania platform with zero fee (Av0) to continue processing their requests, amid delays in service delivery by local directorates;¹⁰⁶
- Failure of local directorates to refund service fees when citizens mistakenly apply or do not receive the requested services;
- Electronic application forms on the e-Albania platform contain text of illegible size;
- Irregular and non-compliant issuance of property documentation, leaving some fields incomplete;
- Failure to register administrative acts and court decisions related to immovable property compensation in cadastre registries;¹⁰⁷

¹⁰⁴ Article 10, paragraph 2 of the Code of Administrative Procedure provides.

"The public authority shall promote the possibility for the party to access the public authority electronically. This possibility is not linked to any obligation of the party to use electronic means of communication."

¹⁰⁵ Article 68 of Law no. 111/2018 "On the Cadastre" provides: "Inter-institutional cooperation"

1. The State Cadastre Agency (ASHK) coordinates its activities with the State Advocate, the State Authority for Geospatial Information (ASIG), the State Archive, the Central Technical Construction Archive, local self-government bodies, and any other institution or structure whose activity is related to property issues.
2. Every state institution or other entity whose activity is related to or holds responsibility in the implementation of processes under this law, or under other applicable laws and by-laws, is obligated to cooperate and provide ASHK with all necessary information, free of charge.

¹⁰⁶ It should also be noted that, based on communications with complainants, the People's Advocate learned that the AV0 application is allowed up to three times following the initial application, despite the fact that the PA has not been able to identify any by-law that sets out this limitation.

¹⁰⁷ Article 193 of the Civil Code provides:

¹⁰³ Articles 41 and 42, paragraph 2 of the Constitution of the Republic of Albania, Article 1 of Protocol No. 1 and Article 6, paragraph 1 of the European Convention on Human Rights, Law no. 111/2018 "On Cadastre", Law no. 20/2020 "On the Finalization of Transitional Ownership Processes in the Republic of Albania", as well as other applicable legal and sublegal acts

- Failure to complete the registration of property titles, mainly the Act of Taking Land into Use (AMTP), for agricultural lands granted in ownership or use, as well as the improvement of information related to them.

In the case of the complainant Th.P., who claimed the non-registration of property recognized as owned through a 2011 court decision by the Sarandë District Court, due to inaction by the Sarandë Local Directorate of State Cadastre Agency (LDSCA Sarandë), the People's Advocate institution addressed the following recommendation to LDSCA Sarandë:¹⁰⁸

- To expedite the procedures for registering the ownership title—the final civil court decision issued by the Sarandë District Court—in the real estate register, as well as issuing the ownership documents in favor of the complainant Th.P.
- To speed up the processing of the review of application no. 8855, dated 06.07.2021, submitted by the complainant.
- To cease this unlawful administrative practice that results in violating the lawful rights of the private party due to inaction by the responsible public authority in completing administrative procedures.

Other issues related to LDSCAs' non-compliance with legal obligations as prescribed by legislation remain ongoing in 2024:

- Failure to publish basic information without request, such as cadastral maps, property

"The following must be registered in the immovable property register: ...

(dh) court decisions or those of other competent state bodies which, respectively, establish or recognize ownership over immovable property, the division of immovable property, or which declare as invalid legal actions transferring ownership previously registered in accordance with the law, as well as judicial enforcement acts concerning the seizure of immovable property or their sale through auction."

108 Recommendation no. Doc 202200492/12, letter no. K3/TH3-12 prot., dated 24.12.2024. No response has yet been received regarding this recommendation.

<https://www.avokatipopullit.gov.al/media/manager/website/reports/Rekomandim%20%20drejtuar%20DVASHK%20Sarande%20per%20marren%20e%20masave%20te%20menjehershme%20per%20shqyrtimin%20e%20aplikimit%20te%20ankuesit%20Th.%20P.pdf>

addresses, owner names, decisions of the Council of Ministers or courts, or data about the functioning of the real estate market;

- Inability of owners with non-Albanian citizenship to register on the e-Albania platform;
- Unjustified excessive delays in administrative procedures by local directorates of the State Cadastre Agency in responding to requests or recommendations from the People's Advocate. Responses to the People's Advocate's recommendations are often returned without reasoned explanations;
- Lack of position or action by the General Directorate of the State Cadastre Agency and failure to exercise its authority to sanction local directorate employees when conditions under Article 64 of Law no. 111/2018 "On Cadastre" are met;
- The imposition of temporary restrictions by the SCA General Director and local directors on cadastral property files, cadastral registration maps, or cadastral zones beyond the 30-day legal limit.¹⁰⁹

This type of restriction or prohibition regarding cadastral actions on registered property by the authorized official has three main characteristics:

First, the restriction is imposed through an administrative act which, upon entering into force, prohibits any cadastral actions by SCA

109 Article 27 of Law no. 111/2018 "On the Cadastre" provides: "Imposition of Temporary Restrictions" provides: 1. In addition to the provisions set out in specific parts of this law, the head of the local cadastral office or the General Director may order the suspension of actions in any property file, map, or cadastral zone only in the following cases:

a) to prevent fraud or an unlawful act intended to transfer ownership illegally;

b) when requested by the control or complaint-handling structures of the General Directorate, due to the identification of illegal actions related to properties. 2. The order is issued in writing, even without the request of the interested party, and is notified to the official handling the relevant case. 3. The order to suspend cadastral actions is valid for 30 calendar days from the date of its issuance. After this period, it loses its effect unless a lawsuit security measure has been imposed by the court. 4. The local cadastral office is obligated to inform the property owner about the issuance of the suspension order. The owner has the right to appeal the suspension order."

employees on the relevant property file, map, or cadastral zone.

Second, the restriction is temporary, with a legally fixed duration. After this legal deadline, the administrative act loses its power and no longer produces legal effects.

Third, the validity period of the administrative act imposing restrictions, as defined by law, serves as a legal supporting tool for the public authority when, during the course of an administrative procedure and in exercising its discretion, it deems that the restriction of cadastral actions is necessary to protect the public interest during that procedure. This time limit also functions as a safeguard and supporting tool for the parties directly involved in the administrative procedure, as it provides them with time to reflect and address the issue under review through administrative channels and all possible legal avenues for its resolution. According to Article 67 of the Code of Administrative Procedures, the administrative act imposing temporary restrictions—whether issued by the Director General or the head of the local directorate of the State Cadastre Agency, depending on the case—constitutes an interim decision issued during the course of an administrative procedure.¹¹⁰

110 Article 67 of the Administrative Procedures Code explicitly states:

1. The public authority competent to issue the final decision may also take intermediate measures when it is judged that the failure to take such measures would cause serious and irreparable harm to the public interest or to the legitimate rights or interests of the parties.
2. Intermediate decisions may be taken ex officio or at the request of the interested parties.
3. The intermediate decision must be reasoned, have a defined duration, and be communicated to the parties.

In the same line, Article 68 of the Administrative Procedures Code, states:

1. Intermediate decisions terminate automatically in the following cases:
 - a) the administrative procedure ends or the deadline for issuing the final decision expires;
 - b) the time limit set in the intermediate decision expires;
 - c) in other cases expressly provided by law.
2. The public authority revokes intermediate decisions if, during the procedure, the reason provided in Article 67(1) ceases to exist.

Current legislation provides that the order to restrict cadastral actions, after the 30-day legal validity period, can remain in effect and produce legal consequences if a court has issued a litigation security measure. Despite this legal provision, it has been observed that some local SCA directors justify the failure to perform requested cadastral actions on already registered properties by citing these restriction orders, even though these acts have expired and no court security measure has been established. Moreover, citizens are not informed about these decisions, severely violating principles of administrative procedure.

The People's Advocate considers that this situation requires urgent changes in both the law and the overall approach, and has addressed to the Council of Ministers the following recommendation: *"To adopt, as soon as possible, a Decision of the Council of Ministers defining the detailed procedures and approving the template of the act for the transfer of ownership over land, as foreseen in Article 63, paragraphs 1 and 4, of Law no. 20/2020 'On the Finalization of Transitional Ownership Processes in the Republic of Albania.'"*¹¹¹

Further findings presented in the final report of the People's Advocate institution to the Parliament over the years, regarding the protection of property rights, show that the situation concerning the review of self-declarations made over the years by subjects who built or possessed informal constructions remains problematic. The prolongation of these procedures, especially without a defined final deadline, in the PA's opinion, undermines the principle of legal certainty. In other words, citizens' trust in the state—as regards both the stability of the legislation governing these relationships, and the legality of the actions the state undertakes vis-à-vis its citizens—would provide them with legal certainty that they are subject to lawful actions and that state institutions guarantee their fundamental rights and freedoms.

The People's Advocate emphasizes that the right to property must be protected and guaranteed

¹¹¹ Recommendation No. Doc. 202101559/11, letter no. K3/I177-11, prot. dated 30.10.2024. This recommendation has been accepted but has not yet been implemented.

not only in the texts of laws and implementing acts but must also be at the core of the work of state administration institutions tasked with ensuring the effective implementation of this right. Despite this, as stressed in the 2023 Annual Report, the creation of a single institution—the State Cadastre Agency (SCA)—aimed at centralizing the activities of the previous institutions,¹¹² was implemented formally but without a clear approach to solving the problems these institutions had faced when operating independently. This formalization has not yet produced the expected effectiveness in fulfilling obligations toward subjects/individuals. Fragmentation of activities continues, along with avoidance of their most important administrative function: timely response and resolution of problems related to property issues.

In this regard, we recall the ongoing problem related to the registration in the real estate registers of 26,000 decisions issued over the years by the Property Treatment Agency (previously the Property Return and Compensation Commissions) recognizing property rights with compensation entitlements.¹¹³ This issue remains unresolved. The non-completion of the compensation process for properties recognized as belonging to entitled subjects through one of the forms provided by Law no. 133/2015 “On Property Treatment and Completion of the Property Compensation Process,” as amended, remains a critical issue, as those who were given ownership¹¹⁴ following the fall of communism have disposed and continue to dispose of the properties of former owners, while the compensation process has not yet been completed.

Regarding the handling of complaints against

112 Former ZVRPPs (Regional Offices of Immoveable Property Registration), former AITPPs (Agency for Inventory and Transfer of Public Property), and former ALUIZNI (Agency for the Legalization, Urbanization and Integration of Informal Areas/Buildings)

113 This obligation is provided for both in Articles 193/h and 196 of the Civil Code, as well as in Article 24 of Law no. 111/2018 “On Cadastre”. Meanwhile, according to the records of the Property Treatment Agency, the number of decisions recognizing ownership with the right to compensation and for which a financial evaluation has been conducted is **24,603 cases**.

114 Primarily under Law no. 7501/1991 “On Land,” as amended, as well as other specific laws.

the Property Treatment Agency in accordance with Law no. 133/2015 “On Property Treatment and Completion of the Property Compensation Process,” as amended, it is noted that the financial compensation process continued to be very slow throughout 2024. This process has not been fully implemented, and the main problem is that the entitled subjects have not yet received financial compensation. According to Article 16, point 6, of Law no. 133/2015, the deadline for completing payments for all final decisions recognizing the right to compensation should end within 10 years from the law’s entry into force. This deadline for completing compensation payments has not been respected.

The Property Treatment Agency has so far failed to complete the review of requests submitted by individuals seeking recognition of the right of ownership with the right to restitution/compensation, both before and after the entry into force of Law no. 133/2015 “*On the Treatment of Property and the Finalization of the Compensation Process*,” as amended. These issues observed in the activity of the PTA are fundamental, as they relate to the failure to respect the right to property for rightful owners, as well as the failure to uphold the principle of due legal process, due to the non-completion of the following within a reasonable timeframe:

- The review of requests submitted by individuals for recognition of ownership with the right to restitution/compensation, administered both before and after the entry into force of Law no. 133/2015;
- The completion of payments for final decisions recognizing the right to compensation, within the ten-year period set by Law no. 133/2015;
- The completion of financial evaluations of compensation decisions within the three-year period set by Law no. 133/2015.

Given that the year 2025 was foreseen as the deadline for completing the compensation process for properties recognized as owned by individuals, through either administrative or judicial decisions, data from the Property Treatment Agency indicate

that the number of decisions for which payment has been made remains low, compared to the total number of evaluated decisions and the ten-year legal deadline set for compensation—whether in monetary form or in kind. At the current pace, the continuation of the compensation process is not expected to lead to its completion not only within the legally prescribed timeframe,¹¹⁵ but even beyond any newly extended deadline.¹¹⁶

In processing cases, both initiated ex officio or registered based on complaints, concerning the respect of property rights during expropriation, ongoing problems continued to be observed. This is because, during expropriations for public interest of private property, state administration bodies behave arbitrarily towards holders of property rights/owners, stripping possessors of their property rights without prior compensation or indemnification, contrary to the provisions on a fair compensation within legal deadlines. More specifically, in 2024, an administrative investigation was initiated for the expropriation of private property of citizen A.F., for the construction of the road segment Cërrik – Belsh – Kuçovë. Despite the works having started in 2017 and completed in 2018, to this day the complainant has not received any compensation. Moreover, in the real estate registration office, the ownership record has not been updated.¹¹⁷

The Institution of the People's Advocate maintains the position that the state, through its administrative bodies, must safeguard the property interests of citizens in cases of expropriation, taking into account both the due legal process and their socio-economic needs. In other words,

¹¹⁵ In accordance with Law no. 133/2015 “On the Treatment of Property and the Finalization of the Property Compensation Process,” as amended, the year **2025** is considered the deadline for the completion of the process

¹¹⁶ It is worth recalling that in December 2024, an amendment was submitted to once again extend the legal deadline, and this proposal entered into force through Law no. 12/2025 “On Some Amendments to Law no. 133/2015, ‘On the Treatment of Property and the Finalization of the Property Compensation Process,’ as amended,” approved on February 17, 2025 and published in the Official Gazette no. 44, dated March 4, 2025.

¹¹⁷ Thus, the former owner continues to pay property tax for the immovable asset, which has been taken since 2018 for the construction of a public road segment.

despite rulings by the European Court of Human Rights regarding expropriation practices,¹¹⁸ there continue to be cases that demonstrate structural violations of human rights in matters involving public works.

Cooperation between the State Cadastre Agency (SCA) and the Property Treatment Agency (ATP) - Among the complaints handled during 2024 at the People's Advocate institution are those raising concerns about the delay of administrative procedures initiated by ATP to implement respective Council of Ministers decisions related to the financial compensation of owners of private immovable properties affected by legalized constructions.

It has been found that the complainants have followed the online procedure, submitting the necessary applications (in some cases, repeatedly) through the e-Albania platform. However, although their applications were successful, they have not yet been informed when the financial amount will be credited to their bank accounts as beneficiaries of this compensation. They report that an unreasonable amount of time has passed since their application for financial compensation.

From the administrative investigation into these cases, based on requests for explanations sent to the Property Treatment Agency (PTA), it emerged that although this public body requested the local directorates of the State Cadastre Agency (ASHK) to confirm the legal status of certain properties and to provide property files—including information on whether these properties are free of any encumbrances or obligations—the official information has still not been made available.

According to the official position held by the respective local directorates of the SCA, the PTA must apply in accordance with the requirements and procedures prescribed by the applicable regulatory legislation, and after the application is submitted, the local directorates of the SCA will proceed with reviewing the PTA's requests.¹¹⁹

¹¹⁸ The case Sharxhi and Others v. Albania, application no. 10613/16, was decided by the European Court of Human Rights (ECtHR) on 11 January 2018.

¹¹⁹ In the responses provided by the relevant local directorates of the State Cadastre Agency (ASHK), we were

Meanwhile, the PTA has emphasized that a final decision on the specific cases can only be made after receiving and processing the official information requested from the SCA.

Under these circumstances, it has been found that the administrative procedures for implementing the relevant Council of Ministers' Decisions regarding the financial compensation of owners of immovable private properties affected by legalized constructions have not been followed. At the forefront, this issue reflects a lack of institutional cooperation necessary to carry out the public function of developing the relevant administrative procedures. At the same time, it must be emphasized that exceeding the legal deadline for completing these procedures has caused significant harm to the interested beneficiary parties and infringed upon their legitimate rights and interests. Such behavior by the authorities leads to a decline in citizens' trust in public administration bodies and beyond, as well as obstructs the advancement of the European agenda, potentially resulting in further sanctions imposed by the European Court of Human Rights.

This manner of handling by ATP and SCA matters related to the implementation of the respective Council of Ministers Decisions on financial compensation of owners of private immovable properties affected by legalized constructions contradicts the principle of legality in the activity of public bodies.¹²⁰

Furthermore, the handling of these matters by ATP and SCA reveals a violation of the principle of due legal process¹²¹ in public bodies' activities. Beneficiary parties under the provisions of the

informed that, based on Article 6 of Law no. 111/2018 "On the Cadastre", the State Cadastre Agency is a public legal entity established by this law and operates as a self-financing institution. The services requested by the Property Treatment Agency (ATP) fall under the category of "cadastre services" within the meaning of Article 63 of the same law. According to the official position of the respective local SCA directorates, the manner and procedures by which these services are delivered are defined in the above-mentioned article of Law no. 111/2018, as well as in the Decision of the Council of Ministers no. 389, dated 13.05.2020, "On the approval of the list and tariffs of cadastre services."

¹²⁰ Article 4 of the Administrative Procedures Code

¹²¹ See Articles 1 and 4 of the Administrative Procedures Code.

above-mentioned Council of Ministers Decisions cannot be kept waiting indefinitely for the issuance of administrative acts by public bodies tasked with implementing these decisions, especially when an administrative procedure for this purpose has been opened.

It is also noted that there is a breach of the principle of decision-making in public bodies' activity given that the deadlines set for concluding the administrative procedure for financial compensation of owners of immovable properties have not been respected and have been significantly exceeded by ATP and SCA. Law no. 20/2020, "On the Completion of Transitional Property Processes in the Republic of Albania," in Article 24,¹²² does not specify procedural deadlines for concluding the administrative procedure for financial compensation of owners of immovable properties affected by legalized constructions, according to the provisions of the respective Council of Ministers Decisions. Consequently, in such cases, the deadline for concluding an administrative procedure provided for in point 2, Article 91 of the Administrative Procedure Code will apply and must be respected.¹²³

The problematic institutional-legal relationship

122 Points 1 and 3 of Article 24 of Law no. 20/2020, "On the Completion of Transitional Ownership Processes in the Republic of Albania", provide:

1. For non-possessing owners whose properties have been occupied by legalized construction parcels, the Council of Ministers shall, by decision, approve the financial compensation value for the respective land area.

3. When a mortgage is registered on the land parcel owned by the non-possessing owner, the legalization procedures and the approval of the compensation amount and value are not impeded. The mortgage creditor has a guarantee right over the financial compensation amount, which is reflected in the decision of the Council of Ministers. The State Cadastre Agency (ASHK) deposits the compensation amount in a special bank account, which cannot be accessed by the beneficiary without the approval or agreement of the creditor. The same rule applies to other third-party real rights over the construction parcel.

123 Points 2 and 5 of Article 91 of the Code of Administrative Procedures (Law no. 44/2015) provide:

"2. In the absence of deadlines specified by a special law, the deadline for completing the administrative procedure is 60 days. 5. Failure to comply with the time limits provided in this article must be justified by the responsible authority to the superior body, or by the responsible official to their superior, within 10 days from the expiration of the deadline or from the end of the extraordinary situation."

between the Property Treatment Agency (ATP) and the State Cadastre Agency (SCA) in handling these matters has revealed violations of the principles of debureaucratization and efficiency¹²⁴ in the work of public bodies.

According to point 3 of Article 57¹²⁵ of Law No. 20/2020 “On the Completion of Transitional Property Ownership Processes in the Republic of Albania” (Law No. 20/2020), the Council of Ministers is obliged to issue a decision (DCM) regulating in detail the coordination of work between ATP and SCA within their institutional mandates, as well as the implementation of the aforementioned law.¹²⁶ From the issues addressed throughout 2024, it has been observed that this necessary regulatory framework has not yet been issued by the Council of Ministers, although officially it has been confirmed that work on drafting this normative subordinate act began as early as 2020.¹²⁷

Based on this, a recommendation was sent to the Council of Ministers to issue the decision detailing the rules of coordination between the State Cadastre Agency and the Property Treatment

Agency.¹²⁸ This recommendation was accepted and subsequently implemented, with the Council of Ministers issuing Decision No. 638, dated 16.10.2024, “On Determining the Detailed Rules for the Coordination of Work between the State Cadastre Agency and the Property Treatment Agency.” However, it is noted that this act was issued four years later than legally stipulated, causing a multi-year suspension of the process. This delay is further compounded by the long-standing difficulties spanning decades regarding obligations related to compensation payments.

The Transitional Process for Legalizing Unauthorized Constructions - The process of legalizing informal constructions remains unresolved after many years, creating widespread discussion both socially and legally with regard to respect for human rights. Law No. 20/2020 foresees the legalization process as a transitional administrative-legal procedure under the responsibility of the State Cadastre Agency (SCA). This law, as well as previous laws regulating the legalization process, extended the legalization deadline to now include constructions built after June 27, 2014, differing from the final construction deadline established in Law No. 9482/2006 “On Legalization, urbanization, and integration of Illegal Constructions,” as amended.

The People’s Advocate emphasizes that the prolonged duration is due not only to numerous changes in regulatory legislation but also to the fact that the legal framework governing the legalization process has been insufficient or even contradictory to the principle of protecting lawful property rights.

The violation of the right to a due legal process in concluding the review of individual legalization declarations within legal procedural deadlines is identified by the People’s Advocate as another major factor hindering the normal progress of legalization.¹²⁹ Law No. 20/2020

¹²⁴ See Article 18 of the Administrative Procedures Code

¹²⁵ Article 57 of Law no. 20/2020 provides:

“*Coordination with transitional processes*

1. In areas where transitional processes are implemented, pursuant to the provisions of this law, the Property Treatment Agency shall give priority to the physical compensation of subjects, in accordance with the criteria established in the legislation on property treatment and the completion of the property compensation process.
2. The cartographic elements accompanying the decisions of the Property Treatment Agency regarding compensation must be in accordance with the cartographic framework used by the State Cadastre Agency (ASHK).
3. The detailed rules for the coordination of work and for the implementation of this law between SCA and the Property Treatment Agency shall be defined by a decision of the Council of Ministers.”

¹²⁶ Law no. 20/2020 was published in the Official Gazette no. 40, dated April 22, 2020. Meanwhile, Article 78 of the law stipulates: “In addition to the explicit references in the law, the Council of Ministers shall, within 12 months from the entry into force of this law, issue the by-laws based on and for the implementation of this law.”

¹²⁷ Letter no. 2141/1 prot., dated May 9, 2024, from the Property Treatment Agency (PTA), sent to the People’s Advocate

¹²⁸ This recommendation was sent to the Council of Ministers with letter no. K3/B16-20 prot., dated June 28, 2024.

¹²⁹ Since Law no. 9482, dated 03.04.2006 “On the legalization, urbanization, and integration of unauthorized constructions,” as amended (now repealed), did not specify a time limit for the completion of the administrative

and its implementing subordinate acts provide clear deadlines for this process, but the backlog of pending legalization applications complicates the conclusion of this transitional process and effectively results in failure to respect procedural deadlines for reviewing individual legalization declarations within a reasonable time.

From complaints reviewed during 2024 concerning the progress of the review process of declarations on legalization of illegal constructions, it was found that:

- The Local Directorates of the State Cadastre Agency (DVASHK) have either not completed or have not initiated any phase of the administrative procedure for reviewing individual self-declarations for the legalization of informal buildings, primarily those used for residential purposes, despite applications dating back to 2005 and onward. In other words, an administrative procedure appears to have been initiated years ago, but it has neither progressed nor concluded with a final decision from the relevant DVASHKs.
- The DVASHKs have not provided any legal justification for this prolonged delay in the administrative procedures, which remain incomplete.
- There is a noticeable lack of communication and a fundamental failure to respect the right to information by the responsible state authorities that initially handled these self-declarations, as well as by the DVASHKs in the subsequent stages. They have failed to inform the directly interested parties about the status and phases of the administrative process. This constitutes a direct violation of the fundamental right of the parties to a fair legal process, as well as an infringement of their property interests as rightful holders

procedure initiated through individual self-declarations for legalization, the procedural time limits set out in the Code of Administrative Procedures should have served as the legal timeframe within which the administrative procedure ought to have been completed by the former ALUIZNI. This would include issuing a final decision either legalizing the self-declared informal construction or excluding it from the legalization process.

of immovable property.

- The way in which the administrative procedure - initiated through the relevant individual self-declarations - has been conducted demonstrates violations of key principles, including the principle of legality, the right to due process, transparency and access to information, the duty to provide active assistance, accountability, and the obligation to issue decisions.¹³⁰ These are essential principles that must be upheld throughout all activities carried out by public authorities.

The excessive duration of these administrative procedures, viewed from a broader perspective, undermines the principle of legal certainty, which fundamentally presumes citizens' trust in the state. This legal certainty must be guaranteed by the state not only through stable legislation regulating relations but also by ensuring the legality of state actions in its relations with citizens, always respecting and protecting lawful human rights and freedoms.

Given the importance of resolving property issues both to guarantee citizens' property rights and for the country's economic development, finding concrete solutions for handling legalization applications of unauthorized constructions is of primary importance, opposing delays or negligence that result in missing legal and reasonable deadlines.

It is important to emphasize that the failure to administratively review citizens' legalization applications within legal and/or reasonable deadlines, depending on the case circumstances, may lead to initiating damage compensation proceedings due to unjustified administrative delays. This is because citizens, through no fault of their own, are unable to obtain a final decision in administrative procedures they have lawfully initiated, despite fulfilling all legal obligations, thus being deprived of enjoying their property rights guaranteed by the legislation.

¹³⁰ These principles are explicitly provided for in Articles 4, 5, 6, 10, 15, and 16 of Law no. 44/2015, "Code of Administrative Procedures of the Republic of Albania."

In this context, the Institution of the People's Advocate during 2024 addressed various Local Directorates of the State Cadastre Agency (LDSCAs) with a number of Recommendations regarding the *adoption of measures for the completion of administrative procedures* (mainly the review of self-declarations). These Recommendations were sent respectively to: LDSCA Pogradec, LDSCA Sarandë, LDSCA Vlorë, LDSCA Lezhë, LDSCA Tirana North, and LDSCA Tirana Rural 2.

Following the identification of violations, the following recommendations were made:

- Maximize the acceleration of procedures and deadlines for final decision-making in the review of self-declarations for the legalization of unauthorized constructions.
- Avoid the repetition of such unlawful administrative practices that result in the violation of the legitimate rights of private individuals, due to inaction by the responsible public authorities in completing administrative procedures.
- Organizing work and drafting a long-term plan for addressing these cases, with the aim of improving citizens' expectations and the overall handling of such matters.
- Organizing work processes to ensure continuous communication with applicants regarding the status of their applications.

*So far, in most cases, these recommendations have not been accepted or implemented.*¹³¹

Furthermore, due to the lack of response from the LDSCAs, we addressed the General Directorate of SCA, requesting the conduct of an administrative investigation to verify the issues raised by our institution. This investigation aimed to identify the responsible employees. Additionally, we requested that administrative and/or disciplinary measures¹³² be taken against the employees

of the local LDSCAs for failing to fulfill their obligation to review citizens' requests within the legal deadlines, as well as the implementation of organizational measures to prevent recurrence of such violations in the future.¹³³ From the handling of certain complaints, it has also been found that there are entirely unjustified legal delays in concluding the administrative procedure for the approval of ownership documents for buildings without a title of ownership, their functional land plots, and the yards in use.

Upon reviewing the complaint of citizen J.B.,¹³⁴ it was found that in 2006, this citizen, in accordance with the applicable legislation at that time, had applied/self-declared regarding the legalization of a building constructed before August 10, 1991, at the former ALUIZNI Directorate in Vlorë. Despite changes in the regulatory legal framework, with the entry into force of Council of Ministers Decision no. 608, dated September 5, 2012, "On determining the procedure for the transfer of ownership of immovable properties built until August 10, 1991, together with their functional land where there are no ownership acts, and for their registration" —which placed this matter under the jurisdiction and competence of the municipality¹³⁵ where the property is located - the

1. *The following are considered administrative misdemeanors:*

- a) *all violations of the provisions of this law that do not constitute a criminal offense;*
- b) *delays in responding to requests;*
- c) *exceeding the registration deadlines;*
- ç) *loss of documentation;*
- d) *unauthorized interference in the cadastre registers, including electronic ones, when there are no consequences.*

2. *For these violations, the Director of the Agency and the responsible complaint-handling structure shall impose a fine ranging from 5,000 to 500,000 ALL. The amount of the fine is determined based on the nature of the violation and the consequences it has caused to the service beneficiary.*

3. *The employee has the right to appeal the fine decision to the administrative court within 5 days."*

¹³³ Recommendation No. Doc. 202101111, sent on 14.06.2024. This recommendation has been accepted and implemented.

¹³⁴ Recommendation No. Doc. 202300184/14, letter No. K3/J3-14, dated 24.12.2024. This recommendation remains unanswered by the LDSCA Vlorë.

¹³⁵ Decision of the Council of Ministers no. 608/2012, point 1 set out the purpose and object of its implementation,

¹³¹ During 2024, a total of 23 recommendations were issued, of which 4 have been fully implemented, 4 have been partially implemented, 11 have been rejected, 2 have been accepted but not implemented, and 2 remain unanswered.

¹³² As also provided for in Article 64 of Law no. 111/2018 "On the Cadastre", *Misdemeanors*, which states:

former ALUIZNI Directorate in Vlorë, in violation of the law, continued handling the case and issued a decision in 2016 excluding the property from the legalization process, due to plans regarding a public road project.¹³⁶

Subsequently, on 26.02.2018, citizen J.B. submitted a request to the Municipality of Vlorë for the transfer of ownership of the old structure and its functional land, based on the provisions of DCM no. 608/2012. Despite the legally prescribed time limits¹³⁷ for issuing a decision after reviewing such requests, the Municipality of Vlorë failed to address the application and did not issue any decision.

With the entry into force of DCM no. 442, dated 18.07.2018, “On determining the procedure for the transfer of ownership and registration of immovable property constructed up to 10.08.1991 and their functional land” (DCM no. 442/2018), which repealed DCM no. 608/2012, the responsibility for reviewing citizen J.B.’s request of 26.02.2018 was transferred to the former ALUIZNI Directorate in Vlorë. Accordingly, the request was forwarded from the Municipality of Vlorë to the former ALUIZNI Directorate in Vlorë for review and decision-making. However, it was

specifically regarding the designation of the authorized public body to carry out the procedure for the transfer of ownership of immovable properties built before August 10, 1991, and of their functional land, in cases where no ownership acquisition documents were possessed. According to point 3 of this Decision, the institution authorized by the Council of Ministers for this purpose was the municipality or commune in which the immovable property was located. The primary decision-making authority under this decision was vested to the authority designated by the Council of Ministers, while ALUIZNI (Agency for Legalization, Urbanization, and Integration of Informal Areas/Constructions) played an informative role regarding matters related to the procedures carried out by the authorized institution.

¹³⁶ This decision is based on Article 39 of Law no. 9482, dated 03.04.2006, “On the legalization, urbanization, and integration of informal constructions,” as amended.

¹³⁷ Based on the procedural deadlines set forth in Decision of the Council of Ministers No. 608/2012, regarding the conduct and completion of the administrative procedure for the transfer of ownership of immovable property constructed before 10.08.1991, along with its functional land, in cases where ownership documents are absent, as well as for their registration, it is noted that the legal deadline has been **145 calendar days** from the date of registration of the request submitted by the interested party.

found that, in violation of the provisions of DCM no. 442/2018, this request was neither reviewed nor finalized through an administrative procedure by the former ALUIZNI Directorate in Vlorë. This situation persisted even after the repeal of DCM no. 442/2018 with the entry into force of DCM no. 827/2020, “On defining detailed rules for the approval of ownership documents for buildings without ownership titles, their functional plots, and yards in use” (DCM no. 827/2020), which transferred the competence for handling citizen J.B.’s request to the Local Directorate of the State Cadastre Agency (LDSCA), in Vlorë.

The People’s Advocate has found that there has been an entirely unjustified delay in the handling of this case by a series of public institutions, each of which held the competence to examine it at different stages. In fact, this delay continues even now on the part of LDSCA Vlorë, clearly exceeding the legal deadlines set out in DCM no. 827/2020 for concluding the administrative procedure initiated by citizen J.B., thereby causing him actual harm and infringing upon his fundamental right to property and to due legal process. This also creates grounds for the violation of the principle of legal certainty, which essentially presumes citizens’ trust in the state.

Activity of the Territorial Protection Inspectorate in Local Government Units and the National Territorial Protection Inspectorate - One of the aspects related to the protection of property rights concerns the activities of the National Territorial Protection Inspectorate (NTPI) and the Territorial Protection Inspectorates (TPI) within local government units. These public bodies have as their primary objective ensuring compliance with the norms, standards, and developmental conditions of the territory, as well as protecting the territory from illegal constructions.

During 2024, 34 complaints were submitted regarding the activities of NTPI and TPIs within local government units. Fourteen complaints have been concluded, while the remainder are still under review. The complaints primarily relate to inaction by these public bodies in initiating procedures for the identification and sanctioning of illegal constructions; failure to act in cases concerning

compliance with approved project plans upon which construction permits were issued for buildings under construction; as well as allegations from complainants regarding violations of legal procedures during interventions involving the demolition of constructions classified as illegal.

Regarding complaints for which the People's Advocate Institution completed review in 2024, the main issues identified are:

- Avoidance of the obligation by TPIs in local government units to exercise their legal competencies in handling specific cases;
- Lack of transparency in the activities of these bodies, frequently cited by complainants and also evidenced concretely during our institutional monitoring activities;
- Legal violations in the field of territorial development that infringe upon the legitimate rights and freedoms of individuals, while the lack of response to these illegalities continues to worsen the legal standing of entities owning or possessing constructions with various legal statuses;
- Reporting procedures on specific cases by TPIs to NTPI remain problematic, with delays and often a lack of information (in several complaints, integrated information was requested from both the TPIs at the municipality level and NTPI);
- Negligence and inaction by NTPI in cases where the Municipal Territorial Inspection fail to take action as required by the relevant legislation requires.

Concerning the recommendations on the activities of these public bodies, attention is drawn to a recommendation directed to NTPI following the administrative review of a complaint filed by citizen A.P.¹³⁸ In his complaint to the People's Advocate, citizen A.P. expressed concern regarding the inaction of the Territorial Protection Inspectorate (TPI) in Tropojë Municipality to

execute a demolition order issued by this very public body for an illegal construction. The citizen also complained about the inaction of the National Territorial Protection Inspectorate (NTPI) regarding a request from the TPI in Tropojë Municipality for support in executing the demolition order.

Upon examination of this matter, it was found that the TPI in Tropojë Municipality carried out the legal administrative procedure for identifying and sanctioning the administrative offense of building without a permit, issuing relevant administrative acts including the demolition order no. 01, dated 18.09.2021. This public body requested NTPI's support with heavy machinery to execute the demolition decision, as Tropojë Municipality does not possess the heavy equipment required for the demolition.

The National Inspectorate for Territorial Protection (IKMT), along with its Regional Directorate in Kukës, has stated—beyond its written communication with the Municipal Police Inspectorate (IMT) in the Municipality of Tropojë regarding the finalization of the procedure and the enforcement of the demolition order—that the deployment of IKMT's equipment, machinery, and personnel entails not only administrative costs but also significant financial expenses, particularly related to the transportation of heavy machinery from Tirana to Tropojë. IKMT has emphasized that the IMT in the Municipality of Tropojë has not substantiated any efforts undertaken to secure the necessary means for executing the demolition of the illegal structure. According to IKMT, any delay in enforcing a demolition order for a structure built with brick walls and concrete slab, or more importantly, the failure to plan the demolition within the legal time limit—after which the demolition decision becomes statute-barred—is unjustified.

From an analysis of the regulatory legislation governing the functions and activities of these public bodies, it was evident that the TPI in Tropojë Municipality exercised its legal competencies by issuing the necessary administrative acts for handling this case but did not execute the demolition order due to terrain difficulties in

¹³⁸ Recommendation No. Doc. 202400513/11, letter No. K3/A17-11 prot., dated 18.12.2024. This recommendation has been accepted and is in the process of being implemented by the National Inspectorate for Territorial Protection.

mountainous areas and the lack of heavy machinery needed for intervention in populated centers. For these reasons, NTPI support was requested. In this case, NTPI has the right and authority, pursuant to letters “a” of paragraph 1, and “a” and “c” of paragraph 2 of Article 9/1 of Law no. 9780/2007 “On inspection and protection of the territory from illegal constructions,” as amended, to exercise the powers legally granted to TPI in Tropojë Municipality.

Referring to Article 46¹³⁹ of Law no. 10279, dated 20.05.2010 “On administrative contraventions,” it is noted that a statute of limitations is established for the execution of demolition orders for illegal constructions. Considering the prior request by the TPI in Tropojë Municipality for NTPI support with equipment for demolition, as well as the fact that NTPI did not fulfill the legal obligation to issue a decision recognizing the statute of limitations on the execution of the demolition order—and given that this issue was not challenged in court by any directly interested parties—we have concluded that the only authority competent to decide on this matter remains the court. Under these circumstances, we maintain the position that the existence of these conditions renders the aforementioned demolition order enforceable in this case.

Violation of Public Expropriation Procedures - Law no. 8561, dated 22.12.1999, “On expropriations and temporary use of private property for public interest,” as amended (Law no. 8561/1999), sets out the legal procedures and timeframes that must be observed for carrying out the expropriation process in the name of public interest. According to Article 5 of this law, when the realization or protection of public interests cannot be achieved without exercising ownership rights

over immovable or movable private property, the Council of Ministers, upon the request of the entity in whose favor the expropriation is proposed, and based on the proposal of the minister responsible for urban development, decides on the expropriation of such properties. The spirit of the law is clear in stipulating that expropriation is a measure of last resort—only to be undertaken when the public interest cannot be otherwise realized or protected. The process must always be carried out in full compliance with the procedures set forth in the law. Public expropriation may be undertaken in favor of the state, or public or private legal persons, whether domestic or foreign, for the implementation of a project, investment, or structure which, in all cases and in accordance with the law, serves a public interest.

Reviewing complaints submitted to the People’s Advocate Institution in 2024 regarding the lack of progress in public expropriation procedures (when these were necessary), it was found that in areas where these immovable private properties were located, public investment projects were implemented, while legal procedures for expropriation had not been initiated at all to compensate the complainants (lawful owners of the immovable properties). This constitutes a flagrant violation of the constitutional and legal rights of individuals.

During 2024, the institution of the People’s Advocate continued to follow up on the issues raised by a group of residents from the village of Fushë-Prezë, and the village of Bërçullë, Municipality of Vorë, regarding the implementation of the project “Construction of the Thumanë-Vorë-Kashar Road Axis.” During the administrative investigation, it was found that:

The partial handover of the territory for the construction project “Construction of the Thumanë-Vorë-Kashar Road Axis,” from the Ministry of Infrastructure and Energy to the contractor, the company “G2 Infra” JSC, as recorded in the minutes dated 08.03.2023 and 20.03.2023 “On the partial handover of the project territory,” signed by representatives of the Contracting Authority (MIE) and the contractor “G2 Infra” JSC, and the administrator of the

¹³⁹ Article 46 of Law No. 10279/2010 provides: “*Except where a special law provides otherwise, an administrative sanction issued by a public administration body, which is not executed within two years from the date the decision on the administrative offense is issued, shall be subject to a statute of limitations. In this case, the administrative body that issued the decision on the administrative offense shall issue a decision stating that the sanction is time-barred. The decision establishing the statute of limitations for the administrative sanction shall also list the reasons that led to this conclusion.*”

company “Gener 2” JSC, was carried out before the expropriation procedure had taken place for the property owners affected by the development of this project, and before the construction permit was approved (by KKT Decision no. 04, dated 03.04.2023). The expropriation of the private owners of the immovable properties affected by the implementation/construction of the “Thumanë-Vorë-Kashar Road Axis” project was carried out through the Council of Ministers’ Decision (VKM) no. 332, dated 31.05.2023, “On the expropriation, in the public interest, of the owners of immovable private property affected by the implementation of the project ‘Construction of the Thumanë-Vorë-Kashar Road Axis’,” amended by VKM no. 717, dated 13.12.2023, and VKM no. 143, dated 13.03.2024. Therefore, it is preliminarily established that the right of ownership or possession over immovable property was violated/infringed upon for the affected property owners or possessors without a due legal process, in contradiction with Article 42, paragraph 2 of the Constitution of the Republic of Albania and Article 6, paragraph 1 of the European Convention on Human Rights.¹⁴⁰

It has also been established that the construction works for the public project “Construction of the Thumanë-Vorë-Kashar Road Axis” were carried out by the Concessionaire Company prior to the approval of the development permit, approved by Decision No. 09 dated 14.12.2022 of the National Territorial Council, and the construction permit, approved by Decision No. 04 dated 03.04.2023 of the same public authority. The publication of Council of Ministers Decision No. 360 dated 26.05.2022 in Official Gazette No. 82 dated 26.05.2022 did not include the cartographic material annexed to the Concession Contract approved by the aforementioned Decision of the Council of Ministers. The construction permit for the project “Construction of the Thuman-Vorë-Kashar Road Axis” was approved by Decision No. 04 dated 08.03.2024 of the National Territorial Council.

¹⁴⁰ Ratified by Law No. 8137, dated 31.07.1996, “On the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms.”

Within a broader context, the issues related to public expropriation procedures, or the lack thereof, identified during the administrative investigations of the People’s Advocate institution, are as follows:

- Immovable properties, privately owned by the complainants, were not timely included by the expropriation requesting entity in the lists attached to the respective requests for their inclusion in the expropriation process published in the Official Gazette. It appears that the preliminary procedures for this purpose were not carried out. This occurred despite the legal obligation of the requesting entity in whose favor the expropriation is made, to submit to the State Expropriation Agency a request for expropriation along with the necessary documentation, including the list of owners of private immovable properties subject to expropriation and the relevant ownership documents for the properties affected by the expropriation footprint.
- Regardless, the construction works for the realization of public projects were carried out and the public interest infrastructure was built, thereby infringing upon private property included in the footprint of the public work.
- The requesting entities have confirmed that expropriation procedures for public interest are ongoing for the affected private immovable properties, while the lawful owners of these properties have been factually and unlawfully “deprived” of their ownership rights and the rights deriving therefrom, due to the implementation of the aforementioned public interest project. Furthermore, there has been no completed expropriation process for these private properties, which remain, formally, the lawful property of the complainants. It should be emphasized that verification of ownership and the legal subject holding it is, and must be, a prerequisite legal process without which no further procedures—be it expropriation or site

clearance for construction—can proceed. This verification highlights possible legal issues related to properties affected by the implementation of the public work project, as well as the consequences on ownership status.

- There has been no Council of Ministers decision for the expropriation of these private immovable properties. Under these circumstances, the legal situation concerning the treatment of private immovable properties affected by the implementation of public projects has deteriorated due to the overt violation of lawful ownership rights.
- Although, according to the law, expropriation procedures must necessarily be completed before proceeding with the implementation of a public project, it has been found that this legal obligation was entirely violated in several cases reviewed by the People's Advocate.
- It is worth noting that, in cases examined by the People's Advocate concerning expropriation for public interest, it was found that public works commenced prior to the initiation of expropriation and compensation procedures for the affected parties, thus constituting and evidencing an infringement of the ownership rights of lawful owners.
- This mode of action clearly violates the right to property and the right to a fair legal process, in accordance with all legal requirements and deadlines, which would enable the realization of a lawful and just expropriation procedure.

Therefore, the major issue observed during 2024 is the lack of action or untimely response by public authorities regarding the inclusion of private immovable properties in the expropriation process for public interest, which, in fact, have been “occupied” by public works completed prior to the initiation of public expropriation procedures, but have not yet been expropriated.

Regarding the recommendations sent on

matters of this nature, it is worth mentioning a specific case in which the People's Advocate addressed the State Expropriation Agency (SEA) with a recommendation following an administrative review of a complaint filed by a private commercial company, concerning the exclusion of one of its immovable properties from the relevant expropriation request published in the Official Gazette. Ownership of this property was acquired through a notarized sale contract, with the Council of Ministers as the seller and the complaining company as the buyer.

Although the company addressed SEA with a letter - highlighting that the property in question is its asset and used for its commercial activity as well as requesting its inclusion in the expropriation process - this property was not included among those expropriated by Council of Ministers Decision No. 143/2024.¹⁴¹ The company also approached the Local Directorate of the State Cadastre Agency (LDSCA) in Krujë to obtain the ownership certificate for this property, but received no response from the Directorate.

The People's Advocate found that, notwithstanding the company's request – made in compliance with the legal provisions and submitted to SEA asserting that their lawful property, affected by the footprint of the “Thuman-Vorë-Kashar Road Axis” project, was not included in the list of owners of private immovable properties to be expropriated due to this public interest investment - in accordance with Article 15, paragraph 3 of Law No. 8561/1999, the company's request should have been followed by an administrative procedure carried out by SEA to verify whether third-party ownership claims (for the purpose of public expropriation) were legally justified or not. This did not happen in this case.

The fact that SEA did not properly review the

¹⁴¹ Decision of the Council of Ministers No. 143, dated 13.3.2024, “On some amendments and additions to Decision No. 332, dated 31.5.2023, of the Council of Ministers, ‘On the expropriation, in the public interest, of the owners of immovable private property, affected by the implementation of the project Construction of the Thumanë–Vorë–Kashar road axis’”, as amended.

company's request according to the applicable legal provisions means that the decision of the Special Expropriation Commission at SEA was unlawful and caused harm to the lawful ownership rights and interests of the company, effectively "stripping" it unlawfully of its ownership right. This occurred without a due legal process in compliance with all legal requirements and deadlines that would have enabled a lawful and fair expropriation procedure by SEA.¹⁴² It should be emphasized that due to the improper performance of administrative duties, such cases end up being resolved in the judicial system, creating additional costs for both the state and individuals. Even more serious, however, is the loss of citizens' trust in the state and in the proclaimed constitutional rights.

A similar case involves complaints from citizens I.Xh. and L.Xh.,¹⁴³ whose lawful

142 Accordingly, a recommendation was sent to the State Agency for Expropriation (also copied to the Regional Directorate of the State Cadastre Agency, Krujë), by Doc. No. 202400439, Letter No. K3/Sh13-11 prot., dated 12.12.2024, to:

1. Immediately initiate and complete the administrative procedure for compensation of the damage caused to the company "F.K.C.F" sh.p.k., as the lawful owner of the immovable property of the type "land", with a surface area of 1057 m², Cadastral Zone 1042, located in the village of Arameras, Fushë-Krujë, due to the absence of a due and legal expropriation process.

2. Swiftly complete the expropriation procedures by the State Agency for Expropriations in order to forward the file to the Council of Ministers for the approval of the relevant decision on the expropriation of the company "F.K.C.F" sh.p.k., as the lawful owner of this property.

3. Identify the responsible individuals and impose the relevant legal measures against them, for the violation of the lawful rights of the company "F.K.C.F" sh.p.k., as the rightful owner of the immovable property of the type "land", with a surface area of 1057 m², Cadastral Zone 1042, located in the village of Arameras, Fushë-Krujë, regarding the economic damage caused and the value that must be paid to the company for the use of its property during all this time.

In response to the recommendation, the State Agency for Expropriation confirmed that the matter is currently being pursued in court by the complaining company; however, the recommendation has not been accepted.

143 Recommendation no. Doc. 202100157/10, letter no. K3/L4-10 prot., dated 20.12.2024. There has been no implementation process for this recommendation by the responsible authority.

Recommendation no. Doc. 202400416/9, letter no. K3/19-9 prot., dated 23.10.2021. There is still no response to this recommendation.

property was affected by the footprint of the project "Paving and renovating Qafë Plloçë-Pogradec Road and Pogradec Ring Road," which transformed their property into a public investment without prior completion of the public expropriation procedure. Under these circumstances, these citizens were factually "stripped" of their property rights without a fair legal process and the necessary public expropriation procedure.

In the case of the complaint filed by Mr. M.M. against the Municipality of Tirana concerning the violation of his property rights due to the impact of administrative procedures undertaken by this authority, the People's Advocate's Office has addressed the Municipality of Tirana with the following recommendation:

- To take immediate measures to improve the procedure followed by the Municipality of Tirana, as the Implementing Unit of the forced development project, with focus on the identification of needs for forced development projects and the effective guarantee of Mr. M.M.'s rights.
- To take administrative actions to regulate and reformulate the agreement, ensuring it includes all necessary elements to guarantee the effective rights of the complainant Mr. M.M., including deadlines for the realization of his property rights, the procedures for granting lease bonuses to the complainant's family, as well as the right to appeal.¹⁴⁴

Given the scope of our institution's work, the issue of irregular expropriations has been approached comprehensively—not only from the initial moment when an administrative complaint is filed with a public administration institution, but also through to the restoration of rights (including compensation) impaired by unlawful acts or omissions of state's public bodies. What makes this issue even more urgent is the fact that, despite being addressed at the international level, the problem persists.

144 Recommendation no. Doc. 202200048. Letter no. K3/M3-9 prot, dated 24.12.2024. This recommendation was accepted by the Municipality of Tirana but has been only partially implemented.

Specifically, we draw attention to the 2018 judgment of the European Court of Human Rights (ECtHR) in the case *Sharrxhi and Others v. Albania*. Although Albania has been under enhanced supervision by the Committee of Ministers since 2022 regarding this case, it has yet to clarify the measures adopted to address expropriations related to unlawful demolitions, as well as the timeframe for the payment of compensation.¹⁴⁵ Consequently, the Committee of Ministers re-examined the execution of this matter at its 1521st meeting (4–6 March 2025), where, among others, it: “2. *Expressed serious concern over the prolonged failure of the authorities to pay the long-overdue just satisfaction awarded by the Court to the applicants, despite previous urgent and repeated calls from the Committee, including Interim Resolution CM/ResDH(2023)424;*” ... “4. *Repeatedly called on the authorities to take all necessary measures, as a matter of urgency, to make the payment requested together with default interest, and to involve, where appropriate, the applicants (or their representatives) in discussions concerning the payment;*” and “5. *Decided that, should no concrete steps be taken to secure payment, it would resume consideration of the case at its 1545th meeting (December 2025) (DH), including examining new measures to ensure the respondent State complies with its obligations under the Court’s judgment.*”¹⁴⁶

From the above, it is evident that the general measures imposed by this decision have been ineffective and violations continue in this regard.

In conclusion, as a result of findings accumulated over the years, it is noted that property rights in Albania suffer from structural violations. Despite reforms undertaken, fundamental improvements remain necessary to guarantee the effective protection of property rights for citizens.

3.11 Regulation of labour relations and respect for the right to due process in administrative procedures¹⁴⁷

During 2024, the People’s Advocate institution, in particular the Administration Section, addressed complaints focusing on issues related to the resolution of labor disputes under the Labor Code, as well as civil service legislation, within the framework of guaranteeing the right to work and labor rights. The People’s Advocate emphasizes that in this field, the institution deals exclusively with complaints against public authorities and not against commercial companies operating in the private sector.

The right to work is an individual right enshrined both in the Constitution and in international human rights instruments. If the employment procedures carried out by public bodies in exercising their authority lack transparency, fairness, and equality, this right remains merely declarative. Managing employment relations within the public administration and respecting the right to due process in administrative procedures have been key focus areas where the People’s Advocate continues to invest efforts in order to guarantee stability and protect the rights arising from the employment relationship within public institutions at both the local and central level.

During the administrative investigations, several issues were identified concerning the failure to observe the principles governing administrative procedures, particularly those related to respecting the lawful rights and interests of the parties involved. This, in essence, constitutes a violation of the right to due process in administrative proceedings—one of the fundamental principles of the rule of law. Among the main problems identified—either through submitted complaints or cases initiated ex officio by the People’s Advocate—were issues related to employment relationships in public administration. These complaints mainly concerned: unfair dismissal or removal from office, improper recruitment procedures in

¹⁴⁵ 2023 Screening Report Albania, Cluster 1 – Fundamentals, fq. 65

¹⁴⁶ <https://hudoc.exec.coe.int/eng#%7B%22excid%22%3A%22004-49665%22%7D>

¹⁴⁷ This area of law is handled by the Section for Central Administration Bodies, Local Government, and Third Parties Acting on Their Behalf.”

public administration, unfair transfers to other positions, the application of suspension in civil service relationships, restructuring procedures within public administration institutions, failure to enforce final court decisions ordering the reinstatement of civil servants, denial or non-payment of annual leave in accordance with the law, and failure by employers to pay social and health insurance contributions.

In 2024, the Administrative Section handled 40 cases related to employment relations.¹⁴⁸ These cases were submitted by employees who had been dismissed, transferred, suspended, or disciplined during the course of their employment, as well as cases investigated on the institution's own initiative. Upon reviewing and analyzing these cases, it was found that the majority were resolved in favor of the employees, while the rest remain under administrative investigation.

In some instances, administrative investigations revealed violations of the right to due process in administrative procedures by public administration bodies. These violations stemmed from inadequate implementation and failure to comply with mandatory legal principles and procedures. Furthermore, in one case brought before the People's Advocate by representatives of the Postal Workers' Union of the Albanian Post JSC, concerns were raised regarding the failure to conclude a collective agreement between the union and the company—an issue directly linked to the protection of workers' rights in this publicly owned company. The investigation concluded that any legally unfounded procedural obstacle or inaction by the employer to carry out the necessary legal procedures for concluding the collective agreement constitutes interference in trade union freedom. Upon concluding its review, the People's Advocate noted that the union representatives had referred the case to the competent court for final resolution.

The People's Advocate emphasizes that, regardless of whether the employment relationship

is governed by the Labor Code or by civil service legislation, the focus must remain on ensuring the establishment, functioning, and stability of a public administration that upholds core principles such as equal opportunities, non-discrimination, meritocracy, and transparency—interconnected with the principles of professionalism and political impartiality.

Additionally, many administrative procedures were found to be unclear or incomplete, failing to guarantee legal certainty and clarity. After receiving and analyzing the responses from public administration institutions, the People's Advocate, in cases where issues were identified, issued recommendations requesting these institutions to conduct an in-depth review of the specific circumstances and prepare comprehensive detailed reports. These are intended to identify accountability within institutional hierarchies regarding the appointment or dismissal of employees/complainants in violation of the law.

The right to due process in administrative procedures—enshrined in the European Convention on Human Rights and the Constitution of the Republic of Albania—is also a fundamental constitutional principle, as affirmed by the caselaw of the Constitutional Court of Albania.

Actions or omissions in violation of the law by public institutions, in some cases, result in significant financial costs to the state budget. For example, unlawful dismissals—either through failure to follow legal procedures or lack of a valid legal reason—can lead to high probabilities of the former employees winning court cases challenging the termination of their employment, based on both procedural and substantive violations.

In particular, the legality of administrative procedures and decisions related to dismissals will remain a key focus of the People's Advocate's work, with the aim of contributing to improved employment relations and the establishment of a functional public administration aligned with European standards.

¹⁴⁸ At the Office of the People's Advocate, issues and complaints related to employment relations are also handled by other sections, depending on staff respective areas of competence.

3.12 Consumer Protection¹⁴⁹

The right to access basic services, such as drinking water supply and electricity, is a fundamental need for all citizens. The absence of these services constitutes a serious violation of human rights.

In 2024, the People's Advocate institution handled 94 cases, either based on complaints or on its own initiative, concerning alleged failures to properly implement consumer protection legislation. Public entities alleged to have violated consumer rights included the Universal Service Supplier (FSHU sh.a.) and various Water Supply and Sewerage Companies (UK sh.a.). The cases reviewed by the People's Advocate—whether initiated by complaints or ex officio—primarily involved issues such as overbilling, problems with consumption meters, and irregular consumption readings, both for electricity and water supply. Specifically, the institution examined cases where operators failed to respond to citizen complaints regarding service disconnections, overcharging, estimated billing, financial inability to pay for services, and the quality of services provided.

Following the administrative investigations, the People's Advocate concluded that procedural improvements were necessary and called for the restoration of violated rights. It was also found that both the electricity distribution operator and the water companies had failed to comply with legal provisions regarding preferential tariffs or exemption from billing for subscribers belonging to specific vulnerable groups.

In alignment with international standards, we highlight that UN General Assembly Resolution 64/292¹⁵⁰ recognizes the right to safe and clean drinking water and sanitation as a “human right” essential for the full enjoyment of all other human rights. Albania is a signatory of the Millennium Declaration and has committed to achieving the 17 Sustainable Development Goals (SDGs) by 2030.

¹⁴⁹ This area of law is handled by the Section for Central Administration Bodies, Local Government, and Third Parties Acting on Their Behalf.

¹⁵⁰ Available at:

<https://digitallibrary.un.org/record/687002?v=pdf>

In this development agenda, water and sanitation are considered key components of all dimensions of sustainable development due to their links with major global issues and their impact on all human activities. In accordance with the SDGs promoted by the United Nations under the 2030 Agenda, state authorities must ensure universal and equal access to safe, affordable, and reliable drinking water for all.

The People's Advocate emphasizes that particular measures must be taken to protect vulnerable consumers, including actions to prevent disconnections of electricity and water services, especially in rural areas. In some of the complaints reviewed, it was found that electricity and water suppliers directed citizens to pay outstanding debts in installments through a signed agreement. While this was presented as the only facilitative option to settle accumulated debts, such arrangements were made without addressing the underlying issues, thus increasing the likelihood of recurrence over time.

In handling the reported cases and identified issues, the People's Advocate has recommended to finalize the administrative procedures for signing water supply contracts with complainants; identify responsibilities and hold accountable those who violated complainants' rights; and ensure that operators follow proper legal procedures in the collection of unpaid debts. Additionally, administrative and legal measures have been recommended to prevent similar situations from recurring in the future, always with the best interest of the citizen in mind.

The regulatory framework also includes obligations arising from Albania's commitments under the Energy Community Treaty and EU directives on consumer protection throughout all phases of electricity supply services.

During the review of these cases, violations of regulatory legislation protecting end consumers were found, particularly actions by operators that resulted in service charges inconsistent with the actual consumption of end users. The rule of law, which underpins any democratic state, implies the supremacy of the law and the elimination of

arbitrariness, aiming to ensure respect for and protection of human dignity, justice, and legal certainty. In this context, we emphasize the need to ensure access to affordable, reliable, sustainable, and modern energy for all. By 2030, universal access to such energy services must be achieved.

Finally, the achievement of these objectives by central and local government authorities must be demonstrated through the effective fulfillment of their functional duties and by respecting fundamental human rights and freedoms, as guaranteed by the Constitution of the Republic of Albania, the Universal Declaration of Human Rights, and the European Convention on Human Rights, ultimately contributing to the realization of these goals.

3.13 Respect for Rights Related to Local Government¹⁵¹

The role of local self-government is recognized and reaffirmed in numerous acts of international organizations, including resolutions adopted by the United Nations Human Rights Council. The actions of local self-government bodies are essential in safeguarding citizens' space, ensuring access to basic services, and improving urban planning, all aimed at achieving the state's social objectives. Municipalities, as local self-government units providing services to citizens, must strive to enhance the quality and delivery of those services while keeping costs as low as possible. According to the Citizens' Charter on Access to Public Services,¹⁵² clear obligations are established for the institutions responsible for delivering such services, ensuring the effective realization of citizens' rights.¹⁵³

151 This area of law is handled by the Section for Central Government Bodies, Local Authorities, and Third Parties Acting on Their Behalf. At the Office of the People's Advocate, issues and complaints related to local government—such as the right to housing and the provision of public services—are also addressed by the General Section and the Children's Section, depending on their respective areas of competence.

152 Adopted by Decision of the Council of Ministers No. 623, dated 26.10.2018

153 Among others, the following rights may be mentioned: the right to information; the right to access and use public services; the right to equal treatment in the

Article 108, paragraph 3, of the Constitution of the Republic of Albania stipulates that municipalities are the basic units of local governance. They carry out all self-government duties, except those specifically assigned by law to other local government units. These units operate on the basis of the principle of local autonomy, defined as *"the right and ability of local government units, established according to the Constitution and this law and within the limitations of the same, to regulate and manage a substantial share of public affairs under their own responsibility and in the interest of the local community."*¹⁵⁴

Similarly, Article 8 of Law no. 139/2015 "On Local Self-Government" provides that *"the municipality exercises local self-governance through the exercise of public authority within its jurisdiction."* Article 9 of the same law also provides municipalities with the right to determine the necessary measures for fulfilling their functions and exercising their powers.

In exercising these functions, the municipality is responsible within its territory for infrastructure and public services, which are vital for the community. Within this scope, complaints and cases initiated ex officio have primarily concerned: the collection, removal, and treatment of urban waste; maintenance and management of green public spaces; stormwater drainage and flood protection in residential areas; public decor and lighting; maintenance of institution buildings under municipal authority; maintenance of urban and rural roads; and ensuring the proper standards of road signage.

Throughout 2024, in our communications with

provision of public services; the right to active assistance during the service delivery process; the right to an effective remedy; the right for requests to be processed in the order of application; the right to receive services within reasonable time limits; the right to transparent service delivery; the right to have alternatives when submitting a service request; the right not to be penalized for errors or inaccuracies caused by public administration institutions; the right to appeal; the right to adequate infrastructure for the provision of public services; the right to prior consultation; the right to quality service; and others.

154 See Article 2, point 2 of Law 139/2015, "On Local Self-Governance."

various municipalities, we have emphasized the proactive role that municipalities should play, guided by the principle of local autonomy and in accordance with applicable legislation. The aim is to bring local authorities closer to citizens and to ensure their professional engagement in educating the public on their rights when accessing public services.

Regarding social services, The People's Advocate has reminded municipalities that the construction and administration of social housing falls within their responsibilities. Social housing programs include: rental housing for social needs; improvement of existing housing conditions, until such time as a new housing is built; low-cost housing programs; area development programs for housing purposes; and temporary housing programs, among others. The People's Advocate notes that municipalities' capacities to fulfill this responsibility vary, and that many medium and small municipalities lack programs for building social housing or subsidizing rents. This issue requires attention at the level of national and local public policy. Therefore, in order to protect human rights—both to prevent inequality and to promote inclusion—highlighting the stance of the People's Advocate on the activities of local self-government remains essential in the context of upholding rights related to local governance.

The Right to Housing – The right to housing is among the fundamental human rights directly linked to the right to life and health, and is a matter entrusted to the local self-government authorities. It is of utmost importance that local state authorities fulfil their obligation to guarantee legal protection for housing and to progressively realize all dimensions of the right to adequate housing. A number of cases addressed by the People's Advocate pertain to housing rights, particularly in relation to social housing, soft loans, rent bonus programs, and issues related to improving living conditions—such as the urgent need to reconstruct housing or to address the consequences of damage caused by earthquakes, floods, etc.

During 2024, the Administrative Section handled 60 complaints or cases related to this field. A key point worth highlighting is the proactive

role of the People's Advocate in defending this right. Several of the cases investigated were initiated ex officio by the institution. In this context, administrative investigations have focused on compliance with administrative rules and procedures for the planning, provision, management, and distribution of social housing programs. The objective has been to create opportunities for suitable and affordable housing, based on the capacities of families to pay and with the support of responsible state institutions.

From the review of complaints addressed by the People's Advocate in 2024, a recurring issue identified in several municipalities is that—despite the timely application of individuals for rent subsidies in line with decisions of local councils—approval of rent bonuses is often delayed beyond the reasonable legal deadlines or terminated unilaterally due to lack of funding. This situation, largely stemming from the 26 November 2019 earthquake and still ongoing, has left affected individuals and families—many of whom belong to vulnerable groups—struggling to secure a basic right: the right to housing. As a result, they face cascading impacts that affect other lawful rights. To this end, an administrative investigation was launched ex officio, and 61 municipalities were requested to provide information enabling a comprehensive overview of how many families have been fully accommodated, how vulnerable groups are being treated, and the timeline for completing the reconstruction process without excluding anyone.

In cases where investigations have concluded, municipalities have been advised that families or individuals who are not eligible under one social housing program should, if meeting the legal requirements, be allowed to transition into another relevant program.

In its investigations concerning the right to housing, the People's Advocate has consistently aligned its work with the Sustainable Development Goals—particularly Goal 11: *“Make cities and human settlements inclusive, safe, resilient and sustainable,”* and Target 11.1: *“By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.”*

Cooperation during administrative investigations is closely tied to the principles of transparency and accountability. In this regard, the mission of the People's Advocate is to contribute to the transparency and accountability of public institutions with respect to their lawful administrative conduct, in defense of individuals' rights and legitimate interests. PA's formal requests to public authorities have consistently sought detailed information about the duration of administrative procedures, the transparency of those processes, and, in specific cases, the status of implementation of administrative acts issued at the conclusion of such procedures. In many cases, the responses received have failed to fully address the requests of the People's Advocate, revealing a lack of transparency or even unrelated replies—highlighting a deficit in effective cooperation.

To address these shortcomings, we have recommended, in several instances, that administrative procedures be initiated to identify the responsible staff for failing to meet their legal obligation to respond to the People's Advocate, or to provide the requested information, and that appropriate disciplinary measures be taken.

The institution has also paid special attention to cases involving families with members who are ill, disabled, children, pregnant women, single mothers, elderly individuals, and other vulnerable groups. Our investigations have revealed that, in some cases, responsible authorities have failed to provide the necessary care and consideration in addressing the specific housing needs of these groups.

The Law on Housing enshrines the principle of “adequate housing” and defines the necessary conditions for a dwelling to be considered suitable. Housing is deemed adequate when it ensures privacy, a safe, peaceful, and dignified life, and sufficient living space in line with national housing norms and construction standards, including basic services within the dwelling. Adequate housing must also ensure access to public services—such as potable water, electricity, sanitation, and waste management—as well as to employment services, health and social care, education, and other community services.

Based on the applicable legal framework and the challenges identified during our case reviews, it is considered necessary to adopt appropriate measures to improve living conditions—especially for vulnerable individuals who lack financial means. It is therefore essential that every municipality, local government unit, or other competent public authority carefully assess each situation on a case-by-case basis, in order to facilitate access to adequate housing in accordance with legal standards.

As part of its mandate, the People's Advocate has also addressed ongoing public concerns regarding the calculation and payment of building-related taxes in the Municipality of Tirana—specifically, the property tax on buildings, the infrastructure tax, the cleaning fee, and the immovable property tax. Following an administrative investigation into these issues, a recommendation was submitted to the Municipality of Tirana and the Tirana Municipal Council, requesting the following:

- To review, propose amendments to, and adopt changes to Municipal Council Decision No. 158, dated 26.12.2019, “*On the approval of the local tax and fee system in the city of Tirana*,” as amended. The goal is to enact legal changes regarding the immovable property tax (building tax), the cleaning fee, and the temporary tax for educational infrastructure, as these taxes are imposed on individuals who receive services only once, regardless of how many properties they own. These individuals should not be charged the same taxes repeatedly for each separate property.
- To establish an effective and protective mechanism for verifying and ensuring compliance with taxpayer obligations under Municipal Council Decision No. 158, dated 26.11.2019, once the above legal amendments have been enacted. This mechanism should address the proper taxation, charging, and potential exemptions for citizens owning multiple properties;
- To establish a working group to conduct a public information campaign that is

effective, accessible, direct, and transparent for citizens. This campaign should include detailed provisions on the regulation of the taxpayer–municipality relationship.

- To improve the method of notifying citizens by ensuring that communications are delivered to their actual addresses and are duly acknowledged—ideally with the citizen’s signature—to better guarantee the protection of their legal rights and interests.

The Right to Access Public Services - Public services, understood as those provided by both local and central government authorities, form a system that facilitates and improves the lives of communities, primarily in residential areas. These services are the foundation for infrastructure development and the accessibility of benefits for citizens.

In 2024, the Administration Section handled 94 complaints and cases, mainly concerning infrastructure issues such as the absence of defined road parameters and standards, inadequate road maintenance, lack of sewage systems, and poor maintenance of such systems. These issues were assessed not only as individual rights concerns but also in relation to the rights of individuals within their communities.

From the overall case review, it was observed that the right to public service delivery is practically limited, particularly in rural areas and smaller towns, unlike in larger cities. The problems mentioned above often remain unresolved due to insufficient funding allocated for roads, sewage systems, household waste disposal, and related services.

In this context, in several cases, we recommended that local self-government units, in cooperation with central authorities, ensure the necessary financial support for Regional Water Supply and Sewerage Companies (*Shoqëritë Rajonale Ujësjetellës Kanalizime sh.a.*) to invest in the construction of sewage systems. Specifically, this issue was also addressed to the National Water Supply and Sewerage Agency (AKUK), which provides technical support to the Ministry

of Infrastructure and Energy’s policies in line with government legislation and sectoral strategies. Within this framework, two recommendations were issued regarding problems in the Spitalla area and the village of Hamallaj, Durrës Municipality, as well as a recommendation addressing issues in the village of Vojnik, Maqellarë Administrative Unit, Dibër Municipality. The latter emphasized AKUK’s role, under its legal and technical authority, in coordinating and monitoring activities to ensure water supply, wastewater sewerage, and treatment for the entire population in cooperation with local authorities and water infrastructure management entities.

Given its strategic importance, our institution has assessed that it would be beneficial to coordinate initiatives related to investments in the water supply and sewerage sector, as well as the preparation of development and pilot projects, upon the request of municipalities, regional councils, ministries, or other public administration institutions. These issues have been addressed with consideration of the Sustainable Development Goals related to infrastructure¹⁵⁵ and the importance of compliance by administrative bodies. Since the People’s Advocate considers infrastructure to be a critically important element for the development and well-being of a community, cases concerning the construction, rehabilitation, and maintenance of local roads, road signage, sidewalks, and public squares—functions falling under the responsibility of municipalities in the area of infrastructure and public services—have been and continue to be addressed, in line with Article 23 of Law no. 139/2015 ‘On Local Self-Government’

Regarding civil emergencies, as they relate to the activities of local self-government bodies and the National Civil Protection

¹⁵⁵ Specifically, Objective No. 9: “Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation.

9.1 Develop quality, reliable, sustainable, and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all.”

Agency (NCPA), several cases revealed delays or refusals in granting financial assistance to complainants who suffered damages. The PA institution recommended measures to ensure the payment of pending financial aid to citizens whose homes were damaged by natural disasters and to hold accountable those responsible for violating complainants' rights through action or inaction.

Specifically, the People's Advocate has issued two recommendations to NCPA,¹⁵⁶ requesting it to:

- Disburse the pending financial assistance to citizens P.H. and Xh.T., whose homes were damaged by a massive landslide in Velçan village, Velçan Administrative Unit, Pogradec.
- Identify and hold accountable persons who hindered the administrative procedure of fund disbursement to fully compensate P.H. and Xh.T.
- Implement administrative and legal measures to prevent such situations in the future and ensure compliance with legal procedures and citizens' rights.
- Fully compensate damages to complainants according to existing legislation.
- Address the lack of proper communication with the People's Advocate's institution regarding requests for information, which at times were incompletely answered.

Another aspect of the cases addressed relates to the inaction of responsible structures within the Municipality of Tirana¹⁵⁷ in ensuring that

¹⁵⁶ Recommendation no. Doc. 202201524/14, letter no. K3/P14-14 prot., dated 24.12.2024. This recommendation remains unimplemented.

¹⁵⁷ Recommendation no. Doc. 202300027/20, letter no. K3/XH1-20 prot., dated 20.12.2024. This recommendation remains unimplemented.

¹⁵⁸ Recommendation no. Doc. 202100397/15, letter no. K3/I55-15 prot., dated 26.12.2024. This recommendation remains unimplemented.

<https://www.avokatipopullit.gov.al/media/manager/website/reports/Rekomandim%20Bashkise%20Tirane%20per%20marjen%20e%20masave%20lidhur%20me%20monitorimin%20e%20sjelljes%20se%20kafsheve%20shetpiake.pdf>

companion animals (dogs, cats) do not pose a danger to people or other animals in common areas of co-ownership and public spaces. This also includes issues related to the pollution of shared premises and public areas caused by such animals. The People's Advocate has recommended that the Municipality of Tirana exercise its authority to effectively monitor and address administrative violations by owners or caretakers, particularly regarding compliance with mandatory behavior norms for animals and birds in individual residential units, shared spaces, and public areas. Furthermore, it has been recommended that appropriate signage be installed in public spaces—such as streets, parks, and playgrounds—to ensure that companion animals do not pose a threat to people or other animals. A similar issue has also been raised in cases involving stray dogs and cats, which may pose a risk to public health. To this end, the People's Advocate addressed a recommendation to the local government in the Municipality of Dropull, urging the establishment of appropriate structures to manage this issue.¹⁵⁸

Considering that human rights aim to promote and protect human well-being and the full development of each person, one area addressed in 2024 concerned *non-ionizing radiation from cellular networks* related to the approval of permits for 3G/4G/5G transmission antennas. According to current legislation in force, non-ionizing radiation must be monitored by the Radiation Protection Office at the Public Health Institute to control radiation levels emitted by these antennas, which can be harmful if they exceed limits set by the International Commission on Non-Ionizing Radiation Protection. Consequently, following an administrative investigation, recommendations were issued to the Radiation Protection Office, the Public Health Institute, and the Ministry of

¹⁵⁸ Recommendation no. Doc. 202301105/6, letter no. K3/S33-6 prot., dated 23.12.2024. No response has yet been received from the relevant institutions regarding this recommendation.

<https://www.avokatipopullit.gov.al/media/manager/website/reports/Rekomandim%20drejtuar%20Bashkise%20Dropull%20%20AKVMB-se%20dhe%20MBZHR-se%20per%20rastin%20e%20sulmimit%20nga%20qente%20endacake%20te%20shetasis%20S.%20P..pdf>

Health and Social Protection to conduct periodic monitoring of areas affected by such radiation.¹⁵⁹

Another situation identified was institutional disagreement over jurisdiction in addressing a landslide blocking the entrance of “Ruga e Kombit” in Kukës city. During the administrative investigation, it was found that relevant institutions did not accept responsibility for clearing the landslide and reopening the road. Following a request by the citizen S.D., the People’s Advocate recommended that Kukës Municipality submit a request to the Administrative Court of First Instance to resolve the issue of administrative competence regarding maintenance and clearing of the entrance road to “Ruga e Kombit.”¹⁶⁰

The Right to a Healthy Environment¹⁶¹ - In 2024, the Administration Section reviewed numerous cases related to environmental protection and the obligation of local and central authorities to take measures to prevent pollution in certain areas. Environmental protection from pollution is critically important, as it directly affects human health, biodiversity, and ecosystems that sustain life.

Rapid urbanization and ongoing development have led many cities and rural areas to face a lack of adequate infrastructure for managing wastewater (both black and grey water). The absence of proper sewage systems and infrastructure for wastewater treatment and recycling has severe environmental and public health consequences. Untreated wastewater containing harmful substances and pathogens contaminates water sources and agricultural land,

¹⁵⁹ Recommendation no. Doc. 202300848/9, letter no. K3/I45-9 prot., dated 23.12.2024. This recommendation has been accepted but remains unimplemented.

<https://www.avokatipopullit.gov.al/media/manager/website/reports/Rekomandim%20drejtuar%20Instituti%20te%20Shendetit%20Publik%20%20Zyres%20se%20Mbrotjtes%20nga%20Rrezatimi.pdf>

¹⁶⁰ Recommendation no. Doc. 202100216/39. Letter no. K3/S5-39 prot., dated 10.09.2024. The recommendation was accepted by the Municipality of Kukës, which acknowledged its competence to address the issue, but the recommendation remains unimplemented.

¹⁶¹ During the reporting year, the Administration Section handled 13 cases concerning environmental protection, which were also addressed in relation to issues involving both local and central government authorities.

leading to air, soil, and water pollution. The lack of sustainable wastewater treatment systems has direct environmental impacts and economic and social consequences, increasing healthcare costs, restoration expenses for damaged ecosystems, and risks of depleting natural water resources. Therefore, investing in wastewater management infrastructure is essential to ensure sustainable development, protect public health, and conserve natural resources.

In 2024, the Administration Section dealt with 13 cases¹⁶² related to environmental pollution, mainly due to the absence or lack of rehabilitation of infrastructure. Two of these cases involved pollution in urban-rural areas due to inadequate infrastructure for managing wastewater. The People’s Advocate intervened with recommendations to competent authorities to prevent pollution in these administrative territories. Specifically, regarding pollution in the Hamallaj area, Durrës, caused by untreated wastewater, recommendations were made to the Municipalities of Durrës, Kavajë, Krujë, Shijak, Rrogozhinë, the Ministry of Infrastructure and Energy, and the National Water Supply and Sewerage Agency¹⁶³ as follows:

- Support the Durrës Regional Water Supply and Sewerage Company by the National Water Supply and Sewerage Agency in preparing and implementing the project for constructing a sewage system to discharge wastewater in Hamallaj and surrounding areas.
- Provide the necessary financial support to the Durrës Regional Water Supply and Sewerage Company from the Ministry of Infrastructure and Energy and the relevant

¹⁶² In two of these cases, the People’s Advocate Institution has submitted the relevant recommendations to the competent authorities. In another case, concerning the pollution of the Grand Lake of Tirana, an administrative investigation was carried out, and the Tirana Municipality recently responded regarding the measures taken. For the remaining cases, the administrative investigation has been closed either because no violations were found or because the competent authority took the necessary measures.

¹⁶³ Recommendation No. Doc 202100322/17, No. K3/I45-17 Prot, dated 05.11.2024. This recommendation has been accepted but remains unimplemented.

municipalities to build the sewage system, aiming to resolve the situation definitively and reduce risks to public health and the environment.

Regarding the administrative investigation of pollution in Vojnik village, Dibër, the People's Advocate recommended that the Municipalities of Dibër, Klos, Mat, Bulqizë, the Ministry of Infrastructure and Energy, and the National Water Supply and Sewerage Agency support the preparation and implementation of a project to rehabilitate the wastewater drainage system in Vojnik village, Maqellarë Administrative Unit, Dibër Municipality.¹⁶⁴

Based on the issues presented for review by the People's Advocate Institution, it is assessed that, in order to prevent and reduce pollution, it is necessary for state bodies and entities to take measures promoting the use of renewable energy, increasing public awareness about the importance of recycling, and reducing waste. Cooperation among authorities and effective legislation are also key factors for protecting the environment and safeguarding human health.

3.14 Respect for the right to information by public administration bodies

Respect for the right to information in Albania is a key component in ensuring transparency and accountability of state authorities toward citizens. The right to information is also linked to the protection of personal data, due to its impact on individuals' privacy and security in an increasingly digitally connected world. This right is safeguarded by the Constitution of Albania¹⁶⁵ as well as legislation aimed at promoting transparency within public administration. The People's Advocate Institution plays an important

role in overseeing the implementation of the right to information. It can intervene in cases where citizens are dissatisfied with responses from public institutions or when there is a lack of transparency.

Regarding cases reviewed in 2024 (a total of 7 cases), where individuals alleged violations of the right to information, the People's Advocate Institution referred four of these cases to the Commissioner for the Right to Information and Protection of Personal Data, while the other three cases¹⁶⁶ underwent an administrative investigation procedure.

Although Albania has a comprehensive legal framework guaranteeing the right to information, challenges remain in its practical implementation. These challenges stem from observed lack of transparency and refusal or failure to respond to requests submitted to state institutions. To protect and guarantee the right to information, an independent institution—the Commissioner for the Right to Information and Protection of Personal Data—was established to monitor and oversee the implementation of Law No. 119/2014 “On the Right to Information” by public authorities. For better protection of citizens' interests and in the context of inter-institutional coordination, the constitutional institution of the People's Advocate has signed a Cooperation Agreement with the Commissioner for the Right to Information and Protection of Personal Data. This agreement provides that complaints regarding violations of the right to information addressed to the People's Advocate may be forwarded to the Commissioner for further action. (Cooperation Agreement dated 23.11.2018, between the People's Advocate, the Commissioner for the Right to Information and Protection of Personal Data, and the Commissioner for Protection against Discrimination.)

¹⁶⁴ Recommendation No. Doc 202100043/16, No. K3/12-16 Prot, dated 03.12.2024. This recommendation has been accepted but remains unimplemented.

¹⁶⁵ The Constitution of the Republic of Albania guarantees the right to information as a fundamental right of every citizen. Law no. 119/2014 “On the Right to Information” is the main legislation regulating this right, establishing the mechanisms and procedures that citizens can follow to obtain information from state institutions.

¹⁶⁶ These cases concern citizens' complaints about violations of the right to information in administrative procedures related to the provision or receipt of specific services, as well as the failure of the institution—the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (ILDKPKI)—to provide requested documentation to a citizen. The complaint is still under review, while in another case, the People's Advocate institution found no violation.

3.15 Child Rights and Protection¹⁶⁷

Handling of Complaints/Requests/Ex-Officio Cases – During 2024, regarding cases related to children’s rights, the People’s Advocate Institution handled 102 ex-officio cases, 50 complaints filed by children themselves, and 60 complaints and requests from adults (parents, guardians, teachers, family members, etc.). Following investigation of these cases, 34 recommendations were issued to central and local administrative bodies to ensure the effective implementation of children’s rights. These recommendations aimed to raise awareness among state authorities about the need to take actions that respect, protect, and fulfill children’s fundamental and inalienable rights, which are also included in the Sustainable Development Goals.

Complaints related to the right to education in 2024 raised issues including violence and bullying at school, school transfers, school access, provision of transportation to school, and inclusive education for children with disabilities.

Challenges hindering access to education for children with disabilities cover five key areas: lack of early assessment of disabilities, limited access to preschool institutions, lack of transportation, shortage of teaching assistants, and absence of individual education plans.

Cases reviewed in 2024 also involved problems with school-to-home transportation and access to educational facilities. Law No. 18/2017 “On the Rights and Protection of the Child” mandates responsible authorities to eliminate all infrastructural, social, environmental, institutional, and legal barriers in the education sector so that children with disabilities can exercise their rights as provided by law. Throughout the year, the People’s Advocate Institution also addressed complaints and requests related to child custody and sustenance obligations, delays in judicial procedures, and impossibility to meet with children.

The Right to Education for Children with

¹⁶⁷ This area of law is covered by the Children’s Protection Section within the institution of the People’s Advocate.

Disabilities¹⁶⁸ – Inspections, Monitoring, Administrative Investigations. A particularly vulnerable group is children with disabilities and special educational needs, whose rights have been the focus of our work in 2024. Thematic inspections were carried out in eight special schools to assess the situation.

The purpose of these inspections was to evaluate the status of the rights of children with disabilities who are being educated in special schools, based on the best interests of the students. The inspections identified a number of findings, which were accompanied by relevant recommendations addressed not only to the special schools themselves but also to their supervising educational institutions, the respective municipalities, and the Ministry of Education and Sports (MES), with the aim of taking measures to address the identified issues within the scope of each institution’s legal responsibilities and competences, and to ensure inclusive education and the protection of children’s rights.

The educational institutions inspected included:

- The Institute for Deaf Students, Tirana
- The Institute for Blind Students, Tirana
- The “Luigj Gurakuqi” Special School, Tirana
- The 9-Year Special School, Korça
- The 9-Year Special School, Durrës
- The 9-Year Special School, Vlorë
- The 9-Year Special School, Elbasan
- The 9-Year Special School, Shkodër

Special schools are specialized educational institutions that provide primary and lower secondary education (basic education), which lasts nine years and is mandatory. They ensure the education of children with disabilities in

¹⁶⁸ Article 23 (3) of the Convention on the Rights of the Child states: “Recognizing the special needs of a child with disabilities, assistance [...] should aim to ensure that children with disabilities have real opportunities to receive education, training, health services, rehabilitation services, preparation for employment, and recreational activities, so that the child can achieve full social integration and personal development, including their cultural and spiritual development...”

cooperation with local government units and in consultation with parents and local education office commissions. The Institute for Deaf Students (IDS) is a national-level educational institution that offers both basic education (9 years, mandatory) and upper secondary education (3 years). IDS has dual administrative oversight from the Ministry of Finance and the Ministry of Education and Sports. The upper secondary education is focused on Technology and ICT (a vocational school track) and was opened for the first time in 2022. The Institute for Blind Students is also a national-level institution that provides only the mandatory 9-year basic education. Due to the specific needs of children who are deaf or blind, these institutes operate at the national level.

The pre-university education system is managed and administered by both central and local governments. The central government, through MES and its subordinate structures, is responsible for managing the pre-university education system, including curriculum development, teacher professional development, quality assurance, monitoring, evaluation, inspections, school budget planning, data collection and processing, curriculum and standards implementation, technical assistance to schools, teacher recruitment, and coordination with local authorities. Local governments (municipalities) are responsible for the construction, rehabilitation, and maintenance of school buildings in the pre-university education system, except for vocational schools.

The regulatory framework provides that institutional measures undertaken to ensure inclusive and non-discriminatory education for children with disabilities—aimed at developing essential skills across all areas of their daily lives—consist of the establishment of resource centers as special education institutions. These centers aim to support the education of children with disabilities by continuously improving learning outcomes.

The educational process in special schools for students with disabilities is based on the core curriculum approved by MES and does not differ from the curriculum used in mainstream schools. Enrollment of children with disabilities (CWD) in these schools is done through the

e-Albania online platform by the parent/legal guardian, following a recommendation by the Commission for Students with Disabilities (CSA), established at local education offices. This occurs after the commission assesses that a mainstream school does not sufficiently support the child's development. Based on the CSA's assessment—using the international classification of disability and health (bio-psycho-social model)—commissions established at the special schools draft an Individual Educational Plan (IEP). This is the official pedagogical document used for systematic educational planning, teaching, and tracking each student's individual progress. Effective implementation of these measures was a focus of the inspections conducted.

Summary of findings from inspections:

- *The legal framework remains incomplete*, as the joint guideline on assessment criteria for students with disabilities—necessary to ensure inclusive education in *upper secondary schools*—has not yet been approved.¹⁶⁹
- *There is a lack of financial support from local government* to improve standards for ensuring accessibility for children with disabilities in all areas and buildings of special schools.
- *Not all special schools have been transformed into resource centers*, which would provide a broader range of functions in support of the education of children with disabilities, as provided by current legislation.
- *The financial allocation for food has not been indexed annually* to account for inflation, hindering the effective realization of the right to healthy nutrition.¹⁷⁰ Healthy

¹⁶⁹ Based on point 1, Article 64, of Law No. 69/2012, "On the Pre-University Education System in the Republic of Albania," as amended.

¹⁷⁰ Part of the basic human rights highlighted at the International Conference on Nutrition in 1992 and the World Food Summit in 1996, based on Law No. 8137, dated 31.7.1996, "On the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms."

nutrition for students with disabilities in special schools should include three key components: food provision, food safety, and nutrition—responsibilities shared by the Ministry of Education and Sports, the respective municipalities, and the special schools themselves.

- Interviews conducted with teaching staff and psycho-social service staff revealed that the textbooks based on the core curriculum are not suitable for students with disabilities. The Individual Educational Plan (IEP) is a new and constructive approach, drafted in a standardized template that has yet to be officially approved and is currently based on the pedagogical staff's practical experience with this student category.
- *There is no reimbursement of transport costs for parents of children with disabilities attending special schools.* These parents are required to accompany their children during their daily commute, particularly when coming from remote areas, in order to ensure their children's access to education.

Based on the inspection findings, *the People's Advocate*, in order to ensure equal access to education for children with disabilities in line with the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), issued the following summarized recommendations:

- The Ministry of Education and Sports (MES) should take measures to continue and complete the process of transforming special schools into Resource Centers for children with disabilities.
- The MoES and the Ministry of Health and Social Protection should take measures to approve a joint guideline on assessment criteria for students with disabilities who will attend upper secondary education, based on the International Classification of Functioning, Disability and Health.
- The MES should take measures to index the financial allocation for meals in school canteens and dormitories for pre-university

students in educational institutions annually, in accordance with inflation rates.

- The Agency for Quality Assurance in Pre-University Education should conduct a study with the aim of adapting the school curriculum for children with disabilities in special education institutions.
- The respective municipalities, in coordination with the MES, should take measures for the complete restructuring of buildings and the improvement of standards to ensure accessibility for children with disabilities in all areas of special schools.
- The MES should take measures to include the family members of children with disabilities—who travel more than 2 km to ensure their children's access to education—in the subsidized transport scheme, for example, by amending Decision of the Council of Ministers No. 682, dated 29.07.2015, "On the use of public funds for the transportation of educational staff working and students studying outside their place of residence."

The recommendations issued as part of the inspections carried out in special schools have been accepted by public administration bodies at both central and local levels, however their implementation will continue to be monitored.

3.15.1 Recommendations and Engagement in Legislative, Strategic, and Policy Processes for the Protection and Promotion of Children's Rights

In 2024, the primary source of cases involving the violation of children's rights were complaints submitted directly by children themselves, by citizens, and cases initiated *ex officio*. During these administrative investigations, the People's Advocate examined the root causes behind situations that gave rise to the violation of children's rights, as well as whether the issue had a broader impact on other children, in order to ensure that the recommendations were properly formulated and targeted. To support the ongoing efforts of public administration bodies at both

central and local levels in fulfilling and protecting children's rights, and to guide the responsible institutions in accordance with the fundamental principles of children's rights and their best interests, the People's Advocate issued a series of recommendations in the following areas:

The Right to Quality Education in Adequate Conditions - This year, a significant number of complaints were filed directly by children, addressing problems related to the infrastructure and facilities of educational institutions, which fail to meet required standards. This includes issues with science laboratories, equipment, and the basic materials needed to make them functional. The administrative investigation of these cases revealed that the problem is not limited to basic infrastructure elements (such as lighting, heating, recreational and sports facilities, teaching cabinets, etc.), but also involves the inefficient allocation of funds—especially in smaller municipalities—the lack of human and financial resources at the local government level, and unclear roles and responsibilities between institutions, particularly regarding damage sustained by educational facilities during the 2019 earthquake. The lack of adequate infrastructure, including science labs, sports facilities, and accessibility for children with disabilities in line with European standards, hinders the provision of inclusive, quality, and equal education for all children, thereby violating their right to education. Accordingly, the People's Advocate addressed the following recommendations to institutions at the central and local level to ensure the realization of the right to quality, inclusive education:

- The Ministry of Education and Sports (MES) should take measures to carry out an in-depth analysis of the current state of educational institutions, assess the present and future needs of relevant municipalities, coordinate projects with national and sectoral policies, and evaluate the most effective funding methods.
- The Minister of State for Local Government, in cooperation with MES, should organize training for relevant personnel on how to prepare and follow up on project proposals,

particularly whenever there are amendments to legal or sub-legal acts, or changes in leadership within Local Government Units (LGUs).

- The MES should conduct a national-level assessment of educational institutions that do not meet minimum safety standards (e.g., lack of school security personnel), to enable the drafting of comprehensive policies that address this issue at the national level.
- Immediate action should be taken to create suitable learning environments through the improvement of school infrastructure, including the construction of new school buildings,¹⁷¹ to ensure the normal functioning of the educational process and to safeguard a healthy and safe environment, always guided by the best interests of the child.

These recommendations aimed at guaranteeing the right to quality education have been accepted by both the MES and local government bodies. However, one of the main challenges raised regarding their implementation remains the lack of budgetary resources at the local government level.

Protection of Children from Early Marriages

- The UN Committee on the Rights of the Child, in its concluding observations on Albania's fifth and sixth periodic reports,¹⁷² recommended that Albania "remove all exceptions that allow marriage for children under 18 years old."¹⁷³ The Committee also "urged Albania to prioritize the systematic and effective implementation of the People's Advocate's recommendations addressed to various state authorities for the protection of children's rights by the institutions of the State Party."¹⁷⁴ The People's Advocate has submitted a legislative recommendation to the Minister of

¹⁷¹ To the 9-year school "Adem Bedalli" – Peqin, the 9-year school Bishqem, the school "5 Maji" – Dimal, and the combined high school "Sali Halili" – Përrenjas.

¹⁷² Adopted by the Committee at its ninety-fourth session (4 – 22 September 2023).

¹⁷³ Poin 15, CRC/C/ALB/CO/5-6.

¹⁷⁴ Point 11/c of the final observations following Albania's fifth and sixth reports, September 2023.

Justice¹⁷⁵ aimed at preventing child marriages and establishing the minimum legal age for marriage, in accordance with international standards, the Convention on the Rights of the Child, and the best interests of the child.

Despite being positively assessed and accepted by the Ministry of Justice, these recommendations have yet to be implemented. In this regard, based on cases initiated regarding violations of children's rights due to early marriages, the People's Advocate issued relevant recommendations this year for the prevention and elimination of early marriages in the six municipalities of the Fier Region.

Local government bodies have the authority to initiate actions of local public interest within their jurisdiction on any matter not prohibited by law or exclusively assigned by law to another state authority.¹⁷⁶ Consequently, to prevent early marriages through a multidimensional approach, local governments can undertake the following measures:

- Raise awareness about child marriage and promote gender equality.
- Strengthen child protection mechanisms at national and local levels by providing adequate resources and improving coordination among different stakeholders to eliminate child marriages.
- Enhance registration systems to promote marriage at the appropriate legal age and prevent marriages before the age of 18.
- Provide education, especially on reproductive health and domestic violence, as a key strategy to eliminate child marriages under 18.

¹⁷⁵ Recommendations from 2020 and 2023: To take measures for abrogation of Article 7, second paragraph, of Law no. 9062, dated 08.05.2003, "Family Code," as amended, which grants courts the right to authorize marriages under the age of 18; as well as to take measures for the revision of the Civil Code to eliminate all legal exceptions to the minimum marriage age of 18, both for girls and boys, and to harmonize the relevant legal provisions accordingly.

¹⁷⁶ Article 6 of Law no. 139/2015, "On Local Self-Governance."

- Offer financial incentives and empower economically disadvantaged families.

To ensure systematic and effective implementation of the People's Advocate's recommendations issued over the years for advancing children's rights and eliminating early marriages, the People's Advocate further recommended:

- That local child protection structures¹⁷⁷ take necessary measures to fulfill their obligations and responsibilities in implementing child protection legislation, especially in the course of case handling and management.
- That all responsible local institutions, in cooperation and coordination with the Regional Prefect and civil society intensify awareness and promotional activities to protect children from early marriages and prevent such cases.¹⁷⁸

These recommendations addressed to public administration bodies at the local level—specifically municipalities in Fier Region—have been accepted and implemented, including promotional and awareness-raising activities to prevent and protect children from early marriages.

The Right to an Adequate Standard of Living

- The People's Advocate has noted with concern that inadequate housing for children and their families is a widespread issue.

Reviewing complaints and ex officio cases revealed that social housing programs with rent subsidies for families facing socio-economic difficulties, particularly those with many children or children with disabilities, are not being effectively implemented. These families struggle to find rental housing and are penalized due to the high number of children or presence of children

¹⁷⁷ Municipalities of Roskovec and Divjakë

¹⁷⁸ Recommendation for the intensification of promotional and awareness-raising activities by local structures, aimed at protecting children from early marriages and preventing such practices, addressed to the municipalities of Fier Region

with disabilities. The People's Advocate's concern lies in the fragmented work of responsible structures at central and local levels, which hampers proper implementation of social housing legislation. There is a need for comprehensive, detailed, and timely assessments based on current realities, alongside improved inter-institutional coordination and strengthened capacities for referral, assessment, and monitoring. The absence of these elements results in an incomplete evaluation of the real needs for solutions, leading to limited measures that fail to achieve the expected outcomes for ensuring children's right to an adequate standard of living. In line with the Convention on the Rights of the Child,¹⁷⁹ and to assist parents and their children, the People's Advocate has issued the following summarized recommendations based on institutional measures taken for social housing programs:

- Identify and intensify community interventions to effectively target the poorest families and individuals with children.
- Responsible structures continuously monitor the situation in order to resolve the issues raised, ensuring the highest possible standards of health and well-being for children in families benefiting from social housing programs.
- Municipalities act immediately to analyze citizens' needs for inclusion in one of the social housing programs.
- Administrative units¹⁸⁰ immediately support and assist families in need with administrative procedures, deadlines, and application processes for social housing programs.

¹⁷⁹ Point 3 of Article 27 of the CRC.

¹⁸⁰ The specific case concerning the Vaqarr Administrative Unit is addressed based on point 1, Article 3, of Law no. 121/2016 "On Social Care Services in the Republic of Albania," which defines "social care services" as an integrated and organized system of benefits and facilitations, provided by professionals from relevant fields within public or non-public entities, aimed at ensuring the well-being, independence, and social inclusion of individuals and families in need of social care. This case also refers to Law no. 22/2018, dated 03.05.2018, "On Social Housing," as well as the relevant sublegal acts.

- Municipalities take measures to facilitate applications for social housing programs.
- The Ministry of Economy, Culture, and Innovation Actions take measures to meet the needs of homeless residents.
- Resolve the housing issue for the family of citizen Xh.Zh., head of household with two minor children, through one of the social housing programs.¹⁸¹

These recommendations to ensure an adequate standard of living for children in socio-economically disadvantaged families have led to their inclusion in social protection programs and have been accepted by local public administration bodies. However, their impact on improving the living conditions of these children remains limited.

Protection of Children – The institutional measures taken to protect children from poverty due to family-related social issues consist in increasing cash transfers for families and children in need, including increasing economic assistance and implementing various support programs in areas such as education, housing, healthcare, and others.

Based on the specific cases reviewed by the People's Advocate (PA) in 2024, where complaints in the field of child protection were found to be well-founded, a lack of professional capacity has been observed—particularly among officials of the Child Protection Units (CPU) and Child Protection Workers (CPWs)—in effectively implementing procedures to prevent, identify, and respond to issues related to children's access to public services. This especially affects children from families living in difficult socio-economic conditions. Providing concrete support and basic means of subsistence to help these families cope with and overcome their situation with dignity requires an immediate and objective assessment, as well as the provision of essential social services and direct financial support to these families. In light of the above, the PA has issued the following

¹⁸¹ Recommendation addressed to the Municipality of Kukës and the Kukës Municipal Council.

recommendations:

- Child Protection Units should cooperate and coordinate with mechanisms established at the local level to identify vulnerable children in need of protection and take concrete actions to guarantee their rights.
- Families in need (who have been excluded from the economic assistance scheme) should be included in the economic aid program through the municipalities' 6% conditional fund, in order to ensure the healthy physical, mental, moral, spiritual, and social development of children, and to guarantee an appropriate family and social life.
- A financial bonus or scholarship should be provided to children/students from families in need, to prevent school dropout and support their dignified and quality education.
- Families in need and homeless families who are responsible for raising their children should be included in social housing programs and/or provided with rent subsidies.

These recommendations have been accepted in principle by local government bodies, enabling better protection of children's rights.

3.15.2 Legislative Recommendations

Provision of Licenses for the Activity "Preschool Education (Kindergarten)" - The People's Advocate initiated a review following a case of violence against a 3-year-old girl at the private kindergarten "S." in Tirana. One of the key issues identified was the absence of the required license for this activity. Based on the findings, the People's Advocate established that the Ministry of Education and Sports had not received any licensing application through the National Business Center (QKB) for this kindergarten as a private pre-university educational institution. Meanwhile, according to QKB, the entity "E.D." (an individual with tax ID NIPT M.....T) had not submitted an application for the license "Preschool

Education (Kindergarten)," code IX.1.A.1.

According to the legal framework for licensing private institutions, the licensing process for entities (natural or legal persons) holding a tax ID for "Preschool Education (Kindergarten)" begins only upon the entity's request. It is worth mentioning that kindergartens provide services to children aged 3-6 years, who are subject to special protection by the State.¹⁸²

In this regards, the People's Advocate recommended to the Ministry of Education and Sports and the National Business Center to:

- Establish a working group to review Decision No. 538, dated 26.05.2009, of the Council of Ministers, "On licenses and permits processed by or through the National Licensing Center and some other joint sub-legal regulations," as well as Instruction No. 15, dated 12.07.2013, of the Minister of Education and Science, "On special procedures for reviewing license applications from private educational institutions and supplementary private pre-university institutions," as amended. The aim is to include a provision in these acts for the automatic notification of the Ministry of Education and Sports by the National Business Center (NBC) regarding all commercial entities that register for the activity of "private kindergarten."
- Ensure that the NBC takes steps to inform private entities seeking to register for the activity "kindergarten for children" about their legal obligation to apply for a license, in accordance with the applicable legal framework and deadlines.
- Require the NBC to identify and verify, through its internal system, all private entities operating as "kindergartens for children" that have not applied for a license, and to notify the Ministry of Education and Sports of such cases.
- Adapt the NBC's internal registration

¹⁸² Point 1 of Article 54 of the Constitution of the Republic of Albania guarantees the special protection that children and women enjoy from the state.

system so that successful registration of a private entity intending to operate as a “kindergarten for children” is conditional upon the submission of a license application.

- Implement awareness campaigns, jointly organized by the NBC and the Ministry of Education and Sports, targeting private entities involved in early childhood education to raise awareness of the licensing requirements.
- Ensure that the General Directorate of Pre-University Education, through local public structures, plays a proactive role on the ground in identifying private entities that are illegally operating in the field of pre-university education.

These recommendations have been accepted by both MoES and the NBC and a joint meeting was held between the two institutions to coordinate the implementation of the People’s Advocate’s recommendations.

Establishing Standards for Heating and Cooling Systems in Educational Institutions

- Based on direct complaints from children regarding the conditions and infrastructure of educational facilities, the People’s Advocate found that the heating systems currently used in educational institutions are regulated by Decision no. 46 dated 15.02.1964 “On the use of boilers in residential buildings with centralized heating systems.” In a detailed analysis, the People’s Advocate noted that the legal framework for heating systems does not correspond to current realities, including climate change and global warming effects. Moreover, living standards have changed significantly since 1964. Creating optimal conditions in terms of temperature and air quality in learning environments is essential for children’s health. If children attend school without their basic needs for a comfortable environment being met, their ability to focus and succeed academically is compromised. Similarly, high indoor air pollution and poor air quality due to temperature extremes (cold or heat) are well-known problems in classrooms worldwide, including in our country. These issues affect learning outcomes,

daily comfort, and student health. Therefore, the People’s Advocate recommended to the Ministry of Education and Sports and the state minister for Local Government to:

- Assess and analyze Decision no. 46 dated 15.02.1964 “On the use of boilers in residential buildings with centralized heating systems,” considering current climate changes and their effects.
- Develop standards and a legal framework for heating and cooling systems in educational institutions aligned with international standards to ensure these facilities are safe and healthy spaces.
- Establish specific protocols for heating system use based on climatic conditions to eliminate negative effects caused by climate change.
- Collect data and monitor needs to improve educational infrastructure within their jurisdiction, thereby creating a reliable basis for resource allocation and upgrade of school infrastructure according to current climate realities and their impacts.

3.15.3 Promotion of children’s rights

In pre-university educational institutions, including special schools, the role of the People’s Advocate in guaranteeing and protecting children’s rights has been actively promoted. Efforts have also been made to consolidate the knowledge of students, parents, and teaching staff regarding the People’s Advocate’s activities in defending these rights. The importance and implementation of promotional activities on children’s rights by the Section for the Protection and Promotion of Children’s Rights (SPPCR) within the People’s Advocate institution are multifaceted, aiming to create a profound impact on the safety and well-being of children in society.

Key reasons underlying this importance include:

Protection of Children’s Rights: The Child Rights Protection and Promotion Section (CRPPS)

aims to ensure that children's rights are respected and protected, in accordance with international conventions and national legislation. It strives to guarantee equal access for all children to public services and developmental opportunities.

Raising Awareness and Education: CRPPS plays an educational and awareness-raising role promoting children's rights. Awareness is essential not only among children themselves but also among parents, educational staff, the institutions and society at large. *Educating and informing the public about children's rights helps create a more responsible society and empowers children with knowledge and awareness of their entitlements.*

Addressing Problems and Complaints: Through various activities, CRPPS helps children express their complaints, concerns, or issues related to violations of their rights. It also encourages their active involvement in addressing and resolving these issues. During awareness-raising activities, children are encouraged to initiate requests or complaints, which are then submitted for review by the People's Advocate institution.

Institutional Support for Children: CRPPS provides support to children in need of protection, including cases involving abuse, neglect, or exploitation. It ensures children have access to services and that their rights—most importantly the right to life and health—are safeguarded.

Improving Living Conditions for Children: CRPPS is committed to enhancing living conditions for children by promoting access to healthcare, education, and safe environments where they can reach their full potential. Through its activities, the CRPPS within the Office of the People's Advocate plays a key role in child protection and in strengthening protective mechanisms that ensure a fairer and safer society for youth. Ensuring that children are heard and their voices are amplified is closely tied to their development and integration, which includes several key elements:

Equal and Quality Education: Equal access to education is essential for children's development. Quality education, especially for children with

disabilities, allows them to grow intellectually, emotionally, and socially alongside their peers. High-quality teaching and inclusive learning opportunities enable all children, particularly those with special needs, to become independent individuals capable of full integration into society.

In 2024, CRPPS conducted outreach and promotional activities in the following special education schools:

- “Luigj Gurakuqi” 9-Year School, Tirana
- Vlora Special School
- Shkodra Special School
- Durrës Special School
- Korça Special School
- “Ramazan Kabashi” Institute for the Blind, Tirana
- Special School for the Deaf, Tirana
- “Zëra Jete” Special School, Elbasan

Health and Physical and Mental Well-being: Children need access to healthcare to support their physical and mental development. Access to health services, and protection from violence, abuse, and neglect, is essential for their durable development. Mental health care, especially within school settings, is becoming increasingly important for children's integration into society. Ensuring healthy and safe conditions in schools is critical to providing quality education and preparing children for their future lives.

Throughout 2024, the Child Rights Protection and Promotion Section (CRPPS) played a key role in advocating for policies that prioritize the physical and mental well-being of children. Among its activities were the “Open Days” held at the 9-year schools “Ardian Klosi” in Tirana and “Sotir Gurra” in Korça. These promotional events aimed to emphasize the vital role of educational institutions in providing a healthy and supportive environment, with a focus on healthcare, the promotion of physical activities, and mental health support.

Active Participation and Social Inclusion: Children must have opportunities to engage in

social and cultural activities, as participation in such events helps build their social and emotional skills and strengthens connections among children, between students and teachers, and with the wider community.

The active participation and social inclusion of students in schools are essential for their intellectual, emotional, and social development. CRPPS's institutional commitment to this issue was demonstrated through promotional events organized with students in 9-year and secondary schools in Saranda, Durrës, and Shkodra. Children from the association “Zëri 16+,” supported by *Save the Children*, also took part. Another notable event took place at the 9-year school “Vasil Shanto” in Tirana.

These promotional events were designed to encourage children to actively engage in:

- *Sports and games:* Sporting activities help students develop cooperation, leadership, and tolerance;
- *Community projects and initiatives:* Students can participate in community service such as charity campaigns or environmental clean-ups;
- *Clubs and groups of shared interests:* Students are encouraged to form or join clubs like debate teams, book clubs, or arts groups.

Protection from Discrimination and Abuse: Children living in difficult circumstances (e.g., poverty, disability, or marginalized communities) face multiple challenges in integrating into society. Protecting them from discrimination and abuse is crucial for ensuring they can live equal and dignified lives.

Preventing discrimination and abuse in schools requires the joint efforts of educators, families, and society. To raise awareness among children and educational staff, the People's Advocate conducted several promotional activities, such as:

- Open Day events with students of “Ali Demi,” “1 Maji,” “Hasan Tahsin,” and “Fan S. Noli” 9-year schools in Tirana. These events were important for encouraging open

conversations with children, underlining the need for safe and fear-free reporting of any violence, abuse, or discrimination, and fostering a climate where all children feel safe and protected.

- Participation in the initiative “Fighting Discrimination and Bullying”¹⁸³ with children and youth from the Cerrik Local Youth Council. The young participants presented a short video they had produced themselves, conveying a strong message against all forms of violence.

Safe and Supportive Environment: Creating a safe and supportive environment for children is essential to their physical, emotional, intellectual, and social development. To support this right, CRPPS conducted promotional activities in all the social centers of Tirana Municipality, including: The Multidisciplinary Community Center, Shkozë Community Center, “Let's Stay Together” Community Center, “Gonxhe Bojaxhi” Community Center, and the Initiative for Social Change “Arsis”.

In these Community Centers, where services are provided to children and families in need of one or more types of support—based on needs identified during the case management process by the Needs Assessment and Case Referral Unit—it is essential to create a supportive environment. Such an environment also helps children develop communication skills and the ability to manage situations they may encounter or become involved in. In this way, children will be better prepared to face challenges, take responsibility for their actions, and build a strong sense of self-confidence and capability to make independent and fair decisions.

Children's Participation in Decision-Making Processes: The People's Advocate considers child participation a continuous process of active involvement and respect for their right to be heard in all matters affecting them. It is important that children can express their thoughts and wishes through appropriate mechanisms that allow them

¹⁸³ Video of the CRPPS on BLUTV:
<https://www.facebook.com/atch/?v=1004077381490295>

to be active contributors to decisions regarding their lives and society as a whole.

To raise awareness, CRPPS organized several promotional activities in pre-university institutions across the country, including the 9-year schools “Hasan Vogli,” “Avni Rustemi,” “Mihal Grameno,” “Gjon Buzuku,” “Xhezmi Delli,” and “Klodian Tanushi” in Tirana. The People’s Advocate stresses that increasing children’s involvement in decision-making processes is essential to ensure their rights are respected and that they are empowered to help build a more just and equal society. Promoting children’s rights is fundamental to creating a world where every child is treated with dignity, respect, and equality. By prioritizing and supporting children’s rights, families, society, and institutions help build a society that values each child’s well-being and potential.

On November 20, 2024, in observance of Universal Children’s Day, the Commissioner for Children’s Rights joined the initiative “Lend Your Voice—*Your Voice Can Reach Where Sight Cannot!*” which was organized in collaboration with the Institute for the Blind.

CRPPS also actively promoted its mission through its dedicated Facebook page, sharing posts on key events for children and youth—such as June 1 (Children’s Day), the first day of school, Teacher’s Day, and reactions to issues that affect children’s daily lives in Albania. These commemorative dates, highlighted through social media, help raise public awareness and engagement on children’s rights.

In 2024, CRPPS organized 46 promotional activities, demonstrating the continuous commitment of the People’s Advocate institution to supporting and promoting the rights and interests of individuals, especially children. These 46 events allowed the institution to reach thousands of children with key messages and information on issues important to them.

The People’s Advocate (CRPPS), in cooperation with *Save the Children*, also drafted and published a summary report titled “Monitoring the Rights of Children in Need placed in Residential Social

Custody.”¹⁸⁴ The report provides an overview of the situation of children without parental care in public residential institutions and includes recommendations addressed to residential care facilities, specifically: “Lulet e Vogla” Infant Home (0–5 years), Korça; Infant Home (0–5 years), Vlorë; “Hannah and Rozafa” Infant Home (0–5 years), Tirana; Infant Home (0–6 years), Durrës; Infant Home (0–6 years), Shkodër; “Zyber Hallulli” Children’s Home, Tirana; Children’s Home (6–15 years), Shkodër; “Vangjel Pulla” Children’s Home (6–15 years), Saranda; Children’s Home (16–18 years), Shkodër.

The report includes summarized information on infrastructure, staffing, quality standards, and general conclusions and recommendations for all public residential services for children without parental care aged 0–18 years.¹⁸⁵

With support from UNICEF, CRPPS drafted a Special Report titled “Analysis of Efficiency of Juvenile Justice in Child and Family Law.” This report monitors the performance of the justice system in handling court cases after the implementation of judicial reform and the new judicial map—especially in areas concerning child protection and family-related matters.

The report provides recommendations to avoid delays in adjudicating cases involving children, including: filling judicial vacancies as a priority, increasing the number of judges nationwide, setting minimum time limits for family cases involving children, strict implementation of High Judicial Council Decision No. 78, dated 30.05.2019, on the prioritization of cases concerning children’s rights, creating Family Law Sections in the Courts of Appeal, ensuring accurate party notifications, assigning a dedicated administrative staff member

¹⁸⁴ https://www.avokatipopullit.gov.al/media/manager/website/reports/raporti%20inspektimet%20shtepite%20e%20femijeve_AP.pdf

¹⁸⁵ The summary report was prepared in the framework of the People’s Advocate’s participation in ENOC, where the theme of the 2024 annual conference was “*Protecting and Promoting the Rights of Children in Alternative Care*.” It is based on the People’s Advocate’s compiled recommendations issued following inspections conducted at public residential care institutions for children. The report was promoted through publication on the official website of the People’s Advocate.

to handle child-related cases, creating and implementing a new, unified case management system.

Leaflets were also published explaining children's rights under the Convention on the Rights of the Child, using simplified and child-friendly language.¹⁸⁶

3.16 Respect for the right to healthcare¹⁸⁷

The right to healthcare¹⁸⁸ is one of the fundamental human rights, explicitly enshrined in the Constitution and regarded as an integral part of the state's social objectives. The realization of this right is closely linked to the health, life, and quality of life of every individual in society. As a positive right, its implementation requires direct interventions through legal, administrative, organizational, and financial measures undertaken by the state. Health is a complex concept, influenced by a wide range of social, economic, and political factors. Consequently, state measures to guarantee health are diverse and extend across various aspects of social life. However, the common element of these measures is their direct impact on the health and wellbeing of every individual.

The Ministry of Health and Social Protection (MHSP) plays a central role in drafting and implementing policies and development strategies in the healthcare sector. This ministry is responsible for regulating healthcare services and coordinating the efforts of all stakeholders, both inside and outside the healthcare system, who contribute to ensuring the right established in Article 55 of the Constitution of the Republic of Albania. As part of fulfilling this mission, upon the proposal of the MHSP, the Council of Ministers approved the Healthcare Services Development Strategy in Albania 2020-2025. This

strategy represents a vital guiding framework for the continuous development and improvement of healthcare services nationwide, aiming to increase access, quality, and efficiency of healthcare for all citizens.

The National Health Strategy 2021–2030 sets out a clear vision for advancing healthcare. Achieving its objectives requires increased funding as forecasted by the strategy itself, as well as the implementation of mechanisms to ensure the efficient use of resources and prevention of their misuse. A healthcare system should be designed to address the diverse needs of the population fairly, efficiently, and responsibly. Although healthcare systems differ significantly in how they are organized, managed, and financed, they must guarantee equal access, high quality, efficiency, and financial sustainability of healthcare services for the entire population. In Albania, the system is primarily based on need rather than the ability to pay. The primary goal to ensure equal access to healthcare across all social groups is to reduce or at least prevent the further deepening of existing health inequalities among individuals.

The People's Advocate assesses that the functioning of the healthcare system must be grounded in the principles of service quality and efficiency, ensuring patient safety and impartial treatment. This approach aligns with international standards set out in the Universal Declaration of Human Rights, which affirms every individual's right to an adequate standard of living, including healthcare. Furthermore, this principle reinforces the constitutional social objective, whereby the state aims to ensure the highest possible standard of physical and mental health for its citizens.

In 2024, the People's Advocate registered 53 cases, of which 13 were initiated ex officio. Among the total complaints reviewed, 45 have been concluded, while the remainder remain under administrative investigation. Of the ex officio cases, 10 were resolved in favor of the citizens and the issues they raised. These proactive cases highlighted key problems, including:

- *Medical treatment not meeting standards for certain illnesses:* The absence of

¹⁸⁶ For more, see: <https://smpdf.org/botime/>

¹⁸⁷ This field of law falls under the responsibility of the General Section within the institution of the People's Advocate..

¹⁸⁸ The Constitution provides in its Article 55: "1. Citizens enjoy equally the right to health care from the state. 2. Everyone has the right to health insurance, in accordance with the procedure established by law."

standardized protocols and improper implementation of medical practices resulted in ineffective treatment for patients with specific conditions.

- *Bureaucracy related to waiting times in Specialty Outpatient Clinics and the University Hospital Center (UHC):* Complex administrative procedures and inefficient patient flow management cause long waiting periods, reducing patient satisfaction and service efficiency.
- *Shortages of medications at the Oncology Hospital in UHC:* Insufficient supply of essential medicines for oncology patients hinders proper treatment and negatively impacts health outcomes.
- *Lack of healthcare services in many health centers nationwide, especially in rural areas, due to shortages of doctors and nurses:* Unequal distribution of medical staff and insufficient incentives to work in remote areas leave rural communities without adequate healthcare access.
- *Deterioration and malfunctioning of health center buildings:* Poor infrastructure and inadequate maintenance create unsuitable conditions for providing medical services.
- *Shortage of qualified nursing staff:* Lack of qualified nurses affects the quality of patient care and increases workload for existing personnel.
- *Massive departures of doctors and nurses, particularly affecting regional and municipal hospitals:* Migration of healthcare personnel due to poor working conditions and insufficient compensation causes critical shortages at the local level.

Addressing these issues requires an integrated approach involving improvements in health policies, investments in infrastructure, capacity building, and efficient resource management to ensure a fairer and more effective healthcare system for all citizens.

Regarding specific cases and complaints within the People's Advocate's jurisdiction, relevant

recommendations have been addressed to the Ministry of Health and Social Protection (MHSP). Additionally, every year, experts from the institution's General Section conduct inspections at various hospitals across the country to verify infrastructure conditions, the quality of healthcare services, and identify other challenges.

Regarding the inspections carried out, the People's Advocate has identified the following issues:

Inspection at the University Obstetrics and Gynecology Hospital "Queen Geraldine" (UOGH), in Tirana¹⁸⁹ - The patients served at this hospital include pregnant women, pregnant women with pregnancy-related pathologies, women diagnosed with gynecological diseases, newborns, and women undergoing pregnancy termination. Other services provided by this hospital include surgical interventions for gynecological diseases, prenatal diagnosis of fetal anomalies, etc. At the conclusion of this inspection, the following recommendations were addressed to the Ministry of Health and Social Protection (MHSP):

- Take measures to approve the "In Vitro Fertilization" procedure for the University Obstetrics and Gynecology Hospital "Queen Geraldine" in Tirana, aiming to make this costly service accessible to economically disadvantaged families.
- Take steps to secure funding and enable the renovation of the obstetrics building, including reducing the number of beds per patient room—from four beds per room to two beds per room with a bathroom inside.
- Take measures to renovate the lecture hall used by medical students, affiliated with the Medical University, either by transferring ownership to the MHSP or by undertaking a full renovation to provide optimal conditions for students and lecturers during classes.

This recommendation was accepted by the MHSP and is expected to be implemented in 2025.

¹⁸⁹ Recommendation of the People's Advocate No. K1/189-4 prot., dated 10.05.2024

Inspection at the University Obstetrics and Gynecology Hospital “Koço Gliozheni”, Tirana¹⁹⁰

- Patients served at this hospital include pregnant women, pregnant women with pregnancy-related pathologies, women with gynecological diagnoses/diseases, newborns, and women undergoing pregnancy termination. Additional services include surgical interventions for gynecological diseases and prenatal diagnosis of fetal anomalies. At the conclusion of this inspection, the following recommendations were addressed to the Ministry of Health and Social Protection:

- Take measures to renovate Maternity Wards 1 and 2 due to deterioration.
- Implement external thermal insulation of the building to improve energy efficiency and maintain a constant indoor temperature.
- Install solar panels to produce energy, aiming to reduce costs and improve resource efficiency.
- Ensure timely procurement procedures, as delays often negatively impact staff ability to provide quality and timely patient care.

These recommendations were accepted by the MHSP and are planned for implementation in 2025.

Inspection at the Regional Hospital “Omer Nishani”, Gjirokastër - This hospital operates with inpatient beds and provides specialized outpatient clinic services. According to the referral system, patients receive specialized treatment from medical specialists. At the conclusion of this inspection, the following recommendations were addressed to the MHSP:¹⁹¹

- Take immediate action to commence the renovation of the hospital’s central building, which was scheduled to begin in 2024 but has not yet started.
- Develop and implement a sustainable, ongoing maintenance and inspection plan for hospital buildings to prevent issues

such as dampness and infrastructure degradation.

These recommendations were accepted by the MHSP, and implementation has begun, for which the PA has been officially notified.

Regarding specific cases reviewed by the People’s Advocate’s institution, where administrative investigations were completed and recommendations issued, the following is noted:

- Recommendation to the Ministry of Health and Social Protection (MHSP) and the University Hospital Center “Mother Teresa” (HUC) regarding an ex officio case related to the treatment of a patient at the oncology hospital:

Due to the shortage of medicines at the Oncology Hospital of the University Hospital Center, the People’s Advocate recommended immediate measures to increase the budget for appropriate medications and expand the capacity of the Oncology Hospital. The goal is to treat oncological diseases in accordance with relevant protocols and international standards, ensuring access and comprehensive healthcare coverage for this patient group at UHC in Tirana.

No response has been received from the MHSP or HUC regarding this recommendation by the time this report was being drafted, despite the expiration of the legally prescribed deadlines.

- Recommendation to the Ministry of Health and Social Protection concerning a complaint from citizen D.L. from Gjirokastër:

The citizen D.L., from the city of Gjirokastër, held the status of a work-disabled individual for 25 years and was seeking reimbursement for the medication “NOCUTIL 0.1 mg/ml,” which had been unavailable in pharmacies since September 2023 and cost €20 per box. Due to his financial situation, the citizen was unable to afford the medication. After reviewing the case, the People’s Advocate addressed the Ministry of Health and Social Protection (MHSP), requesting: *the prompt provision of the missing medication NOCUTIL 0.1 mg/ml on the market, or the establishment of*

¹⁹⁰ Recommendation of the People’s Advocate No. K1/174-2 prot., dated 29.07.2024

¹⁹¹ Recommendation of the People’s Advocate No. K1/175-2 prot., dated 18.11.2024

mechanisms to financially reimburse the purchase invoices for this medication to citizen D.L., until its regular supply is ensured through the reimbursement scheme.

This recommendation was accepted by the MHSP, and the citizen received reimbursement for the medication.

- Recommendation to the Ministry of Health and Social Protection and the State Health Inspectorate (SHI) regarding foreign doctors practicing in Albania without registration or license:

The People's Advocate has identified issues with foreign doctors practicing in private clinics or hospitals without proper registration or licensing. The administrative investigation revealed that: (i) there is no consolidated regulatory or administrative framework for identifying unauthorized foreign medical practitioners in private health institutions; (ii) oversight is fragmented and inter-institutional coordination is insufficient; (iii) verification of documentation for foreign doctors is conducted only superficially during inspections.

The People's Advocate assesses that unauthorized practice by foreign doctors carries serious risks, including: (i) patient safety hazards; (ii) lack of legal liability; (iii) erosion of trust in the healthcare system.

The People's Advocate recommended to the MHSP and The State Health Inspectorate: *Intensify dedicated inspections for identifying unauthorized foreign medical practitioners; systematically document and report statistics on foreign doctors practicing without licenses; and organize awareness campaigns on the importance of licensed medical services.*

This recommendation has been accepted and is currently being implemented. The SHI informed the PA by letter no. 961/1 dated 19.06.2024 that, as part of improving inspection quality, the recommendation has been forwarded to its 12 Regional Branches. These branches are now required to report specifically on the licensing status of healthcare personnel operating in public and private health institutions. It should be noted that the implementation of these recommendations

is crucial for improving Albania's healthcare system and guaranteeing the constitutional right to quality healthcare for all citizens.

During 2024, in accordance with Article 13 of Law no. 8454 dated 04.02.1999 "On the People's Advocate," as amended, the People's Advocate initiated ex officio an investigation into the condition of ambulance vehicles across all public hospitals nationwide. For this investigation, the People's Advocate requested detailed information from the University Hospital Centers, Regional Hospitals, Municipal Hospitals, the MHSP, and the University Clinical Center of Tirana (UCCT) regarding the number of ambulances available, models, production years, technical conditions, mileage, and maintenance procedures. Additionally, information was sought on identified issues related to ambulance functionality and measures taken to address them. Following the collection and assessment of this data, the People's Advocate has begun preparing a report, expected to be finalized in 2025, which will highlight key issues and propose necessary recommendations.

In conclusion, the Institution of the People's Advocate emphasizes the importance of accountability mechanisms to ensure compliance with state obligations arising from the right to healthcare. The state has a duty to guarantee the fulfillment of this right by positively influencing the socio-economic factors that affect health and by establishing the necessary material and human infrastructure for the diagnosis and treatment of diseases, as well as for the improvement of quality of life and health. Enhancing the standards and quality of public healthcare services requires a joint commitment from all societal actors. Respect for the human dignity of patients must be at the core of these efforts, ensuring that every citizen has access to quality and equitable healthcare.

While the Strategy foresees its own mechanisms for accountability and monitoring, the Ministry of Health and Social Protection has made only limited progress in their implementation. Essential tools, such as the continuous updating of data on strategy progress through the electronic platform, as well as the preparation and publication of detailed annual reports on its implementation,

remain unfulfilled. This lack of transparency makes it difficult to track progress and evaluate the performance of the healthcare system.

3.17 Respect for the right to education¹⁹²

Education constitutes a fundamental component of Sustainable Development Goal 4 of the United Nations. This goal aims to ensure inclusive, equitable, and quality education for all, as well as to promote lifelong learning opportunities. Higher education and scientific research represent strategic fields for the sustainable development of the country, playing a key role in meeting the criteria of the European integration process. Despite the efforts since the 1990s to reform higher education as materialized in the legislative acts aimed at improving academic standards, enhancing quality, strengthening transparency and institutional autonomy, and promoting scientific research, practice has shown that these reforms have often been fragmented, unsustainable, and of limited effectiveness.

The current legal framework, although aligned with international standards, has failed to stimulate deep structural reforms within the university system. Its capacity to significantly and sustainably influence the improvement of education quality remains limited. Law no. 80/2015 “On Higher Education and Scientific Research in Higher Education Institutions of the Republic of Albania” established a new regulatory framework for the higher education system, aiming to modernize structures and academic standards. Nine years have passed since the implementation of this reform, which has generated various dynamics within the Albanian university landscape. The process of adopting and implementing the law was accompanied by extensive public debate, involving confrontations between state authorities and the academic community, continuous reactions from student organizations, as well as the publication of critical reports by civil society organizations. During this period, a widespread perception

among students regarding the decline of higher education quality has emerged, raising questions about the real effectiveness of the reform. From the drafting stage, the law sparked intensive discussions about the necessity of the proposed changes, with some provisions—particularly those related to financial support policies for higher education institutions (HEIs)—drawing special attention. The contribution of in-depth analyses from the academic and scientific communities has been important in shedding light on the regulatory dimensions of the law, helping to shape more reasoned positions regarding the organization and functioning of higher education in the country. These reflections are essential for assessing the impact of the reform and determining possible needs for further improvements.

The urgent need to address higher education issues is deeply connected with the sustainable development of society, as higher education represents a crucial link in supplying the labor market with qualified human resources. Beyond this function, it serves as one of the fundamental pillars for the development of analyses and studies necessary for the proper functioning of markets and the shaping of socio-economic policies. Higher education plays a strategic role not only economically but also in building intellectual and scientific capacities, which are essential for designing and implementing domestic and foreign policies in education and scientific research.

In this context, the People’s Advocate assesses that the main challenges facing the higher education system in Albania include:

- Improving the academic quality of public universities, aiming to enhance teaching and research standards;
- Often tense relations between the Administrative Board and the Rectorate, affecting the effectiveness of institutional management and academic autonomy;
- Depopulation of public universities in the districts, due to lack of academic attractiveness and limited professional development opportunities;
- Lack of infrastructure and teaching

¹⁹² This area of law falls under the responsibility of the General Section within the institution of the People’s Advocate

resources necessary to provide modern and competitive education;

- Lack of student services, especially notable in the face of high tuition fees for second-cycle studies, among the highest in the region;
- Barriers to access higher education, particularly in programs where average grade thresholds limit the access of a significant portion of youth;
- Uncertainty regarding dignified employment after graduation, which encourages young people to seek better professional opportunities abroad.

These issues require an integrated and cross-sectoral approach, including well-structured reforms and policies oriented towards quality enhancement, infrastructure improvement, and the creation of an academic environment that promotes personal and professional development of students.

The People's Advocate's Institution has monitored throughout 2024 and beyond the problems related to the right to education, raised both through various complaints addressed to the Institution and those identified in cases publicized in written and online media. It was again found this year that higher education and university education reform remain persistently among the most important public topics in the country due to the challenges they present.

According to complaints registered with the People's Advocate during the reporting year, 55¹⁹³ were addressed, 27 of which were initiated ex officio by the Institution. Out of the total complaints reviewed, 48 were closed in 2024, while others remain under administrative investigation. Among the complaints reviewed ex officio, 25 were resolved in favor of citizens, while no violations were found in other cases.

Meetings held with faculty and students during 2024, as well as issues raised in complaints, revealed that Law no. 80/2015 essentially

incorporates the public university within a market logic, prioritizing the economic dimension over the academic mission. This approach reflects the establishment of direct relationships between faculty salaries, the number of students, and the number of study programs, reducing the function of higher education to financial efficiency logic. This situation has created a survival competition among public universities, often to the detriment of academic quality. The pressure to attract more students as a source of income has contributed to the decline of academic standards and the lowering of admission and knowledge evaluation criteria.

Another worrying issue is the *accreditation process of study programs*, which, although aimed at quality assurance, is perceived as a bureaucratic procedure that fails to significantly impact institutional policies and strategic university development.

Within the framework of *academic autonomy*, a fundamental principle that Law no. 80/2015 aimed to promote, universities should enjoy a higher degree of independence from interventions by the Ministry of Education and Sports (MES), especially in decision-making related to the design and revision of university curricula. Institutional independence is essential to guarantee academic development and adapt study programs to labor market needs and contemporary scientific advancements.

During meetings between the People's Advocate Institution and students and academic staff, numerous complaints were identified (*from both students and academic staff*), which were individually addressed to the relevant authorities, aiming to resolve specific issues and improve reported situations.

It is also of concern that the phenomenon of youth emigration from Albania continues to be a tangible reality, turning into an alarming trend with long-term consequences for the socio-economic development of the country. This phenomenon is not only related to liberal employment policies pursued by other countries that create favorable migration opportunities but also stems from the internal factors mentioned above.

¹⁹³ Complaints submitted by teachers, professors and students.

Another important aspect that has been a focus of the Institution's work is the handling of numerous claims by students facing significant financial difficulties. These challenges have intensified due to rising living costs, the impact of inflation, and tuition fees, which have substantially increased the economic burden on families and students. During the reporting period, pronounced problems were identified regarding the awarding of student scholarships, reflected in the high number of individual complaints submitted to the People's Advocate. These complaints were addressed with the administrations of Rectorates, respective universities, and the Ministry of Education and Sports, aiming to find suitable solutions to improve the situation. This context highlights the need for sustainable policies aimed not only at improving higher education conditions but also at creating an environment that offers equal opportunities for quality education and decent employment, thereby reducing incentives for youth migration.

Based on specific cases reviewed by the People's Advocate Institution, for which the administrative investigations have been completed with corresponding recommendations, the following are highlighted:

Recommendation to the Ministry of Education and Sports and the Sports University in Tirana regarding the case titled: "Denial of the right to education for a student with disabilities." This case highlighted the student's inability to pursue studies at the Sports University of Tirana due to the absence of tailored programs and reserved quotas for persons with disabilities. Following the administrative investigation, our institution issued a recommendation to the Ministry of Education and Sports (MES) and the Sports University of Tirana,¹⁹⁴ requesting:

- The development of a general regulation and guidelines for the effective inclusion of persons with disabilities in higher education, to be coordinated between MES and universities, including the establishment of general standards for access and equal

opportunities for students with special needs.

- The allocation of resources and budget planning to provide additional financial and human resources to assist universities in developing specialized programs for persons with disabilities, to be created by relevant experts.

This recommendation was reviewed and accepted by both the Ministry of Education and Sports and the Sports University of Tirana.

Recommendation to the Board of Administration and Rector of "Luigj Gurakuqi" University, Shkodër, regarding the incorrect application of tuition fees: As part of the People's Advocate's commitment to protecting the rights of students from socially vulnerable groups, another important case was handled based on a complaint submitted by the Chairman of the Association of Persons with Disabilities in Shkodër. The complaint concerned the non-compliance by the Board of Administration of "Luigj Gurakuqi" University with Decision of the Council of Ministers (DCM) no. 251, dated 27.03.2020, which regulates tuition fees for Master's degree programs. Following a thorough administrative investigation, the People's Advocate Institution found violations of students' rights and issued an official recommendation to the Board of Administration and Rector of the University¹⁹⁵, requesting:

- Measures to ensure the correct interpretation of applicable laws and sub-legal acts regarding the 50% tuition fee discount for Master's students who have one parent with a disability, thus guaranteeing this category the benefits set out by the DCM.
- Actions to harmonize the Board's criteria with the clear provisions of the DCM, eliminating any misinterpretation or distortion and complying fully with the legislation in force.
- Efforts to inform affected students about their rights to file administrative complaints

¹⁹⁴ PA recommendation no.K1/I199-4 prot, dated 24.12.2024.

¹⁹⁵ PA recommendation no.K1/S27-9 prot, dated 24.12.2024.

and pursue judicial remedies, protecting their rights and seeking annulment of unjust Board decisions.

As of the preparation of this report, *no response was received* despite the expiration of legal deadlines.

Recommendation to the Faculty of Civil Engineering, Department of Environmental Engineering, University of Elbasan, regarding the need for student support: The People's Advocate reviewed a case following a complaint submitted by a parent on behalf of a student from Elbasan, enrolled in the Environmental Engineering program at the Faculty of Civil Engineering. The case involved a failure to comply with legal provisions related to student support. Despite facing serious health issues, the student has maintained excellent academic performance, making the need for institutional support all the more critical. A detailed administrative investigation revealed that legal provisions on financial support had not been properly applied, resulting in a violation of the student's rights. As a result, the People's Advocate issued a recommendation to the Ministry of Education and Sports and the Polytechnic University of Tirana,¹⁹⁶ requesting the following:

- The review and approval of the student's request for financial assistance, in line with Decision of the Council of Ministers No. 903, dated 21.12.2016, which provides support for students from socially vulnerable groups, with severe health conditions, and enrolled in priority fields of study.

This recommendation was accepted and implemented by both the Ministry and the Polytechnic University of Tirana. Consequently, the student was awarded a scholarship.

It is important to note that many cases brought forward through complaints or proactively addressed by the People's Advocate are resolved during the administrative investigation phase, without the need to issue a formal recommendation. However, there have also been cases where resolution was not possible—mainly due to the

complexity of the issues involved, which affected both the timing and manner of handling.

The People's Advocate acknowledges the Albanian government's ongoing efforts to reform the education sector and its steps to increase teachers' salaries. Nonetheless, financial support for students and educators remains a significant challenge. Such support is essential not only for the personal motivation of teachers but also for the continuous development of their academic and professional skills. Financial incentives, combined with sustainable professional development policies, are key to improving teaching quality and fostering an educational environment that promotes innovation and academic excellence. To this end, Albania's education policies must ensure a system that is inclusive, high-quality, and aligned with the needs of modern society—offering real opportunities for the personal and professional development of young people.

The main objectives of these policies should be:

- *Providing practical and effective benefits to students* that directly improve academic performance and their preparedness for the job market;
- *Retaining human capital within the country* ("brain gain") by creating favorable conditions for education and employment, thereby discouraging youth emigration;
- *Reducing youth migration* by offering clear development prospects and opportunities for personal and professional fulfillment in Albania.

In this context, it is essential that education reforms be accompanied by stable financial and social policies that support both students and educators, as they are central to the country's development.

The People's Advocate will continue to closely monitor education policies, with the goal of achieving the highest standards in higher education and supporting academic staff in efforts that bring innovation and modernization to the national education system.

¹⁹⁶ PA recommendation no. K1/J3-7, dated 30.04.2024.

3.18 Respect of the right to social care¹⁹⁷

Poverty is a complex and multidimensional phenomenon that goes beyond mere income deprivation, encompassing a range of economic, social, and cultural factors that interact with one another. This social condition affects many aspects of individuals' lives, resulting in a significant decline in their quality of life and hindering their social inclusion. In this context, poverty is not only an indicator of economic status but also a phenomenon that impacts personal development opportunities, access to public services, and the realization of fundamental citizens' rights.

At the global level, combating poverty is one of the primary priorities of the United Nations Sustainable Development Agenda. The goal is for countries to focus on reducing poverty and mitigating its effects on society by developing fairer and more inclusive policies. In the context of Albania, although progress has been made in terms of economic growth in recent years, structural challenges and limitations in social protection policies have resulted in only modest advances¹⁹⁸ in poverty reduction.

According to the European Bank for Reconstruction and Development's Report, "*Can the Western Balkans Converge towards EU Living Standards*,"¹⁹⁹ Albania ranks second to last among countries in the region, revealing a significant gap from the European Union standards. Likewise, the World Bank report "*Retaining Growth Momentum*

2024"²⁰⁰ highlights the negative impact that inflation during 2022-2023 had on the purchasing power of low-income households. Although inflation declined in 2023, its accumulated effects continue to burden the most vulnerable families, increasing difficulties in meeting everyday needs.

According to the People's Advocate's assessment, poverty is not limited to income deprivation but also includes lack of access to services and participation in social life. It remains one of the most acute and challenging national issues²⁰¹ and must be addressed within the framework of state obligations to respect and guarantee these rights. A human rights-based approach requires that the standards and principles of these rights be fundamentally integrated into the planning and implementation of social policies. Monitoring measures to reduce poverty, promote social inclusion, and uphold the right to care and social participation is a priority for the People's Advocate Institution.

During 2024, a total of 78 cases were addressed, including citizen complaints submitted to the People's Advocate Institution, as well as cases initiated ex officio based on investigations identified through daily monitoring and analysis of issues raised publicly in the media. Specialized working groups were established to ensure an effective and structured approach to publicly exposed issues, enabling immediate intervention in cases of high public sensitivity.

Of the total cases addressed, 62 complaints/cases represent new instances registered during 2024. Additionally, 18 cases were identified and addressed proactively through systematic media monitoring. To resolve the issues raised, the People's Advocate Institution conducted

¹⁹⁷ This area of law falls under the responsibility of the General Section within the institution of the People's Advocate.

¹⁹⁸ Measurement of Income and Living Standards in Albania, published on December 13, 2024, by INSTAT.

<https://www.instat.gov.al/al/temat/kushtet-sociale/anketa-e-t%C3%AB-ardhurave-dhe-nivelit-t%C3%AB-jetes%C3%ABs-aanj/publikimet/2024/matja-e-t%C3%AB-ardhurave-dhe-nivelit-t%C3%AB-jetes%C3%ABs-n%C3%AB-shqip%C3%ABri-2023/>

¹⁹⁹ "Can the Western Balkans converge towards EU living standards", 2024, European Bank for Reconstruction and Development;

<https://www.ebrd.com/sites/Satellite?c=Content&cid=1395318812388&d=&pagename=EBRD%2F-Content%2FDownloadDocument>

²⁰⁰ No. 26 - Fall 2024 Western Balkans Regular Economic Report, World Bank;

<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099101424043012347/p5067421db658a06b1a82c1811f0301d818>

²⁰¹ Measurement of Income and Living Standards in Albania, published on December 13, 2024, by INSTAT.

<https://www.instat.gov.al/al/temat/kushtet-sociale/anketa-e-t%C3%AB-ardhurave-dhe-nivelit-t%C3%AB-jetes%C3%ABs-aanj/publikimet/2024/matja-e-t%C3%AB-ardhurave-dhe-nivelit-t%C3%AB-jetes%C3%ABs-n%C3%AB-shqip%C3%ABri-2023/>

administrative investigations, which were concluded with resolutions favoring the citizens and/or explanations to complainants regarding the legal reasons for denial or discontinuation of requested assistance, accompanied by recommendations for resolving the addressed issues. Furthermore, problems were tackled through recommendations directed to responsible institutions.

From the total complaints reviewed, after concluding administrative investigations, it was found that 41 cases (66%) were resolved in favor of the complainants, and 11 recommendations were issued to responsible institutions for resolving the identified problems.

The most prominent issues addressed in the cases registered during this year relate to:

- *The Economic Assistance Scheme*, which constitutes a key mechanism of the Social Protection System aimed at alleviating poverty and supporting individuals and families in need, including persons with disabilities and socially at-risk families. It provides temporary financial aid to beneficiaries without income or with insufficient income, based on an assessment of economic means and inter-institutional cooperation between central and local levels. The scheme is regulated by Council of Ministers Decision no. 597/2019, as amended.²⁰² Despite changes approved to increase the amount of assistance,²⁰³ citizen complaints and PA monitoring show that this support remains insufficient

202 Decision of the Council of Ministers No. 597, dated 04.09.2019, "On defining the procedures, documentation, and monthly amount of economic assistance, as well as the use of the additional fund on top of the conditional fund for economic assistance" (amended by Decision No. 85, dated 10.02.2021; No. 868, dated 29.12.2021; No. 617, dated 22.09.2022; and No. 855, dated 26.12.2024).

203 Decision of the Council of Ministers No. 597, dated 04.09.2019, "On defining the procedures, documentation, and the monthly amount of economic assistance, and on the use of the additional fund over the conditional fund for economic assistance" (as amended by Decision No. 85, dated 10.02.2021; No. 868, dated 29.12.2021; No. 617, dated 22.09.2022; and No. 855, dated 26.12.2024).

to cover basic living expenses²⁰⁴ and does not guarantee full social integration. The lack of income consequently leads to other problems related to costs of adequate, affordable, and sustainable housing, public transportation, and access to education, healthcare, and employment services. Families or individuals in remote areas with difficult terrain face particular difficulties and are more exposed to these challenges.

- *The Scoring System for Economic Assistance, which is often complex, unclear, and does not always reflect the social and economic reality of applicants.* Cases have been reviewed where families in severe poverty are excluded from benefits due to inappropriate evaluation procedures. Furthermore, many citizens, especially those living in rural areas or belonging to vulnerable groups, face significant challenges in using online platforms for application. Lack of access to technology, necessary skills, and institutional support from responsible structures unfairly excludes these individuals from assistance that is vital to them.
- *Gaps in Local Social Housing Programs.* Citizen complaints have highlighted the absence of effective social housing programs due to a lack of dedicated funds and insufficient human resources in the relevant institutions. Local structures, especially in smaller local government units, face capacity challenges that often result in incomplete and inadequate assessments of the situations of families in need. The need to establish or strengthen existing capacities of administrative units and other actors to ensure proper implementation of the legal framework, timely and accurate information for vulnerable groups, is linked to the need to enhance inter-institutional cooperation

204 Household Budget Survey, 2023* Tirana, published on October 4,

<https://www.instat.gov.al/al/temat/kushtet-sociale/anketa-e-buxhetit-t%C3%AB-nj%C3%ABsive-ekonomike-familjare/publikimet/2024/anketa-e-buxhetit-t%C3%AB-nj%C3%ABsive-ekonomike-familjare-2023/>

and coordination with a proactive approach to resolving citizens' cases. In this regard, correct knowledge and application of the law is essential not only for the public administration's image but also for the fair and efficient identification of categories in need who meet the legal criteria for receiving social support. The current social protection system is characterized by complex application and verification processes that not only delay the provision of economic assistance but also create gaps in supervision and monitoring of the situation.

- *Insufficiency of pensions*, which remains a significant issue. Although pensions have been indexed by 8.6% and 4.1%²⁰⁵ over the past two years, this increase remains inadequate to address the real needs of the elderly, particularly those belonging to the most socially and economically disadvantaged groups. These individuals face serious difficulties in securing a minimum sufficient income to cover living costs and necessary medication, in accordance with their health needs. In this context, while the year-end pension bonuses represent a welcome form of support, they remain symbolic and do not set off the need for a sustainable and sufficient increase in pensions.²⁰⁶
- *Lack of a legally defined living minimum*. The calculation of the living minimum serves as an indicator to determine the actual poverty threshold, distinguishing between those who are poor and those who are not. This indicator should underpin the development of social policies pursued

by the state for vulnerable groups.²⁰⁷ An updated and approved value of the living minimum helps define the minimal amount an Albanian citizen requires to live, as well as the minimum rates for social assistance, pensions, unemployment benefits, etc. Legislation should specify the forms and mechanisms for applying this minimum, ensuring that every citizen can easily access such a guarantee to secure a dignified life, basic services, and active participation in society, regardless of their capacity to work.²⁰⁸

Regarding specific cases reviewed by the People's Advocate Institution, where administrative investigations have concluded with relevant recommendations, the following are highlighted:

Recommendation to Sarandë Municipality:²⁰⁹

Based on legal provisions and following the review of complaints submitted by a group of citizens from the Roma and Egyptian communities in the "Çukë" neighborhood of Sarandë, represented by Mr. R.B. and the Roma Women's Rights Center, concerning harsh living conditions and lack of adequate housing, the People's Advocate's office conducted an administrative investigation to verify the respect of their rights and identify the lack of institutional support.

Considering the right to housing as fundamental and closely linked to dignity, life, and health, the People's Advocate emphasizes the importance of sustained and coordinated inter-institutional engagement to prevent discrimination and social exclusion. While acknowledging the efforts made so far by Sarandë Municipality, it is stressed that the implementation of local strategic documents with clear deadlines and measurable objectives

²⁰⁵ Based on the legal provisions, the indexation of pensions for the year 2023 was carried out through Decision of the Council of Ministers (DCM) No. 553, dated 28.09.2023, at a rate of 8.6%. The indexation of pensions for the year 2024 was carried out through DCM No. 582, dated 18.09.2024, at a rate of 4.1%.

²⁰⁶ DCM No. 654, dated 30.11.2023, "On the year-end bonus for pensioners for the 2023 holidays" and DCM No. 736, dated 27.11.2024, "On the year-end bonus for pensioners for the 2024 holidays".

²⁰⁷ The People's Advocate prepared the special report "On the Standard of the Living Minimum in Albania" (2020). <https://www.avokatipopullit.gov.al/sq/list/publications/rraporte-speciale-1/?page=3>

²⁰⁸ The report recommends amending Law no. 57/2019 "On Social Assistance in the Republic of Albania" by including, as a specific provision, the definition of the minimum living standard.

²⁰⁹ Document No. 202400062/10, Official Letter No. K1/B1-10 Prot, dated 20.05–27.05.2024 (This recommendation has been accepted and is in the process of implementation).

is essential for achieving national strategy goals and strengthening the sustainability of local actions. Accordingly, the People's Advocate has recommended that Sarandë Municipality fully and effectively exercise its functions and competencies to explore opportunities for a swift, sustainable, and efficient approach to implementing the "2024–2028 Local Housing Plan," with particular focus on fulfilling the plan to rehabilitate and reconstruct the building that used to be the former Cinema in the village of Çukë, correctly serving to house Roma families. This would improve housing conditions for Roma community members living there.

***Recommendation to Lushnje Municipality:*²¹⁰**

Supported by legal provisions, the People's Advocate initiated ex officio the follow-up on a media-reported case concerning an elderly person living in difficult economic and health conditions, residing in unsuitable housing after her home was damaged by the 2019 earthquakes. Following the administrative investigation into the respect of her rights and identification of institutional support gaps, the People's Advocate recommended that Lushnje Municipality take immediate measures to ensure a final solution for sustainable and adequate housing, in accordance with Law No. 22/2018 "On Social Housing" and related by-laws.

Recommendation to the Ministry of Economy, Culture, and Innovation,²¹¹ copied to the Social Insurance Institute and Institute of Statistics (INSTAT): Based on legal provisions and its mission to protect rights and ensure dignified living for vulnerable groups, the People's Advocate has taken the initiative to follow up on the issue of pension insufficiency, as reported in the media and expressed through pensioners' protests.

Despite the 8.6% indexing, this increase is considered insufficient to cope with the ongoing rise in living costs, raising serious concerns about the social security of this category. Upon

completing the administrative investigation, the People's Advocate addressed a recommendation to the Ministry of Economy, Culture, and Innovation, with copies to the Social Insurance Institute and INSTAT, urging continued and strengthened efforts by responsible institutions to increase pensions in line with rising living costs and inflation. The recommendation also calls for improved transparency in the indexing process by clearly informing pensioners about the methodology and criteria used, as well as continuous monitoring of inflation to ensure that the pension increases realistically reflect the economic needs of this group, in line with Decision No. 11/2023, which allows for multiple indexations per year according to changes in consumer prices.

Recommendation to Tropojë Municipality,²¹² with copies to the Tropojë Municipal Council and Ministry of Justice: In exercising its constitutional and legal powers, the People's Advocate initiated follow-up on a case published in online media concerning a family of four living in extreme poverty and inadequate housing in a village of Tropojë. Given the severe condition of the housing and deep poverty of this family, to guarantee the right to a dignified life, the People's Advocate examined the case and launched an administrative investigation to verify respect for their rights and identify gaps in institutional support. As a result, the People's Advocate recommended that Tropojë Municipality fully and effectively exercise its functions and competencies by taking swift and sustainable action to implement plans related to buildings under the Ministry of Justice's jurisdiction, in order to adapt, reconstruct and rehabilitate them for accommodation of citizens in need. Immediate measures were also recommended to ensure a sustainable and adequate housing solution for the family in question, in accordance with Law No. 22/2018 "On Social Housing" and related by-laws.

Recommendation to Kavajë Municipality:²¹³ In

²¹⁰ On own initiative, Document No. 202301065; Official Letter No. K1/T80-17 Prot., dated 26.04.2024. This recommendation has been accepted and implemented.

²¹¹ On own initiative, Document No. 202301058; Official Letter No. K1/I73-8 Prot., dated 30.04.2024. This recommendation has been accepted and partially implemented.

²¹² Document No. 202301061, Official Letter No. K1/I76-14 Prot., dated 20.05.2024. This recommendation has been accepted and implemented.

²¹³ Document No. 202400613, Official Letter No. K1/L7-11 Prot., dated 13.09.2024. This recommendation has been accepted but has not been implemented.

fulfillment of its constitutional and legal mandate to protect human rights, the People's Advocate examined complaints by two Roma families living in inadequate housing conditions within Kavajë Municipality. Protection and respect for the rights of national minorities have long been a focus of the institution, prioritizing the improvement of living conditions for these communities while acknowledging challenges related to poverty, lack of housing, culture, and traditions. The absence of minimum living conditions seriously hinders their full integration into society, making compliance with international commitments and domestic legal and strategic frameworks essential. Despite efforts by Kavajë Municipality, the measures taken remain insufficient, and the problem persists. Therefore, the People's Advocate recommended that Kavajë Municipality fully and effectively exercise its functions and competencies by developing a concrete plan to improve housing conditions for Roma and Egyptian community members and taking measures to resolve sustainably and adequately the housing needs of the families involved, in accordance with Law No. 22/2018 "On Social Housing" and related by-laws.

***Recommendation to Shkodër Municipality:*²¹⁴**

Following a complaint from a Roma community member residing in Shkodër, who is head of household, unemployed, mother of four minor children, and denied social assistance despite her difficult economic and health situation, the People's Advocate launched an administrative investigation to verify respect for her rights and identify institutional support gaps. The investigation revealed that her application in January 2024 was rejected due to the lack of registration of one child in the electronic system of the General Directorate of Civil Registry. This discrepancy could have been avoided had the responsible structures fulfilled their legal duty to update data and accurately reflect family composition in the National Electronic Register. The People's Advocate highlighted to the local authority the critical role of social administrators in collecting and verifying information for

social assistance schemes to accurately reflect beneficiaries' socio-economic status and prevent unjust penalties. Ignoring this procedure and relying solely on automatically generated data penalizes citizens and undermines their trust in social justice and state institutions. The People's Advocate recommended that Shkodër Municipality undertake careful and rigorous assessments of the socio-economic situations of vulnerable families in accordance with current legislation and develop practical guidelines for social administrators to manage cases of multiple vulnerabilities.

***Recommendation to Këlcyrë Municipality:*²¹⁵**

In exercising its constitutional and legal powers, the People's Advocate followed up on a case published online, reflecting the severe conditions of inadequate housing and extreme economic and social hardship of a family in Këlcyrë which also includes a member with disabilities. The administrative investigation revealed a lack of intervention by the responsible Këlcyrë Municipality structures despite the family's urgent need for support. The case raises serious concerns about respect for fundamental human rights, including the right to a dignified life and the right to life, guaranteed by the Constitution. The People's Advocate considers that due to underdevelopment and structural difficulties in such areas, continuous and intensive work is necessary to ensure equal treatment and address systemic challenges requiring engagement from local and higher-level institutions. Accordingly, a recommendation was addressed to Këlcyrë Municipality to effectively exercise its competencies by developing a concrete plan to improve housing conditions in the area, take immediate measures for a sustainable housing solution for the family in need, and strengthen inter-institutional cooperation to ensure fair and coordinated handling of cases affecting citizens' right.

***Recommendation to the Municipality of Durrës:*²¹⁶** The People's Advocate, based on a

²¹⁵ Document No. 202400995; Official Letter No. K1/182-10 Prot., dated 08.11.2024. This recommendation has not received a response

²¹⁶ Document No. 202400784; Official Letter No. K1/S14-14 Prot., dated 03.12.2024. This recommendation has been accepted but not implemented.

²¹⁴ Document No. 202400611; Official Letter No. K1/K5-13 Prot., dated 13.08.2024. This recommendation has been accepted and implemented.

complaint submitted by an elderly woman with a disability residing in Durrës—who raised concerns related to lack of housing, poverty, and her inability to meet basic living expenses—conducted an administrative investigation to verify the respect of her rights and the absence of institutional support. The investigation highlighted the need for the municipality, as the local government body closest to the citizens, to play a proactive role in identifying vulnerable groups and facilitating their access to social housing programs. In this specific case, it was observed that vulnerable citizens face significant barriers in accessing the online application process. While digitalization of services is necessary, it has deepened inequalities for certain groups who face technological barriers and lack support in navigating the application procedures. At the conclusion of the investigation, the People's Advocate recommended that the Municipality of Durrës take immediate and sustainable measures to resolve the housing needs of the family in question. Furthermore, the municipality is urged to organize its work processes to ensure the presence of dedicated and trained staff capable of providing clear and accessible assistance to the most vulnerable groups, thereby ensuring equality and inclusion for all citizens who are unable to independently apply for online services.

***Recommendation to the Municipality of Durrës and the Municipal Council of Durrës:*²¹⁷**

The Institution of the People's Advocate, based on a complaint from an elderly disabled resident of Durrës, conducted an administrative investigation to verify the respect of her right to benefit from urban transport facilities as provided by law for this category of citizens. Although the complainant's family consists of three members officially recognized as persons with disabilities, they do not benefit from the legal exemptions provided for this category and are required to pay the full fare for the use

of urban public transportation. This situation poses a direct obstacle to the exercise of their rights and undermines the principle of equality in access to public services, further aggravating the living conditions of this vulnerable segment of the population. Based on an assessment of the legal framework and best practices implemented by other local institutions, the People's Advocate recommended that the Municipality of Durrës and the Durrës Municipal Council fully exercise their competencies to ensure financial support for this category in accordance with the law. It was recommended that they undertake measures for the periodic review of needs and transport-related costs; establish a dedicated register of beneficiaries entitled to transport benefits, accessible in real-time by public transport operators for verification purposes; implement a regular process for updating and verifying documentation, ensuring fair and non-abusive implementation of these rights.

Recommendation to the Ministry of Infrastructure and Energy,²¹⁸ with copies to the Ministry of Health and Social Protection, and Ministry of Economy, Culture and Innovation:

The People's Advocate, following a complaint submitted by an elderly woman with a disability residing in Durrës, conducted an administrative investigation to verify the respect of this category's rights in relation to access to urban public transport. The complaint concerned the fact that her family—composed of three long-term disability status holders—was not recognized as eligible for fare exemptions under the applicable legal provisions. This situation constitutes a serious barrier to the exercise of their rights and violates the principle of equal access to public services, further burdening their lives as part of one of the most vulnerable social groups. The administrative investigation revealed that although there is a legal basis for providing such benefits, the implementation of relevant measures and secondary legislation remains incomplete, thus hindering the realization of these citizens' rights. These shortcomings underscore the need

²¹⁷ Document No. 202400785; Official Letter No. K1/S15-15 Prot., dated 23.12.2024. The Municipality of Durrës and the Durrës Municipal Council have responded, accepting the recommendation and committing to take further measures. This recommendation has been accepted but has not yet been implemented.

²¹⁸ Document No. 202400785/1; Official Letter No. K1/S15-16 Prot., dated 23.12.2024. This recommendation has not received a response.

to improve and complete the legal framework, ensure sustainable financial resources, and strengthen inter-institutional cooperation in order to guarantee accessible, equitable, and dignified transport services for all. The People's Advocate recommends that the Ministry of Infrastructure and Energy, in cooperation with the relevant ministries as defined in the National Action Plan for Persons with Disabilities 2021–2025, undertake immediate action to fulfill objectives related to the provision of transport benefits for all legally entitled categories. These actions must align with Albania's international commitments, national legislation, and the goals set out in the National Action Plan. It is also recommended that the Ministry take the initiative to adopt clear, applicable secondary legislation to ensure the effective implementation of these rights in practice.

In Albania, social protection policies are based on objectives that the Constitution defines as core duties of the state. These include guaranteeing a dignified life for every citizen, regardless of income, origin, age, gender, ethnicity, education, sexual orientation, cultural identity, or political and religious beliefs. These policies aim to ensure equal access to quality public services and to fulfill fundamental needs such as food, shelter, health care, and education.

The People's Advocate recognizes the efforts of the Albanian Government²¹⁹ to improve the protection system in line with its priorities to establish an effective social protection framework. Addressing the challenges facing this system requires a comprehensive and integrated approach that meets European standards and focuses on continuous support for the most vulnerable groups in society. Only through sustainable, inclusive, and well-coordinated reforms can Albania begin to close the gap with EU standards. Drawing on international documents and comparisons with the region and the EU helps build a fairer and more equitable society. Improving the social protection system

is essential to ensuring that no one is left behind, in line with the 2030 Sustainable Development Agenda and its first objective: ending poverty in all its forms.²²⁰

3.19 Respect for the rights of the elderly

Care for the elderly represents an essential aspect of social consciousness, as they are the custodians of a rich cultural and human heritage. They embody valuable contributions to the foundational structures of our society and the transmission of enduring values to future generations. One of the greatest challenges faced by older adults is the feeling of loneliness and social isolation. Many live in deep solitude or are disconnected from family and support networks, which exposes them to increased risks of depression, anxiety, and other psychological and health issues. This situation makes it imperative and urgent to provide comprehensive support, including emotional care, social services, and the creation of opportunities for active participation in community life.

In this context, the People's Advocate, as a constitutional institution tasked with protecting and guaranteeing fundamental human rights and freedoms, has devoted special attention to issues affecting the elderly. Through its advocacy mechanisms and institutional interventions, the People's Advocate has addressed the vital needs and interests of older adults to promote fairer and more effective policies that uphold the dignity and well-being of this segment of society.

Within the framework of reviewing cases handled proactively, related to elderly persons living in loneliness and isolation, PA addressed the Ministry of Health and Social Protection (MHSP), the aim being to emphasize the necessity of developing comprehensive social policies aimed at improving the quality of life for this category. In its official response, the MHSP confirmed its institutional commitment to guaranteeing, protecting, and promoting the rights of the elderly. To this end, the initiation of the drafting process for the **National Policy Document on Aging**

219 Decision no. 152/2024 "On the Approval of the National Social Protection Strategy 2024–2030 and the Action Plan for its Implementation"; <https://qbz.gov.al/eli/vendim/2024/03/13/152>

220 <https://albania.un.org/sq/sdgs/1>

2025–2030 has been planned, accompanied by an Action Plan that will serve as the implementing instrument for its strategic objectives. This strategic document will focus not only on guaranteeing the fundamental rights of older adults but also on encouraging their active participation in community life by promoting sustainable policies aimed at strengthening social support mechanisms and special care for elderly individuals facing loneliness. Through this approach, the goal is to build a more inclusive and supportive environment that offers every elderly person the opportunity for a dignified and integrated life in society.

In the context of reviewing a complaint and a case handled proactively concerning two elderly women living alone and facing serious health problems, we addressed an official request to local government authorities. This request aimed to mobilize resources and provide essential daily services, food aid, and continuous support for these individuals in need. In response, the cases were referred to relevant non-governmental organizations and associations, which took responsibility for delivering home services, aiming to improve the quality of life of the elderly through direct and personalized care. Institutional readiness was also expressed to ensure ongoing support from local structures, specifically the Elbasan Municipality and Administrative Unit No. 2 in Tirana, which will continue to monitor the situation and provide food aid, ensuring the basic needs of these citizens are met. This coordinated effort between public institutions and civil society organizations represents an effective model of social partnership aimed not only at emergency response to specific cases but also at building a sustainable support system for elderly individuals living in vulnerable conditions.

Our activities during this reporting year have extended to several concrete aspects of elderly protection, adopting a proactive and dedicated approach by conducting inspections in public day centers for the elderly:

- During the inspection at the “At Grandpa’s Coffee” Day Center for the Elderly in Roskovec, issues were identified regarding staff qualifications needed to implement

social care standards for the elderly, as well as the absence of individualized health care plans for beneficiaries.

- During the inspection at the “Homage to Generations” Day Social Center in Belsh, issues were noted concerning the preliminary assessment of the needs of the elderly, staff qualifications for implementing social care standards, the lack of individualized healthcare and daily care plans, and the inadequate architectural accessibility for persons with mobility impairments.

To meet the standards of social care for elderly individuals who receive services at public day centers, to ensure their continuous care, as well as improving their social situation, relevant recommendations have been developed and addressed to both local and central government authorities. These recommendations are published in detail on the official website of the People’s Advocate.²²¹ The goal of social service policies designed to protect vulnerable groups, specifically the elderly, should be the creation of an appropriate social services system with modern standards for their rehabilitation and reintegration into normal life. In this context, the People’s Advocate recommends to:

- *Increase the monthly pension amount for all pension categories* to improve living standards and guarantee economic security for older individuals.
- *Provide free access to public transportation* as a facilitative measure to encourage mobility, active participation in community life, and reduce economic barriers that limit the freedom of movement for the elderly.
- *Develop a broad network of integrated social and healthcare services* that are accessible and deployed throughout the country, aiming to improve the quality of care and offer personalized services based on the specific needs of this group.
- *Fully or partially reimburse high-cost*

²²¹ <https://www.avokatipopullit.gov.al/sq/articles/general-issues/residential-center/rekomandime-pr-qndrat-ditore-publike-1118/>

essential medications to alleviate the financial burden on elderly individuals suffering from chronic or serious illnesses, ensuring equal access to necessary medical treatments.

- *Create and expand a network of day centers for the elderly*, including opening new centers in the outskirts of cities, to provide social support, recreational activities, and opportunities for active community involvement.
- *Establish specialized socio-health centers for elderly persons with severe health problems*, which will offer specialized care and dedicated services supporting their physical and mental well-being.

The state and society must continue to strengthen and develop social and economic mechanisms to support this vulnerable segment of the population. This approach requires sustained institutional commitment and broad social awareness about the importance of promoting the dignity, well-being, and active inclusion of older adults in community life.

The People's Advocate believes that a society that shows care and respect for the elderly is a healthy, just, and advanced society, one that builds strong foundations on the values of intergenerational solidarity, equality, and social justice. Caring for the elderly is not only a moral and legal obligation but also an indicator of the maturity and civilization of a nation that honors the contributions of past generations and invests in a fairer and more inclusive future.

3.20 Respect for the rights of persons with disabilities²²²

The rights of persons with disabilities represent a fundamental aspect of universal human rights, aiming not only to ensure formal equality but also to create the necessary conditions for their full and effective inclusion in society.

In accordance with international standards, the guarantee of these rights goes beyond legal provisions and requires an integrated approach in public policies, social services, and the overall living environment. In this context, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) serves as a particularly important international legal instrument. Ratified by Albania through Law No. 108/2012, this Convention not only establishes the obligations of states to guarantee equal access in all spheres of social life but also places the rights of persons with disabilities at the core of the human rights discourse, rather than viewing them merely as a social or medical issue. One of the fundamental principles of the Convention is the respect for inherent dignity, individual autonomy, and independence of persons with disabilities. This approach emphasizes the importance of ensuring conditions that enable these individuals to make free decisions, avoiding all forms of direct and indirect discrimination.

In line with the standards set by this Convention, the Albanian Parliament adopted Law No. 93/2014 "On the Inclusion and Accessibility of Persons with Disabilities," which, in Article 16, establishes the People's Advocate as the monitoring institution for the implementation of this law in accordance with the UN Convention on the Rights of Persons with Disabilities.

As one of the most vulnerable groups in society, persons with disabilities have been at the focus of the People's Advocate's attention throughout 2024 and a core part of its efforts to protect and promote their rights. This commitment has also incorporated campaigning to raise awareness and strengthen protective mechanisms, drawing the attention of central and local state institutions to the need for a deeper, systematic, and sustainable engagement in addressing the challenges faced by these individuals in Albania.

Regarding cases in 2024, 76 were registered—49 complaints and 27 ex officio cases. Administrative investigations were completed for 52 cases, while 24 remain under review. Of the total cases examined, 38 were resolved in favor of the citizens, including 11 cases addressed

²²² This area of law falls under the responsibility of the General Section within the institution of the People's Advocate.

with formal recommendations. The main issues identified include:

- Non-ratification of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities by Albania;
- Lack of signage on roads and sidewalks for persons with mobility and visual impairments;
- Suspension of the compensation for electricity consumption to the sight impaired individuals due to their failure to provide proof of electricity payment every three months;
- Termination of the monthly disability payment;
- Non-implementation of provisions for the employment of persons with disabilities;
- Non-reimbursement of tickets for urban and interurban transport;
- Failure to pay disability allowance on a fixed monthly date in the city of Shkodër;
- Lack of access to services at second-level banks for persons with mobility and visual disabilities in Shkodër;
- No notification regarding the date on which they have to appear to have disabilities assessed;
- Having their disability category changed;
- Personal assistants 'period of service not recognized as working time for pension purposes;
- Lack of subsidies for assistive devices such as glasses, prostheses, or other aids for persons with Blind Status;
- Low compensation for electricity expenses for persons with Blind Status.

Regarding the issue of ratifying the Optional Protocol to the UN Convention, despite expressed willingness to take measures for ratification, and following a review during 2024, the People's Advocate continued institutional interventions with the Ministry of Health and Social

Protection (MHSP). The MHSP confirmed the implementation of the National Action Plan on Disability 2021-2025, approved by Council of Ministers Decision No. 276 dated 12.05.2021, and is currently conducting mid-term monitoring of the Plan in cooperation with relevant ministries and focal points in central and local institutions. According to Council of Ministers Decision No. 736 dated 13.12.2023 "On the Approval of the Rule of Law Roadmap," the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities is scheduled for ratification by 2027.²²³

Regarding the employment of persons with disabilities by public state institutions in the city of Vlorë, the People's Advocate requested the 26 institutions in this city to provide information about the number of employees with disabilities, as required by Law No. 15/2019 "On Promoting Employment," which mandates hiring one person with disabilities for every 25 employees, and one additional person for every 50 thereafter. The law also provides that employers who fail to meet this quota must pay a contribution to the Social Employment Fund equal to 100% of the country's minimum wage monthly. Responses indicated that 7 institutions employed 27 persons with disabilities; 8 institutions reported no applications from persons with disabilities; and 11 institutions said they are not obligated to employ persons with disabilities—5 are regulated by special legislation and 6 others do not meet the minimum employee threshold required by law.

The People's Advocate also addressed cases in 2024 regarding *the non-reimbursement of urban and interurban transport tickets*. Following our correspondence to guarantee the rights of persons with disabilities to public transport services, and in the capacity of the monitoring institution under the National Action Plan for Persons with Disabilities 2021-2025, we proposed to the Ministry of Infrastructure and Energy to draft bylaw for reimbursement of urban and interurban

²²³ According to the Rule of Law Roadmap, Chapter 23 "Judiciary and Fundamental Rights," Section III.I, 'Non-discrimination of persons with disabilities,' envisages that: "Albania shall ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities by the year 2027."

transport tickets, in line with measure 1.2.2 of the Plan and coordinating with all relevant institutions and stakeholders involved in policy development (Ministry of Health and Social Protection, Ministry of Finance and Economy - currently Ministry of Finance and Ministry of Economy, Culture and Innovation - Ministry of Justice, Transport Associations, and interest groups).

Until the issuance of these bylaw acts for ticket reimbursement, following our institutional interventions and correspondence with the Municipalities of Berat, Vlorë, and Fier, this issue has been resolved through Agreements with transport service operators.

Paraplegic-tetraplegic persons in the city of Shkodër face barriers not only at the entrances of banking institutions but also within their interiors, as the built infrastructure is not adapted for their needs. Following complaint by the Chairman of the Association of Paraplegic-Tetraplegic Disabled Persons, Shkodër Branch, the People's Advocate contacted the Bank of Albania requesting information on measures taken to ensure access to bank buildings for persons with mobility and visual disabilities in all second-level banks across Albanian cities for the purpose of guaranteeing their right to an inclusive environment and equal access to services compared to the rest of the population. Inquiries also related to whether the banks and/or other financial institutions provided specially adapted space and the necessary equipment for persons with mobility and visual disabilities to carry out their transactions.

In response to our request, the Bank of Albania has sent a letter to all second-tier banks regarding the fulfillment of obligations under Council of Ministers Decision No. 1503 dated 19.11.2008, "On the approval of regulation on the use of spaces by persons with disabilities."²²⁴ Responses from the banks indicated their commitment to implementing legislation related to building infrastructure for greater accessibility for persons with disabilities, ensuring the relevant physical standards for these individuals in all bank

branches. Working groups have been established to evaluate all required elements in accordance with the requested directives, and action plans accompanied by dedicated budgets for necessary interventions will be developed. The People's Advocate appreciates the cooperation with the banking sector and will continue monitoring to guarantee this access.

Throughout 2024, issues presented by several civil society organizations advocating for persons with visual impairments have been addressed, including the following:

- Increase electricity compensation for individuals holding the Status of the Blind;
- Recognize the number of years worked as personal assistant to blind people as valid working time for old-age pension eligibility;
- Subsidize assistive devices, including eyeglasses, prosthetics, or other equipment, for individuals holding the Status of the Blind.

In reference to the request for old-age pension eligibility for personal assistants, the Ministry of Health and Social Protection (MHSP), with the support of the technical assistance project "EU Support to Social Inclusion in Albania," is currently reviewing the classification of social care professions, including that of personal assistant.

The request to increase electricity compensation for individuals holding the Status of the Blind will be evaluated by the MHSP in consultation with the relevant institutions responsible for defining the eligibility criteria and procedures for clients in need of electricity supply support and their treatment modalities. The People's Advocate has engaged in institutional correspondence with the MHSP regarding the subsidization of assistive devices—such as eyeglasses, prosthetics, or other equipment—that contribute to independent living for individuals holding the Status of the Blind.

Based on specific cases, complaints, or cases initiated ex officio that have been found to be substantiated, the People's Advocate has addressed the relevant recommendations to central and local government institutions as follows:

²²⁴ Raiffeisen Bank Sh.A, National Commercial Bank, Intesa SanPaolo Bank, Credins Bank, Tirana Bank, UnionBank, Otpbank, ProCredit Bank

Recommendation addressed to the Municipalities of Vlorë, Lezhë, and Shkodër²²⁵

- Infrastructure barriers, including those found in housing, public spaces, and services, present significant obstacles to movement—especially for individuals with mobility and visual impairments—restricting their safe and comfortable use of these spaces. To ensure that all persons with disabilities can live independently and participate fully in all aspects of life, the People’s Advocate has recommended to the Municipalities of Vlorë, Lezhë, and Shkodër:²²⁶

- To take measures for the development of accessible infrastructure for individuals with mobility and visual impairments, through the reconstruction of existing roads and sidewalks, as well as ensuring that all new road construction projects meet accessibility requirements. These individuals should be included in the planning and implementation process. Furthermore, to adopt an action plan that aligns with accessibility standards, in order to guarantee access for these individuals.
- To establish a reasonable timeframe for the realization of this right.

The responses received confirm a commitment to implementing legislation related to the development of infrastructure that ensures access to services for individuals with mobility and visual impairments, including the initiation of projects specifically aimed at this purpose.

Recommendation to the Municipalities of Vlorë, Himarë, Selenicë, Tepelenë, Memaliaj, and the Administrative Unit of Orikum regarding electricity compensation procedures for the blind

Chairpersons of the Blind Associations from Tepelenë, Memaliaj, and Vlorë branches filed complaints with the People’s Advocate concerning discontinuation of electricity compensation for

²²⁵ Recommendation, no. K1/SH11-2 prot., dated 25.06.2024.

Recommendation, no. K1/I115-4 prot., dated 28.10.2024.

Recommendation, no. K1/P6-3 prot., dated 13.12.2024.

²²⁶ Recommendation, no. K1/SH11-2 prot., dated 25.06.2024.

Recommendation, no. K1/I115-4 prot., dated 28.10.2024.

Recommendation, no. K1/P6-3 prot., dated 13.12.2024.

persons with disabilities due to blindness. It was established that entitlement to this compensation should not be discontinued, nor should the blind be penalized for failure to submit evidence of energy consumption every three months.

Instruction No. 9 dated 25.02.2015, “On the implementation of Decision No. 404 dated 20.06.2012 regarding the determination of the amount, criteria, and procedures for providing financial compensation to persons with the Blind Status and Paraplegic and Tetraplegic Disabled People for electricity and fixed telephone bills,” as amended, clearly defines the required documentation and the timing of its submission, specifying that evidence of electricity and telephone impulse consumption should be submitted annually at the start of each year. The People’s Advocate notes that social administrators have not properly adhered to this instruction regarding the timing of submission of evidence by beneficiaries, requiring submissions more frequently than prescribed (every 3 months instead of once a year), constituting a clear violation of sub-legal acts regulating this procedure.

To guarantee the rights of beneficiaries of electricity bill compensation, the People’s Advocate issued recommendations to the Municipalities of Vlorë, Himarë, Selenicë, Tepelenë, Memaliaj, and the Administrative Unit of Orikum²²⁷ to:

- Immediately take measures to correctly implement Instruction No. 9 dated 25.02.2015 concerning Decision No. 404 dated 20.06.2012, by the social administrators of these municipalities.
- Take measures to prevent recurrence of such practices in the future.

The People’s Advocate’s recommendations were accepted, with measures taken to ensure their continuous and proper implementation. Upon

²²⁷ Recommendation no. K1/SH17-2 prot, dated 25.06.2024.

Recommendation no. K1/SH18-2 prot, dated 25.06.2024.

Recommendation no. K1/SH19-2 prot, dated 25.06.2024.

Recommendation no. K1/SH20-2 prot, dated 25.06.2024.

Recommendation no. K1/G3-5 prot, dated 30.04.2024.

submission annually of evidence that the bills have been duly paid and there are no arrears, social administrators authorize payments accordingly.

Recommendation addressed to the Municipality of Lushnje and the State Social Service, regarding the issue as follows: The People's Advocate initiated an ex officio case concerning the rejection of a citizen's complaint. The individual, a person with disabilities, had challenged the decision issued by the First-Level Multidisciplinary Disability Assessment Commission (MDAC) in Lushnje, which had altered the level of his disability. The citizen disagreed with the decision and sought to appeal it to the Complaints Review Commission within the State Social Service. Upon assessing that the citizen's legal right to have their health condition reassessed by the central-level commission had not been respected, the People's Advocate issued a recommendation to the Municipality of Lushnje and the State Social Service,²²⁸ requesting:

- Immediate measures to ensure the proper implementation of Decision No. 722, dated 11.11.2019, "On defining the amount, criteria, procedures, and documentation for the assessment and benefit of disability status and personal assistance, and the responsibilities of the relevant structures," as amended, particularly regarding the procedure for appealing decisions of the MDAC in Lushnje for persons with disabilities residing in the Municipality of Lushnje and its subordinate administrative units;
- Actions to prevent the recurrence of such practices in the future;
- *Dissemination of the case to local-level structures to ensure consistent and lawful application of the legal provision.*

The recommendations were accepted. In implementation, the Regional Directorate of the State Social Service in Lushnje instructed the Municipality of Lushnje not to discontinue

payment previously granted at the first level for individuals who have filed an appeal against the decision of the First-Level Multidisciplinary Commission before the Complaints Review Commission of the State Social Service. In addition, all municipal administrators in Lushnje have been directed to act in accordance with the issued guidance.

Inspection of the "Development Center," Korçë - Within its legal mandate, the People's Advocate's institution monitored and inspected the respect for the rights of persons with disabilities accommodated at the Development Center in Korçë.

The People's Advocate emphasizes that creating suitable living conditions for persons with disabilities in Residential Social Care Institutions must be a central focus of these institutions' work, ensuring that these individuals live with dignity in the best possible way. To address the needs related to habilitation and development of persons with disabilities, concrete recommendations were developed for Korçë Municipality and the State Social Service. These recommendations focused on improving living conditions, increasing human resources, changing the center's typology, and providing staff training to implement social care standards more effectively for this beneficiary category.²²⁹

According to responses received from competent authorities, *all recommendations were accepted*. More specifically, recommendations regarding the increase of human resources were fully implemented, new contracts were signed with center staff, training sessions were conducted on using fire-fighting equipment, an alarm system was installed, the menu was adapted according to age groups and beneficiaries' health conditions, and contact numbers for the People's Advocate institution were posted.

In conclusion, the People's Advocate reiterates the necessity of adopting a human rights-based approach by promoting policies and practices that guarantee full equality and social inclusion

²²⁸ Recommendation no.K1/I68-5 prot, dated 30.10.2024.

²²⁹ See for more: <https://www.avokatipopullit.gov.al/sq/articles/general-issues/residential-center/rekomandime-pr-qndrat-rezidenciale-t-personave-me-aftsi-t-kufizuar-1117/>

for persons with disabilities. The PA institution will continue to identify and report existing gaps in legislative implementation, recommending concrete measures to improve access to services, eliminate infrastructural and institutional barriers, and strengthen monitoring and accountability mechanisms.

Furthermore, the People's Advocate stresses the need for an inter-institutional and cross-sectoral approach, involving cooperation among state authorities, civil society organizations, and persons with disabilities themselves, to ensure that proposed solutions are as appropriate and effective as possible. In this context, clear prioritization of key issues—such as access to education, employment, health and social services, and ensuring a safe and inclusive environment where their rights are protected and respected in line with international standards—should be guaranteed by both central and local institutions. Through this ongoing commitment, the People's Advocate aims to contribute to building a fairer and more inclusive society where persons with disabilities are no longer merely recipients of social services but are empowered by the removal of barriers to enjoy the most independent life possible.

3.21 Gender Equality²³⁰

Today, as we reflect on human rights and the challenges surrounding us, we cannot overlook the figure of the Albanian woman—a symbol of dedication, sacrifice, and strength. Often considered the pillar of the family and education, she bears not only domestic responsibilities but also makes immeasurable contributions to economic, political, and social life.

Unfortunately, women—this vital and influential group—continue to face inequality, exclusion, and violence. Tragically, many women lose their lives to gender-based violence, a deep and painful wound in our society, culminating in the phenomenon of femicide. Albanian women, both within the country and abroad, have fallen

victim to such violence, highlighting the urgent need for a fundamental response to this issue.²³¹

According to the preliminary results of the 2023 Population and Housing Census,²³² Albania's resident population consists of 49.6% men and 50.4% women. The gender ratio stands at 98.2 men for every 100 women. However, this numerical parity does not automatically translate into equal rights for women. Despite progress in gender equality, entrenched prejudices and stereotypes continue to produce and reinforce gender roles that confine women and girls to traditional spheres—primarily caregiving and domestic responsibilities.

These stereotypes not only hinder women's active participation in the labor market but also present significant barriers to their adapting to the evolving demands of the modern economy. Consequently, women face the systematic devaluation of unpaid work—an invisible but vital contribution that remains unrecognized in economic assessments. This structural inequality creates fertile ground for gender-based violence to thrive in all its forms, both within family relationships and in the broader public sphere. Psychological, physical, economic, and sexual violence are manifestations of a systemic issue that harms individuals and undermines social cohesion and development.

Throughout 2024, the People's Advocate recorded a growing number of complaints filed by women. These complaints, along with cases initiated ex officio, inputs from open-day activities, roundtable discussions, and information from civil society organizations, have highlighted challenges closely linked to gender-based and domestic violence. These are complex issues, often intertwined with social, economic, and cultural factors. Specifically, they include:

- Cyber violence, through the non-consensual

²³¹ Excerpt from the speech of the People's Advocate at the institution's Annual Conference, held on December 10, 2024.

<https://www.avokatipopullit.gov.al/sq/articles-layout-1/media/news/speech-of-the-ombudsman-at-the-2024-annual-conference-1074/>

²³² <https://www.instat.gov.al/media/13615/cens-i-popullsise-2023.pdf>

²³⁰ This area of law is covered by the General Section within the institution of the People's Advocate.

distribution of intimate or manipulated content, bullying, insults, hate speech, and threats via social media platforms—resulting in severe mental and emotional harm to women and girls, including cases of suicide.

Regarding cyber violence—a growing concern over the past two years—the People’s Advocate has identified several key challenges during dedicated roundtables:

- An incomplete legal framework, lacking provisions specifically protecting women and girls at risk, or other vulnerable groups, from digital violence.
- State programs and policies do not yet explicitly address the protection of human rights, particularly those of women and girls, in the online sphere. While the National Strategy for Gender Equality 2021–2030 includes relevant measures, they require further development.
- Public awareness, especially among women and girls, about the risks associated with digital platforms and tools remains low, despite civil society efforts.
- The media needs training to promote gender equality and avoid reinforcing stereotypes and inequalities.
- Sexual violence, one of the most severe forms of abuse, affecting both women and girls as well as boys. Women and girls with mental health conditions and those under 18 are disproportionately affected.
- Femicide, the most extreme form of violence. In 2024 alone, five women were killed—three by their partners, and two by their sons suffering from mental health disorders.
- Violence against elderly women (60+), a growing phenomenon requiring greater attention, as this demographic is particularly vulnerable.
- Lack of medical treatment for individuals with mental health issues, which can lead to domestic violence.
- Violence against women and girls with mental health conditions, which remains difficult to monitor and manage effectively through the Coordinated Referral Mechanism’s Interdisciplinary Technical Teams at the municipal level.
- Technology-facilitated violence within families, primarily targeting women and children, causing serious emotional and psychological harm.
- Lack of legal awareness among women regarding their rights, underscoring the ongoing need for legal education and counseling, particularly on issues such as divorce procedures, housing rights, and child custody.
- Difficulties in accessing social housing and rent subsidies for victims of domestic violence, with some municipalities failing to implement these support programs.
- Employment barriers faced by women from multiple marginalized groups, such as Roma and Egyptian communities, as well as women with disabilities.
- Reluctance to report or withdrawal of complaints by women experiencing domestic violence, often due to economic hardship or threats from the abuser.

Based on specific cases examined by the People’s Advocate, for which administrative investigations were concluded with the issuance of corresponding recommendations, one that stands out is the Recommendation “*On the Amendment of the Regulation on the Organization and Functioning of the Institute of Forensic Medicine,*”²³³ in relation to sexual violence, addressed to the Institute of Forensic Medicine and the Ministry of Justice.

²³³ Recommendation no. K1/I69-16 Prot., dated April 30, 2024, sent to the Institute of Forensic Medicine (IML), the Ministry of Justice, with a copy to the Prosecutor’s Office of the Vlora Judicial District.

This recommendation was prepared following the grave case made public in the media, concerning the abuse of a woman in the city of Vlora by four individuals, who allegedly drugged and sexually assaulted her in October 2023. Given that sexual violence against women is one of the most severe forms of violence—often accompanied by physical, emotional, and psychological abuse—and considering that the current legal and sublegal framework still requires improvement, the following measures were recommended:

- Revision of the Regulation on the Organization and Functioning of the Institute of Forensic Medicine, through an immediate improvement of this sublegal act, ensuring the inclusion of forensic examination procedures for cases of sexual crimes and violence against women in a dedicated chapter, and the drafting of a continuously updated protocol or standard operating procedure;
- Amendment of Chapter XI of the Regulation, to clearly define the rules and criteria for evaluating the performance of forensic experts, as well as applicable disciplinary measures, in line with the Code of Administrative Procedures;
- Specialized training for forensic experts, covering topics such as sexual violence, communication with victims and their examination, informed consent, cooperation with Coordinated Referral Mechanisms, and Sexual Violence Referral Centers in Albania.

This recommendation was partially accepted by the Institute of Forensic Medicine and fully accepted by the Ministry of Justice, which committed to incorporating the People's Advocate's recommendations in the draft law on Forensic Medicine currently under development.

The People's Advocate also drafted a **Recommendation “On the Adoption of Measures for Amendments and Additions to Law No. 7895, dated 27.01.1995, the Criminal Code of the Republic of Albania,”** as amended, regarding the criminalization of femicide/the killing of women

and girls.²³⁴ This recommendation, addressed to the Ministry of Justice, called for legal amendments to define femicide as a distinct criminal offense under Chapter II, Section I “Intentional Crimes against Life”.

The Ministry of Justice accepted this recommendation and committed to its inclusion in the forthcoming amendments to the Criminal Code.

In 2024, the People's Advocate conducted inspections in several emergency shelters for victims of domestic violence, located in the municipalities of Korça, Shkodra, Roskovec, and Berat, as well as at the Sexual Violence Case Management Center “LILIUM”. The main issues identified during these inspections were:

- The need for interventions and improvements in the internal and external infrastructure of these centers;
- Replacement of worn-out equipment and furniture;
- Lack of accessibility for persons with mobility impairments and the need to create child-friendly spaces;
- In some cases, the absence of complaint boxes and failure to display beneficiaries' rights and responsibilities on the premises, as required by approved standards;
- Insufficient staffing, particularly in the role of case manager;
- Lack of staff training related to civil emergencies and the use of fire extinguishers;
- The need for ongoing training on case management, relevant legal updates, etc.;
- The necessity of formal cooperation

234 <https://www.avokatipopullit.gov.al/sq/categories/general-issues/e-drejta-e-grave/article>.

This recommendation aligns with Recommendation No. 24(a) issued by the CEDAW Committee following the submission of the country's fifth report in October 2023. The Committee advised the Albanian state to “amend the Criminal Code to specifically criminalize femicide and cyber violence, as well as to define all forms of gender-based violence against women as criminal offenses, including physical, psychological, sexual, economic violence, and violence within family relationships.”

agreements between municipalities and healthcare institutions to ensure timely and specialized services.

In response to these findings, the People's Advocate issued recommendations addressed to the relevant municipalities and responsible institutions.²³⁵

While recognizing the efforts and measures taken by the Government and Local Government Units to provide specialized services to victims of violence—supported by funding through the Social Fund Mechanism—the People's Advocate continues to note that substantial improvements are needed. It is essential to expand the range of available services, ensure their presence across the national territory, make services accessible and inclusive for all groups of women and their children, and adapt services to meet the specific needs of persons with disabilities. Moreover, restructuring services based on broader territorial groupings could lead to improved effectiveness and quality.

As part of its legal mandate to promote the rights of women and girls and combat domestic violence, representatives of the People's Advocate have actively participated in roundtable discussions and events organized by institutions and civil society organizations. During Open Days held in various cities, meetings were held with women

and participating NGOs to discuss issues affecting their rights and to explore ways to address them through the institution of the People's Advocate.

In 2024, the People's Advocate launched a visual awareness campaign consisting of a series of messages dedicated to the “Orange Days”, highlighting the 25th of each month as a day to commemorate victims of violence and promote women's rights across all spheres of life.

The People's Advocate once again joined the annual 16 Days of Activism Against Gender-Based Violence Campaign, organized from 25 November to 10 December, under the UN's global UNITE campaign. The 2024 campaign was held under the slogan: “*No Excuse: Together against Violence toward Women and Girls*”, with the People's Advocate's representatives participating in events organized by public institutions and civil society organizations. As part of this campaign, the People's Advocate's official website was themed in orange—symbolizing the fight against violence to women. On 25 November 2024, the International Day for the Elimination of Violence against Women, the People's Advocate issued an official statement reaffirming its unwavering commitment to protecting women's rights and combating all forms of violence.

The Observatory on Femicide was established in line with the requirements of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The Observatory aims to collect, publish, and analyze national-level data on the killings of women and girls. It serves as a monitoring mechanism for femicide and seeks to prevent this phenomenon while strengthening protection and support mechanisms for victims of violence against women and girls.

Based on the data collected and their in-depth analysis, the report “Killings of Women and Girls – Femicide in Albania (2021–2023)”²³⁶ was prepared and presented at the Annual Conference

²³⁵ All these recommendations are published in detail on the official website of the People's Advocate at the following link:

<https://www.avokatipopullit.gov.al/sq/articles/general-issues/e-drejta-e-grave/rekomandime-pr-prmirsimin-e-standardave-t-strehzave-emergjente-qendrave-pr-dhunn-ndaj-grave-1119/>.

Based on the responses received, the recommendations addressed to central institutions such as the Ministry of Health and Social Protection, the Social Insurance Institute, the Institute of Public Health and Social Protection, and the Municipalities of Korçë, Shkodër, Roskovec, and Berat regarding the adoption of measures to improve the standards of emergency shelters have been accepted, with a clear expression of institutional commitment to fulfill them.

The recommendation addressed to the University Hospital Center (UHC) “Mother Teresa” concerning the LILIUM Center has been accepted in part, while for the remaining measures, UHC has stated that responsibility lies with the Ministry of Health and Social Protection (MHSP). Clarifications from Ministry of Health and Social Protection are currently underway.

²³⁶ See full Report: <https://www.avokatipopullit.gov.al/sq/list/publications/rraporte-speciale-1/>

of the People's Advocate held on 10 December 2024, marking International Human Rights Day and the conclusion of the 16 Days of Activism campaign. The conference's theme was "*Femicide – A Social Issue beyond the Statistics*". Through the Femicide Observatory, the People's Advocate will continue the systematic monitoring and analysis of femicide cases, preparing periodic reports with specific findings and recommendations for the relevant institutions. The primary goals remain to strengthen protection mechanisms for victims and improve policies and practices for the effective prevention of gender-based violence.

Furthermore, the institution will continue to rigorously monitor social care services, including emergency shelters and specialized services for victims of violence against women. The objective is to ensure continuous improvement in service delivery standards, in line with the national legal framework and international standards for the protection and promotion of women's rights.

3.22 Protection of LGBTIQ+ Rights ²³⁷

The institution of the People's Advocate, as the guarantor of human rights, plays a fundamental role in the protection and promotion of the rights of the LGBTIQ+ community. Through continuous interaction with civil society and activists engaged in this field, as well as through cooperation with state institutions and other relevant actors, the PA institution has demonstrated a sustained commitment to guaranteeing the fundamental rights and freedoms of this community. The People's Advocate is also one of the key actors of the Alliance against Hate Speech, an important platform aimed at addressing and minimizing the phenomenon of hate speech in all its forms and dimensions within Albanian society.

Albania has taken significant steps toward the protection and guarantee of the rights of the LGBTIQ+ community, showing progress in its legal and policy frameworks. A notable step in this regard is the approval by the Albanian government of the National Action Plan for

LGBTIQ+ Persons 2021–2027, a strategic document aimed at ensuring the effective protection of the rights of this community and promoting its social inclusion. As the Action Plan continues to be implemented, for the year 2024, it is noted that several measures have been undertaken by the responsible state institutions, primarily focusing on awareness-raising activities, capacity-building for professionals, and the drafting of a medical protocol for transgender individuals by the Ministry of Health and Social Protection. In this context, civil society is recognized as having played an irreplaceable role in raising awareness among the public and institutions regarding the challenges and needs of the LGBTIQ+ community.

However, even during 2024, the People's Advocate observed that the LGBTIQ+ community continues to face a range of issues that impact their daily lives and hinder the realization of their fundamental rights, including:

- Discrimination and stigmatization based on sexual orientation and gender identity, along with verbal and physical abuse, exclusion, and denial of equal rights—more acutely experienced by transgender individuals. These experiences have a negative impact on mental health, often resulting in anxiety, depression, post-traumatic stress, and other mental health concerns.
- The use of hate speech directed at community members and leaders of civil society organizations, especially on social media platforms, in the form of bullying, insults, and even death threats. Hate speech became particularly evident during May, coinciding with the 2024 IDAHOT campaign, during which several activities were organized by groups working to protect LGBTIQ+ rights.
- Deep concern was raised over death threats and hateful language targeted at two lesbian women and their minor daughters on Facebook, especially intensified after a symbolic wedding ceremony held on May 21, 2024, on the terrace of Tirana City Hall. The event triggered public backlash,

²³⁷ This area of law is covered by the General Section within the People's Advocate institution.

including from religious communities, contributing to a tense atmosphere surrounding the venue.

- The mobilization of anti-gender movements by groups advocating for “family values,” who perceive LGBTIQ+ individuals and their visibility as a threat to society and traditional family structures. In parallel with IDAHOT events, protests were organized by the “Pro-Family and Life Coalition,” including Pastor A.P. and other activists defending traditional family values.

Misinterpretation of unrelated events as organized by the LGBTIQ+ community with the intent to undermine family values, along with accusations linking the LGBTIQ+ community to a governmental reproductive health initiative, which further intensified anti-LGBTIQ+ rhetoric. On May 22, during a roundtable organized by the Pink Embassy to present the draft Gender Identity Law, activist A.G. interrupted the event using hostile language toward activist and leader A.H., leading to the premature closure of the activity. Activist Xh.K. has repeatedly been the target of attacks, derogatory and offensive speech, especially in the context of the “Parent 1 / Parent 2” debate, which has sparked high levels of aggression on social media over consecutive days.

In response, the People’s Advocate, as part of the Alliance against Hate Speech, issued a public statement titled “Against Homophobic Language toward the LGBTIQ+ Community”²³⁸ following several incidents where LGBTIQ+ individuals and representatives of related organizations were subjected to offensive and degrading language. The statement strongly condemned such attacks, *reminding all that, as citizens of this country, everyone is responsible for the development of democracy and progress. It called on individuals to uphold the true values of citizenship in line with human rights, rejecting phenomena such as bullying, insults, stigmatization, and discrimination based on being different. It emphasized that such behaviors lead to violence and hate crimes, not only against individuals but*

also against entire groups, ultimately harming society as a whole.

- Additionally, the lack of legal rights, such as same-sex marriage or civil partnerships and the non-recognition of gender identity, leaves LGBTIQ+ individuals more exposed and unprotected against abuse and discrimination.

Nevertheless, the People’s Advocate notes that the National Action Plan for LGBTIQ+ Persons 2021–2027,²³⁹ adopted by Decision of the Council of Ministers No. 700, dated 18.11.2021, includes under Strategic Objective II several legislative improvement measures focused on the rights of transgender persons. These include proposed amendments to the Family Code, the Law on Civil Status, the draft Law on Gender Identity, and by-laws to protect intersex persons in Albania, as well as revisions to other existing laws. Regarding the above, based on communication during April–May 2024 with the responsible institutions holding legislative initiative authority—specifically the Ministry of Justice (MoJ), Ministry of Health and Social Protection (MHSP), and Ministry of Interior (MoI)—the People’s Advocate notes the following based on the institutions’ responses:

- Amendments to Law No. 10129, dated 11.5.2009 “*On Civil Status*”, as amended, first require changes to the Family Code.
- Drafting a law on gender identity also necessitates amendments to the Law “*On Civil Status*” and the Family Code.

²³⁹ Specific Objective II.1.2, “Improvement of family legislation (Family Code), including consideration of private international law to regulate the recognition of family relationships in cross-border situations,” designates the Ministry of Justice as the institution responsible for initiating the legislative process.

Specific Objective II.1.5, “Analysis, preparation, and adoption of further legal amendments in accordance with standards (Law on Asylum, Civil Status Law, etc.),” assigns the Ministry of Interior as the institution responsible for undertaking the legislative initiative.

Specific Objective II.1.3, “Preparation of several new laws for the protection of the human rights of LGBTIQ+ persons, such as the Law on Gender Identity Recognition, sub-legal acts for the protection of intersex persons in Albania, as well as the review of certain existing laws,” assigns the Ministry of Health and Social Protection as the ministry responsible for initiating the legislative process.

²³⁸ <https://nohatealliance.info/auto-draft/>

- Changes to the Family Code require thorough analysis due to their impact on family relationships and social life.
- The government has projected in the *Rule of Law Roadmap* that amendments to the Family Code—specifically the recognition of civil partnerships/marriages and changes to the Law on Private International Law regarding cross-border recognition of family relations—will be enacted by 2028.

As a result, it appears unlikely that all measures planned for completion by 2027 will be achieved within the current Action Plan timeframe. Despite these challenges, the partnership between the People's Advocate and civil society organizations working in the field of LGBTIQ+ rights continues to grow stronger year by year.

In April 2024, the organization OMSA conducted informative meetings with representatives of the Regional Offices of the People's Advocate in Pogradec and Shkodra, under the theme: “Educating and Empowering Families for the LGBTIQ+ Community in Albania – I Am Your Child.” These meetings brought together family members, parents, friends, and supporters of the community. The progress achieved in these events has encouraged the continuation and expansion of such activities in other cities across Albania.

In collaboration with UNDP, a training session was held on 11 November 2024 for the staff of the People's Advocate, hosted at the institution's premises. This one-day training involved 22 deputy commissioners and other administrative staff members and aimed to deepen their understanding of LGBTIQ+ terminology and enhance the effective handling of issues faced by the community.

As part of its proactive role, and particularly throughout May 2024 in the framework of IDAHOT 2024, representatives of the People's Advocate participated in a series of activities organized according to the event calendar:

- 09 May 2024 – Launch of the “Proud to Have Rights” project, organized by OMSA.

- 16 May 2024 – Gala Evening “A Night of Colors,” organized by Streha LGBTIQ+, which aimed to deliver messages about the rights of LGBTIQ+ individuals and to raise funds for the Shelter, one of the few services in the country supporting young LGBTIQ+ people facing violence and discrimination.
- 17 May 2024 – Raising of the LGBTIQ+ flag in Skanderbeg Square, organized by Pink Embassy. This annual event is held by activists and NGOs to mark the International Day against Homophobia and Transphobia.
- 17 May 2024 – At an event organized by Pink Embassy at the premises of COD, awards were presented to 30 NGO representatives, activists, and institutions. The People's Advocate was honored with an award in recognition of its contribution to the protection of the rights of the LGBTIQ+ community and broader human rights.
- 22 May 2024 – Presentation of the draft law “On the Recognition of Gender Identity,” organized by Pink Embassy.
- 25 May 2024 – The Pride Parade, which was conducted peacefully and without incident.

In its role as the guarantor of the protection, monitoring, and promotion of human rights—including those of LGBTIQ+ individuals—the People's Advocate remains actively engaged in combating all forms of discrimination, stigmatization, and social exclusion affecting this community. Through a strengthened institutional approach, the institution will continue to take concrete steps to improve and refine the legal framework, aiming not only at aligning it with international human rights standards but also at ensuring its effective implementation in practice.

Moreover, the People's Advocate will continue to play an active role in overseeing and encouraging state institutions to fulfill their legal and institutional obligations in line with Albania's national and international commitments in the field of human rights. In parallel, the institution will continue to play a key role in raising public awareness of the rights and challenges faced by

the LGBTIQ+ community, promoting an inclusive culture rooted in respect for diversity, equality, and human dignity.

3.23 The Rights of National Minorities ²⁴⁰

In a democratic society, the respect and protection of every citizen's fundamental rights form the cornerstone of a just and inclusive system, where the integration of national minorities serves as an essential component in fostering a social environment that values cultural and ethnic diversity. These rights not only reinforce a sense of belonging and personal identity but also create the conditions for equal participation in public life, thereby ensuring that every individual enjoys equal opportunities for economic, social, and cultural development. Throughout 2024, the Office of the People's Advocate has maintained its institutional commitment by undertaking concrete measures to address the challenges faced by national minorities in the Republic of Albania, including those related to the national census process.

During this period, the People's Advocate proactively continued efforts to identify and resolve issues negatively impacting the realization of minority rights. These efforts have included improving living conditions, ensuring access to public services and education, and promoting the comprehensive integration of these communities. This heightened attention is particularly relevant in relation to the census process, which serves as a key instrument for determining the country's demographic and social realities. The publication of complete and detailed data on minority identities—as recommended in the findings of the administrative investigations conducted in 2024—aims to enhance transparency and public trust.

The People's Advocate has consistently emphasized the importance of an inclusive approach, engaging with central and local institutions, civil society organizations, and international partners to address the specific needs of minorities. Moreover, the institution has actively advocated for the strict implementation of policies

protecting these communities, as stipulated in Law no. 96/2017 “On the Protection of National Minorities in the Republic of Albania.”

In 2024, a total of 20 cases involving issues affecting minority communities or their individual members were handled across the country. Of these, 7 administrative investigations were initiated ex officio, and 13 individual complaints or requests were formally reviewed.²⁴¹ Investigations and proceedings have been concluded in 18 of these cases, with 7 resolved in favor of the citizens, while 2 cases are still under assessment following the issuance of recommendations to the relevant institutions.

The challenges faced by national minorities are varied in nature but fundamentally relate to:

- Poor living conditions for members of the Roma and Egyptian minorities, including lack of basic infrastructure, services, and minimum living standards in municipalities such as Kukës, Saranda, Korça, and Durrës, alongside the absence of targeted programs to provide adequate housing for marginalized communities, particularly Roma and Egyptians;
- Difficulties encountered by Roma and Egyptian children in accessing and completing education, due to lack of financial support, appropriate infrastructure, and mechanisms to enforce inclusive education policies;
- Lack of accurate and transparent data concerning national minorities in the 2023 Census process, including the absence of comprehensive and disaggregated data and the use of terminology inconsistent with the applicable legal framework;
- Failure to register Roma and Egyptian

²⁴¹ In a significant portion of other complaints handled by the People's Advocate, issues raised by individuals belonging to national minorities have been identified; however, these do not directly relate to the collective rights of national minorities or to individual legal rights specifically due to their minority status. These complaints primarily concern the right to housing, the right to employment, access to the social welfare system, and the overall improvement of living conditions.

²⁴⁰ This area of law is covered by the General Section within the People's Advocate institution.

minority members in the civil registries of local administrative units where they currently reside. This issue was highlighted in two administrative investigations initiated in the Municipalities of Shkodër and Kukës. These municipalities reported ongoing measures to support Roma and Egyptian families but also noted that, in most cases, these families are officially registered in civil registries of other municipalities.²⁴² As a result, they are excluded from local programs for economic aid and housing support. This situation poses a major barrier to accessing essential services such as social welfare, housing, education, and public services due to the lack of formal registration. In response, the People's Advocate has reached out to several institutions—including the General Directorate of Civil Registry, the Ministry of Interior, the Institute of Statistics (INSTAT), and all local municipalities—to assess this persistent concern and identify possible remedial measures. The administrative investigation is ongoing, and upon its conclusion, relevant recommendations will be issued.

In reference to specific cases reviewed by the People's Advocate and concluded through administrative investigations with formal recommendations issued in 2024,²⁴³ the following are highlighted:

- ***Recommendations for improving general living conditions*** in various municipalities across the country, particularly in areas predominantly inhabited by members of the Roma and Egyptian national minorities, specifically in the “Stan” and “Moravë”²⁴⁴ neighborhoods, in the village of Drizë

²⁴² Official letter no. 437/1, dated 19.02.2024, from Kukës Municipality;
Official letter no. 2405/1, dated 15.02.2024, from Shkodër Municipality.

²⁴³ The recommendations have been published on the official website of the People's Advocate, where detailed information on each case can be found. Link:

<https://www.avokatipopullit.gov.al/sq/articles/general-issues/minorities/rekomandime-pr-pakicat-minoritare-2023-984/>

²⁴⁴ Recommendation no. 202300946, dated 19.04.2024.

(Fier)²⁴⁵, and in the municipalities of Kukës,²⁴⁶ Sarandë,²⁴⁷ Durrës,²⁴⁸ and Korçë.²⁴⁹ In response to these recommendations, the respective municipalities have reported on the measures taken, emphasizing their commitment to improving infrastructure and providing social services. The Municipality of Berat reported on maintenance and planned interventions in the village of Stan, while the Municipality of Fier highlighted infrastructure improvements in the village of Drizë. The Municipality of Kukës stated that it has no registered Roma community members, although a few families reside there temporarily, and that the Egyptian community is integrated and has not filed any complaints.

The Municipality of Sarandë confirmed compliance with institutional obligations for equal treatment, while the Municipality of Durrës included these communities in its social plans and provided concrete services such as economic assistance, vocational courses, and counseling. The Municipality of Korçë reported its support through social projects and the integration of relevant measures in its 2024–2027 Social Plan. Overall, the municipalities expressed *their commitment to implementing the People's Advocate's recommendations* for the inclusion and support of these communities.

- ***Recommendation to assess the need for education in both the Albanian and Romani languages***, and to initiate study programs in the public universities: “Aleksandër Moisiu” University in Durrës, “Eqerem Çabej” University in Gjirokastrë, “Fan S. Noli” University in Korçë, “Luigj Gurakuqi” University in Shkodër, the

²⁴⁵ Recommendation no. 202300388, dated 19.04.2024.

²⁴⁶ Recommendation no. 202400055, dated 21.05.2024.

²⁴⁷ Recommendation no. 202400085, dated 24.06.2024.

²⁴⁸ Recommendation no. 202401027, dated 13.09.2024.

²⁴⁹ Recommendation no. 202401026, dated 22.10.2024.

University of Tirana, and “Ismail Qemali” University in Vlorë.²⁵⁰

The University of Tirana (Faculty of Foreign Languages), “Eqerem Çabej” University in Gjirokastrë, “Luigj Gurakuqi” University in Shkodër, and “Fan S. Noli” University in Korçë have responded positively to the People’s Advocate’s recommendation to assess the feasibility of opening new study programs in Albanian and Romani languages. “Aleksandër Xhuvani” University in Elbasan informed that a Bachelor’s program in Albanian and Romani Language was launched in the 2015–2016 academic year but had a low enrollment rate and has had no registered students since the 2017–2018 academic year. “Ismail Qemali” University in Vlorë and “Aleksandër Moisiu” University in Durrës *have not provided any response* despite repeated requests.

- ***Recommendation to promote inclusive education for children from Roma and Egyptian national minorities***, directed to all municipalities, the Ministry of Education and Sports, and the Regional Directorates of Pre-University Education.²⁵¹

This recommendation is still under review regarding its level of implementation, as approximately 20 institutions have not responded as yet.

- ***Recommendations to INSTAT*** regarding the publication of complete and detailed data on the identity of national minorities, highlighting any changes compared to previous censuses, to enhance data clarity and promote public trust.²⁵² A recommendation was also made for the revision of the designation used for the

Macedonian national minority in the 2023 Population Census in Albania.²⁵³

Both recommendations were accepted and implemented.

- ***Recommendation to increase transparency and improve working conditions*** in public entities under the jurisdiction of the Municipality of Tirana.²⁵⁴ The municipality, by letter no. 13054/3 dated 20.11.2024, forwarded our recommendation to “Eco Tirana” and informed the People’s Advocate accordingly. However, *neither the Municipality nor “Eco Tirana” responded* during or after the investigation.

In 2024, the People’s Advocate began work on the preparation of a special report on the situation of national minority rights in the Republic of Albania. The drafting process is being supported by professional expertise from the Council of Europe Office in Tirana. The last report on this issue was prepared in 2014, making the creation of a new report essential in light of significant changes and developments over the past decade. The new report aims to accurately reflect the current state of national minority rights in Albania and is expected to be completed during 2025, in line with the formal procedures applicable to the People’s Advocate’s special reports.

Furthermore, as highlighted in previous reports, the People’s Advocate addressed a recommendation to the Prime Minister and the Chair of the Central Election Commission, by letter no. K1/I10-2 dated 25.02.2020, regarding the completion of the process for issuing sublegal acts pursuant to Law no. 96/2017 “On the Protection of National Minorities in the Republic of Albania.”²⁵⁵ By the end of 2024, the Council of Ministers approved three sublegal acts,²⁵⁶ representing a

250 Recommendation no. 202300153, dated 27.05.2024. The University of Tirana, Faculty of Foreign Languages; “Eqerem Çabej” University, Gjirokastrë; “Luigj Gurakuqi” University, Shkodër; and “Fan S. Noli” University, Korçë have responded positively to the People’s Advocate’s recommendation to explore the possibility of establishing a new study program in the Albanian and Romani languages.

251 Recommendation no. 202400057, datws 18.11.2024.

252 Recommendation no. 202300959, dated 10.05.2024.

253 Recommendation no. 202401002, dated 29.07.2024.

254 Recommendation no. 202400312, dated 31.10.2024.

255 Addressed to the Prime Minister and the Chairperson of the Central Election Commission, by official letter no. K1/I10-2, dated 25.02.2020.

256 Adopted secondary legislation includes: Decision no. 843, dated 26.12.2024, “On the determination of criteria, documentation, and procedures for collecting data on the identification of persons belonging to national minorities”; Decision no. 844, dated 26.12.2024, “On the manner of

significant step toward implementing Law no. 96/2017 and strengthening the legal framework for the protection of minority rights.

In conclusion, 2024 once again highlighted several persistent challenges in the realization of the fundamental rights of national minorities. This year underscored the urgent need to improve living conditions, the education system, registration processes, and transparency in public operations, especially within the context of the Census process.

In this regard, the People's Advocate emphasizes the imperative of deepened institutional engagement by public administration bodies at both central and local levels. This effort aims to establish a strong foundation for equality, inclusiveness, and full integration of national minorities into Albanian society, with the overarching goal of creating a fairer and more inclusive environment for all ethnic groups.

3.24 Defenders of Human Rights Defenders

The commitment of a democratic society to the protection of human rights is reflected not only in the adoption of obligations stemming from international instruments or constitutional provisions, but also in the societal culture of safeguarding those who most strongly advocate for these rights – namely, Human Rights Defenders (HRDs).²⁵⁷ These individuals are particularly identified by the nature of their activities.

Albania, as a State Party to all the core United Nations human rights instruments, has ratified the

using the language of national minorities in relations between members of these minorities and local self-government bodies"; Decision no. 845, dated 26.12.2024, "On the determination of the composition, functions, and procedure of the Commission for reviewing requests for the recognition of a national minority."

²⁵⁷ To be a human rights defender, a person may act to address any human right (or a specific set of rights) on behalf of individuals or groups. Human rights defenders work to promote and protect civil and political rights, as well as to advance, safeguard, and realize economic, social, and cultural rights.

<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders#:~:text=They%20also%20contribute%20to%20the,international%20awareness%20of%20human%20rights.>

majority of relevant international conventions, the obligations of which have also been transposed into its domestic legal framework. Within this context, the Albanian government has taken steps to support and protect human rights defenders, a commitment demonstrated through the endorsement of the United Nations Declaration on Human Rights Defenders,²⁵⁸ which encourages advocacy and the establishment of necessary legal mechanisms to ensure the safety and freedom of HRDs.

United Nations Resolution 52/4 (2023) on the "Mandate of the Special Rapporteur on the situation of human rights defenders" emphasizes the need for increased state engagement and highlights the critical role of the state in creating a safe environment for human rights defenders, especially those working under challenging conditions or facing threats and violence due to their activities. This resolution has served as a reference point for initiatives aimed at guaranteeing the safety of individuals and organizations defending fundamental rights, particularly in areas with limited access to legal protection. At the same time, Albania's European Union integration process has further reinforced its human rights commitments, including the protection of HRDs as a key element of the membership criteria.

The legal framework for civil society in Albania encompasses not only the regulation of non-profit organizations and their activities but also the establishment of state agencies that provide support and promote cooperation with civil society. These agencies facilitate access to public funding for organizations and enable stronger collaboration between the public and non-profit sectors. Although the current general framework requires state institutions and law enforcement bodies to address threats to the safety of these individuals, there is still no specific law dedicated to the protection of Human Rights Defenders (HRDs).

The People's Advocate, as an independent institution that safeguards the rights, freedoms, and

²⁵⁸ The Declaration on Human Rights Defenders, <https://www.ohchr.org/en/civic-space/declaration-human-rights-defenders>

legitimate interests of individuals from unlawful actions by public administration bodies, has shown consistent and proactive engagement in addressing human rights violations. The institution plays a crucial role in ensuring human rights protection and supporting HRDs by closely monitoring violations, advocating for the enhancement of protection mechanisms, and providing tools to restore the rights of those facing threats or reprisals due to their work. Special attention is given to supporting defenders/activists working on the rights of minority groups, the LGBTIQ+ community, and other marginalized populations, by addressing the daily challenges they face. The Albanian Parliament's resolution,²⁵⁹ *"On the recognition and support of the activity of human rights defenders in the promotion, advancement and protection of human rights and fundamental freedoms, the strengthening of the rule of law and the consolidation of democracy"* designates the People's Advocate as the focal point for monitoring the challenges encountered by HRDs, including managing complaints related to various forms of violence or other behaviors that restrict their operational space. This responsibility includes not only observing the situation but also strengthening cooperation with civil society to address threats against individuals and groups engaged in the defense of fundamental human rights.

In 2024, the People's Advocate's engagement encompasses a broad range of activities focused on close cooperation with international networks and organizations, such as the European Network of National Human Rights Institutions (ENNHRI), the Global Alliance of National Human Rights Institutions (GANHRI), the Association of Mediterranean Ombudsmen (AOM), as well as international institutions and organizations including the United Nations (UN)²⁶⁰, the Council of Europe (CoE), the European Union Agency for

Fundamental Rights (FRA), the EU Delegation to Albania, and the OSCE Presence in Albania. Partnerships with these entities are particularly important not only for exchanging experiences and best practices but also for strengthening the role of the People's Advocate as a strong voice for human rights protection, both domestically and internationally. Through periodic reporting²⁶¹ and contributions²⁶² in response to requests from international organizations on human rights issues, the People's Advocate reflects the challenges in specific areas, such as the protection of the rights of Human Rights Defenders.

On May 6, 2024, in the framework of GANHRI's General Assembly activities, ENNHRI convened its members and key stakeholders to discuss the growing challenges related to shrinking civic space and the alarming situation of Human Rights Defenders in Europe. The aim of the meeting was to strengthen the role of National Human Rights Institutions (NHRIs) as protective mechanisms, to identify key challenges, and to exchange best practices. The importance of the support that the network can offer to address the specific needs of these institutions was also underlined. In continuation of this engagement, on September 26, 2024, during the subsequent ENNHRI meeting with NHRIs, themed "Strengthening the role of NHRIs as protective mechanisms for human rights defenders in Europe" – in which representatives of the People's Advocate institution also participated – daily challenges faced by HRDs were discussed, focusing on the following key priorities:

261 On 20 June 2024, the People's Advocate prepared the latest Rule of Law Report for Albania, as part of the overall reporting process of the European Network of National Human Rights Institutions (ENNHRI) concerning our country and the wider Council of Europe region. ENNHRI, the network that connects all National Human Rights Institutions (NHRIs) across Europe, aims through this joint reporting initiative to support and strengthen regional rule of law mechanisms.

262 In October 2024, the People's Advocate prepared its contribution for the report of the UN Special Rapporteur on the situation of human rights defenders, focusing on the work and challenges faced by human rights defenders in rural and remote areas of the country. This contribution is based on Human Rights Council Resolutions 8/4 and 52/4 and will be presented during the 58th session of the United Nations Human Rights Council in March 2025.

259 On 3 March 2019, the Albanian Parliament adopted a resolution in support of the work of Human Rights Defenders for the promotion and protection of human rights, as well as for the strengthening of the Rule of Law and Democracy in Albania.

260 In particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the UN Resident Coordinator, and relevant agencies such as UNHCR, UNICEF, UN Women, and UNFPA, among others, which are engaged in human rights-related matters.

- strengthening the capacities of NHRIs to monitor and address threats;
- establishing platforms for the exchange of good practices;
- creating safe spaces for cooperation, solidarity, and support for HRDs;
- enhancing coordination among NHRIs to build stronger regional advocacy and develop more effective methodologies for monitoring situations that endanger the rights and safety of human rights defenders.

These efforts demonstrate that the protection of human rights is not an isolated task, but a continuous process that requires cooperation, engagement, and shared commitment—both at the national and international level.

Throughout this year, the People’s Advocate, through open communication with the public, has brought important issues to the attention of state institutions via visual and online media, public statements,²⁶³ awareness campaigns, promotional activities, conferences, and meetings organized both by civil society actors and by the People’s Advocate institution itself. The public presence of the People’s Advocate fosters accountability and responsibility within the public administration, promoting the rule of law and the protection of citizens’ rights, thus establishing the institution as an important partner in strengthening democracy and the rule of law. Through these activities, the People’s Advocate aims to raise awareness about the vital role of human rights protection—including the protection of Human Rights Defenders (HRDs)—and to encourage public and institutional support for them. This public advocacy not only contributes to increased societal sensitivity toward human rights issues but also promotes positive changes in institutional policies and practices in Albania.

For 2024, the People’s Advocate developed and implemented an action plan for the protection of Human Rights Defenders in Albania, focusing on concrete actions that can be undertaken within its institutional mandate. These efforts are

pursued through engagement with individuals, groups, and organizations that promote and defend fundamental human rights. The activities include advocacy and institutional interventions, monitoring and reporting of violations,²⁶⁴ public and institutional awareness-raising, strengthening cooperation among actors contributing to human rights protection, and the promotion of new policies for the protection of HRDs.

Throughout the year, “Open Days” were organized and held in several municipalities, specifically in Saranda, Kruja, Kavaja, Durrës, Elbasan, Berat, Pogradec, Gjirokastra, Korça, Vlora, Kukës, and Shkodra. As part of efforts to cooperate with civil society organizations in the defense and promotion of human rights, meetings were held with civil society organizations in the aforementioned cities. These meetings served to discuss the challenges and issues these organizations face and to inform them about the competencies and activities of the People’s Advocate in support of HRDs. In October 2024, the People’s Advocate participated in the thematic roundtable organized by the Albanian Helsinki Committee, “*The space for civil society shrinking in Albania*,” aiming to address the challenges faced by the civil society sector, including the narrowing of civic space and the difficult environment for their activities. The People’s Advocate emphasized the importance of creating an enabling environment for civil society and the need for concrete interventions to improve the situation. It was noted that despite some progress, the sector continues to face major challenges in terms of sustainability and effectiveness. To

264 The Summary Report (January 2024) of the People’s Advocate, a highly important institutional instrument, is based on the handling of the complaint submitted by journalist Elton Qyno. It was concluded that the interference with the rights protected under Article 8 of the European Convention on Human Rights was neither proportionate nor necessary. Referring to this report, the People’s Advocate emphasizes that all state activity must be carried out with human rights at its core. Taking into account the findings of this report in the conduct of institutional activities and procedural actions would reflect a genuine commitment to upholding high standards of justice and freedom of expression in the country.

https://www.avokatipopullit.gov.al/media/manager/website/reports/DRAFT%20per%20KONSULTIM%20PUBLIK%20..%20Raporti_drejtuar_SPAK_etj_per_Elton_Qyno.pdf

263 <https://www.avokatipopullit.gov.al/sq/categories-and-detail/media>

address these issues institutionally, the People's Advocate proposed organizing a meeting at its premises, with the goal of incorporating recommendations into the annual report submitted to the Parliament of Albania, thereby ensuring more effective oversight and long-term solutions.

In Albania, Human Rights Defenders should benefit from specific protection, facilitation, and support, considering the risks they face in the course of their work. The role of the People's Advocate, as an effective focal point for the protection of HRDs, is critical in strengthening protection mechanisms at the national level. This commitment aims to ensure that HRDs are able to carry out their work without fear of threats, persecution, or violations of their rights.

3.25 Respect for Rights in the field of Social Insurance ²⁶⁵

Social insurance constitutes a vital pillar of social welfare in Albania, providing financial protection and income support to individuals and their families, while also contributing to the overall stability and development of society.

In Albania, the social insurance system is governed by Law no. 7703, dated 11.05.1993, "On Social Insurance in the Republic of Albania," as amended. This law sets out the rights and obligations of insured persons and defines the types of benefits provided, including old-age pensions, disability pensions, financial assistance for illness, accidents, temporary incapacity, unemployment, compensation, and others — all of which play a crucial role in ensuring a dignified standard of living.

Based on the complaints registered in 2024, a total of 78 cases were handled, of which 64 investigations have been concluded and 14 are still under review. In 26 cases, the outcome was resolved in favor of the citizens. The main issues identified throughout the 2024 reporting year were as follows:

- *Incorrect calculation of old-age pensions:*

²⁶⁵ This area of law is covered by the General Section within the institution of the People's Advocate.

Errors in computing the pension amounts for elderly beneficiaries.

- *Insufficient pension amounts:* The low level of pension benefits fails to meet the basic living needs of retirees.
- *Leaving out periods of work in pension calculations.*
- *Lack of response to requests for pension review.*
- *Delayed provision of copies of pension documentation.*
- *Delayed processing of old-age pension claims:* Prolonged waiting times despite individuals meeting legal eligibility criteria.
- *Lack of responses to applications for special state pensions or additional state benefits.*
- *Termination of pensions and denial of supplementary benefits:* Suspension of basic pensions and the inability to benefit from additional pension supplements.

Following the examination of these issues and institutional interventions with the Regional Social Insurance Directorates, several complaints were positively resolved without the need for formal recommendations. In such cases, pensions were granted or recalculated, increasing the benefit amounts and including creditable periods. Citizens were regularly informed about their pension eligibility dates and were guided through the application process and the necessary legal documentation required. Where legal action was necessary, citizens were advised to utilize the state-guaranteed free legal aid, in accordance with Law no. 111/2017, "On State-Guaranteed Legal Aid."

In exercising its legal advisory role, the People's Advocate has guided complainants whose claims were found unsubstantiated toward pursuing administrative appeals before the Regional Appeals Commissions of the Social Insurance Directorates in their area of residence, or the Central Appeals Commission within the Social Insurance Institute.

With reference to specific cases reviewed by the institution of the People's Advocate, for which the administrative investigation was concluded with the submission of a recommendation, the following is highlighted:

Recommendation addressed to "Posta Shqiptare" JSC in relation to the complaint as follows:

In 2024, the People's Advocate's Institution reviewed a complaint concerning the lack of prior notification about the change in the validity period of representation proxies used to collect old-age pensions at a local post office in Tirana. The PA institution conducted monitoring visits to several branches of the Albanian Post in cities including Tirana, Durrës, Shkodër, Kukës, Vlorë, Sarandë, Pogradec, Berat, Dimal, Kuçovë, and Poliçan. The purpose was to verify whether notifications about the change in the proxy validity period — from indefinite to a maximum of three years — were publicly displayed.

Of the 61 branches monitored, 53 lacked the required public notice about this change. This notification is essential for informing citizens about the amendments stipulated in Agreement no. 6096/1425, dated 11.07.2023, "On the Payment of Pensions and Other Social Insurance Benefits and the Collection of Social and Health Insurance Contributions."

To ensure that citizens and their authorized representatives are informed about the provisions of Agreement no. 6096/1425 dated 11.07.2023, the People's Advocate issued a formal recommendation to the Administrator of the Albanian Post JSC:²⁶⁶

- To publicly display, in a visible location, the Notification regarding the change in the validity of representation proxies, pursuant to point 7.5, paragraph one, of the aforementioned Agreement, at all branches and offices of the Albanian Post across the country.

This recommendation was accepted. As a result, the Human Resources Directorate with the General

²⁶⁶ Recommendation no. K1/G5-4 prot., dated 13.05.2024.

Directorate of the Albanian Post electronically instructed all branches and offices across Albania to undertake the necessary actions to visibly post the notification for citizens regarding the change in the maximum validity period of representation proxies.

Recommendation to the Commission for the Granting of Special State Pensions, under the Council of Ministers, regarding the complaint below:

In 2024, a recommendation was sent to the Commission for the Granting of Special State Pensions, under the Council of Ministers,²⁶⁷ concerning the complaint of citizen N.S. This citizen claimed that the said Commission had since 2021 failed to review his file for a special state pension which was supported by the Tirana Region Council. With the aim of recognizing the valuable contributions and tireless service of the citizen to the Albanian nation, the People's Advocate suggested:

- That the Commission for the Granting of Special State Pensions examine the file for the granting of a special state pension to citizen N.S.

In response to our recommendation, the Commission responsible for reviewing applications for the granting of special state pensions and supplements, based on significant contributions and merits in the fields of history and translation, will reconsider the request and the proposal submitted to the Commission, alongside a substantial number of other candidates proposed over the years.

In conclusion, it is worth noting that despite the reforms undertaken by the Albanian government in the field of social insurance with the aim of improving the system's efficiency and sustainability, the People's Advocate assesses that the current benefits remain insufficient to guarantee a dignified standard of living for citizens. In this context, the People's Advocate recommends a thorough review of social and economic policies to ensure that social insurance benefits are aligned with dignified living standards. Such an approach

²⁶⁷ Suggestion no. K1/NS-5 prot., dated 01.07.2024.

would provide more effective social protection for the most vulnerable groups in society by strengthening support mechanisms and reducing socio-economic inequality.

3.26 The Right to a Healthy Environment²⁶⁸

The Constitution of the Republic of Albania guarantees the “right to a healthy and ecologically sustainable environment for present and future generations,” considering it both a social objective and a state responsibility to be fulfilled within the scope of its competencies. This protection is further reinforced by Law No. 10431, dated 09.06.2011, “On Environmental Protection,” as amended, which complements and supports the necessary legal framework for implementing the constitutional requirements aimed at ensuring a clean and sustainable ecological environment.

Within the framework of protecting the right to a healthy environment, the People’s Advocate, in exercising his constitutional and legal mandate during 2024, paid particular attention to addressing complaints and issues related to the protection of citizens and the guarantee of their quality of life and health. Additionally, ex-officio administrative investigations have been conducted in cases where problems affecting public interest were identified, with the aim of strengthening environmental protection and ensuring respect for citizens’ rights to a healthy environment.

Findings from the monitoring and investigations carried out by the PA institution highlight challenges similar to those noted in the European Commission’s Report 2024,²⁶⁹ which remains critical of Chapter 27 ‘Environment and Climate.’ The report emphasizes, among others, that monitoring of air quality remains a particular challenge, as Albania currently operates only

seven automatic monitoring stations, most of which are non-functional. The 2014 National Air Quality Strategy has yet to be fully implemented, while the waste management law is only partially aligned with the EU *acquis*, requiring significant efforts for full approximation. Capacities for implementing and monitoring environmental legislation remain limited, necessitating sustained and coordinated action to achieve full compliance with EU standards.

During the reporting year 2024, one of the most complex challenges in environmental protection remains managing the intricate dynamics arising from the need to harmonize economic and social interests with environmental concerns. In many cases, economic development has been prioritized over sustainable development, often causing negative consequences for the most vulnerable communities. In this regard, the People’s Advocate’s Institution calls on all institutions to ensure that economic development proceeds without compromising the environment or human rights. It is essential to promote a vision of sustainable development that respects both the environment and the rights of every individual, guaranteeing that no community is left behind.

Regarding the right of access to a clean, healthy, and sustainable environment, based on cases handled by the People’s Advocate’s Institution—both through direct complaints and institutional initiative—a total of 42 cases were addressed during 2024. These cases reflect recurring problems across various Albanian cities, highlighting the lack of effective measures by responsible institutions to guarantee citizens’ right to a clean and healthy environment. The People’s Advocate’s Institution issued 11 recommendations in this field, urging improvements in environmental conditions to local government authorities (municipalities and local environmental bodies), as well as central government entities, namely the Ministry of Tourism and Environment, the Ministry of Infrastructure and Energy, and other sectoral ministries responsible for ensuring the right to a healthy environment.

The most prominent issues reported in 2024 include:

²⁶⁸ This area of law falls under the responsibility of the General Section within the institution of the People’s Advocate.

²⁶⁹ Chapter 27: Environment and Climate Changes (p. 85

https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf

- In the cities of Tirana and Elbasan, air pollution has emerged as a major concern, with national and international reports indicating air pollution levels exceeding the limits set by the World Health Organization, creating serious public health risks.
- In the Patos-Marinzë area and surrounding towns, pollution caused by hydrocarbon companies remains an unresolved problem for years. Despite fines imposed on companies for illegal discharges of oil waste and the creation of open pits with toxic substances, no significant or necessary improvements have been made. Consequently, local communities continue to be exposed to pollution and its harmful health effects.
- Pollution from urban waste and inert materials has also been a recurring problem this year, particularly in cities such as Krujë, Durrës, and Kavajë, where the accumulation of waste near residential areas has negatively impacted residents' quality of life.
- Noise pollution is another prominent issue in cities like Tirana, Sarandë, Durrës, and Vlorë. Residents have complained about constant noise from various commercial entities, adversely affecting public peace and the overall quality of life in these communities.

These cases reveal the absence of a clear and effective strategy for environmental protection in Albania, as well as significant challenges in enforcing environmental laws by responsible institutions. In several instances, not only was there a lack of preventive and corrective measures, but also a low level of institutional cooperation in resolving problems. The cases reviewed demonstrate a recurring pattern of inaction or inadequate responses from both local and central authorities, including unjustified delays in providing information and taking necessary measures.

Regarding specific cases handled by the People's Advocate's Institution in 2024, where

administrative investigations have been completed and recommendations issued, the following is highlighted:

The case of complainant D.N., who reported environmental pollution along the coastline in the Mali i Robit area of Kavajë, caused by the disposal of inert waste during construction works. Upon review, the People's Advocate found that the Kavajë Municipality and the Local Territorial Protection Inspectorate had failed to take the necessary legal measures for cleaning and monitoring the situation, neglecting their obligations under the current legislation. Consequently, immediate measures were recommended, focusing especially on the management of inert waste along the coastal area under the jurisdiction of the Kavajë Municipality.²⁷⁰

In connection with this case, the PA institution recommended:²⁷¹

- Immediate action by Kavajë Municipality to clean the surface area polluted with inert waste along the coastline, ensuring restoration of the territory to its previous state and elimination of environmental risks.
- Continuous inspection and monitoring by the Local Territorial Protection Inspectorate to ensure that construction companies or individuals fulfill their obligations without negatively impacting the surrounding environment.
- Administrative measures against entities responsible for pollution, if violations of the construction waste management law are confirmed.
- Improvement of monitoring and control procedures by Kavajë Municipality and the Local Inspectorate to prevent similar cases in the future.

²⁷⁰ For more info, visit: :

<https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-teshendetshem-1120/>

²⁷¹ "Recommendation addressed to the Municipality of Kavaja, the Local Territorial Protection Inspectorate of Kavaja, and the National Territorial Protection Inspectorate — sent by official letter no. K1/D5-5 prot., dated 08.11.2024."

- Immediate measures by the National Territorial Protection Inspectorate to generalize the case at the national level by informing and guiding other local structures for strict enforcement of environmental regulations and standards.
- Organization of training by the National Territorial Protection Inspectorate for local unit staff on procedures and standards for managing construction waste and environmental pollution, using this case as a practical example.

The recommendation has been partially accepted and implemented by the responsible institutions.

The case of complainant N.C. concerns a report of noise pollution caused by a private entity near his residence, due to loud music and continuous disturbances during nighttime. Upon investigation, the People's Advocate concluded that this situation violated the right to a peaceful and healthy living environment. Accordingly, it was recommended that relevant authorities take concrete measures to stop the noise pollution and ensure compliance with existing legislation. For more information, please refer to the relevant link.²⁷²

In relation to this case, the PA institution recommended:²⁷³

- Immediate measurement of noise levels within the complainant's premises, in full accordance with the standard set forth in Instruction No. 2, dated 15.11.2023, "On the Noise Limit Levels for a Given Environment and for the Field of Economic-Social Activities."
- Prompt action by the Tirana Regional Police Directorate to cease the infringement of citizens' rights caused by noise pollution from the commercial entity.

²⁷² <https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-te-shendetshem-1120/>

²⁷³ Recommendation addressed to the Local Police Directorate of Tirana, the Health Care Services Operator; Copie to: the Ministry of the Interior — sent by official letter no. K1/N4-9 prot., dated 08.05.2024."

- Enforcement by state police authorities of legal obligations under Law No. 9974, dated 12.07.2007, as amended, concerning the use of certified devices to measure noise levels by individuals and entities engaged in activities emitting music noise.
- Development of staff training aimed at achieving objectives and applying legal and regulatory criteria for effective and safe inspection of environmental noise.

The recommendation was accepted by the Tirana Regional Police Directorate but has not been implemented due to the lack of specialized equipment for noise measurement.

The case of alarming environmental pollution levels in the areas of Zharrëz, Patos, Kallm of Fier, and surrounding towns, which the People's Advocate's Institution initiated for review based on numerous media reports depicting a serious and concerning situation. During the administrative investigation, a series of problems were identified, mainly related to uncontrolled discharges of hydrocarbon waste, land and water degradation, and the absence of rehabilitative measures by responsible entities. The investigation concluded with the drafting of a recommendation titled "On Taking Urgent Measures for the Protection of the Environment and Public Health in the Patos-Marinzë Area and Surrounding Towns, Where Continuous Hydrocarbon Pollution Has Been Evidenced." For more information, please refer to the relevant link.²⁷⁴

Regarding this case, the People's Advocate Institution issued the following recommendations:²⁷⁵

- Initiate an immediate investigation into the individual and institutional responsibilities

²⁷⁴ <https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-te-shendetshem-1120/>

²⁷⁵ "Recommendation addressed to the Ministry of Tourism and Environment, the Ministry of Infrastructure and Energy, the National Environment Agency, the Regional Environmental Agency Fier-Vlorë-Gjirokastër, the State Health Inspectorate, the Municipality of Fier, the Municipality of Mallakastër, the Municipality of Patos, the Prosecutor's Office at the First Instance Court of General Jurisdiction Fier; Copied to: the General Prosecutor's Office — sent by official letter no. K1/I46-6 prot., dated 11.12.2024."

of the National Environment Agency (NEA) and the Regional Environment Agencies of Fier, Vlora, and Gjirokastrë for the criminal offense of abuse of office, as defined under Article 248 of the Penal Code. This investigation should be based on findings of violations of institutional duties and instances of negligence that have caused damage to the public interest.

- Take measures concerning “Albpetrol” S.A., including the temporary suspension of its environmental permit until full compliance with the obligations established by the applicable legislation is achieved, ensuring that the company’s activities conform to environmental protection and public health standards.
- Take urgent precautionary measures by the Ministry of Tourism and Environment and the Ministry of Energy and Economy to hold the state-owned company “Albpetrol” S.A. accountable for the full rehabilitation of areas where uncontrolled discharges of hydrocarbon-contaminated waters have been detected, and to immediately cease such uncontrolled discharges.
- Implement immediate actions by the Ministry of Tourism and Environment and the Ministry of Energy and Economy for the environmental rehabilitation of the Patos-Marinza oil field, in full compliance with environmental standards and with respect to protecting the health of local residents.
- Urgently take precautionary measures by the responsible institutions to maintain the ecological cleanliness of air, water, soil, and vegetation throughout the area, with special emphasis on controlling environmental pollution caused by oil spills and leaks, contaminated waters, oil waste, or toxic gases from oil wells, reservoirs, pipelines, or oil tankers, as well as seismic and acoustic impacts from explosions affecting inhabited zones.
- Urgently ensure that the National Environment Agency enforces its legal

obligation to monitor discharges from activities in accordance with environmental permit conditions.

- The Ministry of Tourism and Environment should strengthen control and enforcement measures to eliminate pollution risks and restore the installation’s surrounding environment to an acceptable condition.
- The National Environment Agency should ensure that the company carries out self-monitoring of its activities in compliance with the conditions of its environmental permit and deadlines. Reporting of monitoring data and analysis results must be transparent and comprehensive, clearly showing whether the company is fulfilling its environmental obligations.
- Relevant authorities should take measures to identify and address any violations or non-compliance with the conditions of the environmental permit, which may include suspending the operations that do not comply and implementing corrective measures to improve compliance.
- The State Health Inspectorate, in cooperation with the National Environment Agency, should carry out a health impact assessment for residents living near the Patos-Marinza areas, in accordance with Article 43 of Law No. 10138, dated 11.05.2009, “On Public Health.”
- The Ministry of Tourism and Environment must ensure the implementation of the environmental responsibility principle and conduct inspections and investigations of polluted or potentially polluted areas, specifically through the National Environment Agency, guaranteeing continuous inspection and enforcement of legal and environmental requirements.

These recommendations have been accepted by the responsible institutions and are currently being implemented.

The People’s Advocate Institution has initiated an ex officio examination **regarding the alarming**

air pollution in urban and industrial areas of the country. This initiative was undertaken in response to publicly available media reports, including analyses by environmental experts on the alarming levels of air pollution in Tirana, as well as concerns raised by specialists regarding the reliability of self-reported environmental data by heavy industry in Elbasan. Following a thorough administrative investigation, the institution addressed recommendations to the responsible authorities, emphasizing the need for “immediate and effective measures to protect citizens’ health and improve air quality in these areas.” For more information, please refer to the corresponding link.²⁷⁶

In relation to this case, the People’s Advocate recommended:²⁷⁷

- Immediate measures to improve the air quality monitoring system, including increasing the number of monitoring stations in line with Directive 2008/50/EC standards and securing funding for the maintenance and operation of the monitoring network.
- Immediate steps to ensure transparency and regular public reporting of data, including periodic and accessible reporting of major air pollutants and the establishment of a digital platform for real-time tracking, in compliance with Law No. 162/2014, “On the Protection of Air Quality in the Environment,” as amended.
- Immediate implementation of air quality plans through the development and enforcement of national and local plans aimed at improving air quality, as well as approval of short-term emergency plans, consistent with Law No. 162/2014, as

amended.

- Immediate actions to reduce pollution by controlling and lowering emissions from transport, construction, and polluting industries; promoting ecological vehicles; improving fuel quality; and enforcing sanctions against entities exceeding permitted limits.
- Strengthening institutional coordination by ensuring effective cooperation among the NEA, regional agencies, and local authorities for sustainable management and comprehensive air quality reporting.
- Raising public awareness and participation by organizing informative campaigns on pollution impacts and involving citizens in decision-making processes, in accordance with Law No. 162/2014, as amended.
- Immediate fulfillment of international obligations by harmonizing Albanian legislation and practices with EU standards and meeting commitments under the Paris Agreement on climate change.
- Urgent measures to address pollution in critical areas, focusing on Elbasan city and other highly polluted zones through specific plans to reduce the impacts of heavy industry and polluting activities.
- Defining and enforcing measures to halt activities significantly contributing to air pollution by suspending operations not compliant with environmental permits and applying corrective actions to ensure permit conditions are met.
- Immediate publication of air quality plans and measurement results on official electronic platforms, including the Ministry of Environment’s and relevant municipalities’ websites, to ensure real-time dissemination of information and updates.

These recommendations have been accepted by the responsible institutions and are currently being implemented.

Case of the Complainant Xh.A., who filed

²⁷⁶ <https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-te-shendetshem-1120/>

²⁷⁷ Addressed to: Ministry of Tourism and Environment, Ministry of Infrastructure and Energy, National Environmental Agency, Regional Environmental Agency Berat–Elbasan–Korçë, State Health Inspectorate, National Agency of Natural Resources, General Directorate of Road Transport Services, Municipality of Tirana, Municipality of Elbasan. With copies to: Ministry of Health and Social Protection, Minister of State for Local Government. Sent by official letter no. K1/I41-4, dated 24.12.2024.

a grievance regarding acoustic pollution and disturbance of public peace near the Central Post Office area in Vlora, caused by the uncontrolled activities of street vendors. Upon reviewing the matter, the People's Advocate found a lack of intervention by the Vlora Municipality to ensure a peaceful environment protected from acoustic pollution, in accordance with the requirements of the current legislation. Following the administrative investigation, the People's Advocate issued a recommendation titled "On Taking Measures against Acoustic Pollution and Disturbance of Public Peace in the Market Area, Vlora."²⁷⁸

In relation to this case, the People's Advocate institution recommended the following:²⁷⁹

- Immediate action by the Vlora Municipality to ensure effective monitoring and control of noise levels near the Central Post Office the (market area in the city center), using certified equipment and adhering to the methodology established by current legislation.
- Measures by Vlora Municipality to reclassify the area according to the categories defined in Joint Instruction No. 2, dated 15.11.2023, classifying it as a commercial zone and applying a maximum noise limit of 70 dB LAeq over a 24-hour period.
- Administrative actions by Vlora Municipality against entities exceeding permitted noise limits, including suspension or closure of activities causing acoustic pollution and disturbing public peace.
- Measures by the State Police and Municipal Police to ensure continuous monitoring of the area, intervene against violations, and guarantee public peace.
- Development of staff training programs aimed at achieving objectives and

implementing legal and regulatory criteria for effective and safe environmental noise inspections.

- Raising awareness among economic entities by Vlora Municipality about compliance with noise regulations and their obligations to not exceed permitted levels.

The recommendation was accepted but not implemented due to the Vlora Municipality's lack of devices for noise measurement.

Case of the complainant E.Q. concerns acoustic pollution caused by a commercial unit near the complainant's residence, where continuous noise has disturbed peace and negatively impacted residents' quality of life.

The People's Advocate institution initiated an administrative investigation and repeatedly requested information; however, the Saranda Municipality failed to cooperate, violating legal and constitutional obligations for transparency and inter-institutional cooperation. Consequently, a recommendation was submitted, "On Taking Measures to Stop Acoustic Pollution and Ensure Public Peace in the Promenade Area, Saranda"²⁸⁰

In relation to this case, the People's Advocate institution recommended:²⁸¹

- Swift and effective measures by Saranda Municipality to cease the violation of citizens' rights caused by acoustic pollution from the commercial entity.
- Ensuring the quality of monitoring, measurements, and application of methodologies through certified equipment for noise level measurement by Saranda Municipality.
- Enforcement of legal obligations by Saranda Municipality on natural and legal persons conducting activities generating noise beyond allowed limits.
- Provision of staff training to meet objectives

²⁷⁸ <https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-te-shendetshem-1120/>

²⁷⁹ "Addressed to: Municipality of Vlorë, Municipal Police of Vlorë, Local Directorate of State Police Vlorë, sent by official letter no. K1/XH3-10 prot., dated 27.12.2024."

²⁸⁰ <https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-te-shendetshem-1120/>

²⁸¹ "Recommendation addressed to the Municipality of Sarandë, by official letter no. K1/E12-5 prot., dated 02.12.2024."

and enforce legal and regulatory criteria for effective and safe environmental noise inspections.

- Identification of Saranda Municipality staff and units that failed to cooperate in providing requested information to the People's Advocate institution, and disciplinary and administrative measures to prevent recurrence.

Ex officio case regarding the alarming situation of waste disposal in a residential area of Kruja Municipality. The People's Advocate institution launched an administrative investigation and repeatedly requested information; however, Kruja Municipality failed to cooperate, contrary to legal obligations for transparency and institutional accountability. A recommendation titled "On Taking Immediate Measures to Eliminate Environmental Pollution from Waste in Residential Areas of Kruja Municipality" was issued.²⁸²

In relation to this case, the People's Advocate institution recommended:²⁸³

- Prompt action by Kruja Municipality to undertake concrete and effective measures to clean waste deposited in polluted city areas, aiming to improve environmental conditions and ensure a healthier environment for citizens.
- Installation of sufficient waste bins in high-traffic and unorganized areas by Kruja Municipality in order to prevent illegal waste accumulation.
- Regular and continuous inspections by Kruja Municipality structures to prevent and address illegal activities contributing to environmental pollution, including unauthorized waste disposal.
- Organization of community awareness campaigns by Kruja Municipality to promote a culture of environmental

responsibility, including waste separation at source and prevention of public space pollution.

- Identification of Kruja Municipality staff and units that failed to cooperate in providing the requested information to the People's Advocate institution, and disciplinary and organizational measures to prevent future occurrences.

Regarding the recommendations addressed to Saranda and Kruja Municipalities, no responses were received by the time of this report being drafted, despite legal deadlines having passed.

In conclusion, the cases handled during 2024 demonstrate that environmental protection in Albania remains an ongoing challenge. This results from a lack of effective preventive measures and partial enforcement of legal obligations by responsible institutions, especially local self-government units. The insufficient engagement of these institutions reveals a clear lack of institutional will to effectively address environmental issues. The challenges encountered highlight the need for a more proactive approach, where public institutions and private entities are continuously engaged to ensure a clean and safe environment. Achieving this requires strengthening inter-institutional cooperation, enhancing monitoring and control capacities, and broader community involvement in decision-making processes related to environmental matters. The People's Advocate institution will continue to oversee the implementation of these obligations, emphasizing the importance of transparency and accountability in protecting the right to a healthy environment.

²⁸² <https://www.avokatipopullit.gov.al/sq/articles/general-issues/t%C3%AB-tjera/e-drejta-per-nje-mjedis-te-shendetshem-1120/>

²⁸³ "Recommendation addressed to the Municipality of Krujë, by official letter no. K1/I101-5 prot., dated 20.12.2024."

CHAPTER IV

OTHER COMMITMENTS OF THE PEOPLE'S ADVOCATE INSTITUTION

4.1 Amicus Curiae Brief Before the Constitutional Court Concerning Amendments to the Provisions on the "Electoral quotient" and "Preferential Vote" of the Electoral Code of the Republic of Albania

In 2024, the party "Movement for National Development" as well as the organization "Albania Can be Made" submitted to the Constitutional Court a request concerning, "Repeal of Article 67 of Law No. 10019, dated 29.12.2008, 'Electoral Code of the Republic of Albania,' as amended by Article 5 of Law No. 81/2024, as incompatible with the Constitution of the Republic of Albania...," arguing primarily that Article 5, paragraphs 1 and 2, of Law No. 81/2024, violates the principle of the rule of law, the principle of legal certainty, the principle of equality before the law in respect of the right to vote, the principle of equal elections, imposes a disproportionate restriction on the right to vote, and contradicts the very spirit of Constitutional Court Decision No. 28/2012 which amended Article 67 of the Electoral Code.¹

The *Amicus Curiae* opinion presented by the People's Advocate to the Constitutional Court in this case, emphasized (in parentheses) that

¹ In the Request submitted to the Constitutional Court, the core claims and legal arguments presented were as follows:

- The declaration of Law No. 81/2024 as unconstitutional due to violations of the constitutional procedure required for its adoption; and, should this not be upheld, then alternatively:
- The declaration of unconstitutionality of the conjunction "and" used between letters "a" and "b" of paragraph 1, Article 67, of the Electoral Code, as amended by Law No. 81/2024;
- The declaration of unconstitutionality of the last sentence of paragraph 2, Article 67, of the Electoral Code, as amended by Law No. 81/2024;
- The adoption of an interim measure suspending the implementation of the law until it is reviewed by the Court.

there is no perfect model of an electoral system, and any country facing the choice of a new system confronts a very difficult decision. Under these circumstances, the choice must reflect a compromise and the fundamental interests of society.

With regard to the argument raised in the request concerning a potential violation of the rule of law, we draw attention to the fact that both the Constitution and the Rules of Procedure of the Assembly of the Republic of Albania provide for the examination of legislative initiatives through either the ordinary or the expedited procedure. In the assessment of the People's Advocate, the parliamentary procedure followed for the adoption of a specific draft law—while required to comply with the Constitution and the principles of the rule of law—must adhere strictly and substantively to all constitutional criteria governing such a process. Any deviation risks undermining the rule of law. A legislative process conducted within a significantly abbreviated timeframe (as was the case here, with only eight days), and lacking a clear and transparent inclusion of relevant stakeholders and interested parties, raises serious concerns regarding the potential infringement of the very rights subject to constitutional limitation under the provisions of the law adopted in such circumstances.

The People's Advocate's assessment also points out that the implementation of paragraph 2 of Article 67 of the Electoral Code, in full harmony and consistency with Article 64 of the Constitution, requires a careful analysis of the logical-arithmetical element, which if it does not meet the constitutional criterion of "*no less than two-thirds*" in all electoral districts of the country, foregrounds the necessity of constitutional review of paragraph 2 of Article 67

of the Electoral Code. In any circumstance, the constitutional principle of the hierarchy of legal norms must be respected, according to which any legal norm conflicting with the Constitution must be repealed.

Regarding the argument asserting a violation of the principle of equality before the law, the People's Advocate assessed that equality in voting — in both the active component (the right to vote/elect) and passive component (the right to be voted/elected) — is the mechanism preventing the state from discriminating or privileging certain candidates, political parties, or other political groups in the competitive struggle to attract voters. Equality in elections encompasses many aspects, and the principles to be respected in all cases include numerical equality of votes, equality regarding electoral power, and equal opportunities, where the latter requires equal chances for parties and candidates and the state's impartial application of laws to all.² This principle gains increased importance given that general parliamentary elections are scheduled to be held in our country in the spring of 2025.

In July 2024, the Assembly approved changes to the formula applying the electoral system, establishing the right of political parties to prepare a closed list of candidates for one-third of the list. The new formula is an intermediate form between the regional proportional system with closed lists applied in the 2009, 2013, and 2017 elections, and the partially open list system with a voter threshold (10,000 votes), applied in the 2021 elections. This legal context coincides with the fact that currently, the Register of Political Parties at the General Jurisdiction Court of First Instance, Tirana, records 135 political parties.³

In this opinion, the People's Advocate expressed the position that the will of the voters

is indeed exercised. Were the opposite to be accepted, following that logic, the proportional electoral system with lists would always be considered flawed, or the majoritarian system would need to be prohibited a priori. The essential element of this principle is the vote itself, which, pursuant to Article 45 of the Constitution, must be *personal, equal, free, and secret*. If a law substantively infringes upon the principle of equal suffrage, then not only does it contradict the Constitution, but it also violates the principle of equality before the law. Furthermore, it was emphasized that the legal provision introduced in Article 67 of the Electoral Code appears, at first glance, to create inequality between the candidates of the two mandatory lists now required under the Electoral Code.

In relation to the argument underpinning the request, namely the violation of the principle of legal certainty, the opinion emphasized that failure to respect the essence of the right to vote and to stand for election, the rule of law, and the principle of legal certainty in the conduct of an electoral process, generates confusion and uncertainty among all parties and stakeholders involved in the process, as well as negative consequences for the process itself. Elections must constitute a properly administered process, and their final outcome must serve both the citizen and the consolidation of the rule of law in Albania.

The People's Advocate stated that an analytical assessment of the procedure followed by the Assembly of Albania in adopting Law no. 81/2024 would determine whether this constitutes a restriction and relevant ground that compromises the principle of legal certainty. What is the compelling public interest that prompted the legislative amendment affecting voters' preferential voting rights? To identify such a justification, careful consideration must be given to the essence of voters' legitimate expectations. By guaranteeing the right to vote in general and preferential voting in particular, such expectations are inextricably linked to the observance of the constitutional principle of the rule of law, which is to be understood as a cornerstone of the constitutional system.

² See, for further reference, Decision No. 28, dated 09.05.2012, of the Constitutional Court. The request submitted by the Albanian People's Union Party of Pensioners concerned the annulment, as being incompatible with the Constitution of the Republic of Albania, of Articles 69, 70, and 87 of Law No. 10019, dated 29.12.2008 – the Electoral Code of the Republic of Albania.

³ Central Commission Annual Reports: <https://kqz.gov.al/document-category/raportet-per-kuvend/>

The opinion also highlighted that one of the inherent requirements of the principle of legal certainty is the broad public disclosure of normative acts. This means not merely their publication in the Official Gazette, but also transparency, public debate, and broad participation of experts in the field, civil society, interest groups, and individual stakeholders in the process of their approval by the relevant bodies. This aspect holds particular importance in light of the fact that a special parliamentary committee on electoral matters has been established and is functioning within the Assembly.

Regarding the argument underpinning the infringement of the principle of equal elections (formal and substantive equality before the law of political parties as legal persons – Article 16/2 of the Constitution), the opinion recalled that the rights, freedoms, or standards relating to the electoral system are applicable to and protect political parties, insofar as they align with their general purpose. The constitutional standard of equal elections must be understood primarily as equality between political parties, the plurality of which in a democratic system gives life to the concept of “political pluralism.” Equality in elections refers to essentially equal legal and factual conditions for political parties throughout the electoral processes. The only element that may differ concerns the subjective characteristics and capabilities of the parties and their members; all other conditions must be provided equally to each party participating in elections. This equality should not be understood as “absolute equality,” but rather as “proportional equality,” in accordance with Article 3/1 of the Constitution. In cases of differential treatment between political parties during elections (e.g., parties representing national minorities, or differentiated campaign funding and media access based on electoral weight), the proportionality test must be applied to assess the legitimacy of electoral equality. In the view of the People’s Advocate, the Constitution leaves open the possibility of regulating an electoral system with a closed list.

The opinion also cited the jurisprudence of the German Federal Constitutional Court, which

states that the principle of equality prohibits treating essentially equal situations unequally, and requires treating essentially unequal situations unequally, in accordance with their particular nature. In principle, it is within the discretion of the legislator to determine which circumstances justify equal legal consequences and are deemed equal in the legal sense. Nevertheless, the legislator must make an appropriate choice. Whether a measure is justified or suitable in applying the principle of equality cannot be determined abstractly or generally but must be assessed in relation to the specific nature of the field concerned.⁴ It was further noted that if individual candidates from a political party participating in the electoral process were to raise claims about being included on either an open or closed list—regardless of their actual ranking—this would raise elements of violation of their right to equal participation in the process.

As to the claim regarding a disproportionate restriction of the right to vote, specifically the right to cast a preferential vote, introduced by Law no. 81/2024, the People’s Advocate emphasized that the principle of proportionality sets the limits for legislative interference with certain fundamental rights or freedoms. Such interventions may be justified under Article 17, paragraph 1 of the Constitution if they are made by law, for a public interest or for the protection of the rights of others, and if the intervention is proportionate to the situation that necessitates it. These interventions must also comply with the European Convention on Human Rights and the case law of the European Court of Human Rights. The People’s Advocate underlined that, in determining the constitutional value at stake, the boundaries of constitutional review include the nature of the legislative interference in relation to the measure employed, which must be necessary, appropriate, proportionate, and effective—an assessment made through a balancing test that evaluates whether public goods or interests pursued justify the restriction imposed on the right. A right or interest—no matter how

⁴ Decision (Beschluss) of the Second Senate, dated 9 March 1994 – 2 BvL 43, 51, 63, 64, 70, 80/92, 2 BvR 2031/92, Selected Decisions Digest, p. 124.

important or publicly valuable—cannot outweigh in a disproportionate manner another right or interest protected by the Constitution and the law. On this basis, the opinion concluded that any aim to restrict the actual exercise of the right to vote (specifically, preferential voting) must comply with the constitutional principle of the rule of law and the objectives of the European Convention on Human Rights. The measure adopted must not be arbitrary or disproportionate. This conclusion is further supported by the fact that the Constitution explicitly grants voters the right to cast a preferential vote, as a mechanism for exercising their right to vote and for strengthening the relationship between the voter and the elected. Therefore, how this right is respected is subject to constitutional scrutiny.

The application of the electoral quotient as a balancing mechanism between the role of the party in the electoral process and the effect of direct preferential voting—especially when viewed in light of the reasoning provided in Constitutional Court Decision no. 28/2021—was assessed as helpful in clarifying whether the restriction of fundamental rights under Article 17 of the Constitution has been properly observed. In the judgment of the People’s Advocate, the operationalization of this quotient in practice, as introduced in the amendments to the Electoral Code under Law no. 81/2024, should form a sound and objective basis for review by the Constitutional Court to determine whether the measure is proportionate to its aim and, consequently, whether it respects or violates the right to vote (specifically preferential voting). It was further recommended that, in applying this proportionality test, consideration should be given not only to data from the Central Election Commission (CEC) related to the 2021 general elections, but also to the data from the 2023 Population and Housing Census conducted by INSTAT.

The opinion stressed that, despite various legislative processes undertaken by Parliament over time to amend and improve the electoral legal framework, the relevant parliamentary committees established for this purpose have

consistently failed to build public trust through their work. In conclusion, the institution of the People’s Advocate maintained that any aim to restrict the actual exercise of the right to vote (preferential voting), in the specific historical context of Albania—where the distortion of the vote has been observed and “experienced” in previous electoral processes—must comply with constitutional principles and the objectives of the European Convention on Human Rights, and the measure taken must not be arbitrary or disproportionate.

4.2 Amicus Curiae Brief Before the Constitutional Court Regarding the Protocol Between the Government of the Italian Republic and the Council of Ministers of the Republic of Albania, “On Strengthening Cooperation in the Field of Migration”

During 2023, thirty (30) deputies of the Assembly of the Republic of Albania submitted to the Constitutional Court of the Republic of Albania a petition with the following subject: 1) *The declaration of incompatibility with the Constitution of the Protocol between the Government of the Italian Republic and the Council of Ministers of the Republic of Albania “On Strengthening Cooperation in the Field of Migration,” and the prohibition of its ratification by the Assembly.* 2) *The suspension of the ratification procedures of the Protocol between the Government of the Italian Republic and the Council of Ministers of the Republic of Albania, “On Strengthening Cooperation in the Field of Migration,” based on the principal claims of “Incompatibility with the Constitution of the Republic of Albania, the European Convention on Human Rights and its Additional Protocols, the Vienna Convention on the Law of Treaties, the Geneva Convention Relating to the Status of Refugees, Law no. 8577 dated 10.02.2000 “On the Organization and Functioning of the Constitutional Court of the Republic of Albania,” as amended, Law no. 43/2016 “On International Agreements in the Republic of Albania,” Law no. 79/2021 “On Foreigners,” Law no. 10/2021 “On Asylum in the Republic of Albania,” Resolution*

no. 1821 (2011) of the Parliamentary Assembly of the Council of Europe, and the UNHCR Guidelines on Bilateral and Multilateral Transfer Agreements of Asylum Seekers, May 2023.” Therefore, they requested the declaration of its incompatibility by this Court.

By letter no. 2 (NJ) 2023 Fundamental Registry, dated 13.12.2023, of the Constitutional Court of the Republic of Albania, the People’s Advocate was informed of the request submitted by 30 Members of the Albanian Parliament to the Constitutional Court regarding the adjudication of case no. 2 (NJ) 2023 Fundamental Registry, dated 13.12.2023. Based on the above, and in accordance with the provisions of Law no. 8577 dated 10.02.2000 “On the Organization and Functioning of the Constitutional Court of the Republic of Albania,” as amended, and Law no. 8454 dated 04.02.1999 “On the People’s Advocate,” as amended, this request was considered by the People’s Advocate as a request for submitting an “*Amicus Curiae*” opinion, which was submitted in writing to the Constitutional Court on 17.01.2024.

This opinion took into account issues of migration and refugees as a current global challenge affecting many countries. It also referenced the positions of international bodies, particularly the United Nations High Commissioner for Refugees (UNHCR), which in its guidance holds that such agreements are not *a priori* incompatible with the law, provided that they ensure the sharing of responsibility in hosting refugees, but not the transfer of responsibility for processing asylum claims from the receiving state to the state to which the refugees are transferred. Furthermore, in this guidance, the UNHCR expresses the view that refugees should have the freedom to choose the country in which they seek asylum; however, they should be assessed and processed in the country under whose jurisdiction they have been apprehended or transferred.

In this case, the People’s Advocate considers that the constitutional requirements set out in Article 121, paragraph 1, letters “a” and “b”, as well as the provisions of Law no. 43/2016 “On International Agreements in the Republic

of Albania,” specifically Articles 5 and 6, regarding the competence and authorization for the signing of this international agreement, have not been respected. Furthermore, with regard to the substantive aspects and the content of the Protocol, the People’s Advocate has, among other things, raised concerns on issues:

- *Regarding the Nature of the Center:* The Protocol does not explicitly define the nature of the center to be established on the territory of the Republic of Albania, which will be used to host migrants. Although the specific mention of the term has been omitted (the Protocol refers to these premises as “Structures” to be created by the Italian side within the “Zone”), it is understood that this center effectively constitutes a closed facility. These deficiencies are considered to violate Article 4, paragraph 1, and Article 42, paragraph 2 of the Constitution of the Republic of Albania, as well as Articles 5 and 6 of the European Convention on Human Rights and Fundamental Freedoms.
- *Regarding the Principle of Legal Security:* The status of migrants; their treatment; the right to due legal process; the treatment and type of services provided; cost coverage; responsibilities of the Italian personnel and the status of Albanian personnel, among other issues.

In conclusion, the People’s Advocate is not *a priori* opposed to this Agreement (although not actively encouraging such agreements), provided that it does not conflict with the guarantees recognized by domestic and international law, and does not infringe upon the position of persons located within the premises of the centers. However, the People’s Advocate considers that the Agreement requires clarification to guarantee legal security, individual freedom, and the right to due legal process, and to ensure its full compliance with Articles 4, paragraph 1; 17; 27; 42, paragraph 2 of the Constitution of the Republic of Albania, as well as Articles 5 and 6 of the European Convention on Human Rights.

4.3 Observatory on Femicide

Driven by deep concern over the alarming phenomenon of violence against women—whose most extreme manifestation is femicide—the People’s Advocate took a significant step toward addressing this urgent issue. On 8 March 2024, during an inclusive roundtable event, the official launch of the Observatory on Femicide in Albania was announced. This dedicated mechanism is established to monitor, analyze, and prevent cases of extreme violence against women.

This important initiative is supported by the Joint Programme of the United Nations and the Government of Albania, “Ending Violence against Women” (implemented by UN Women), an international platform committed to advancing gender equality and protecting women’s rights. The initiative is funded by the Government of Sweden, reflecting a global commitment to combating gender-based violence and building effective mechanisms that aim not only to respond to incidents but also to prevent them through well-coordinated policies and systematic interventions.

The Femicide Observatory serves as a monitoring mechanism on the killing of women and girls, with the aim of preventing this phenomenon and strengthening protection and support systems for women and girl victims of violence. Albania is the first country in the Western Balkans—and among the few in Europe—to establish a Femicide Observatory, marking a major step forward in fulfilling its obligations under international instruments dedicated to the protection of human rights and the fight against violence against women and domestic violence.

Based on the data collected and the in-depth analysis conducted through the Observatory, the report *“Killings of Women and Girls – Femicide in Albania” (2021–2023)* was prepared and launched during the People’s Advocate’s Annual Conference titled “Femicide – The Social Problem Beyond Statistics”, held on 10 December 2024, to mark International Human Rights Day and the conclusion of the 16 Days of Activism against Gender-Based Violence.

Special Report “Killings of Women and Girls – Femicide in Albania (2021-2023)”



The conference was marked by broad participation from representatives of justice institutions, agencies responsible for addressing violence against women, as well as civil society and international organizations. The report concludes with a set of recommendations addressed to the State Police, Prosecution Offices, Courts, Municipalities and Administrative Units, and the Ministry of Health and Social Protection. These recommendations are divided into two categories: general and specific.

General Recommendations

To prevent femicide, support the families of victims, and address gender-based violence, measures and actions are recommended at all levels:

- Draft clear strategies for combating femicide, strengthening responsible structures that ensure effective protection, and building the capacities of their personnel.
- Introduce femicide as a specific criminal offense in the new Criminal Code and improving legislation on violence against women and femicide, in accordance with recommendations from international mechanisms (CEDAW Committee, GREVIO, UPR Working Group).
- Raise public awareness and set standards for media reporting on cases involving violence against women and femicides.
- Address data gaps and enable cross-referencing across levels to ensure

complete and high-quality data. Coordinate between sectors to avoid duplication and inaccuracies, including the updating of data management systems.

- Support the heirs of femicide victims by providing psychological, legal, and informational assistance to ensure their needs are met during legal proceedings.
- Provide assistance to minors affected by femicide through psychological, legal, financial, and material support, as well as close monitoring of their trauma recovery and a review of the economic assistance they receive.
- Review coordination standards among responsible institutions to ensure effective case handling, the establishment and consolidation of support services, and rehabilitative programs.
- Establish sustainable practices for timely notification of victims regarding the release of perpetrators from prison as well as monitoring such cases.
- Assess the mental health of offenders convicted of crimes against women as a prerequisite for taking preventive measures against future violence. The development of support and rehabilitation programs for such individuals is an urgent need.
- Provide multidisciplinary assistance and support for women and girls subjected to domestic violence.

Specific Recommendations

Recommendations for the Police - Recognizing the vital role played by State Police structures in handling and addressing violence against women, including femicide, and based on the findings of the Observatory, it is recommended that the following measures be taken:

- Review procedures related to risk assessment and issuance of Emergency Protection Orders (EPOs), to ensure concrete actions are taken in line with the standards of the

Istanbul Convention, ECtHR jurisprudence, and domestic legislation. This entails:

- Taking death threats seriously and acting swiftly to prevent escalation (e.g., if the perpetrator has access to firearms, even with a license, or has violated previous protection orders). Police authorities must not wait for absolute certainty but act with special diligence.
- Establishing a system for providing immediate protection in emergency shelters when necessary, followed by placement in longer-term centers, especially if the perpetrator is at liberty.
- Giving special attention to children and other victims of domestic violence.
- Activate mechanisms that promote better coordination with other responsible structures, including members of Coordinated Referral Mechanisms (CRMs), to implement EPOs and manage cases in a multidisciplinary manner.
- Jointly and promptly handle cases from the moment of reporting, including risk assessment, addressing victims' immediate needs, monitoring compliance with protection orders, and ensuring full victim rehabilitation.
- Ensure parallel pursuit of both the protection order procedure and the criminal prosecution of the perpetrator, considering that protection orders serve both to safeguard the victim and support their rehabilitation process.
- Refer cases to healthcare institutions for medical and psychological support and issue of specialized medical reports.
- Increase proactivity in identifying cases and requesting EPOs ex officio when signs of violence are observed.
- Collect, update, and standardize data on all forms of gender-based violence, including the creation of electronic register templates for documentation and tracking.

- Provide continuous training and establish specialized structures to handle cases involving gender-based violence, including femicide, in accordance with GREVIO recommendations.

Recommendations for the Prosecution Offices

- For prosecution offices, as key institutions in investigating and prosecuting crimes, further strengthening their role is recommended, particularly in:

- Activating mechanisms that enable a detailed analysis of the victim's history of abuse and the gender-based motive of the criminal act.
- Analyzing the background of abuse and the motive of the murder even in cases where proceedings are closed due to the death of the perpetrator.
- Establishing effective communication channels and sharing information among institutions such as the police, civil and criminal courts, victim support services, CRMs, etc.
- Prioritizing the safety of the victim in cases of domestic violence and violence against women, through coordinated action with local coordinators and other CRM members.

Recommendations for the Courts - In light of the findings of the Observatory and the need to further strengthen the role of courts in handling gender-based violence cases, including femicide, it is recommended to:

- Implement measures for synchronized data collection on defendants, perpetrators, and victims.
- Promote the creation of a unified judicial practice regarding the analysis of gender-based motives in cases of violence against women.
- Ensure opportunities for heirs of victims to testify in separate facilities from the perpetrator, to avoid re-victimization.
- Address cases of violence against women with heightened attention, including

ensuring that the type of sentence matches the danger posed by the perpetrator, and mandating participation in rehabilitative programs during and after incarceration.

- Conduct thorough analyses of each case's history of violence and the motives behind the crime, by consulting responsible institutions.
- Pay special attention to the protection needs of the victim even in cases where they are absent during trial, through protective measures that safeguard their integrity and address their needs.

Recommendations for Municipalities and Administrative Units - In accordance with the legal framework in force and the role of local self-government institutions in addressing domestic and gender-based violence, it is recommended to activate mechanisms that:

- Create models of institutions that act as bridges between victims' needs and responsible structures.
- Mobilize human and material resources to respond promptly to every case of violence, supporting the police from the first report and following the case throughout the rehabilitation process.
- Increase their role in filing requests for protection orders, both upon the victim's request and ex officio when violence is identified.
- Review standards related to monitoring protection orders, paying attention to case-by-case assessments for intervention needs, preventing violations of protection orders and escalation of violence.
- Allocate human and material resources to address both the immediate and long-term needs of children and heirs of femicide victims.

Recommendations for the Ministry of Health and Social Protection, as the lead authority in designing strategies and programs to prevent violence and provide services to victims of

domestic violence, the Ministry is advised to:⁵

- Cooperate with the Ministry of Justice to define femicide as a criminal offense in the new Criminal Code.
- Continuously organize awareness campaigns on violence against women (in addition to global campaigns funded by public sources), addressing femicide as one of the most severe forms of violence.
- Accelerate support measures to enhance CRM capacities across all 61 municipalities, especially for risk assessment and provision of emergency protection services to victims, as well as long-term services.
- Increase funding for emergency shelter projects from the Social Fund, particularly in municipalities with a high number of cases.
- Monitor ongoing projects for the establishment of shelters and ensure efficient use of allocated funds.
- Clarify and complete data on MHSP expenditures for services provided to victims of domestic violence under EPOs or other protection measures, across all areas, including rural zones.
- Train and supervise healthcare professionals, as this sector has shown significant shortcomings in case referrals and the drafting of medical reports necessary for judicial processes.
- Accelerate the establishment of rehabilitation centers/programs for perpetrators in all regions, well before the deadline set in the National Strategy on Gender Equality, as current programs are insufficient.
- Enhance cooperation and coordination

⁵ Some of these recommendations are based on the findings of the People's Advocate's Report "On the situation of domestic violence and violence against women in Albania for the period January 2020 – September 2021", which remain to be fully addressed. See:

[https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORT%20MONITORIM%20DHUNA%20JANAR%202020%20-%20SHTATOR%202022\[1164\].pdf](https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORT%20MONITORIM%20DHUNA%20JANAR%202020%20-%20SHTATOR%202022[1164].pdf)

between relevant institutions – including the police, courts, probation services, and prison directorates – to identify and include perpetrators of domestic violence in rehabilitation programs.

4.4 Special Report on Digitalization and Human Rights in Albania

In recent years, awareness has grown significantly regarding the impact of digitalization on society. Increased efforts have been made to address the digital divide, ensure the protection of personal data, and promote the ethical use of artificial intelligence (AI). The European Union (EU) and the Council of Europe (CoE) have recently adopted two major legal instruments regulating the use of AI and the digitalization of public services, with the aim of ensuring that these processes are aligned with human rights, democratic principles, and the rule of law. These instruments establish frameworks for the responsible, transparent, and fair use of advanced technologies, with the goal of protecting citizens from discrimination and guaranteeing equal access to digital public services.

In Albania, the digitalization of public services has accelerated over time, culminating in the creation of the e-Albania platform, which aims to enhance access and transparency for citizens. e-Albania has served as the main vehicle for this transformation, offering digital services in key areas such as education, healthcare, and taxation. While digitalization has brought numerous benefits, including improved accessibility and efficiency, it has also raised important human rights concerns. The closure of physical public service offices in 2022 and the transition to exclusively online service delivery have excluded individuals who lack access to technology or the necessary digital skills. This shift has sparked concerns regarding equal access to services, privacy, transparency, and non-discrimination.

Against this background, the People's Advocate, with the support of the European Network of National Human Rights Institutions (ENNHRI), has prepared a Special Report on Digitalization and Human Rights in Albania.

Special Report

“Digitalization of Public Services and Protection of Human Rights in Albania”



The report was developed in accordance with the methodology established by the People's Advocate, which included setting specific objectives and discussing them—alongside their related sub-issues—with representatives of the institution's internal structures. The process also involved in-depth research and studies, as well as field discussions with representatives of the Regional Offices of the People's Advocate and other institutions, including local-level Non-Governmental Organizations (NGOs). The aim of this methodology was to ensure an inclusive and consultative process, based on an analysis of the current legal framework and on data gathered from various sources, including those of the People's Advocate and other accessible information. The approach combined research elements with qualitative methods such as in-depth interviews and discussions. This methodology was considered optimal for gathering data on perceptions, experiences, and institutional practices—particularly for issues requiring deeper exploration. The research phase included search and review of national legal instruments, including ratified international acts and national strategic documents in the fields of administrative law, digitalization of public services, personal data protection, and anti-discrimination.

The Review also drew upon documents produced by the European Network of National Human Rights Institutions (ENNHRI) on AI's

human rights implications,⁶ studies conducted by the European Union Agency for Fundamental Rights (FRA),⁷ and by peer institutions such as the French *Défenseur des droits* on the dematerialization of public services.⁸ In parallel with the research activities, meetings were held in eight (8) cities—Kukës, Shkodër, Vlorë, Berat, Sarandë, Pogradec, Dropull, and Fier—where the Regional Offices of the People's Advocate and the Commissioner for Protection from Discrimination operate. These meetings aimed to gather and assess data concerning citizen access and perspectives, as well as those of representatives from central and local institutions and civil society. The meetings were organized under the auspices of the Regional Offices of the People's Advocate and included the participation of citizens, representatives from Legal Aid Offices, Social Services, local governance units, and various NGOs working on minority rights and the rights of persons with disabilities. The discussions followed an inclusive approach, providing participants with the opportunity to express diverse perspectives.

The draft report was subject to internal consultation among the relevant departments of the People's Advocate. Following the integration of internal feedback, the expert team prepared a revised draft that was then submitted for consultation with external stakeholders. Specifically, the findings, conclusions, and recommendations were presented during a consultation roundtable held by the People's Advocate on 29 February 2024, with the participation of representatives from the Commissioner for the Right to Information and Data Protection, the Commissioner for Protection from Discrimination, the Agency for Dialogue and Co-Governance, the State Cadastre Agency, the National Agency for Information Society,

⁶ <https://ennhri.org/wp-content/uploads/2023/11/ENNHRI-Preparatory-Paper-on-Engagement-by-NHRIs-on-AI-Related-Human-Rights-draft-developed-by-consultant.pdf>

⁷ <https://fra.europa.eu/en/publication/2023/older-people-digital-rights?page=3#read-online>

⁸ <https://www.defenseurdesdroits.fr/rapport-dematerialisation-des-services-publics-trois-ans-apres-ou-en-est-265#:~:text=La%20d%C3%A9mat%C3%A9rialisation%20offre%20de%20nouveaux,pour%20nombre%20d'entre%20eux.>

the Ministry of Health and Social Protection, the Free Legal Aid Directorate within the Ministry of Justice, and representatives from various NGOs. Participants had the opportunity to raise questions with the experts and engage in extensive discussions on all the issues highlighted in the Report. The relevant comments and suggestions made by institutional representatives and groups most affected by digitalization were incorporated into the final version of the report.

The People's Advocate report emphasized that the digital transformation may have adverse effects on vulnerable groups, including the elderly, persons with disabilities, and low-income populations. It also raised concerns about the protection of personal data and cybersecurity—both of which are essential for safeguarding human rights in the digital age. The recommendations formulated are summarized below.

Short-term measures

Review the policy approach to include alternative options for delivering public services (diversified access), through direct interaction at the physical desks of the respective institution providing the service as defined by law, especially for citizens belonging to groups with greater difficulties in independently accessing services, such as the elderly, persons with disabilities, Roma and Egyptian communities, low-income persons, or those with low education levels. The legislator has the discretion to develop clear procedures for these categories based on approaches followed in EU countries (either in special legislation or in the basic legal framework).

Accelerate the implementation of activities outlined in Albania's Digital Agenda 2022-2026, aiming to ensure access to public services for all citizens without discrimination due to age, residence, educational or economic status, disability, or group affiliation. In this respect priorities include:

- Speeding up the implementation of the agenda and state policies related to the quality of broadband networks to improve internet quality in rural areas, so that citizens in these areas are not forced to

travel to urban centers for public services due to lack of or poor internet connection.

- Accelerating the integration of systems to increase efficiency within public administration in processing applications. Speeding up improvements for interaction with the “e-Albania” platform and its supporting infrastructure by adapting it for persons with special needs, simplifying forms to be user-friendly, simplifying the language of instructions, localization of language, and design elements that enhance user-friendliness.

Public administration institutions, both central and local, that provide all services on “e-Albania” (including but not limited to the State Cadastre Agency, the Regional Directorate of Social Insurance, etc.) should *organize work processes so as to be able to provide dedicated staff offering assistance (guidance)* at the desk for persons unable to apply independently for online public services.

Enhancing transparency and accountability mechanisms related to the inclusion of citizens and marginalized groups in decision-making processes concerning digital access to public services. Public administration institutions that provide services through the “e-Albania” platform must rigorously comply with the obligations set out in the Law “On Co-Governance,” thereby improving citizen access to public services through technology and innovation. The Agency for Dialogue and Co-Governance should, through monitoring, ensure the accountability of state administration bodies in delivering public services through alternative (offline) methods in a timely, efficient, transparent, and high-quality manner.

Raising citizen awareness on the importance of accessibility elements in “e-Albania,” and on the benefits of digital service usage, especially for those living in rural areas. A targeted perspective is needed to develop support programs and digital literacy training for vulnerable groups. These efforts could be implemented in collaboration with NGOs and educational institutions to improve technological and online application

competencies. Simultaneously, there is a need to raise awareness of the risks to personal data that arise when services are accessed through unauthorized intermediaries.

Establishing mechanisms for measuring and evaluating citizen satisfaction with digital public services. These mechanisms should be designed to be inclusive and transparent, and their findings must be integrated into comprehensive legal reviews preceding the adoption of new measures. In this regard, executive and legislative policymaking should be grounded in objective criteria: evidence, facts, periodic surveys, citizen feedback, local-level insights (through municipal engagement), and the production of disaggregated statistics on specific population groups and their use of digital services.

Continuous capacity building for public administration staff regarding the “e-Albania” platform and application procedures, enabling them to better assist citizens in accessing a wider range of services. Additionally, civil servants should be trained, in cooperation with the Commissioner for the Right to Information and Protection of Personal Data, to address challenges related to privacy and personal data protection in the context of digital service delivery—promoting lawful data collection and processing practices.

Establishing cooperative bridges and dialogue between local authorities (municipalities) and other actors (e.g., university law clinics or NGOs), through effective policies, strategies, and measures, including the creation and operation of social funds. Such initiatives would foster field-level support for specific vulnerable groups and contribute to narrowing the digital divide across different segments of the population.

Medium-term measures

The implementation of a digital approach to the provision of public services, in line with fundamental rights and freedoms, requires the adoption of measures over time and through institutional cooperation, including:

- Assessing the need to revise the legal framework with a view to harmonizing legislation governing the modalities (and

alternatives) for delivering public services across all sectors—taking into account the specificities of each service—and clearly defining digital service delivery mechanisms. In this context, the legislator should also consider recognizing the right to internet access as a utility right and ensuring its availability, particularly in rural areas.

- Developing policies grounded in the principles of equal access and non-discrimination within the digitalization process, with a particular focus on individuals entitled to special protection—such as women and children—as well as vulnerable groups including the elderly, persons with disabilities, minorities, and individuals with insufficient income.
- Reviewing the social assistance scheme to consider covering internet connectivity costs and reimbursing specific expenses for certain groups, especially when they must pay to access public services (e.g., applications through the State Cadastre Agency, notarial services, or legal aid).
- Integrating digital literacy into school curricula, with an emphasis on training students to navigate key platforms such as “e-Albania,” thereby preparing them for an increasingly digitalized public service landscape.
- Establishing verification methods for citizens and diversified complaint mechanisms, including the possibility of submitting grievances at the local level.
- Conducting periodic surveys to evaluate access, usage, and satisfaction with digital public services.

4.5 Special Report on the Observance of Legal and Constitutional Rights and the Highest Standards of Human Rights for Parties in Penal Proceedings

In December 2023, the citizen E.Q., a journalist at the audiovisual media company “Ora

News” JSC in Albania, submitted a complaint to the People’s Advocate’s institution. Among other claims, he alleged that the Special Prosecution against Corruption and Organized Crime (SPAK) exceeded its legal powers by searching his vehicle and confiscating two mobile phones along with several personal belongings of his and his minor children, without a search warrant or a seizure order issued by the Special First Instance Court against Corruption and Organized Crime.⁹

The People’s Advocate’s institution initiated an administrative investigation by requesting information and explanations from SPAK¹⁰ regarding, among other things, the reasons and legal basis for summoning the journalist to SPAK, as well as the institution’s position concerning the complainant’s allegations of an unauthorized search and seizure without a court order.

SPAK maintained, among other things, that within the scope of an investigation and the publication of several media articles, suspicion had arisen that the individual in question had committed the criminal offense of “Disclosure of Secret Acts or Data,” as defined in Article 295/a,

9 For further reference, see the Report link as provided above.

10 The People’s Advocate requested the following from SPAK:

“To provide information regarding this complaint, specifically:

1. What are the reasons and the legal basis for the summoning of journalist Elton Qyno to your institution?
2. What is your position regarding the journalist’s claims that he was isolated in one of your institution’s offices, being locked inside with a key from 11:00 a.m. to 6:00 p.m. on 13.12.2023?
3. What is your position on the complainant’s allegations that his vehicle was searched and several personal items belonging to him and his minor children were seized, items which were not listed in the decisions of the First Instance Special Court Against Corruption and Organized Crime cited above?
4. If the actions of searching the vehicle and seizing personal items—as claimed by the complainant—were carried out by SPAK’s judicial police officers, did your institution comply with the obligations set out in Articles 298/4 and 301 of the Criminal Procedure Code, specifically the requirement to issue a reasoned decision validating the search and seizure? If this procedure was followed, was the complainant duly notified and provided with a copy of the relevant decision within the legal deadline?”

paragraph 3 of the Criminal Code. Furthermore, the seizure of computer data was deemed necessary to obtain evidence confirming the existence of the fact under investigation and to assign specific responsibilities to the investigative office, which, during the previous investigation, was the only entity possessing this classified information up to the final stage of the preliminary investigation.¹¹ At the conclusion of its own administrative investigation, the People’s Advocate reached the following conclusions:

- In the context of freedom of expression and the need to guarantee its effective protection, the People’s Advocate emphasizes that, considering the essential role of journalists in conveying information to the public and holding authorities accountable—especially in sensitive contexts—it is crucial that state authorities do not interfere with the media’s coverage of events that have significant implications for the functioning of democratic systems. Consequently, journalists and other media actors have the right to photograph and record, including documenting police handling of protests, and their equipment should not be subject to seizure.

It is vital that state institutions, in general, respect the informative mission of journalists and put an end to the culture of intimidation or attacks against journalists, as fostering constructive criticism only enhances the quality of democracy in the country. On the other hand, it is necessary that the media community understands the importance of its mission and preserves it fundamentally by rejecting any attempts at misuse or abuse.

Law enforcement agencies must be attentive to journalistic credentials and identification. Moreover, the absence of such credentials should not be used as a pretext for unjustified restrictions on journalistic activities. When journalists and other media actors cannot produce documentation proving their status, authorities should verify it through other means, such as consulting trusted media organizations and professional journalist

11 For further reference, see the Report link as provided above,

associations that can confirm their status. Coordinated training and dialogue between the media and police are important to understand each other's responsibilities and limitations, thereby fostering trust and good working relationships.

- Regarding the independence of *Prosecutorial and Judicial bodies*, the People's Advocate underscores that the independence of prosecutors and judges does not imply exemption from accountability in performing their functions. Thus, they are criminally liable if they commit a criminal offense during their duties. When criminal offenses are not involved, they are subject to disciplinary proceedings by competent bodies. Furthermore, they are not exempt from civil liability under certain specific circumstances, where a citizen financially harmed by a culpable act of a prosecutor or judge may seek compensation from these special entities.

Regarding the complaint filed with the People's Advocate by journalist Elton Qyno, the following observations have been made: Article 133 of the Criminal Procedure Code was applied, and Mr. Qyno was notified by phone. However, during the administrative investigation, it was unclear whether SPAK fully complied with the procedural requirements outlined in this provision. It was also found that the reason given for summoning the individual to SPAK premises was inaccurate. Although he was told he was called to be informed of an order prohibiting the disclosure of information, in reality, he was summoned and questioned as a person with knowledge about certain investigative acts related to criminal case no. 75 of 2022, which constitute investigative secrecy. Furthermore, he was detained at SPAK premises for approximately seven hours. Evaluating the communication and cooperation related to this matter, the People's Advocate considers that the circumstances and overall assessment lead to a different conclusion. Specifically, there is no valid justification for the necessity of seven continuous hours of questioning concerning a limited matter that does not require such extensive clarifications. Official communication did not explain why

the complainant was held at the institution's offices for seven hours on an issue that does not appear to require prolonged interrogation. It is also important to recall that, according to the Criminal Procedure Code, no person, whether as a suspect or as someone knowledgeable of the investigation's circumstances, can be compelled to make statements.

The People's Advocate has consistently addressed the proportional use of the right to question individuals and the correct documentation of this procedure. Despite ongoing demands requiring interrogation sessions to be recorded audiovisually, these sessions are not regularly documented by camera or audio recording. Due to investigative secrecy protections, the People's Advocate was unable to review and assess the interrogation records of Mr. Qyno to determine whether the content justifies the continuous seven-hour questioning; this remains subject to internal evaluation by the prosecuting authority itself. From the PA's perspective, the detention and interrogation of individuals must be limited to what is strictly necessary for the investigation and must not serve as a means of exerting pressure or subjecting individuals to inappropriate treatment. The People's Advocate emphasizes that all law enforcement bodies must ensure appropriate treatment during questioning, which remains a challenge but is a fundamental characteristic of any rule-of-law system grounded in human rights.

In conclusion, concerning this case, the People's Advocate finds the seven-hour detention at SPAK premises unjustified. It is recommended to systematically record the start and end times of interrogations, the requests made by the detainee during questioning, and the identities of all persons present during the interviews.

The People's Advocate also highlights the importance of the *Charter of Rights and its communication to individuals involved in criminal proceedings*. Under this charter, suspects and accused persons have the right to be informed about their rights, including the right to legal counsel, the right to free legal aid and how to access it, the right to be informed of the charges against them, and the right to remain silent. *The right to defense,*

especially for the accused, is a mandatory duty of the procedural authority to communicate, not a discretionary matter. Ambiguities in Albanian law regarding the procedural status of persons prior to being informed of charges have led to violations of fundamental human rights at this critical stage of the criminal investigation.

Regarding the seizure of *digital materials* from journalist Elton Qyno, the People's Advocate finds that the court decision does not seek to seize the computer data solely and necessarily to secure evidence but aims primarily to uncover the source(s) of the information published by the journalist. A mobile phone contains data spanning beyond a limited timeframe, including data unrelated to the specific moment when the device was last used.

Despite the care exercised by prosecution and judiciary bodies, the People's Advocate believes *this issue urgently requires legal regulation to establish a fair balance between investigative needs and the protection of privacy.*

On the *procedural status of individuals*, the People's Advocate's view is that delaying the assignment of procedural status may infringe on procedural rights. Therefore, either some procedural actions should only be taken after assigning status and registering defendants, or the right to legal counsel at all stages of engagement with prosecution or investigative bodies must be guaranteed.

Regarding *the right to a public hearing and the People's Advocate's participation in court sessions*, another concerning issue raised during the examination of Mr. Qyno's complaint was the denial of the right of the PA's representative to attend the trial. This is seen as an infringement on the constitutional mandate of the People's Advocate. The judicial system should adopt a communication strategy for criminal proceedings clarifying when, to what extent, by whom, and for whom information is provided. All entities must adhere to this strategy and communicate its rationale and nature, ensuring the judiciary upholds the rule of law, fair criminal prosecution, and the presumption of innocence.

Following these identified issues, the People's Advocate prepared a Special Report titled "*Observance of Constitutional-Legal Rights, and the Highest Human Rights Standards for Parties in Criminal Proceedings*", which has been made available for public consultation on the official website of the People's Advocate.

Special Report

"Observance of constitutional-legal rights and the highest human rights standards for parties in penal proceedings"



This report presents key recommendations to state institutions and judicial bodies, identified through a thorough and professional administrative investigation conducted by the People's Advocate institution in this case. They are outlined below:

- The assessment and enforcement by SPAK and the Special Courts—both at the first instance and appellate levels—of the highest standards of human rights and freedoms, particularly freedom of the media, as guaranteed by the Constitution and the European Convention on Human Rights (ECHR), including the interpretation of the European Court of Human Rights. This is essential for protecting media professionals exercising their duties in a democratic society.
- The review by the High Prosecutorial Council and the High Judicial Council of the findings and conclusions reached by the People's Advocate during the examination of journalist Elton Qyno's complaint,

including an evaluation of necessary measures to guarantee the constitutional right to a fair trial at every stage of investigation and/or judicial proceedings.

- The adoption of measures by the High Prosecutorial Council to ensure audio and video recording of the questioning of parties in criminal proceedings, alongside the guarantee that the Rights Card is communicated in an appropriate language to all persons engaged with the prosecution as parties in criminal proceedings.
- The implementation of necessary amendments by the High Judicial Council to improve the “Standard Guidelines on Court Relations with the Public and the Media,” approved by Decision No. 716, dated 06.12.2023. Specifically, it is recommended to include provisions that guarantee the participation of the People’s Advocate or authorized representatives—equipped with appropriate identification—in court sessions conducted behind closed doors.
- The evaluation and implementation by prosecutor’s offices of general jurisdiction of the findings and general recommendations contained in this report.
- The review by the Ministry of Justice and the Parliamentary Committee on Legal Affairs, Public Administration, and Human Rights of the need for legislative reforms to strengthen procedural guarantees for all parties involved in criminal proceedings, including but not limited to:
- Guaranteeing the right to legal assistance for all parties and other participants in the criminal process, such as persons with knowledge of case circumstances, witnesses, and complainants who are not victims.
- Guaranteeing the right of every individual to be informed of their rights through the Rights Card, according to their procedural status.

- Ensuring the right to private life in accordance with Article 8 of the ECHR, as interpreted by the European Court of Human Rights, especially concerning privacy rights and the proportionality of restrictions in light of technological advances in communication tools.
- Guaranteeing the effective exercise of the People’s Advocate’s role and mandate as a crucial component of the system of checks and balances within the rule of law, with respect to fundamental human rights protection in the country.

This report should be structurally reviewed by the Parliamentary Committee on Legal Affairs, the High Prosecutorial Council, and the High Judicial Council. It is recommended that relevant proposals for amendments to the Constitution of the Republic of Albania and the Code of Criminal Procedure be promptly developed, aligning them with EU legislation, the highest international standards, and the case law of the European Court of Human Rights.

4.6 Independent monitoring of the rights of foreign migrants

Regional Overview of Migratory Inflows –

The year 2024 marked the largest decrease in irregular migrants in the Balkans, with 78% fewer arrivals compared to 2023. According to annual data published by the European Border and Coast Guard Agency, FRONTEX, the number of irregular migrants entering Balkan countries aiming to cross into European states was 78% lower than in 2023. Approximately 21,000 irregular migrants, mainly from Syria, Turkey, and Afghanistan, were intercepted by border police along the so-called “Balkan Route,” which includes Western Balkan countries, among them Albania. Meanwhile, despite ongoing migration pressure, FRONTEX annual data indicate that cooperation between European Union countries and partner states against smuggling networks has reduced irregular migrant crossings at Europe’s external borders by 38% compared to 2023. According to FRONTEX, total

irregular crossings into EU countries reached approximately 239,000 during 2024.

FRONTEX notes that the overall decline in irregular migrant numbers is reaching the lowest level since 2021, when migration was still impacted by the COVID-19 pandemic. Besides the significant drop observed in the Balkans, the general decrease was mainly driven by a 59% reduction in arrivals via the Central Mediterranean route, due to fewer departures from Tunisia and Libya.

National Overview of Migratory Inflows: Located at the crossroads between Eastern and Western Europe, Albania's geographic position naturally makes it a transit corridor for migratory inflows. For several years, Albania has been part of the Western Balkan Route, where irregular migrants temporarily stay before continuing to other European countries.

In 2024, irregular migrant movements along the Western Balkan route saw a significant decline compared to previous years, which also affected migration flows within Albania.

According to data from UNHCR Albania, 1,388 refugees or irregular foreign migrants were recorded within Albania's territory during 2024, of whom 87 were referred to the national asylum system. Regarding gender distribution, the majority were adult males (1,163 individuals), followed by 77 adult females, 124 male children, and 24 female children.

Among the migrant inflows, 98 unaccompanied or separated children were recorded during 2024. Most irregular migrants originated from Pakistan, Syria, Egypt, Afghanistan, and Nepal, with smaller numbers from Iran, Bangladesh, Somalia, Iraq, and India.

Expert monitoring indicates that most irregular migrants entered Albania during April, May, and June, coinciding with favorable weather conditions that facilitate crossing from the Greek land border. A smaller number of irregular migrants entered during other periods of the year, with notably fewer arrivals during winter months.

Monitoring and expert interviews reveal that

70–75% of migrants entered Albania through the Greek border. The Greek-Albanian border spans 349 km, including 247 km land border, 78 km sea border, 7 km lake border, 9 km river border, and 8 km streams, which facilitates irregular migrant crossings. In 2024, the southern border regions (Gjirokastrë, Përmet, and Sarandë) saw the majority of irregular entries (553 persons), while the southeastern border areas (Korçë, Ersekë, and Devoll) accounted for 466 entries. Compared to previous years, January–December 2024 continued the trend of declining irregular migrant inflows. Specifically, 6,628 irregular migrants entered via the Kapshticë border in 2022, compared to 2,340 in 2023. The Gjirokastrë border saw 2,331 irregular entries in 2022 and 903 in 2023. Meanwhile, irregular entries through the Sarandë border were 1,161 in 2022 and 1,344 in 2024.

According to interviews and expert monitoring by People's Advocate external experts, irregular migrants entering from Greece either have a prolonged stay in Greece (mainly nationals from Pakistan, Afghanistan, and Egypt) or have recently returned to Greece after transit through Turkey, aiming to continue their journey via Albania towards European countries. During interviews, migrants reported arriving in Albania by public transport from Athens, Thessaloniki, and other Greek cities, near crossing points such as Kakavijë, Qafë Botë in Sarandë, and Kapshticë, thereafter crossing via green borders. Interviewees indicated their intention to transit through Montenegro and Kosovo, with final destinations predominantly being Germany, France, Italy, and Belgium. The People's Advocate's expert interviews highlighted that many migrants traverse difficult routes, including mountainous and sparsely populated border areas, traveling for several days under hardships such as lack of food and exhaustion.

Medical assistance requests at the border (17 cases recorded in 2024 during monitoring in Gjirokastrë and Korçë) were notably frequent among this group of irregular migrants. Experts recorded timely emergency response from hospitals in Sarandë, Korçë, and Gjirokastrë.

Inflow of irregular migrants over the past three years in Gjirokaštër, Sarandë, and Korçë.

	2022	2023	2024
Gjirokaštër	2,331	903	236
Sarandë	1,161	1,344	317
Korçë	6,628	2,340	466
Total	10,120	4,587	1,019

Field Activity of Experts: Throughout 2024, the external experts of the People's Advocate in the Korçë and Gjirokaštër regions continued to monitor border areas, focusing on segments known as irregular migrant transit routes, while maintaining dynamic contacts with border authorities, local governments, Child Protection Units, and others. Meanwhile, the expert in the Tirana region covered Kareç Closed Center, Tirana Border Directorate, and Rinas Airport, conducting monitoring activities related to the rights of migrants and asylum seekers at the aforementioned institutions.

During 2024, the experts participated in discussions and consultations on the National Migration Strategy 2024-2030 and the Action Plan 2024-2026, contributing their experience, analyses, and opinions in all meetings held. They had full access granted by Regional Border Directorates to contact irregular migrant groups, interview them when deemed necessary, and monitor the screening process and the guarantee of treatment standards, both by border police and regional police forces in cases of detentions related to irregular migrant trafficking.

Field monitoring missions in the border areas of Korçë, Gjirokaštër, and Sarandë were planned by the external experts of the People's Advocate based on weekly work schedules, establishing regular meetings with UNHCR focal points in Korçë and Gjirokaštër, and maintaining close cooperation with the field team of the organization "CARITAS." The geography of meetings, monitoring, and handling of irregular migrant cases expanded in some instances to include Vlorë and Fier.

Some findings from the monitoring included identifying the absence of interpreters during ion interviews, delays in procedures for unaccompanied minors detected at the border—mainly due to the lack of a national center for unaccompanied minors where they could be referred. Experts frequently noted failure by border officers to inform irregular migrants regarding their rights and obligations in Albania. Monitoring revealed the need for greater attention from migration officers conducting screening interviews to properly identify migrant categories seeking and deserving protection. In many cases, the border police did not conduct proper interviews, as the question of whether migrants wanted asylum in Albania was often omitted. Experts also identified issues in the maintenance of temporary reception centers for migrants related to water supply, cleaning, and heating during winter.

Findings were documented case by case and reported in regional partner meetings in Korçë and Gjirokaštër, as well as to the Commissioner of the National Mechanism for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment, the UNHCR Protection Officer in Tirana, and UNHCR offices in Gjirokaštër and Korçë.

External experts of the People's Advocate conducted interviews with irregular migrants of various nationalities based on a questionnaire, informing them about their rights, Albanian legislation, international conventions, and asylum application possibilities in Albania. In 2024, the experts conducted 600 in-depth interviews across Korçë, Gjirokaštër, and Tirana.

Experts maintained regular contacts with FRONTEX mission officers in Korçë, Gjirokaštër, and Sarandë, as well as with residents of local border communities to better understand issues arising from migration flows at the border.

Screening Process of Irregular Foreign Nationals: Based on the monitoring carried out by the external experts of the People's Advocate, the screening process of irregular foreign nationals has taken place either at the border or within the territory of Albania. This process aims to enable

migration officers to identify individuals as:

- Subjects of entry refusal,
- Applicants for temporary international protection,
- Asylum seekers,
- Potential victims of trafficking,
- Irregular migrants,
- Unaccompanied minors.

According to information provided by border police officers and observations made during the screening process, irregular migrant groups arriving in Albania generally do not consider the country a final destination for permanent residence. Consequently, only a very small number of them apply for asylum. The number of asylum referrals made by the border police, both for this reason and others, remains low. During these migratory flows in 2024, no cases of potential victims of trafficking have been identified or referred.

However, 2024 saw numerous cases of smuggling of irregular foreign migrants, particularly in the areas of Tri Urat in Përmet, Qafë Bota in Sarandë, and the border area of Kapshticë. Experts noted that in some smuggling cases, drivers transporting migrants did not stop at police checkpoints. During police pursuits, accidents occurred, resulting in injuries among the irregular migrants.

Best Practices Identified in Field Work

- Cooperation with local authorities, prefects, municipalities, and regional directorates providing services;
- Engagement with Border and Migration Police;
- Strengthening efforts to protect foreigners with specific health needs (FSHNs);
- Coordination with UNHCR partners (Protection; Monitoring of border communities).

Practices in Need of Improvement in Field Work

- Increased advocacy is needed with the

Border and Migration Police to improve the screening process and ensure referral to asylum procedures for persons in need of international protection;

- Information provided by the Regional Directorates of Border and Migration Police regarding the right to asylum for persons requiring international protection needs to be improved;
- Continued follow-up is required for cases identified as vulnerable, along with attention to the challenges they face.

Overview of Local Migration Flow - Korçë:

From January to December 2024, the Kapshticë Reception Center, according to Border Police data, accommodated 582 persons, 456 of whom entered Albania for the first time, and 126 were repeat entries.

Risk groups included women and children under 18. Statistics show irregular entry of 59 children under 18, 11 women above 18, and 8 female children under 18. Most migrants were from Syria, Iraq, Afghanistan, Palestine, Morocco, Algeria, etc. Compared to previous years, the declining trend in arrivals from last year continued.

Due to migrant influxes over the past two years, IOM invested in expanding the Kapshticë Transit Center by adding two containers, increasing accommodation capacity by 50 beds. The center's capacity grew from 60 beds in 2022 to 110 beds currently. Police staff responsible for interviewing, screening, and treating migrants at this center had no staffing shortages.

Overview of Local Migration Flow - Gjirokastër:

According to UNHCR, 236 irregular migrants were apprehended near the green border and within the territory in 2024, down from about 903 in 2023. The screening process was conducted according to standard procedures by the Migration Sector. Statistics show a decrease in irregular migrants at Kakavijë and Tri Urat border crossing points. Information from the Local Directorate of Border and Migration (LDBM) indicated that migrants changed their routes, entering Albania via Qafë Botë border crossing (under LDBM Vlorë jurisdiction).

Overview of Local Migration Flow - Sarandë:

A total of 317 irregular migrants were recorded, compared to 1,344 in 2023. The main entry route remains the Qafë Botë sector. Compared to the previous year, there was a decrease in irregular migrants passing through the area covered by the Sarandë Commissariat. Medical assistance was provided when needed, and in cooperation with “Caritas Albania” (Gjirokastër branch), food, clothing, and accommodation were offered. The operation of the “Reception Center for Irregular Migrants” at the Qafë Botë border crossing ensured better accommodation for these groups.

Activity of the People’s Advocate’s External Expert in Tirana: In 2024, the external expert responsible for Kareç Closed Center, Tirana Border Directorate, and Rinas Airport conducted monitoring activities regarding the rights of migrants and asylum seekers in these institutions.

Approximately 100 interviews with irregular migrants were conducted at Kareç Closed Center (about eight interviews monthly, depending on arrivals). Close contacts were maintained with the center’s management and the Irregular Migration Sector of the Central Border Directorate to present concerns and identify gaps. Around three interviews per month were conducted at the Tirana Border Directorate, as arrivals here are fewer and mainly concern irregular migrants caught within the territory. The expert participated in various meetings on the rights of migrants, refugees, and asylum seekers and cooperated with UNHCR Tirana in resolving reported issues. Regular participation in trainings and meetings organized by UNHCR and partners was ensured.

Problems Identified by All Three Experts:

- ***Treatment of Unaccompanied Migrant Children:*** There is no National Center for the care of unaccompanied migrant minors, nor Ministry of Interior guidance on their long-term accommodation. Establishing such a center nationwide is essential to complete the system for unaccompanied minors’ care.
- ***Asylum Referral System:*** The asylum referral system needs improvement. Experts

recommend the systematic identification of irregular migrants by border services and adherence to proper screening procedures, discouraging returns at night to Greek territory.

- ***Return of Irregular Migrants to Greece:*** Returns without asylum referral are based on an agreement between Albania and the European Community for readmission of unauthorized persons. However, a bilateral readmission protocol with Greece remains unsigned despite ongoing Albanian requests. In 2024, irregular migrants entering Albania from Greece and denied residence were returned informally at the green border without official Greek police procedures, lacking documentation of identities, time, and place of return.

The People’s Advocate has recommended the continuation of efforts to take the necessary measures for signing a cooperation agreement with the Greek Border Police, with the aim of establishing a formal legal protocol for the readmission of foreign nationals who have entered Albanian territory irregularly from Greece. This applies both to repeat offenders and to individuals whose asylum applications are rejected by the competent Albanian authorities, as defined by law. It is emphasized that, in accordance with the provisions of an agreement as mentioned above, the readmission of third-country nationals residing irregularly in the Republic of Albania shall be carried out on the basis of a readmission request, accompanied by evidence or documentation issued by the Greek authorities.

- ***List of Licensed Interpreters and Psychologists:*** With regard to the provision of interpreters, particularly for less common languages such as Dari or Farsi, this issue has been addressed through the support of interpreters engaged by FRONTEX and online interpretation (video calls) offered by IOM and UNHCR. The Border and Migration Police should establish a sustainable interpreter system by allocating the necessary funding for this process.

- *Lack of Female Personnel (police officers, interpreters, psychologists):* The recruitment and selection of staff for agencies operating at the border, based on EU standards, should necessarily increase the number of female personnel to facilitate communication with irregular female migrants.
- *Absence of Medical Staff in Reception Centers:* Reception centers for migrants may encounter cases involving individuals who carry or transmit infectious diseases and therefore require regular medical check-ups by public health staff from the Regional Public Health Directorates.
- *Need for Ongoing Training:* Border Police personnel have undergone various trainings, responding to needs identified in annual training plans as well as those offered by experts from partner organizations. However, further training is needed, especially for border police and screening officers, on topics related to human rights and refugee rights. Experts have also recommended continuing the training of police forces in personal safety, particularly during operations involving the pursuit of smugglers—who, based on the monitoring conducted in 2024, often do not stop to police patrols, frequently resulting in road accidents or incidents.
- *Informing Irregular Foreign Nationals at the Border:* Experts from the People's Advocate have found that the mechanisms in place to ensure that migrants at the border and within the territory are properly informed of their rights and responsibilities are not effective. Increased efforts are needed from the responsible authorities to provide information during the identification and screening phases, as well as throughout the asylum application process, until a decision is made—whether approval or rejection.
- *Infrastructural Conditions:* From ongoing field monitoring conducted by the People's Advocate through external experts, it has been found that support staff and investments in reception centers for irregular migrants have been provided by donors and various international partners. None of these investments have been made with funds from the Albanian state budget. The lack of state budget investment continues this year, both in terms of maintenance and the improvement of services in several centers. At the Kakavijë border crossing point, conditions remain unchanged, as the building has structural damage due to tectonic cracks.

Summary table of expert visits in 2024

Indicators	Region	Target	
Monitoring visits to migrant detention points	Tiranë	12	12
Cases monitored in the screening process	Tiranë, Gjirokaštër dhe Korçë	1,300	842
The use of response mechanisms supported by UNHCR and the People's Advocate to express their needs, concerns, and feedback.	MKPT/Ekspertët	20	20
Analytical reports on migratory flows	Tiranë, Gjirokaštër dhe Korçë	4	5
In-depth interviews of migrants	Tiranë, Gjirokaštër dhe Korçë	600	530
Annual Report of the People's Advocate		1	1
Joint UNHCR-People's Advocate Reports	Tiranë, Gjirokaštër dhe Korçë	12	12
Annual Reports by the 3 experts to the Commissioner	Tiranë, Gjirokaštër dhe Korçë	36	36

Transit route	2023	2024	Main nationality of migrants
Western Balkans	99 000 irregular crossings	21 000 irregular crossings	Syria, Turkey, Afghanistan

4.7 The Monitoring of Protests in 2024

The right to peaceful assembly is fundamental in a democratic society. This has been affirmed by the European Court of Human Rights in one of its rulings. The freedom of peaceful and unarmed assembly, as well as participation in such assemblies, is guaranteed under Article 47, paragraph 1, of the Constitution. This freedom is not limited by the purpose of the assembly, as long as it remains peaceful. The right to peaceful assembly holds particular significance in a democratic state governed by the rule of law. Article 11 of the European Convention on Human Rights, which has been ratified by our country, guarantees the freedom of assembly and association. According to this article, everyone has the right to freedom of peaceful assembly and association with others. The exercise of this right may not be subject to any restrictions other than those prescribed by law and necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

In 2024, the institution of the People's Advocate monitored the protests organized by opposition political parties in the country, in the context of the right to peaceful assembly and the conduct of the State Police during the management of these protests.¹² In addition to monitoring the protests, several inspections were carried out in police stations in Tirana, with the aim of verifying compliance with standard procedures and ensuring the legal rights of individuals escorted by State Police officers.

In the assessment of the People's Advocate, the protests were peaceful, with the exception of a few isolated incidents where firecrackers or smoke

bombs were thrown in the direction of police officers who were on duty to maintain public order and safeguard high-level state institutions. Based on the scenarios followed by the protest organizers, the protests were diverse and, in some cases, included the blocking of national roads and intersections in Tirana, resulting in traffic disruptions for several hours. Nonetheless, the protesters dispersed peacefully at the scheduled time announced by the organizers for the conclusion of the protest.

From the verifications carried out in the police stations, the following was found:

- The individuals taken into custody were held in overcrowded conditions, primarily at Police Station No. 1 in Tirana.
- There were delays in the procedures for those in custody due to the absence of judicial police officers, who were in the field at the time. The procedures could only continue upon their return to the station.
- Some of the detained individuals were not informed of their rights through the Rights Card.
- No allegations of mistreatment were reported by those in custody.
- Some individuals claimed they were detained by plainclothes police officers who did not present any form of identification.
- The majority of those detained were released after verification procedures. According to the entries in the relevant registry, the reason for their detention was *participation in a protest involving the blocking of roads*.

4.8 Annual Conference

On December 10, 2024, the Annual Conference of the People's Advocate was held on the occasion

¹² Five protests were organised in 2024.

of International Human Rights Day, under the theme “Femicide: A Social Issue Beyond Statistics,” in cooperation with UN Women. The conference addressed two main topics: femicide in Albania, presented through a detailed report, and the impact of the digitalization of public services on human rights. The People’s Advocate presented two separate reports on these issues, highlighting key findings.

Distinguished guests at the conference included the Speaker of the Albanian Parliament, Ms. Elisa Spiropali; the Minister of Health and Social Protection, Ms. Albana Koçiu; the Chair of the National Council for European Integration, Ms. Jorida Tabaku; the General Rapporteur on Violence Against Women at the Parliamentary Assembly of the Council of Europe, Ms. Etilda Gjonaj; the Ambassador of the European Union to Albania, Mr. Silvio Gonzato; the Head of Development Cooperation at the Swedish International Development Cooperation Agency in Albania, Mr. Erik Illes; the Head of the UN Women Office in Albania, Mr. Michele Ribotta; and the Head of the Council of Europe Office in Tirana, Ms. Gulia Re. Also in attendance were other representatives from the Parliament, state and independent institutions, the diplomatic corps, international organizations present in the country, civil society, and the media.

The conference was opened by the People’s Advocate, Ms. Erinda Ballanca, who emphasized in her message that *“Albania is facing a painful reality. Many cases of femicide occur due to the impunity of earlier violence. Although reporting of violence has increased significantly over the years, this phenomenon is still considered a private matter to be resolved within the home. This is not only an Albanian phenomenon, but with all the pain of our being and spirit, we must admit that even in 2023, Albania continued to have one of the highest femicide rates per population in Europe and beyond.”*

She further underlined that: *“The fight against femicide cannot be won through legal measures alone. It requires a profound societal shift—a change in mentality and continuous education to promote respect for women’s rights and gender*

equality, especially among younger generations, who must learn to see women as equal partners and not as objects for exploitation and control.”

The first panel of the conference, held in the context of International Human Rights Day and the closing of the 16 Days of Activism Against Gender-Based Violence, focused on the presentation of the report *“Killings of Women and Girls and Femicide in Albania, 2021–2023”*, prepared by the People’s Advocate Institution in collaboration with UN Women Albania as part of the work of the Femicide Observatory.

Quantitative and qualitative data, along with the in-depth analysis presented in this report, underscore the urgent need for measures to prevent, investigate, and prosecute femicide, as well as to introduce femicide as a specific criminal offense in the Criminal Code of the Republic of Albania. The general and specific recommendations directed at responsible institutions aim to improve institutional response and coordination to prevent the phenomenon and to support survivors of gender-based and domestic violence.

The second panel of the conference addressed the challenges and opportunities of the digital transformation of public services in Albania, particularly its impact on human rights. The discussions were informed by findings and recommendations from the report drafted by the People’s Advocate with support from the European Network of National Human Rights Institutions (ENNHRI).

While digitalization has brought numerous benefits, such as easier access and improved efficiency, it has also raised serious concerns about human rights. The closure of physical public service offices in 2022 and the full transition to the digital platform have excluded citizens who lack access to technology or the necessary digital skills. This shift has raised concerns over equal access to services, privacy, transparency, and non-discrimination. Reports from both the People’s Advocate and the European Commission have highlighted that this digital transformation may negatively affect vulnerable groups, including the elderly, persons with disabilities, and low-income

populations. Additional concerns relate to data protection and cybersecurity, both of which are crucial to safeguarding human rights in a digital environment.

The Annual Conference of the People's Advocate served as a platform for discussion, knowledge exchange, and cooperation to promote a fairer and more inclusive future that respects the rights of all citizens. It also aimed to foster joint commitment to advancing human rights and building a society that values dignity and the well-

being of every individual. At the conclusion of the conference, participants were provided with the digitalization report (available in both Albanian and English and accessible via QR code), the 2023 Annual Activity Report of the People's Advocate (in printed form), and a summary of the femicide report.

This event remains one of the most significant gatherings in Albania focused on human rights, drawing substantial participation from institutions and civil society alike.

CHAPTER V

COOPERATION

5.1 Cooperation with Public Administration Institutions and Level of Implementation of People's Advocate's Recommendations

Fostering a culture of human rights in Albania requires close cooperation with public administration bodies, civil society, international institutions both within and outside the country, academic circles, and the media, as well as raising public awareness and knowledge about their rights.

The function and mission of the People's Advocate is to examine issues that arise as a result of maladministration within the public administration. The primary instrument through which the People's Advocate seeks to achieve its objectives is the recommendation. After examining and investigating various issues, the People's Advocate acts as a mediator and aims to resolve problems on a legal basis through its recommendations. The solutions achieved aim to improve the standards and quality of public administration services provided to citizens.

The level of implementation of recommendations by public administration institutions has been and remains a constant concern for the institution of the People's Advocate. Despite some positive steps and initiatives observed over the years, much remains to be done in this regard—not only by public administration bodies at both central and local levels (especially regarding implementation), but also by the Albanian Parliament, as the legislative body where the People's Advocate's reports are submitted and discussed. For this reason, the People's Advocate institution has continuously monitored—and continues to monitor—the level of implementation of the recommendations addressed to public administration bodies by preparing updated information, which is included in periodic and annual reporting.

Meanwhile, the official website of the institution

features a dedicated section listing unimplemented recommendations, the responsible institutions, and those institutions that have not responded to the People's Advocate's recommendations. This ensures accessibility and visibility for any citizen or interested party, while respecting transparency rules and the protection of personal data.¹

In accordance with Decision no. 134/2018 of the Parliament of Albania, “On the Approval of the Annual and Periodic Monitoring Manual,” the People's Advocate institution periodically informs (in electronic and written form) the Albanian Parliament about the recommendations it has addressed to public institutions, as well as the status of their implementation. However, recommendations addressed to local government are not included in this reporting, which constitutes a significant limitation, especially in the effort to increase implementation and raise awareness among local authorities regarding the follow-up of recommendations issued by independent institutions.

Independent institutions were established, among other reasons, to support the oversight function of the Parliament, as they monitor the performance of the executive and public administration through specialized staff with a clear mandate in a specific area. By doing so, independent institutions contribute to and strengthen the Parliament's oversight role, acting alongside it as observers of the government and other public bodies.

In this context, and in accordance with Article 27 of Law no. 8454, dated 04.02.1999, “On the People's Advocate,” as amended, the People's

¹ For more information, visit:

<https://www.avokatipopullit.gov.al/media/manager/website/media/Regjistri%20i%20insitucioneve%20qe%20nuk%20kane%20kthyer%20pergjigje%20si%20dhe%20nuk%20kane%20zbatuar%20rekomandimet%20e%20AP.pdf>

Advocate considers it of great importance to be able to submit special reports on various issues within its functions, particularly when they involve violations of citizens' constitutional and legal rights. In line with this right, it should be emphasized that in the past three to four years alone, the People's Advocate has submitted more than twelve (12) special reports to the Albanian Parliament. However, these reports have not been discussed in plenary sessions or in the relevant parliamentary committees. As a result, the People's Advocate has not had the opportunity to directly address the issues and concerns raised in these reports or to discuss them with the public institutions responsible for their resolution. Nevertheless, the People's

Advocate remains committed to identifying issues related to the protection of citizens' rights and to raising them before the Parliament of Albania, including through the use of public hearings with relevant institutions as an effective instrument for addressing concrete problems.

Level of Implementation of Recommendations

In 2024, the People's Advocate institution issued a total of 300 recommendations to public administration bodies, including both central and local levels. The implementation status of these recommendations as of March 2025 is as follows:

Recommendations accepted and fully implemented:	68 recommendations or 23%
Recommendations accepted and partially implemented:	120 recommendations or 40%
Recommendations accepted but not implemented:	43 recommendations or 14%
Recommendations rejected:	20 recommendations or 7%
Recommendations with no response (beyond deadline):	38 recommendations or 13%
Recommendations in the process of implementation:	11 recommendations or 4%

Within the total of 68 or 23% of fully implemented recommendations, the cases included are those where institutions have provided a response fully addressing all points or sub-recommendations issued by the People's Advocate and have implemented them in full. This figure includes a total of 151 sub-recommendations that were fully implemented.

Within the total of 120 or 40% of partially implemented recommendations, the cases included are those for which institutions responded and addressed the points raised—either entirely or partially—but implemented only part of the recommendations.

Within the total of 43 or 14% of accepted but unimplemented recommendations, the cases included are those for which institutions responded and accepted the recommendation points in principle but failed to implement them, either partially or in full.

The 20 or 7% of rejected recommendations are those for which institutions explicitly responded that they do not accept or intend to implement the recommendations. These include 24 sub-recommendations, or 2.5% of the total.

The 38 or 13% of unanswered recommendations are those for which no response has been received from institutions, despite the expiration of the procedural deadlines.

The 11 or 4% of recommendations in progress include those which institutions have reported as being in the process of implementation or have accepted as such.

As previously noted, the recommendations issued by the People's Advocate often address the resolution of more than one specific issue. Therefore, within a single recommendation addressed to public administration bodies, there may be several individual recommendations targeting the resolution of specific concerns—in

other words, sub-recommendations. Across the 300 recommendations issued during 2024, a total of 1,379 sub-recommendations are included.

5.2 International Cooperation²

One of the main pillars of the Institution's activity has been the expansion and consolidation of relations with peer institutions, international human rights organizations, and networks. In this context, throughout 2024, the People's Advocate and its representatives continued their proactive approach and contributed to international activities such as conferences, trainings, webinars, and working meetings organized by strategic partners and high-profile international organizations.

Active participation in these forums has contributed to strengthening the role of the People's Advocate as an independent, effective, and trustworthy institution that contributes to raising human rights protection standards in Albania. Through this report, a comprehensive overview is provided of the activities of the People's Advocate Institution during 2024, with the aim of further improving protection mechanisms and enhancing public trust in this vital institution for the democratic functioning of the rule of law. More specifically, the following activities stand out as key highlights of the Institution's international cooperation during the year:

On 12 February 2024, the People's Advocate, Ms. Erinda Ballanca, together with the Commissioner of the Special Section, Ms. Ermonela Ruspi, participated in the "Conference of the Meeting of Parliamentarians and Religious Leaders for Coexistence and Peace," held in Sarajevo, Bosnia and Herzegovina. The conference gathered parliamentary leaders and members, representatives from National Human Rights Institutions, religious leaders, civil society representatives, academics, and other experts to

engage in dialogue and jointly define key measures for building more just and cohesive societies.

Ms. Ballanca participated in the conference organized by the European Union Agency for Fundamental Rights (FRA) entitled "Strengthening the Implementation of the EU Charter of Fundamental Rights: Strong and Effective National Human Rights Institutions in the EU," held on 21–22 February 2024 in Brussels. The conference focused on strengthening the role of National Human Rights Institutions (NHRIs) in ensuring the effective implementation of the EU Charter of Fundamental Rights, with the goal of increasing their capacities and recognizing their vital role in the protection of human rights standards.

In her capacity as a board member of ENNHRI, Ms. Ballanca addressed the panel "Human Rights Structures: Strong NHRIs across Europe," where she shared the institution's long-standing contribution to guaranteeing, protecting, and respecting human rights, emphasizing the importance of the EU Charter of Fundamental Rights in this regard.

As part of the ongoing activities of the FRA, the Fundamental Rights Forum 2024 was held in Vienna, Austria, on 11–12 March 2024, under the theme "The Dynamics of Rights: Embracing Them for the Future of Europe." The People's Advocate Institution was represented by Ms. Ballanca and Commissioners of the General Section, Ms. Vilma Shurdha, and the Special Section, Ms. Ermonela Ruspi. The Forum provided an excellent opportunity for communication, reflection, and interaction through high-level panel discussions on key themes such as the protection of democracy and civic space, building a socially and environmentally resilient Europe, and ensuring digitalization is aligned with human rights.

From 6–8 May 2024, in Geneva, Switzerland, the People's Advocate Institution was represented at the leadership meetings and annual conference of the Global Alliance of National Human Rights Institutions (GANHRI). This year's conference theme was "Business and Human Rights" and

² In detail, the international activity of the People's Advocate institution is available at:

<https://www.avokatipopullit.gov.al/media/manager/website/media/Pjes%C3%ABmarrije%20n%C3%AB%20aktivitetet%20nd%C3%ABrkomb%C3%ABtare%20p%C3%ABr%20vitin%202024%20per%20Raportin%20Vjetor%202024.pdf>

the role of NHRIs in this area. More than 200 representatives from NHRIs, UN agencies, and civil society participated in this major event. Ahead of the annual conference, regional meetings of NHRIs were held to discuss region-specific challenges and opportunities. In this context, Ms. Ballanca participated in and contributed to the General Assembly of the European Network of National Human Rights Institutions (ENNHRI), which addressed key issues in the European region related to the protection and promotion of human rights.

Ms. Erinda Ballanca, People's Advocate, and Ms. Vilma Shurdha, Commissioner of the General Section, participated in the 13th World Conference and General Assembly of the International Ombudsman Institute (IOI) under the theme "Acting Together for Tomorrow," held from 12–17 May 2024 in The Hague, Netherlands. On 15 May 2024, in her role as Vice-President of the Association of Mediterranean Ombudsmen (AOM), Ms. Ballanca participated in the Executive Committee meeting of the Association, which reviewed the Financial Report and Activity Report. Discussions also addressed the Association's upcoming activities and the Biennial Conference of 2025. During the discussion panel on 16 May 2024, Mrs. Ballanca delivered a speech highlighting the importance of People's Advocate institutions interpreting their mandate based on the core principles of impartiality, independence, and accountability, with the aim of promoting justice and transparency. The People's Advocate of Albania underlined the relevance of the Venice Principles as a comprehensive framework for the effective protection of human rights and emphasized that public trust remains a key indicator shaping the work of human rights protection and promotion bodies.

Ms. Olta Aliaj, Commissioner for the Protection and Promotion of Children's Rights, participated in the seminar of the European Network of Ombudspersons for Children (ENOC), held on 3–4 June 2024 in Tallinn, Estonia. During the two-day meeting, a session was held on "Protecting and Promoting the Rights of Children in Alternative Care" and building capacity on the

rights of children with imprisoned parents. The seminar offered ENOC members the opportunity to share knowledge and experience, with a special focus on protecting the rights of children affected by parental incarceration, and to exchange best practices from the Offices of Children's Ombudspersons.

Ms. Erinda Ballanca and the Commissioner of the National Preventive Mechanism against Torture (NPM) participated in the workshop of the European Forum of NPMs, held on 4–5 June 2024 in Strasbourg, France. The meeting took place within the project, "Support to the Council of Europe for the EU Network of Prison Monitoring Bodies." The project aims to sustainably harmonize detention standards across places of deprivation of liberty, improve monitoring methodologies, and ultimately improve detention conditions in the region through independent and objective monitoring, and coordinated action at national, regional, and international levels, including cooperation with the EU judiciary.

Ms. Vilma Shurdha, Commissioner of the General Section, represented the institution at seminars on hate and racism in society, organized by the Anti-Discrimination Cooperation Unit of the Directorate General for Democracy and Human Dignity of the Council of Europe, held from 1–4 July 2024 in Strasbourg, France. During the seminar, discussions focused on how hate speech—particularly in its most severe forms—can incite violence and potentially generate hate crimes in society, and how equality bodies can act against this phenomenon as part of their protection and promotion mandates.

Ms. Erinda Ballanca, in her capacity as a board member of ENNHRI, participated in the board meeting held on 28–30 August 2024 in Copenhagen, Denmark. Key objectives of the meeting included the strategic and operational priorities of the ENNHRI Secretariat, partnership opportunities, and preparatory discussions for the October 2024 General Assembly. The General Assembly is ENNHRI's highest decision-making body, bringing together all member institutions to determine policies, strategic direction, and the operational framework of the network.

Ms. Erinda Ballanca and Ms. Erinda Meli, Commissioner of the Administration Section, participated in the International Ombudsman Conference under the theme “The Role of the Ombudsman as a Guardian of Rights,” organized on 12–13 September 2024 by the Ombudsman of the Lazio Region in cooperation with the Regional Council of Lazio and the Conference of Legislative Assemblies of Regions and Autonomous Provinces, in Cassino and Montecassino, Italy. The conference focused on the memory’s historical legacy and fundamental human rights, with particular attention to individual rights and the promotion of peace. In an interview for Teleuniverso, one of the leading media outlets covering developments in the Lazio region, Ms. Ballanca emphasized the importance of such events for the protection of human rights. Speaking as a board member of ENNHRI, she noted that when examined in isolation, our realities may appear small, but uniting experiences from different—especially European—countries is of immense value.

At the 28th Annual Conference of the European Network of Ombudspersons for Children (ENOC) and the organization’s General Assembly, held from 18–20 September 2024 in Helsinki, Finland, the Office of the People’s Advocate was represented by Ms. Olta Aliaj, Commissioner of the Section for the Protection and Promotion of Children’s Rights. The conference, entitled “*The Protection and Promotion of the Rights of Children in Alternative Care*”, focused on the level of implementation of international and regional standards in the context of alternative care for children and on the critical role of Children’s Ombudspersons in independent reporting and addressing violations of children’s rights in such settings.

The People’s Advocate, Ms. Erinda Ballanca, participated as a panelist at a conference co-organized by the Commissioner for the Administration and Protection of Human Rights and the Association of Mediterranean Ombudsmen (AOM), entitled “*The Protection of Human Rights in the Digital Age and on Social Media*”, held from 25–27 September 2024 in Paphos, Cyprus.

Ms. Ballanca also took part in the Governing

Board meeting and the Extraordinary General Assembly of the Association of Mediterranean Ombudsmen (AOM), held on 25 September 2024, where important decisions regarding the association’s leadership and direction were taken. One of the key decisions made during the meeting was the expulsion of Russia from the AOM, due to concerns over the lack of independence of its Human Rights Commissioner from the Russian administration. The Governing Board found that the actions and statements of the Russian Commissioner aligned with the official government narrative, particularly regarding the war in Ukraine, raising serious doubts about his ability to protect human rights impartially—an essential principle of the AOM. As part of the program of activities, the People’s Advocate participated in the conference on “*The Protection of Human Rights in the Digital Age and on Social Media*”, where Ms. Ballanca played a significant role in the discussions on modern human rights challenges. The Albanian PA moderated the first session of the conference, entitled “*Recent Developments in Artificial Intelligence at the National and European Level*”.

At the 16th International Conference of Ombudsman Institutions for the Armed Forces (16ICOAF), held from 30 September to 2 October 2024 in Berlin, Germany, the Office of the People’s Advocate was represented by Mr. Besnik Deda, Commissioner of the Special Section. The conference, themed “*Armed Forces under Pressure – Ombudsman Institutions and the Duty of Care towards Service Members*”, aimed to raise awareness, facilitate the exchange of knowledge and best practices, and support the development of future policy responses to the growing demands and pressures faced by today’s armed forces.

The People’s Advocate, Ms. Erinda Ballanca, also participated in the International Ombudspersons Forum in Baku, themed “*Climate Change and Human Rights: The Role of Ombudspersons and National Human Rights Institutions*”, held on 2–3 October in Baku, Azerbaijan. This forum was organized in preparation for the 29th Conference of the Parties (COP29) to the United Nations Framework Convention on Climate Change

(UNFCCC)—a major international event on climate change. During the plenary session, focused on *“Perspectives on Cooperation and Joint Development”*, Ms. Ballanca addressed the impact of climate change on human rights. She presented a summary of key events that have influenced the development of international caselaw and legislation on environmental and climate issues, emphasizing that these decisions represent significant legal developments in the field of environmental and climate protection, reinforcing state responsibilities to ensure citizens’ environmental rights. She also highlighted the key role of Ombudspersons and National Human Rights Institutions (NHRIs) not only in safeguarding fundamental rights but also in strengthening international cooperation to secure a healthy and sustainable environment for citizens.

The People’s Advocate, Ms. Erinda Ballanca, participated in the General Assembly of the European Network of National Human Rights Institutions (ENNHRI), held from 28–29 October 2024 in Brussels, Belgium. The General Assembly reviewed and approved ENNHRI’s Strategic Plan, operational plan, and the budget required to achieve the network’s objectives. The event underscored a joint commitment among member institutions to building a collaborative and impactful network that strengthens the protection of human rights across Europe. The second day of ENNHRI’s General Assembly in Brussels focused on the pressing issue of *“securitization”*—the process by which a particular issue is framed as a threat to national or international security, thereby justifying extraordinary measures to manage it—and its impact on human rights in Europe. Discussions aimed to explore how NHRIs can respond to the growing trend of securitization, which has intensified in recent years due to events such as the COVID-19 pandemic and the ongoing war in Ukraine.

Upon invitation to participate in the Consultations with National Human Rights Institutions on Economic, Social and Cultural Rights (ESCR), held on 12–13 November 2024 in Copenhagen, Denmark, the Office of the People’s Advocate was represented by Ms. Vilma Shurdha,

Commissioner of the General Section. The consultation focused on key ESCR challenges in Europe, highlighting, among others, the right to adequate housing, food, social security, and health. The aim of the consultations was to identify needs, good practices, and tools that could support the realization of ESCR at the national level.

As the elected representative for the European region on the Bureau of the Global Alliance of National Human Rights Institutions (GANHRI), the People’s Advocate, Ms. Erinda Ballanca, participated in the Bureau meeting of this global mechanism, held in Doha, Qatar, from 26–28 November 2024. The event was organized under GANHRI’s leadership and brought together heads of key human rights institutions, representatives of the UN Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), and GANHRI’s regional networks. Within the framework of her commitment to strengthening human rights both nationally and internationally, Ms. Ballanca contributed to discussions on strategies to support, protect, and strengthen NHRIs, with a focus on compliance with the UN Paris Principles, promotion of cooperation, and knowledge-sharing among global and regional actors as a key element in advancing human rights.

The People’s Advocate, Ms. Erinda Ballanca, along with other representatives of the institution, participated in the International Conference *“The Effectiveness of the Ombudsman and National Human Rights Institutions in Addressing Contemporary Challenges”*, which also marked the 30th anniversary of the Human Rights Ombudsman of the Republic of Slovenia. The conference took place on 5–6 December 2024 in Bled, Slovenia. The event aimed to evaluate the effectiveness of Ombudsman institutions and NHRIs, address contemporary human rights challenges, and promote international cooperation. Discussions centered on issues such as digitalization, artificial intelligence, migration, the climate crisis, and the challenges of aging societies. In this event, the People’s Advocate, Ms. Erinda Ballanca, served as moderator for the panel on *“The Role of the Ombudsman and*

NHRIs in the Protection of Human Rights in the Digital Age". The panel discussions focused on the impact of digital transformation on human rights and the importance of adopting innovative approaches to increase the effectiveness of these institutions in protecting and promoting rights. The conference served as a platform for sharing successful practices and strategies to tackle the growing challenges to human rights, strengthening the role of institutions in a rapidly changing global environment.

Ms. Vilma Shurdha, Commissioner of the General Section, participated in the *"European Regional Disability Summit"*, held on 6 December 2024 in Berlin, Germany. The summit was organized in cooperation with the German Federal Ministry of Labour and Social Affairs, the European Disability Forum, and the German Disability Alliance. Its goal was to raise awareness and discuss the importance of inclusive international cooperation and humanitarian action with partners from Europe, Central Asia, and Organizations of Persons with Disabilities. The summit aimed to address the implementation and monitoring of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to ensure inclusive progress in disability rights.

The People's Advocate institution is proud to be recognized as a meaningful and vocal partner in the international arena, as Albania's NHRI increasingly contributes to transformative human rights processes.

Regional Cooperation

The People's Advocate of Albania, Ms. Erinda Ballanca, and the People's Advocate of Kosovo, Mr. Naim Qelaj, along with their respective teams, convened for a joint meeting held from July 3–5, 2024, under the theme *"Exchange of Best Practices and Experiences in Fulfilling the Mandate of the People's Advocate in the Respective States."* Conceived as a platform to strengthen cooperation between the two institutions and enhance the protection of human rights in both countries, the meeting addressed several key topics, including freedom of belief, conscience, and religion; the

approach of the People's Advocate Institutions in addressing complaints from the LGBTIQ+ community; as well as the review of legislation and the formulation of recommendations to harmonize it with international human rights standards. The parties discussed the effective implementation of these standards and the improvement of the legal framework.

Drawing on its successful past experience, the delegation of the Albanian People's Advocate shared its valuable institutional journey of accession to GANHRI (Global Alliance of National Human Rights Institutions). Ms. Ballanca highlighted the importance of the accreditation process, describing it as a critical step for any national human rights institution. In conclusion, the People's Advocates of both countries expressed their commitment to continue their joint efforts in the protection and promotion of human rights in Albania and Kosovo.

Furthermore, as part of the ongoing cooperation between the People's Advocate Institution of the Republic of Albania and that of the Republic of Kosovo, the two incumbents adopted a *"Cooperation Document between the Two Institutions."*³ Within this framework, and with the aim of sharing experiences in the field of children's rights protection and promotion by national human rights institutions, a visit to the Republic of Kosovo was carried out by the Section on the Protection and Promotion of Children's Rights (SPPCR) from November 5–7, 2024.

The People's Advocate, Ms. Erinda Ballanca, also participated in a workshop held on December 16, 2024, in Ohrid, North Macedonia, focused on the digitalization of public administration and the protection of personal data in the Western Balkans. Organized by the Albanian Helsinki Committee and its regional partners, in cooperation with the Western Balkans Fund and the European Union, the event aimed to draft a resolution with concrete recommendations to strengthen the legal framework and practices that safeguard citizens' rights in the digital age. In her remarks, Ms. Ballanca emphasized that the digitalization of

³ Document registered in the institution of the People's Advocate with no. 507 and date 22.10.2024.

public services in Albania presents a significant opportunity to improve access and transparency. However, this process must be accompanied by a strong commitment to ensure that no citizen is left behind. Technology should serve as a bridge connecting all citizens to their rights, not as a barrier that excludes them. The workshop brought together a diverse panel of experts in human rights and information technology, aiming through regional cooperation to formulate practical solutions and recommendations for the Western Balkan countries. The final resolution resulting from this process will be presented in the national parliaments of the participating countries, representing an important step toward European integration and the enhancement of access to digital public services.

5.3 Cooperation within projects

Agreement with UNHCR

Throughout 2024, the People's Advocate continued the implementation of the Cooperation Agreement with UNHCR, focusing on monitoring migrant crossing points and strengthening the protection and respect of their rights. Two experts from the People's Advocate Institution, stationed at the border crossing points of Gjirokastër and Kapshticë, along with a part-time expert based in Tirana, continued systematic border monitoring, oversight of procedures for screening irregular migrants, periodic reporting of findings, and addressing and resolving identified issues. In December 2024, a new Cooperation Agreement for 2025 was signed, under which the planned activities will continue to be carried out throughout the coming year.

The "SERVRIGHT" Project

As previously reported, in June 2023, the People's Advocate, through an agreement signed with the European Network of National Human Rights Institutions (ENNHRI), received a small grant to implement the project "Protecting Human Rights in the Digitalization of Public Services in Albania – SERVRIGHT." The aim of this project

stems from the recognition that the digitalization of public services—part of the national e-governance strategy intended to improve service delivery, increase efficiency, reduce bureaucracy, and enhance transparency—also brings significant implications for human rights.

Through this project and the activities carried out during 2024, the People's Advocate Institution conducted an impact analysis of the digitalization of public services in Albania, culminating in the preparation of a dedicated report which was officially submitted to the Albanian Parliament.⁴ The findings and recommendations of this report were presented in second panel of the Annual Conference of the People's Advocate Institution held on December 10, 2024, in observance of the International Human Rights Day. The report is now with the Parliament of Albania.⁵

5.4 Public appearances of the People's Advocate in the exercise of its promotional mandate

5.4.1 The role of the People's Advocate in the Public Space During 2024

Public communication and media engagement are essential to fulfilling the mandate of the People's Advocate, which includes the promotion of citizens' rights. In this context, promotion—as a duty embedded in the institution's mandate—necessitates active involvement in public and media activities to inform and raise public awareness about fundamental rights, ensuring that messages about citizens' rights reach those most in need of protection. Moreover, the public role of the institution is vital in building bridges of trust between citizens and public authorities and in ensuring that every individual's voice is heard. For this reason, throughout 2024, the People's Advocate maintained a strong public presence, guided by these universal principles, which served as a compass for its activities and public engagement.

⁴ Official letter no. 558, dated 25.11.2024.

⁵ <https://www.avokatipopullit.gov.al/media/manager/website/reports/03%20Raporti%20Shqip%20Digitalizimi%20i%20sh%C3%ABrbimevc%20Pdf.pdf>

In 2024, the People's Advocate demonstrated a high level of engagement across media and public platforms, reinforcing the institution's role as a defender of citizens' rights and a key actor in the oversight of state institutions. This commitment was reflected in over 40 media appearances, addressing sensitive and impactful issues affecting people's lives. Through interviews, participation in investigative programs, and involvement in public debates, the People's Advocate served as a strong voice for the protection of human rights. The institution adopted a proactive approach to addressing human rights issues, at a time when the media—reflecting public interest—consistently showed attention to matters with significant social resonance.

During 2024, the People's Advocate also undertook a comprehensive review of its communication strategy and developed a new one, with a particular focus on enhancing the public engagement of commissioners and relevant departments.

5.4.2 Social Media Presence and Observance of National and International Days

The presence of the People's Advocate on the social media platform Facebook has been a key element of the institution's public communication strategy. Through regular posts, awareness has been raised about important issues, institutional positions have been shared, and concerns have been addressed in real time.

Engagement with citizens through digital platforms has helped establish a direct channel of communication, making human rights issues more accessible and relatable to the broader public. More than 35 national and international observance days were marked on social media, each accompanied by informative posts and awareness-raising messages. Key topics highlighted the Violence Against Women, World Autism Awareness Day, Universal Children's Day, etc.);

- Equality and social inclusion (International Romani Day, International Day against Homophobia, Biphobia and Transphobia, etc.);

- Protection of vulnerable groups (World Mental Health Day, International Day of Older Persons, International Day of Persons with Disabilities, etc.);
- Environmental issues (World Environment Day, etc.);
- Freedom of the press and civil rights (World Press Freedom Day, International Day to End Impunity for Crimes against Journalists).

The main goal of these posts has been to raise public awareness of human rights, encourage social solidarity, and address contemporary societal challenges in Albania through clear and impactful messaging.

5.4.3 Public Presence and Reactions to Current Events in Traditional Media

Throughout 2024, the People's Advocate, Ms. Erinda Ballanca, maintained a busy schedule of media appearances and interviews, covering a wide range of issues of public interest and addressing key challenges related to the protection and promotion of human rights in Albania. With over 40 public engagements, her presence in the media reflected a comprehensive approach to raising awareness and enhancing the impact on matters related to citizens' fundamental rights.

Key topics included: gender-based violence and femicide, with particular emphasis on the establishment of the Femicide Observatory and the treatment of this issue at the People's Advocate's Annual Conference in December; conditions of pre-trial detention and prison overcrowding, which were discussed extensively in televised debates and in-depth media analyses; children's rights, including underage marriages, the involvement of minors in protests, and the legal protection afforded to them; the situation of refugees and their accommodation in Albania, with specific responses to developments at the Gjadër camp; as well as social and economic issues, such as costs in the penitentiary system, the fiscal impact of penal policies, and challenges related to the level of the minimum subsistence standard.

In the lead-up to various public protests, the People's Advocate issued public calls and appeals for peaceful demonstrations, emphasizing the importance of upholding citizens' rights to assembly and free expression. The institution communicated clear messages calling for restraint by all parties and the avoidance of violence or unjustified interventions. The Advocate also publicly stated that the institution's monitoring efforts continued after the protests, including the presence of representatives in police stations during detentions and in healthcare facilities to oversee the treatment of individuals who may have been injured. These efforts included special attention to the involvement of minors in protests, raising concern for their protection from exposure to harmful or dangerous situations.

Throughout the year, the People's Advocate responded to a number of major events and issues directly impacting human rights and public safety in Albania. With a strong focus on protecting vulnerable groups, the institution took proactive steps to address gender-based violence, abuse, and bullying—especially in cases involving early marriages and the sexual abuse of children. These reactions served as a call for stronger legislation and protective measures. In addition, the Advocate voiced public concern over issues such as illegal migration, working conditions in the tourism sector, the impact of microcredit practices, and the associated risks to citizens—highlighting the need for stronger legal safeguards and reforms.

In a broader context, the People's Advocate was also actively engaged in public discussions related to Albania's integration into the European Union. The institution supported efforts to improve the justice system, public administration, and institutional functioning, while also focusing on advancing policies that promote integration and ensure human rights are respected in line with EU standards.

The public activity of the People's Advocate in the Albanian Parliament also received wide media coverage, particularly through detailed reporting on the institution's annual activity and discussions related to its budget. Ms. Erinda Ballanca's reporting to the Committee on Legal Affairs, Public

Administration, and Human Rights—as well as her presentation of the institution's positions on matters of public interest—served as key platforms for transparency and for reinforcing the role of the People's Advocate. From the examination of major human rights challenges to the articulation of budgetary needs, this engagement underscored the institution's commitment to influencing public policy and safeguarding citizens' rights.

In response to certain public events and the content of specific television programs, the People's Advocate issued a warning regarding the risks of unauthorized individuals providing legal advice: *“Unfounded legal advice not only creates confusion among citizens but also risks undermining trust in institutions and the legal professions.”*

5.4.4 Participation in Public Campaigns on Sensitive Issues

The People's Advocate has played an important supportive role in many campaigns promoting human rights, including the campaign for a safe internet. This engagement aims to protect citizens, especially vulnerable groups, from risks arising from internet use, such as abuse and violations of personal rights. Through this campaign, the People's Advocate has contributed to educating and informing the public on ways to use the internet safely and without risks to individual privacy and security.

Moreover, the People's Advocate has continuously supported the LGBTQI+ community by *standing by their side and protecting their rights. It has engaged legal mechanisms and organized awareness campaigns to promote equality and respect for the rights of LGBTQI+ individuals, as well as to combat all forms of discrimination and violence against them.* This commitment clearly reflects the institution's dedication to fostering a just and equal society for all.

5.4.5 International Media Attention and the Role of the People's Advocate

The role of the People's Advocate extended beyond the domestic debate, attracting attention

from international media. The issue of ensuring human rights standards in the Albanian penitentiary system has been widely covered, whilst the monitoring of the refugee camp in Gjadër by the People's Advocate has prompted reports highlighting concerns about asylum seekers' rights. Additionally, the opening of the Gjadër Camp attracted foreign journalist teams and international media outlets, which included Ms. Ballanca's opinion, as the institutional PA's voice in their reports.

5.4.6 Official Public Activities

The year 2024 marked increased engagement by the People's Advocate in addressing femicide and gender-based violence. This was reflected in several initiatives, such as the a) organization of the annual conference focused on femicide, where specific cases were discussed and institutional shortcomings analyzed; b) Support for thematic documentaries on feminism and gender-based violence, in cooperation with media and institutional actors; c) Strengthening of awareness-raising messages, particularly on Orange Day, every 25th of the month, to enhance public consciousness.

On March 8, 2024, the 'Femicide Observatory' was launched in partnership with UN Women, drawing attention to the creation of a structure for monitoring femicide cases. The main message was that "Gender-based violence is not just a private matter, but a social plague requiring continuous attention and coordinated actions."

The 2024 Annual Conference – 'Femicide: The Social Problem Beyond Statistics' – gathered domestic and international experts to discuss femicide as a structural issue rather than an individual phenomenon, with the People's Advocate emphasizing that *"Statistics show the numbers, but the stories behind them remind us that each case represents a lost life that society should have protected."*

During the year, a strong visual campaign for Orange Day was conducted, including encouraging and sensitizing messages about gender equality. The campaign featured women from various

social and professional backgrounds and served as a call for reflection and action against violence towards women.

The People's Advocate was also increasingly present in primetime documentaries and cinema screenings, including a documentary on femicide, which added a new dimension to raising public awareness in this troubling phenomenon.

Media Coverage and International Participation

The public was informed about the People's Advocate's participation in high-level forums such as ENNHRI, GANHRI, the Mediterranean Ombudsman Association (AOM), the Balkan Network, and the European Network of Ombudspersons for Children (ENOC). These activities provided platforms for exchanging best practices and discussing key human rights issues, contributing to the development of international and regional policies. Publishing these meetings and activities ensured transparency and allowed the public to understand the People's Advocate's commitment to addressing justice issues and improving legal and social conditions.

The year 2024 was dynamic for the People's Advocate, marked by increased transparency, enhanced institutional communication, and addressing high-impact social problems such as femicide and gender-based violence. The new communication strategy and awareness-raising activities laid the foundation for stronger public and institutional engagement with human rights in Albania. The media recognized and welcomed this proactive approach, reflecting the People's Advocate's impact in addressing issues directly affecting citizens.

In a society where human rights require constant protection and swift responses to emerging challenges, the public outreach of the People's Advocate has not only helped expose key issues but has also played a crucial role in driving concrete change. The public engagement of the People's Advocate contributes not only to the protection of individual rights but also to fostering social solidarity. Through activities aimed at

raising collective awareness on sensitive issues such as gender-based violence, minority rights, and child protection, the institution contributes to the creation of a fairer and more humane society. In 2024, the People's Advocate focused on promoting a more open and accountable dialogue between citizens and public institutions.

A human rights institution must be visible, accessible, and actively involved in public debate. The People's Advocate's presence in traditional and digital media throughout 2024 demonstrated

that transparency and public engagement are essential prerequisites to securing citizen support and positively influencing public policies. Through this consistent presence, messages promoting rights protection were strengthened, and a more favorable climate for social dialogue was created.

The People's Advocate's 2024 public engagement confirmed its role as a strong voice for human rights and a key actor in overseeing state institutions.

CHAPTER VI

SUPPORT SERVICES

6.1 Management of Human and Administrative Resources

To ensure that public institutions operate in accordance with national and international standards and acts in the field of human rights, it is essential that they are provided with continuous support and human and financial resources. The Paris Principles require National Human Rights Institutions to have an adequate number of staff members. This requirement is also included in the Venice Principles and is recognized by the European Commission's recommendation regarding equality bodies. Insufficient staffing weakens the capacity of National Human Rights Institutions to effectively carry out their activities and fulfill their mandates.

In this regard, the European Commission Report on Albania 2024, including the Rule of Law Report 2024,¹ once again emphasized the need for further strengthening of the human and administrative capacities of the People's Advocate institution. The continuous enhancement of these capacities has been and remains one of the challenges faced by the People's Advocate, although the support provided thus far in this direction should also be acknowledged.

Through the adoption of Normative Act no. 3, dated 28.08.2024, "On some amendments and additions to Law no. 97/2023, 'On the 2024 Budget', as amended," the total approved number of employees of the institution increased to 67 (sixty-seven) from 66 (sixty-six). This addition pertains to the approval of a 'Deputy Commissioner' position within the Section for the Protection and Promotion of Children's Rights. This change was also reflected in the institution's structure, approved by the People's

Advocate's Order no. 130, dated 10.09.2024, "On an amendment to Order no. 3, dated 03.01.2024, 'On the approval of the structure, organization, and categorization of job positions within the People's Advocate institution.'" This was due to the fact that this Section had the fewest human resources compared to other sections of the People's Advocate institution, and that adding a Deputy Commissioner would be considered a definitive solution to strengthening the internal capacities of this structure in order to fully achieve the institutional objectives related to the protection and promotion of children's rights, in compliance with obligations arising from national legislation and international acts, while also ensuring the Section's proactiveness in this respect.

Meanwhile, during the discussions held in November 2024 in the Committee on Legal Affairs, Public Administration, and Human Rights of the Albanian Parliament concerning the approval of the 2025 budget, the approval of an addition of three (3) Deputy Commissioners was requested with the aim to:

- Establish a 'Subsection for Legal Affairs, Analysis, and Reporting' (two Deputy Commissioners), tasked with functional duties related to monitoring and following up on the implementation of recommendations; analyzing and processing data by providing concrete statistics related to case management; tracking issues and drafting reports in relation to the European Integration process; implementing obligations stemming from international conventions to which Albania is a party; reporting within the framework of the People's Advocate's participation and membership in various international organizations involved in the protection and promotion of human rights, etc.

¹ For more information, visit:
https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925_en?filename=59_1_58088_coun_chap_albania_al.pdf

- Add one (1) Deputy Commissioner in the Section of the National Mechanism for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment (NPM). This addition would enable the proper fulfillment of its mandate related to monitoring migrant crossing points, the screening procedures of irregular migrants, addressing and resolving encountered issues, as well as strengthening and respecting migrant rights, among others.

These requests received full understanding and support from the Committee on Legal Affairs, Public Administration, and Human Rights but were rejected by the Committee on Economy and Finance. Consequently, with the adoption of Law no. 115/2024, “On the 2025 Budget,” the total number of employees of the People’s Advocate institution remained at 67 (sixty-seven).

In the public administration, civil servants are considered part of a well-prepared, professional, and elite body recruited to serve the public interest and to be accountable for actions undertaken in the interest of citizens. Recruitment is the primary and most important activity through which the purpose and ambition of the law—to *create a sustainable, professional civil service based on merit, moral integrity, and political neutrality*—are concretely implemented. In this regard, it is important to emphasize that during 2024, in accordance with the recruitment provisions of civil service legislation, the institution announced several vacant positions,² taking into account structural changes, resignations, or transfers to other public administration roles.

A notable issue observed during the internal work of the institution, and important to mention in this report, concerns the administrative practice related to the composition and functioning of the Disciplinary Commission, as well as the decision-making process of its members. Initially, it should be noted that the sub-legal acts regulating the functioning of Disciplinary Commissions aim principally to ensure objectivity and impartiality of administrative procedures and to limit nepotism and corruption. In this context, the principles of

impartiality and objectivity of public bodies conducting administrative procedures should be grounded in constitutional principles and follow good administration practices, as also foreseen in Article 41 of the Charter of Fundamental Rights of the European Union.

Compliance with these legal and constitutional provisions and principles is of fundamental importance, since any legal consequence (decision or administrative act) arising from the activity of a collegial body (Disciplinary Commission) could be considered unlawful or invalid if the above principles are not respected. That said, to concretize all that has been mentioned above, from the administrative practice related to the composition of the Disciplinary Commission, there have been cases where civil servants have raised claims regarding their inability or legal impediment to participate in the administrative procedure, arguing the existence of a personal/social relationship or collegial ties with the employee subject to disciplinary proceedings. Even more problematic are cases where, despite facts and situations flagrantly violating civil service legislation, the decisions of the members have favored the employees who were the subjects of the administrative procedure. This problem is further compounded by the fact that only the employee subject to the disciplinary proceedings has the right to appeal the decisions of the Disciplinary Commission. Meanwhile, such a right is not granted to the supervisor who approved the acts initiating the disciplinary procedure, as there is no legal provision ensuring judicial enforceability of correct law application by the members of the disciplinary commission.

Perhaps, beyond the sub-legal acts detailing procedural aspects of disciplinary procedures, it would be necessary to approve a guiding document or commentary including concrete cases, or other useful guidelines for applying discipline within the civil service. Addressing impunity is a hallmark of a responsible administration. An approach aimed at or tending to avoid accountability in decision-making creates a real obstacle to the functioning of the Disciplinary Commission, as composed according to the current sub-legal acts. Such

² Five vacancies.

situations not only undermine the institution's image but also serve as a negative model or example for the harmony and normal functioning of a national human rights institution. This becomes even more problematic when members of the Disciplinary Commission hold positions such as Deputy Commissioner or Commissioner.

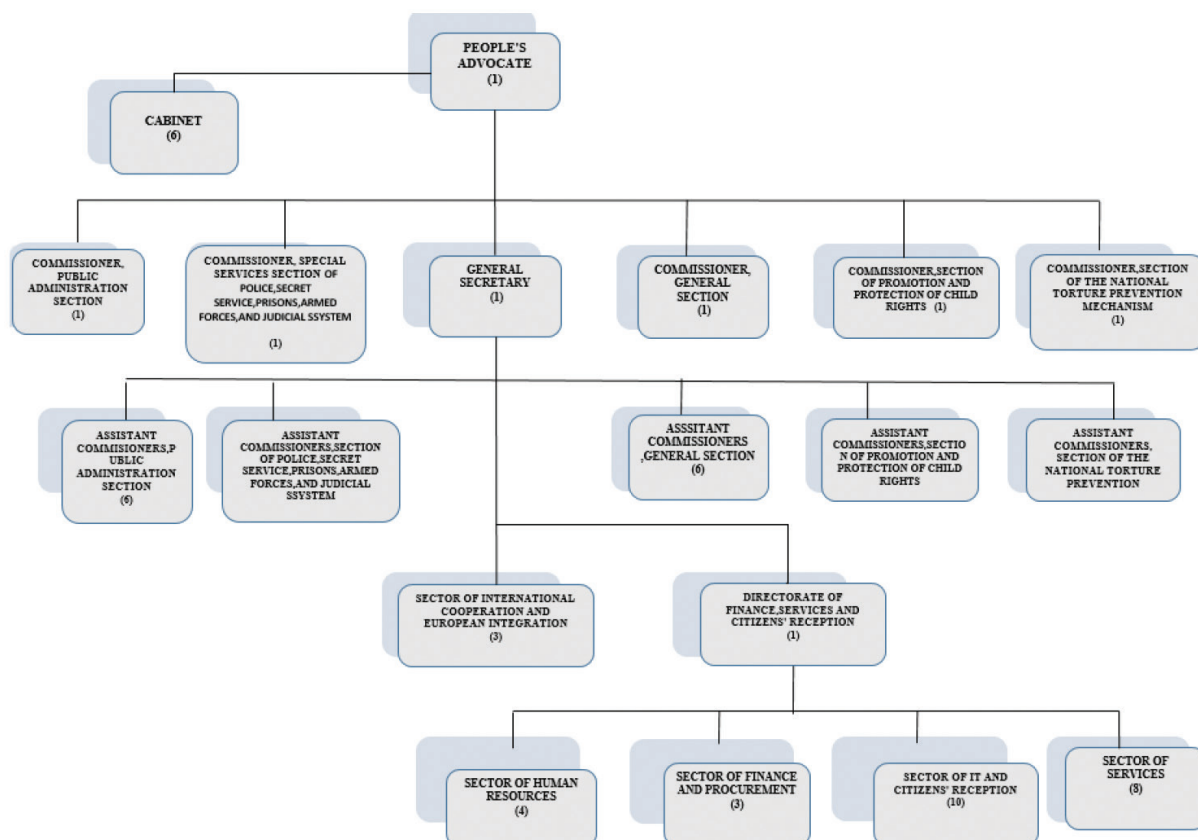
Some of these concerns have been shared with the Public Administration Department, taking into account the role and duty of this body to support and ensure advice to institutions on the implementation of civil service legislation, for the purpose of identifying consolidated practices and responding to the need for comprehensive treatment and resolution.

At the end of December 2024, the Supreme State Audit (SSA) officially announced the start of the audit of the People's Advocate institution, titled "Auditing the financial, organizational and legal compliance of the People's Advocate's activity," based on the Annual Audit Plan approved by the SSA Chairperson. This plan covers the period from 01.01.2022 to 31.12.2024. The audit was conducted during the period 6 January – 4 April

2025. The audit objectives relate to providing a financial and compliance opinion with reasonable assurance, verifying whether financial transactions and economic events were reported accurately and correctly in the audited entity's financial statements, with reference to the applicable financial reporting framework. Furthermore, the audit aims to provide an objective, professional, and independent assessment of the audited entity's level of compliance with rules, laws, regulations, policies, codes, or terms and conditions during its activity.

Upon completion of the audit, based on collected data, findings, verification acts, and the review of comments and explanations from the audited entity, a Draft Audit Report was prepared. This will serve as the basis for the Final Audit Report and recommendations for improving the situation.

For 2024, the institution's structure - approved by Internal Order no. 2, dated 03.01.2024, "On the approval of the structure, organization, and categorization of job positions within the People's Advocate institution," as amended - is as follows:



Attachment no. 2³

Function	Number of employees (67)	Category/Class
▪ People's Advocate	1	Law no. 8454, dated 04.02.1999, as amended
Cabinet	6	VKM no. 325, dated 31.05.2023, as amended
▪ Director of Cabinet	1	I-2
▪ Advisors	4	I-3
▪ Secretary	1	Sequential no. 2, attachment no. 5
▪ General Secretary	1	I-1
Section on Central Government Bodies, Local Authorities, and Third Parties Acting on Their Behalf	7	
▪ Commissioner	1	Law no. 8454, dated 04.02.1999, as amended
▪ Deputy Commissioner	3	I-4
▪ Deputy Commissioner	3	II-1
Section on the Police, Intelligence Services, Prisons, Armed Forces, and the Judiciary	5	
▪ Commissioner	1	Law no. 8454, dated 04.02.1999, as amended
▪ Deputy Commissioner	2	I-4
▪ Deputy Commissioner	2	II-1
General Section	7	
▪ Commissioner	1	Law no. 8454, dated 04.02.1999, as amended
▪ Deputy Commissioner	4	I-4
▪ Deputy Commissioner	2	II-1
Section on the Protection and Promotion of Children's Rights	5	
▪ Commissioner	1	Law no. 8454, dated 04.02.1999, as amended
▪ Deputy Commissioner	3	I-4
▪ Deputy Commissioner	1	II-1
Mechanism for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment	6	
▪ Commissioner	1	Law no. 8454, dated 04.02.1999, as amended
▪ Deputy Commissioner	2	I-4
▪ Deputy Commissioner	3	II-1
Directorate of Finance, Services, and Citizen Reception	26	
▪ Director	1	II-1

3 In addition to the total number of 67 (sixty-seven) staff positions foreseen in the organizational structure, the institution currently employs 3 (three) part-time staff members (working 6 hours per day), as well as 3 (three) external experts assigned to border monitoring activities.

Function	Number of employees (67)	Category/Class
Human Resources Sector		
▪ Head of Sector	1	III-1
▪ Human Resources Specialist	1	IV-1
▪ Protocol/Archive Specialist	1	IV-1
▪ Archivist/Librarian Specialist	1	IV-1
Sector of Services		
▪ Head of Unit	1	III-1
▪ Services Specialist	1	IV-1
▪ Principal's Driver	1	VI
▪ Driver	2	Class IV
▪ Mid-Level Technician in Various Crafts	1	Class VI
▪ Janitor	2	Class I
Sector of Finance and Procurement		
▪ Head of Unit	1	III-1
▪ Finance Specialist	1	IV-1
▪ Procurement Specialist	1	IV-1
Sector of IT and Citizens Reception		
▪ Head of Unit	1	III-1
▪ IT Specialist	1	IV-1
▪ Citizen Services Specialist	2	IV-1
▪ Specialist in the Regional Offices of the People's Advocate	6	IV-2
Sector for international cooperation and European integration		
▪ Head of sector	1	III-1
▪ Specialist	2	IV-1

6.2 Overview of budget and expenses

Pursuant to Law No. 97/2023, dated 07.12.2023, "On the State Budget for 2024," Minister of Finance Instruction No. 2, dated 06.02.2012, "Standard Procedures for Budget Implementation," as amended, and Minister of Finance Supplementary Instruction No. 1, dated 24.01.2024, "On the Implementation of the 2024 Budget," as amended, the performance of the budget products of the People's Advocate institution, according to the approved budget program for 2024, is presented as follows:

Program – "Advocacy Service"

The budget allocated for this program (the only program of the People's Advocate institution) is based on the Program Policy Statement (PPS) - prepared during the process of formulating the Medium-Term Budget Program (MTBP) 2024 – 2026 - aims to achieve the product objectives defined and approved in the Medium-Term Budget Program document (2024 – 2026).

Report on Actual Program Expenditures by item for the year 2024

Under Law No. 97/2023, dated 07.12.2023, “On the State Budget for 2024,” the funds allocated, including amendments made during the year, for the performance of the activities of the People’s Advocate institution, are presented by items in the tables below:

Information on the Planning and Execution of Budget Funds for 2024

Table no. 1

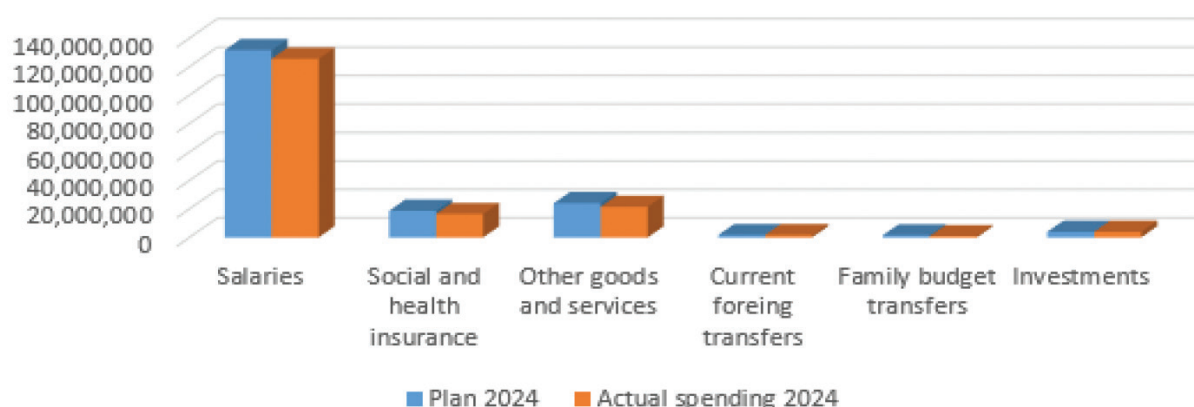
Acc. no.	Item	Initial plan 2024	Additions and reductions	Plan as amended 2024	Actual 2024
600	Salaries	129,125,000	2,500,000	131,625,000	130,278,144
601	Social and Health Insurance	18,584,000	200,000	18,784,000	18,331,253
602	Other Goods and Services	24,100,000	0	24,100,000	21,960,119
605	Foreign Current Transfers	1,700,000	0	1,700,000	1,683,985
606	Transfers for Family Budgets	700,000	806,104	1,506,104	818,572
231	Investments	4,000,000		4,000,000	3,831,600
	TOTAL	178,209,000	3,506,104	181,715,104	176,903,673

Actual Expenses in 2024

Table no. 2

No.	Item	Amended Plan 2024	Actual 2024	Difference	Realization in %
1	Salaries	131,625,000	130,278,144	1,346,856	98.98
2	Social and Health Insurance	18,784,000	18,331,253	452,747	97.59
3	Other goods and services	24,100,000	21,960,119	2,139,881	91.12
4	Foreign Current Transfers	1,700,000	1,683,985	16,015	99.06
5	Transfers to family budgets	1,506,104	818,572	687,532	54.35
6	Investments	4,000,000	3,831,600	168,400	95.79
	Total	181,715,104	176,903,673	4,811,431	97.36

Planned and actual expenditures 2024

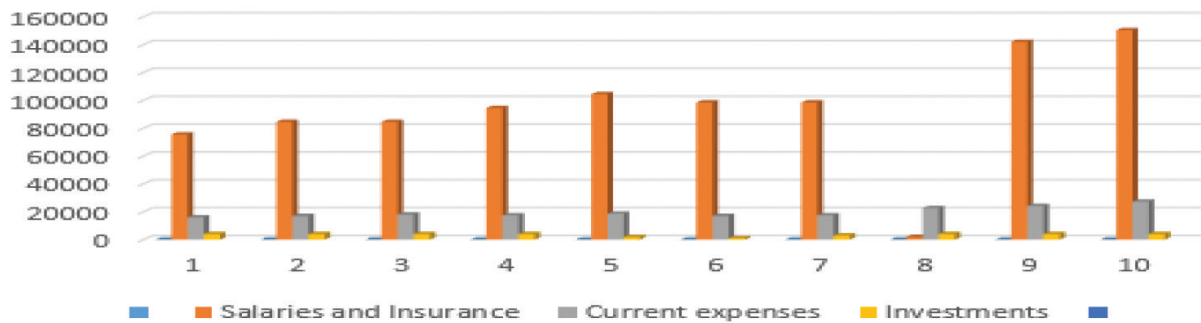


Personnel Expenses: The execution of the salary fund reflects the organizational structure as well as internal and external movements. The allocated fund for personnel salary expenses in 2024 was initially 129,125,000 ALL, later revised by the Ministry of Finance letter no. 9993/1, dated 30.07.2023, titled “Fund Allocation for Salary Increases for 2024,” to 131,625,000 ALL. The actual expenditure amounted to 130,278,144 ALL, or 98.98% of the revised budget. Meanwhile, social and health insurance contributions were planned at 18,584,000 ALL, adjusted by the same Ministry of Finance letter to 18,784,000 ALL, with actual spending reaching 18,331,253 ALL, representing 97.59% of the budget.

Both budget items combined—personnel salaries and social and health insurance (codes 600+601)—for the year 2024 were executed at 98.80% of the revised budget and represent 82.77% of the institution’s actual budget. During 2024, the average number of employees was 61.40, compared to the approved limit of 67 employees set by the aforementioned law. The under-execution of this expense category is due to unfilled organic structures resulting from vacancies created at the end of 2023 and throughout 2024 due to the movement of our institution’s staff to other positions. The number of employees approved by law for 2024, which was amended by Normative Act No. 3, dated 28.08.2024, “On Certain Amendments to Law No. 97/2023, ‘On the Budget for 2024,’ as amended,” was not fully filled across all of its organizational units during these periods.

No.	Years	Fund allocation over years					
		600-601	602-606	231	No. of employees		Total funds
		Salary and insurance	Current expenditures	Investments	Deputy Commissioners	Total employees	
1	2015	75,500	16,000	4,000	21	51	95,500
2	2016	84,500	17,000	4,000	21	55	105,500
3	2017	84,500	18,000	4,000	21	56	106,500
4	2018	94,500	17,500	4,000	21	56	116,000
5	2019	104,500	18,600	2,000	21	56	125,100
6	2020	98,500	17,000	1,000	21	56	116,500
7	2021	98,500	17,500	3,000	21	56	119,000
8	2022	99,237	22,700	4,000	22	57	129,200
9	2023	142,030	24,250	4,000	25	59	138,000
10	2024	150,409	27,306	4,000	25	67	181,715

Budget funds over 2015-2024



Expenses for Goods and Other Services: The allocated fund for goods and services (code 602) for the period January–December 2024 was 24,100,000 ALL, while the actual expenditure amounted to 21,960,119 ALL or 91.12% of the budget.

During this period, operating expenses were primarily used for payments related to the purchase of office supplies, cleaning materials, electrical materials, promotional materials, other office materials, expenses for electricity, water, Albtelecom, Vodafone, postal services, vehicle insurance, maintenance costs for the institution's vehicles, per diems both domestic and abroad, building maintenance expenses, maintenance of technical equipment and devices, hospitality expenses for hosting foreign guests, expenses for organizing the 2024 annual conference, as well as taxes payable.

The fund for current foreign transfers (code 605) for 2024 was 1,700,000 ALL, with actual expenditure of 1,683,985 ALL or 99% of the budget.

In 2024, these funds were used to settle membership fee obligations in a timely manner for international organizations in which the People's Advocate institution holds membership, such as:

- Association of Ombudsmans and Médiateurs de la Francophonie (AOMF);
- European Ombudsman Institute (EOI);
- Association of Mediterranean Ombudsmans (AOM);
- International Ombudsman Institute (IOI);
- Global Alliance of National Human Rights Institutions (GANHRI);
- European Network of National Human Rights Institutions (ENNHRI);
- European Network of Ombudspersons for Children (ENOC).

No.	Name of Organization	Membership fees in years										
		Currency										
			2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
1.	Association of Mediterranean Ombudsmans (AOM)	Euro	750	750	750	750	1,000	1000	1000	1000	1000	1000
2.	Association of Ombudsmans and Mediateurs de la Frankophonie (AOMF)	Euro	650	650	750	900	900	900	900	900	900	900

No.	Name of Organization	Membership fees in years										
		Currency										
			2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
3.	European Network of NHRIs (ENNHRI)	Euro	3,000	3,000	3,000	4,000	4,000	4000	4,000	4000	4,000	4000
4.	European Network of Ombudsmans for Children (ENOC)	Euro	0	1,100	1,100	1,100	1,100	1100	1,100	1100	1,100	1100
5.	European Ombudsman Institute (EOI)	Euro	350	350	350	350	350	350	350	350	350	350
6.	Global Alliance of NHRIs (GANHRI)	CHF	5,000	5,000	5,000	5,000	5,000	5000	5,000	5000	5,000	5000
7.	International Ombudsman Institute (IOI)	Euro	750	750	750	750	750	750	750	750	750	750

Fund for Budget Transfers to Families and Individuals (item 606) for the period January – December 2024 was 700,000 ALL, amended by the “Fund Transfer for 2024” to 1,506,104 ALL, while actual expenditures amounted to 818,572 ALL or 54.35% of the amended budget.

Investment Expenses: The investment fund allocated from the state budget was 4,000,000 ALL, with actual expenditures of 3,831,600 ALL or 95.79% of the amended budget.

Project	Code of Project	Plan	Actual	%
Purchase of electronic equipment	M660009	2,694,000	2,694,000	100
Purchase of Office Furniture	M660001	1,306,000	1,137,600	87.11

CHAPTER VII

THE PEOPLE'S ADVOCATE IN FIGURES 2024



During the exercise of its mandate in 2024, the Institution of the People's Advocate received complaints/requests from citizens regarding alleged violations of fundamental rights and freedoms through the following channels:

- Physical submission at the central office located in the city of Tirana;
- Physical submission at the 7 regional offices located in the cities of Berat, Fier, Kukës, Pogradec,

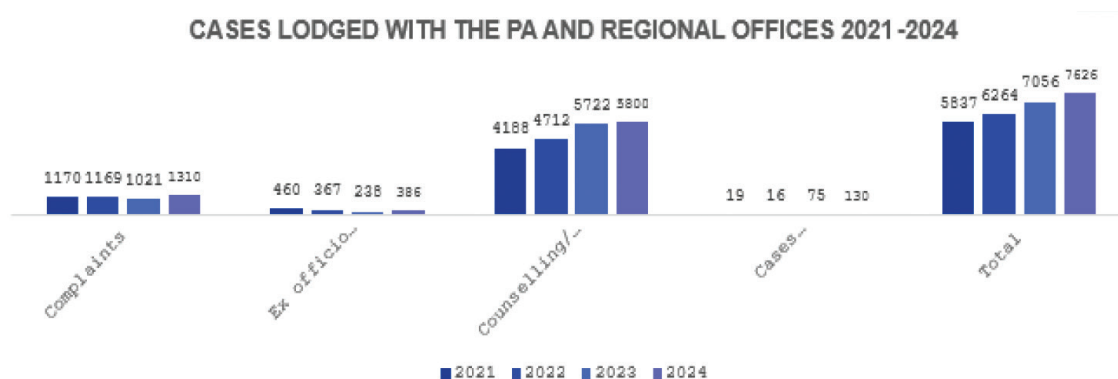
Sarandë, Shkodër, and Vlorë;

- Postal service;
- Email;
- Social media;
- Mobile application;
- Official website of the institution;
- Telephone.

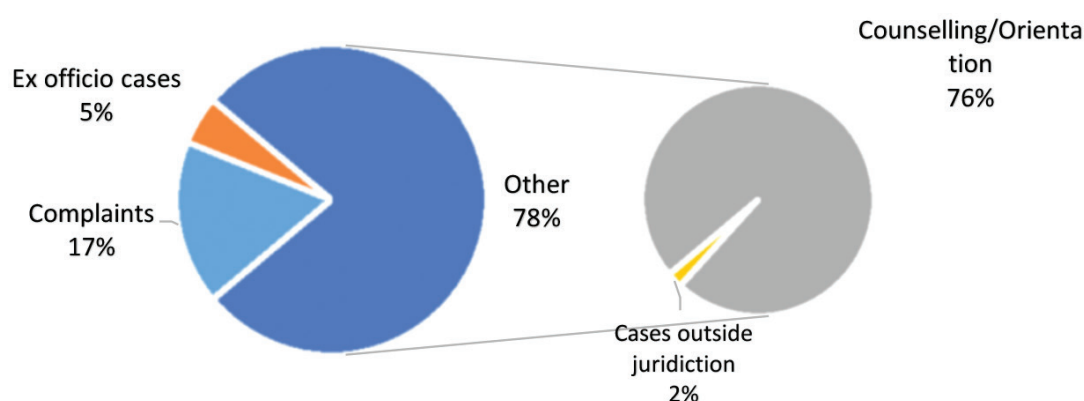
During 2024, the Institution of the People's Advocate handled a total of 7,626 cases/requests, or 570 cases more than the previous year.

- Of these, 1,826 cases were registered for further follow-up, specifically:
 - 1,696 cases were found to be “within the jurisdiction and competence” of the institution:
 - 1,310 cases were requests/complaints;
 - 386 cases were handled on the institution's own initiative;
 - 130 cases were found to be outside the jurisdiction;
- 5,800 cases were handled in the form of advice and guidance on the legal procedures, informing citizens of the legal avenues available for further pursuing their cases.

Graphical presentation of cases submitted by citizens at the central office and the 7 regional offices of the People's Advocate Institution

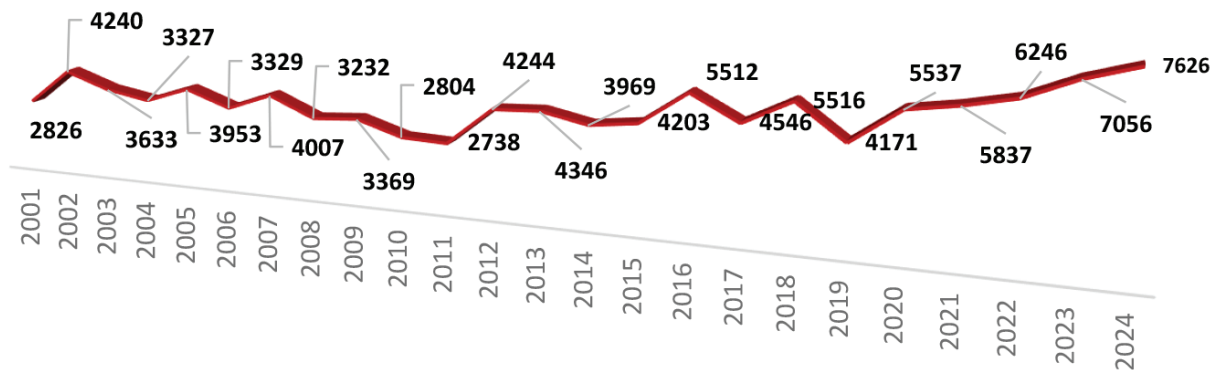


Graphic presentation of cases handled by PA in 2024



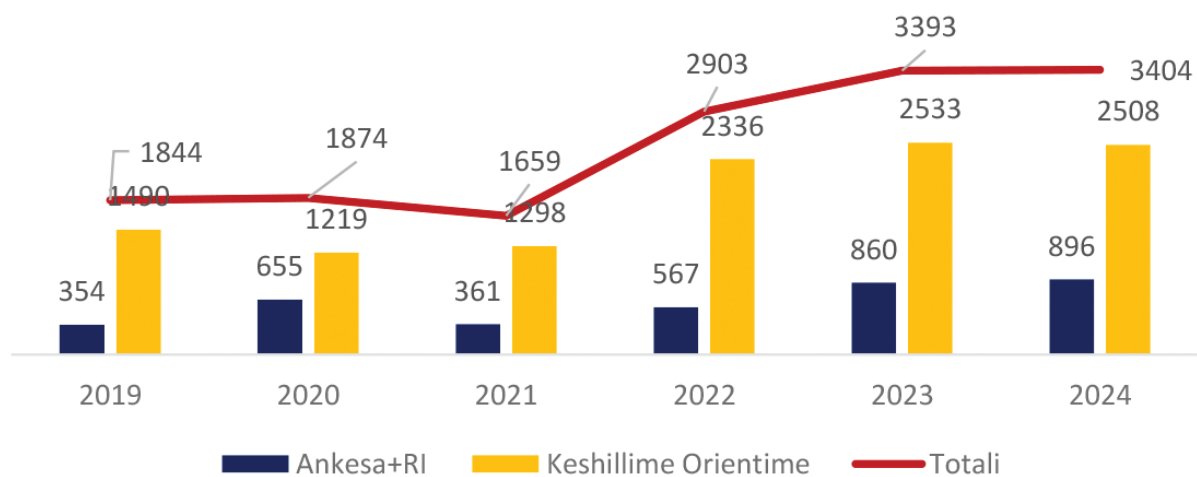
Graphic presentation of cases handled over the years by the People's Advocate

CASES OVER THE YEARS



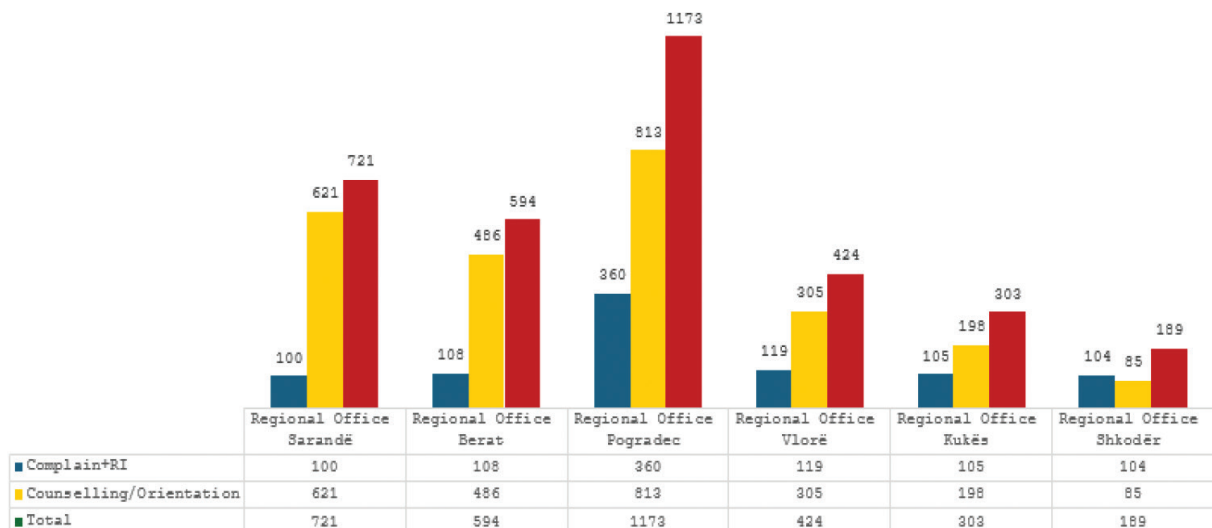
Graphic presentation of data from regional offices over 2019-2024

Data from regional offices over 2019 - 2024



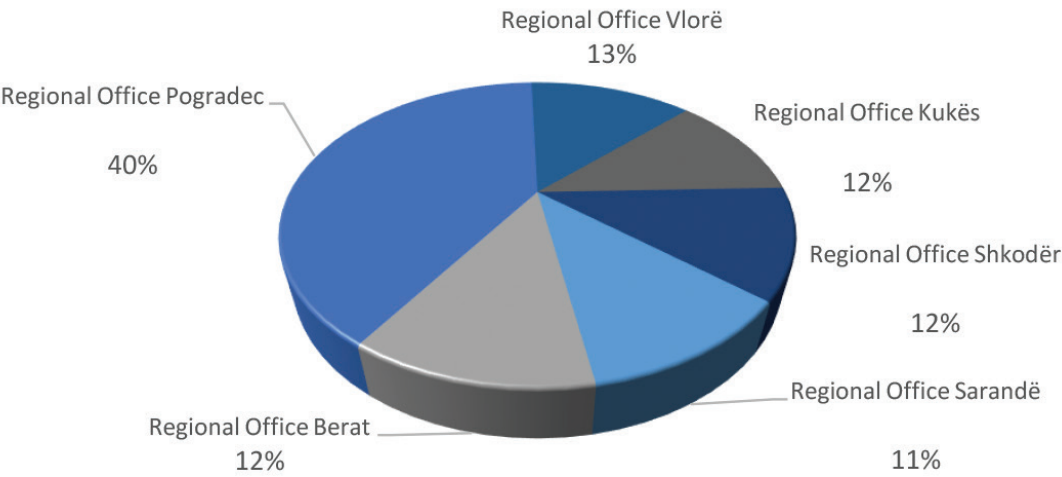
Graphic presentation of case distribution per regional office in 2024

CASE DISTRIBUTION PER REGIONAL OFFICE IN 2024



*Graphical Representation of Cases Submitted to the Regional Offices
of the People’s Advocate Institution, Expressed in Percentages*

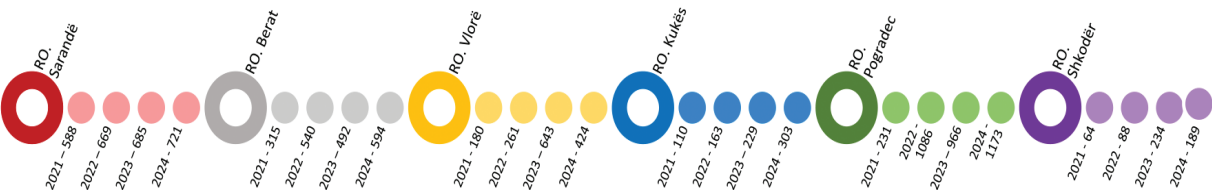
**PERCENTAGE OF CASES PER REGIONAL OFFICE IN
2024**



Below is a comparative overview of complaints received by the Regional Offices for the years 2021–2024. The data is presented as follows:

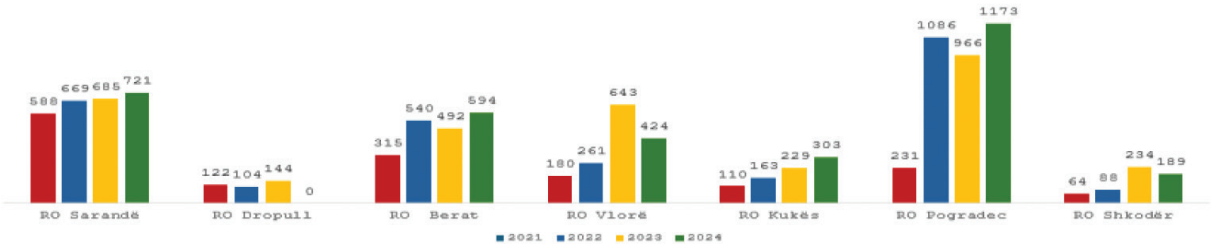
Year	RO Sarandë	RO Berat	RO Vlorë	RO Kukës	RO Pogradec	RO Shkodër	TOTAL
2021	588	315	180	110	231	64	1,610
2022	669	540	261	163	1,086	88	2,911
2023	685	492	643	229	966	234	3,393
2024	721	594	424	303	1173	189	3,404

Distribution of Cases Reviewed by the People’s Advocate Institution by region in 2024



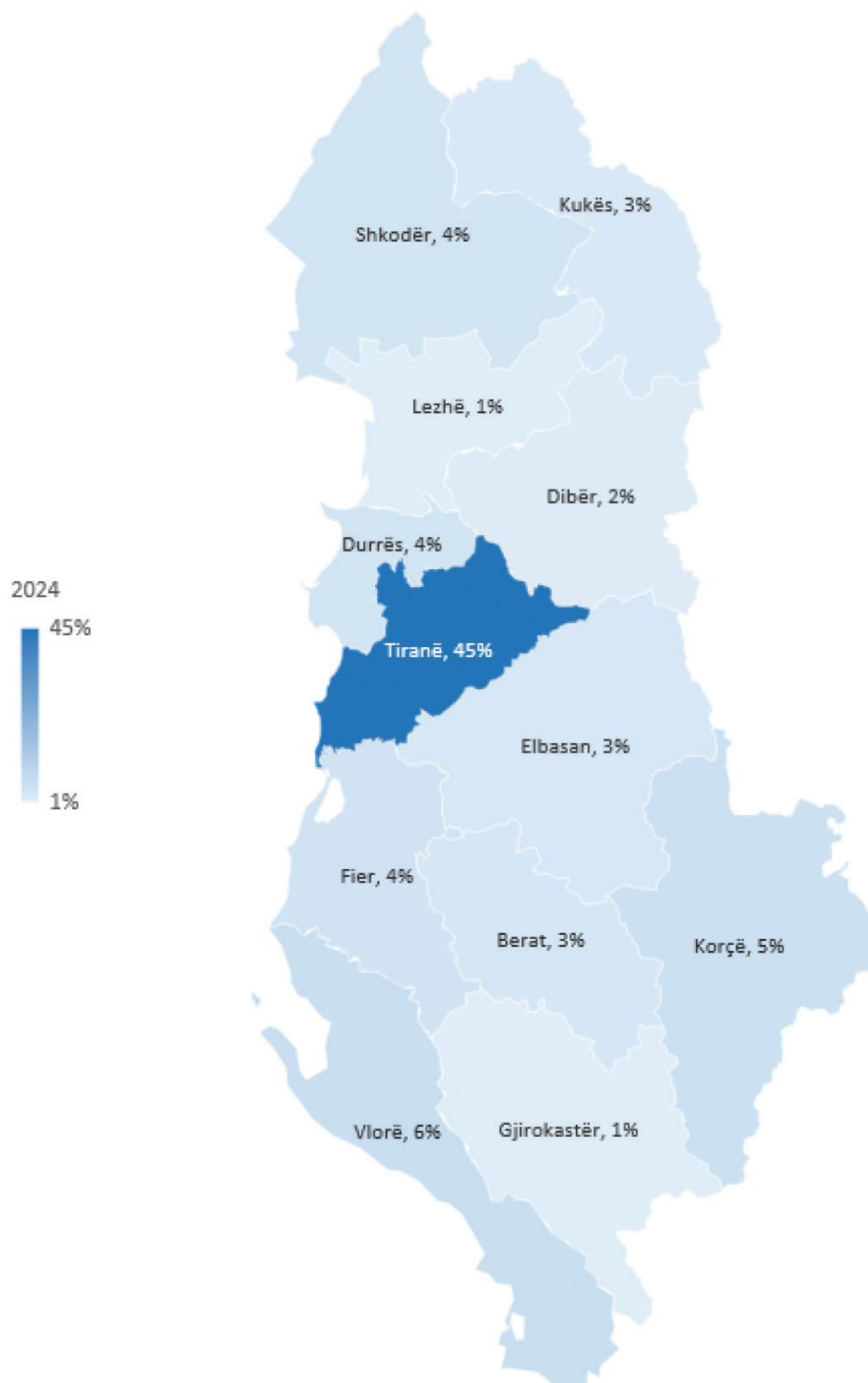
Graphical presentation of the distribution of reviewed cases

COMPLAINTS AND REQUESTS 2021–2024 PER REGIONAL OFFICE



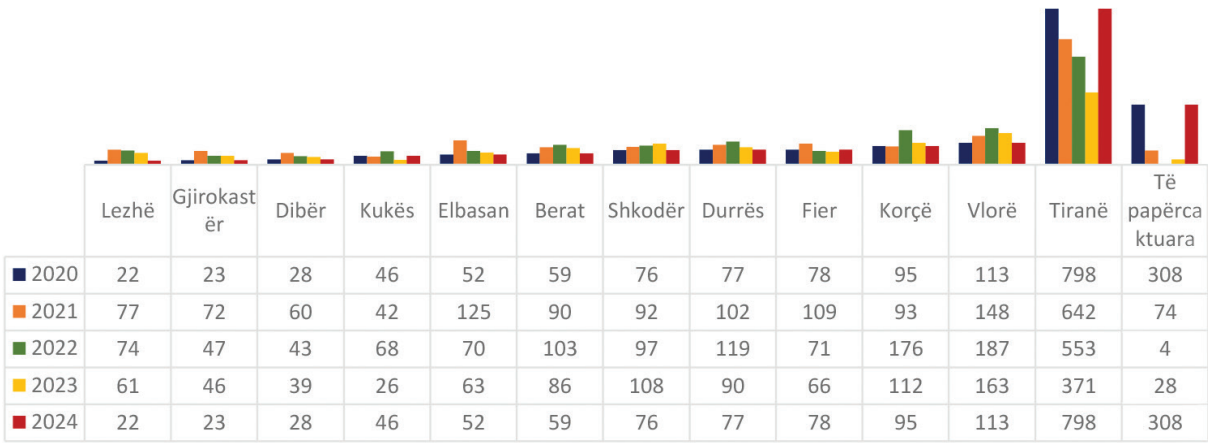
*Graphical Representation of the Distribution of Cases Reviewed
by the People's Advocate in 2024 by region*

Shperndarja e rasteve te vitit 2024 sipas qarqeve



*Graphical Representation of the Distribution of Cases Reviewed
by the People’s Advocate Institution by Region, 2020–2024*

Distribution of cases 2020 - 2024 by region

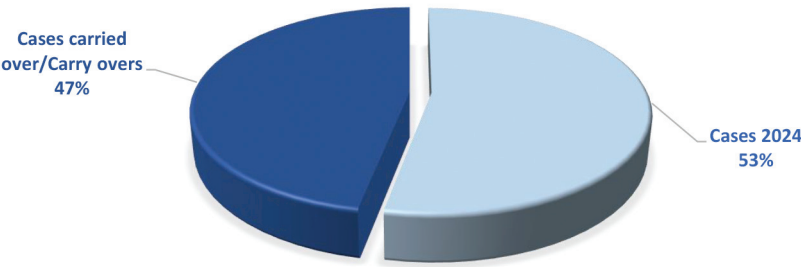


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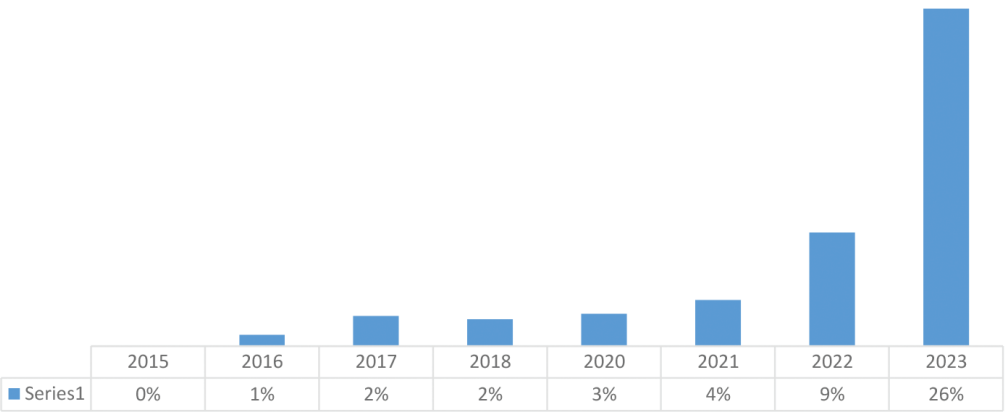
During the course of its activities in 2024, the People’s Advocate institution completed administrative investigations for 2,047 cases involving alleged violations of individuals’ fundamental rights. Of these, 1,089 cases—or 53%—were submitted in 2024, while 958 cases—or 47%—pertained to submissions from previous.

Graphical Representation of Cases for Which Administrative Investigation Was Completed in 2024

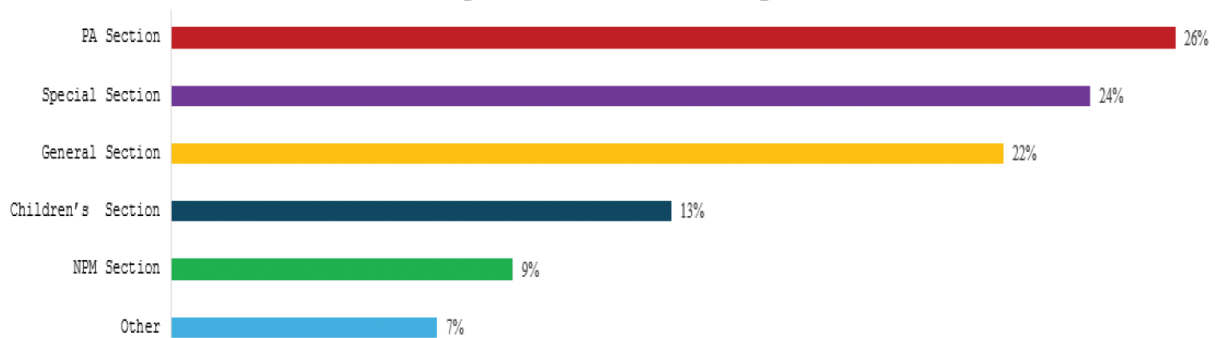
CASES FOR WHICH ADMINISTRATIVE INVESTIGATION
ENDED IN 2024



CARRY OVERS FROM PREVIOUS YEARS CLOSED IN 2024 IN %



Percentage of closed cases per Section 2024

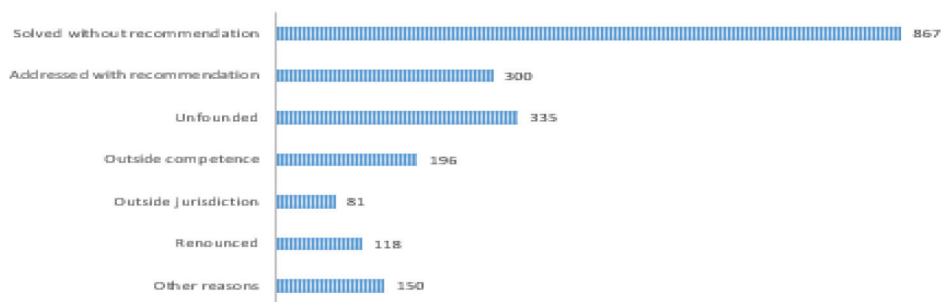


Regarding the 2,047 cases for which administrative investigations were completed, the outcomes were as follows:

- 867 cases (42%): Violations or issues identified were resolved without the need for formal recommendations.
- 335 cases (16%): Found to be unfounded upon investigation.
- 300 cases (15%): Resolved through the issuance and implementation of recommendations.
- 118 cases (6%): Closed due to withdrawal by the complainant.
- 81 cases (4%): Found to be outside the institution's jurisdiction.
- 196 cases (10%): Closed as they were outside the competence of the People's Advocate Institution.
- 150 cases (7%): Closed for other reasons (e.g., merged with another complaint, concluded following responses to recommendations, etc.).

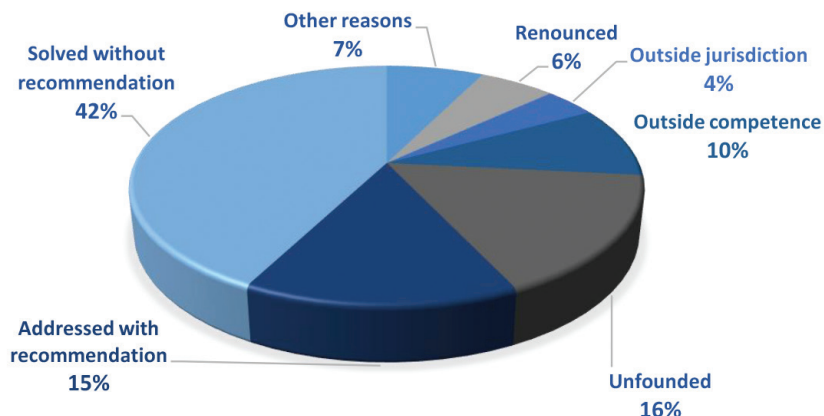
Graphical Representation of the method of concluding case investigations in 2024

METHOD OF CONCLUDING CASE INVESTIGATIONS IN 2024



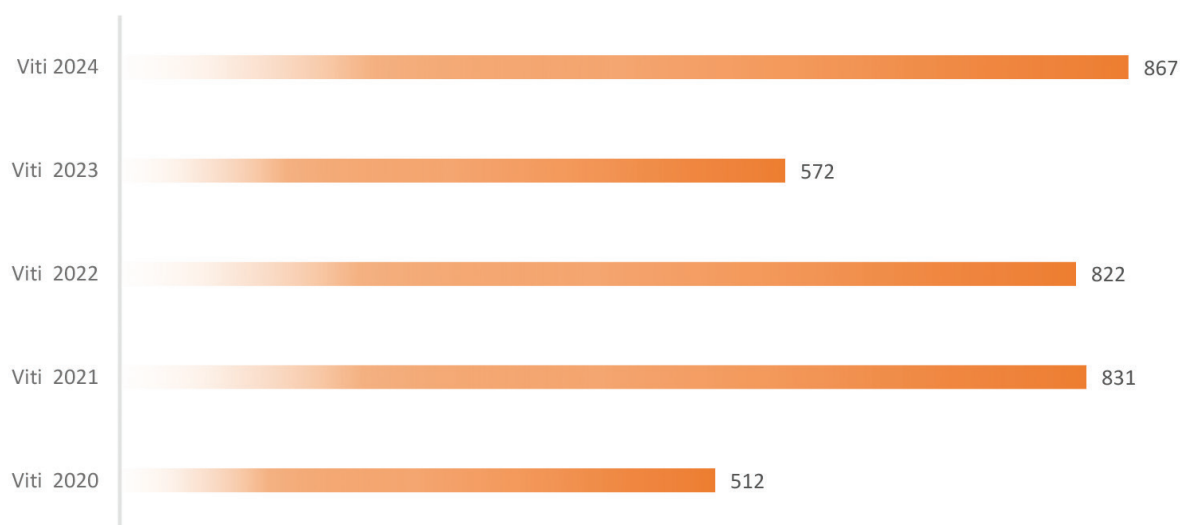
Graphical representation of method of concluding case investigations in 2024 in %

METHOD OF CONCLUDING CASE INVESTIGATIONS IN 2024 IN %

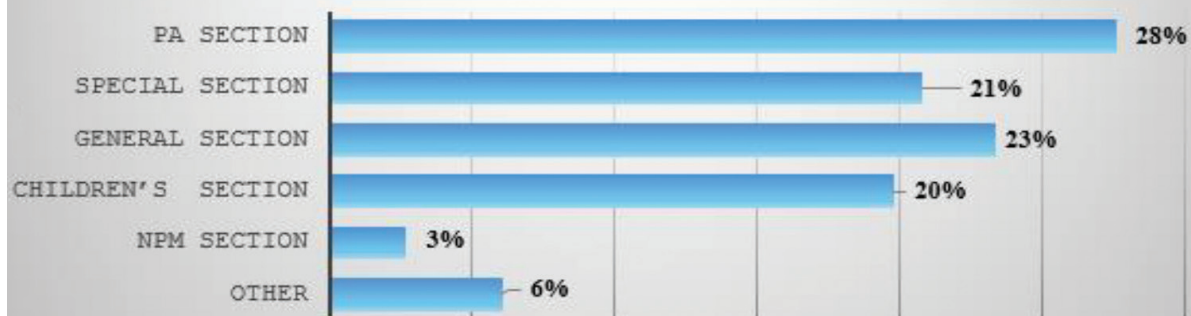


Graphical Representation of the Number of Favorably Resolved Cases without a Recommendation, 2020–2024

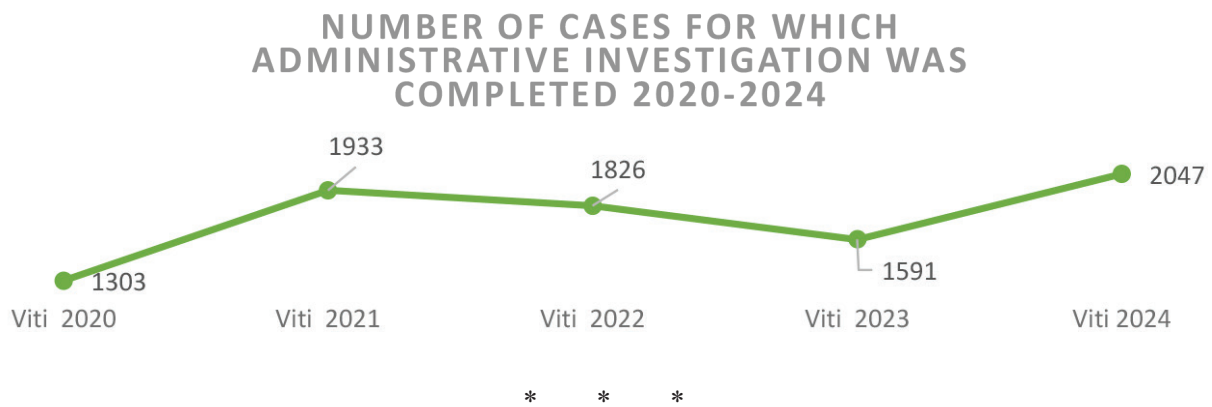
NUMBER OF CASES WITH CONCLUDED INVESTIGATION RESOLVED WITHOUT RECOMMENDATION OVER 2020-2024



CASES RESOLVED WITHOUT RECOMMENDATION, PER SECTION

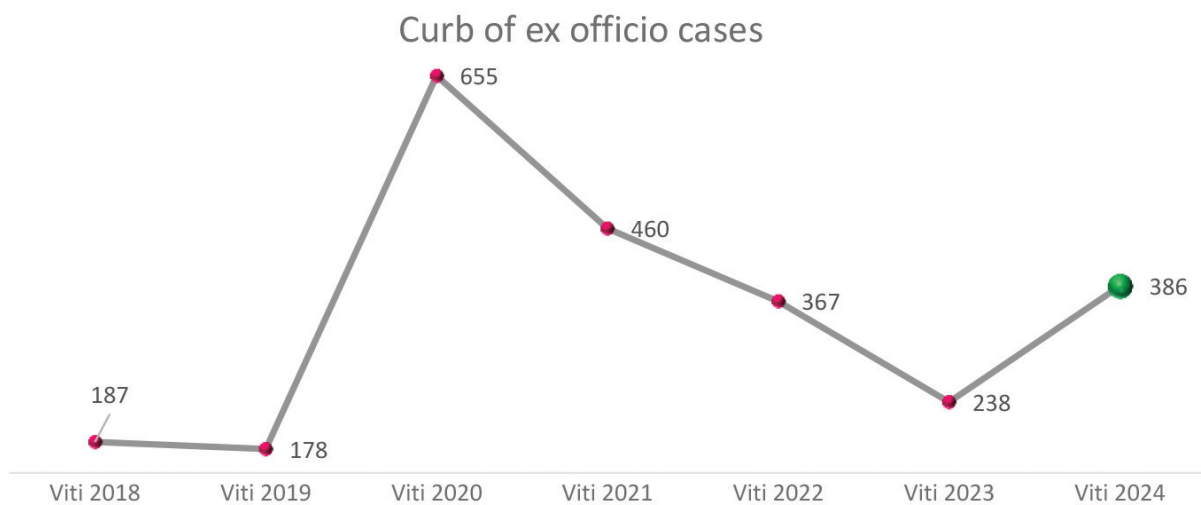


Graphical Representation of the Number of Cases for Which Administrative Investigation Was Completed, 2020–2024

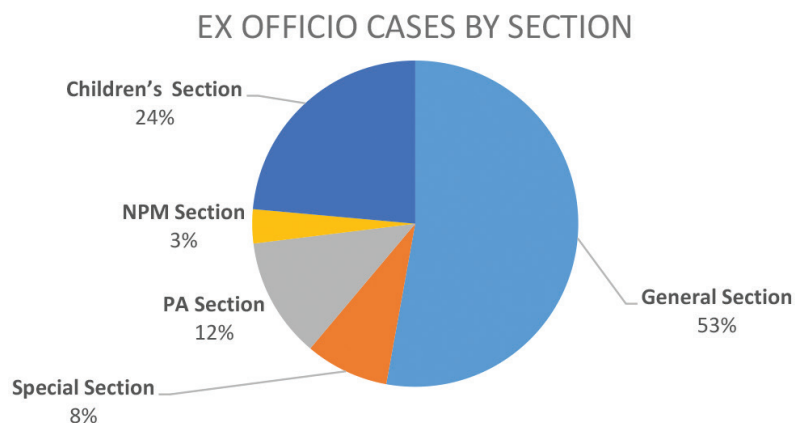


During the year 2024, the Institution of the People's Advocate handled ex officio, based on indications from media reports, investigative programs, social networks, etc., 386 cases of violations of individuals' fundamental rights.

Graphical representation of cases handled ex officio over 2018–2024



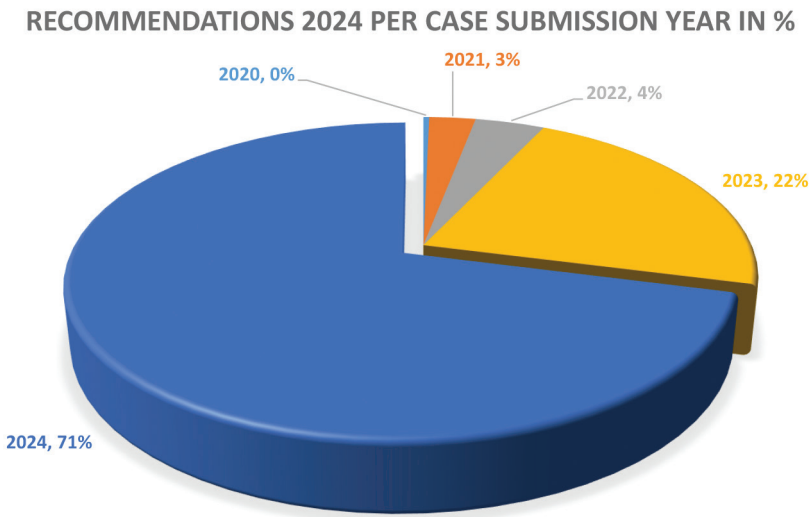
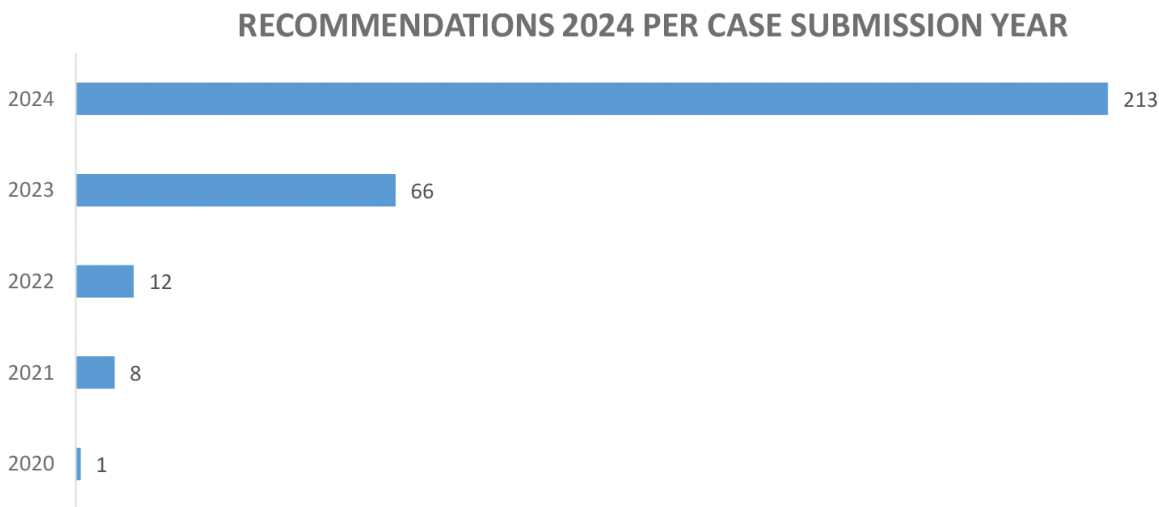
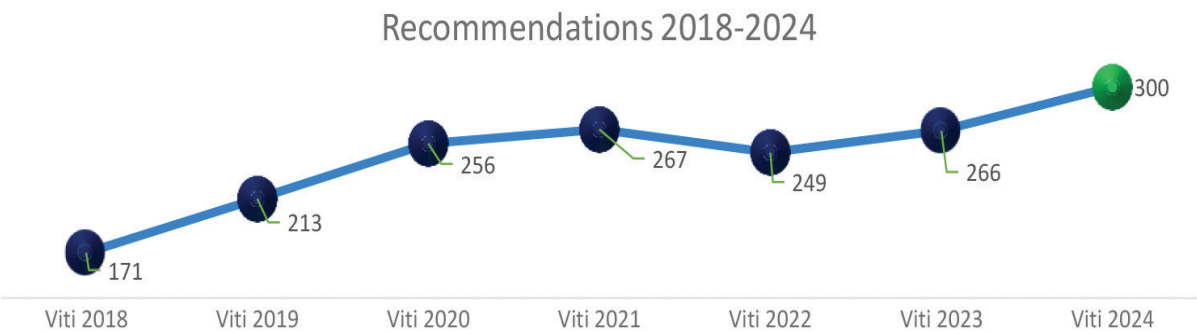
Presentation of Cases Handled Ex Officio by Section in 2024, in %



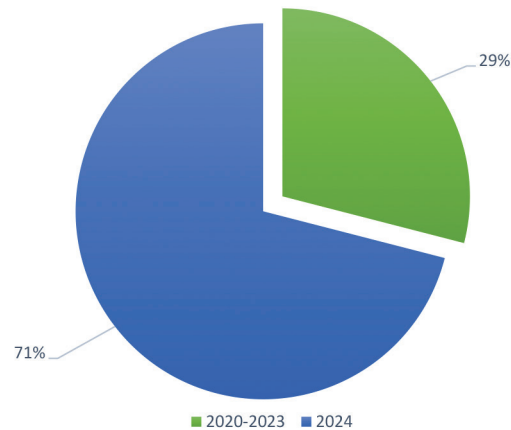
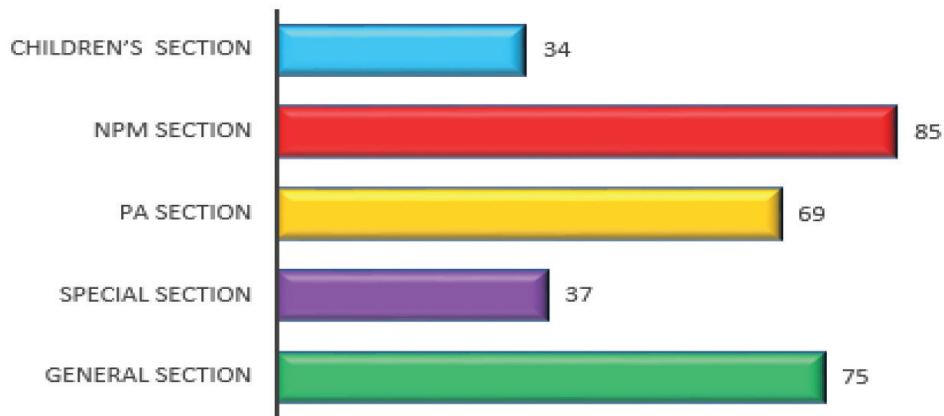
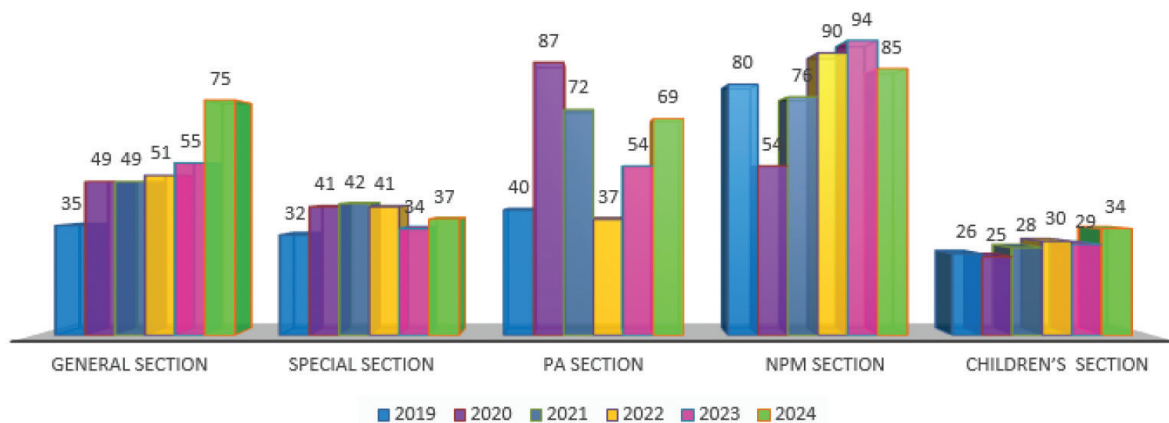
* * *

During the exercise of its mandate in 2024, the People’s Advocate Institution issued a total of 300 recommendations addressed to public administration bodies, including both central and local authorities. Of these, 213 recommendations were related to cases registered in 2024, while 87 pertained to cases carried over from previous years.

Graphical representation of the changing trend in the number of recommendations issued by the Institution of the People’s Advocate over the years

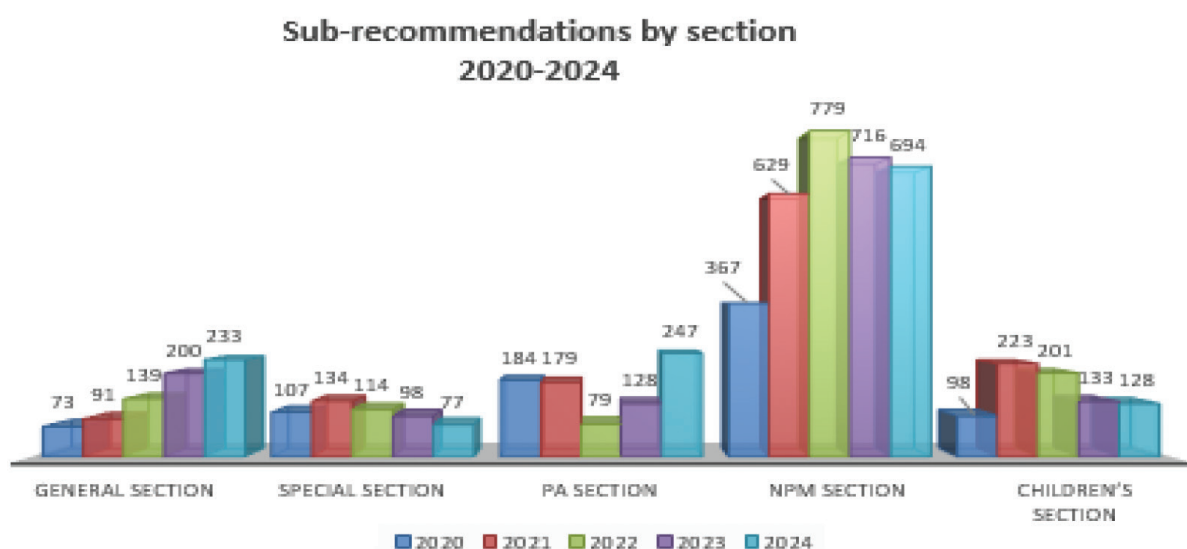
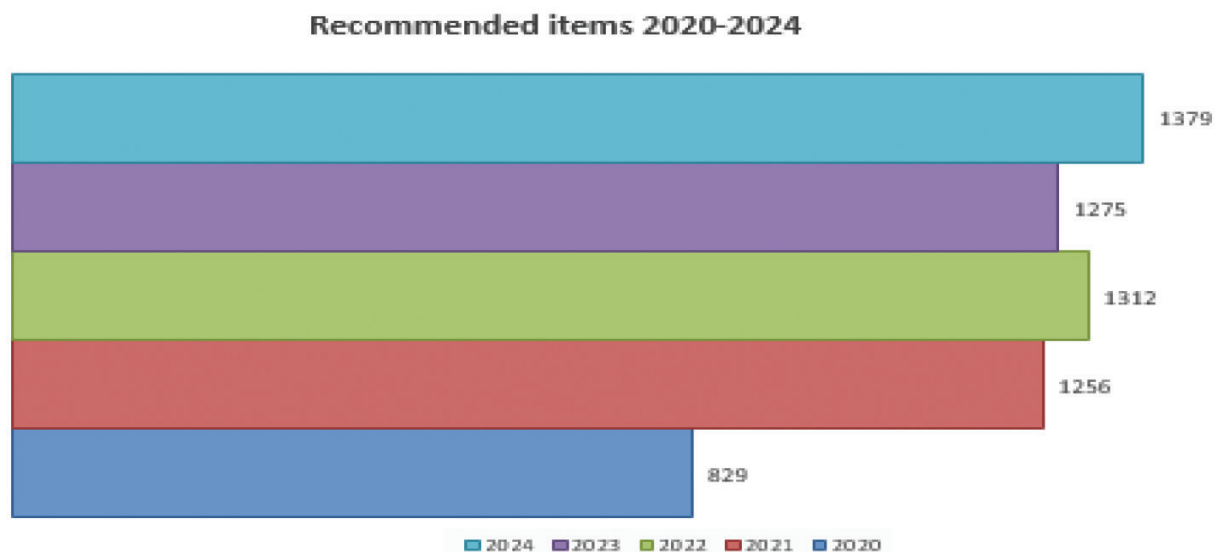


Recommendations 2024 per case submission year in %

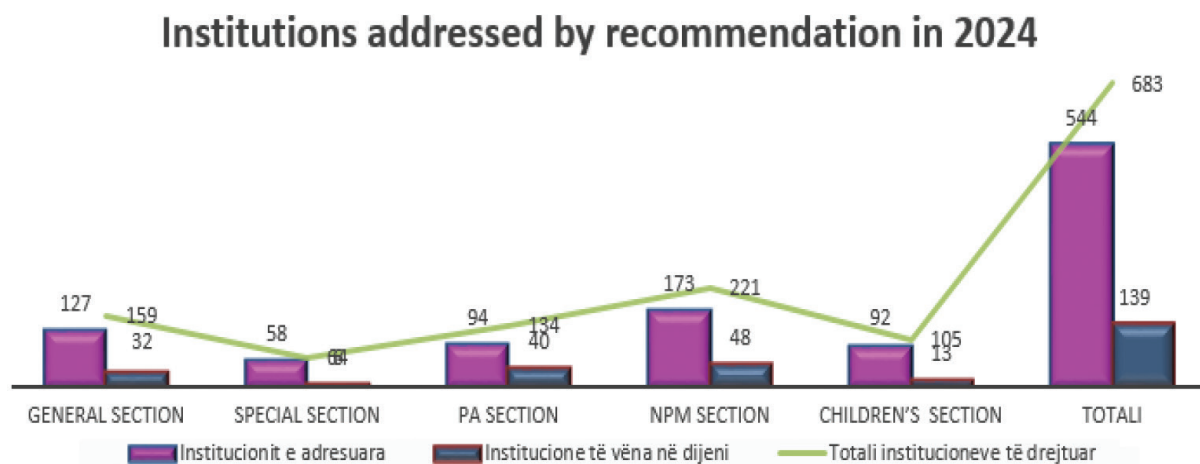
*Graphical Representation of Recommendations Issued by Respective Sections in 2024***Recommendations 2024 by Section***Graphical Representation of Recommendations Issued Over the Years by Respective Sections***Recommendations over years by section**

In the 300 recommendations issued, the People's Advocate Institution addressed a total of 1,379 individual items or sub-recommendations.

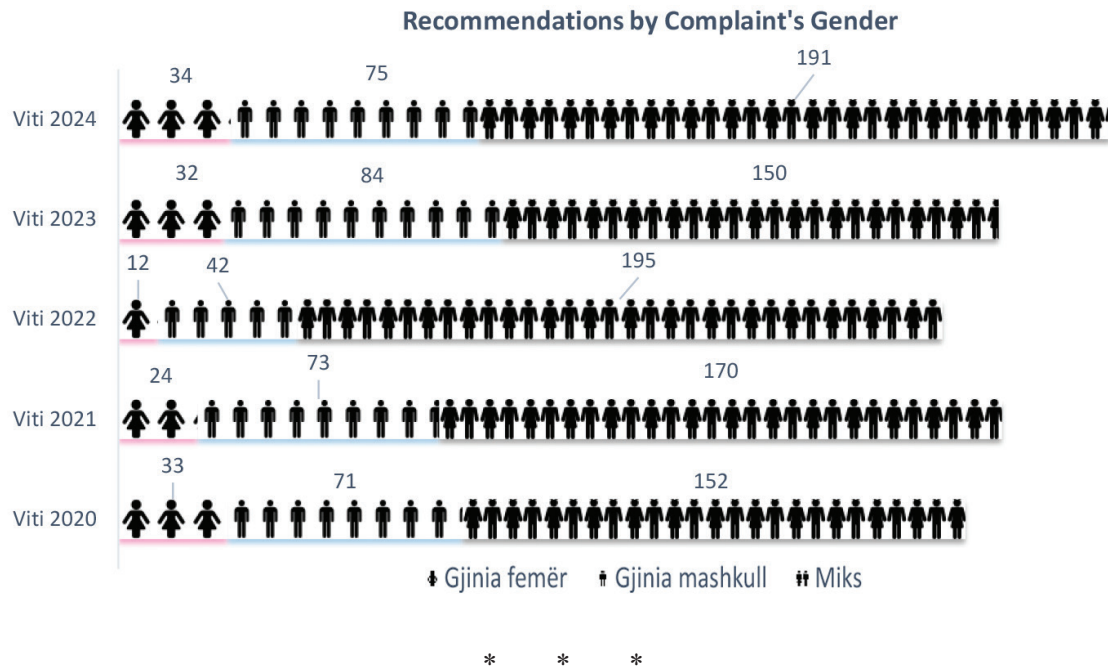
Graphical Representation of the Number of Sub-Recommendations Compared Across 2020–2024



Graphical Representation of the Number of Addressed and Informed Institutions by Section

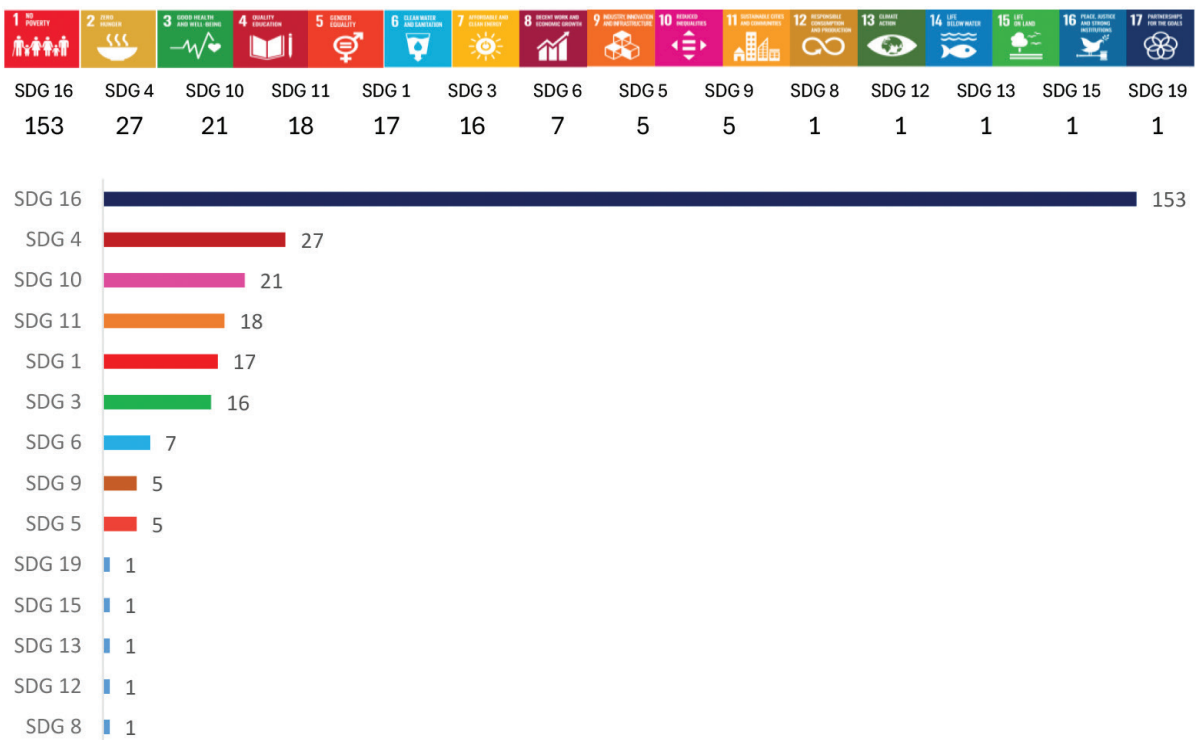


Graphical Representation of Recommendations Issued over 2020–2024 by Complainant's Gender



The distribution of recommendations issued by the Institution of the People's Advocate according to the 17 Sustainable Development Goals (SDGs) adopted by the UN General Assembly in 2015¹ is presented below:

Graphical presentation of the distribution of recommendations by SDG Objectives

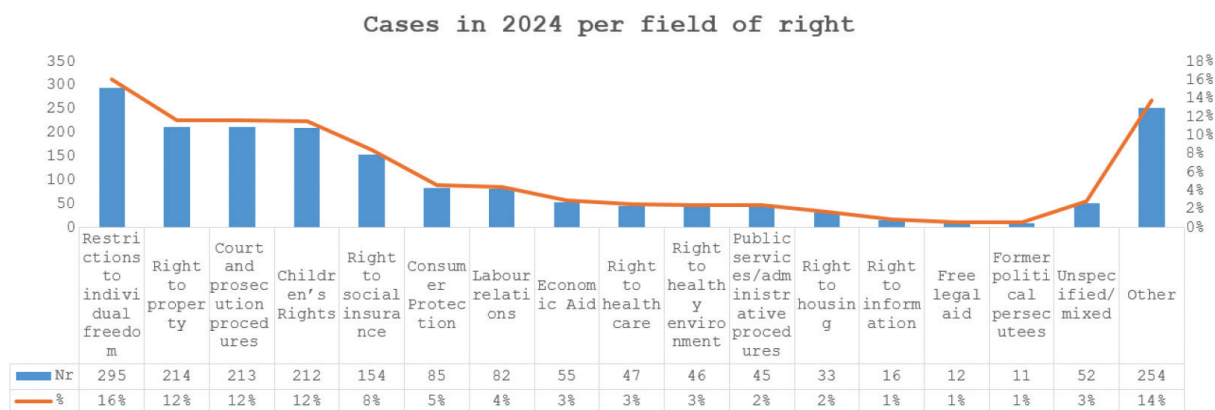


¹ For further reference, see: [Lexo SDG](#)

Graphical Presentation of Cases Registered for Investigation by the Institution of the People's Advocate According to the Alleged Right Violation, Year 2024

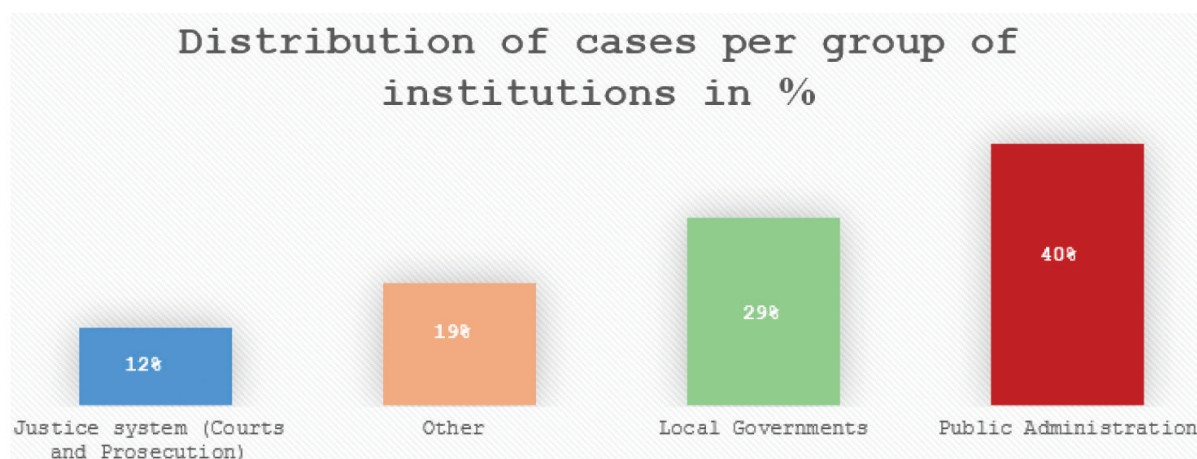
* Complaints that are outside the jurisdiction, or whose scope is mixed or undefined

** Complaints constituting less than 1% of total complaints

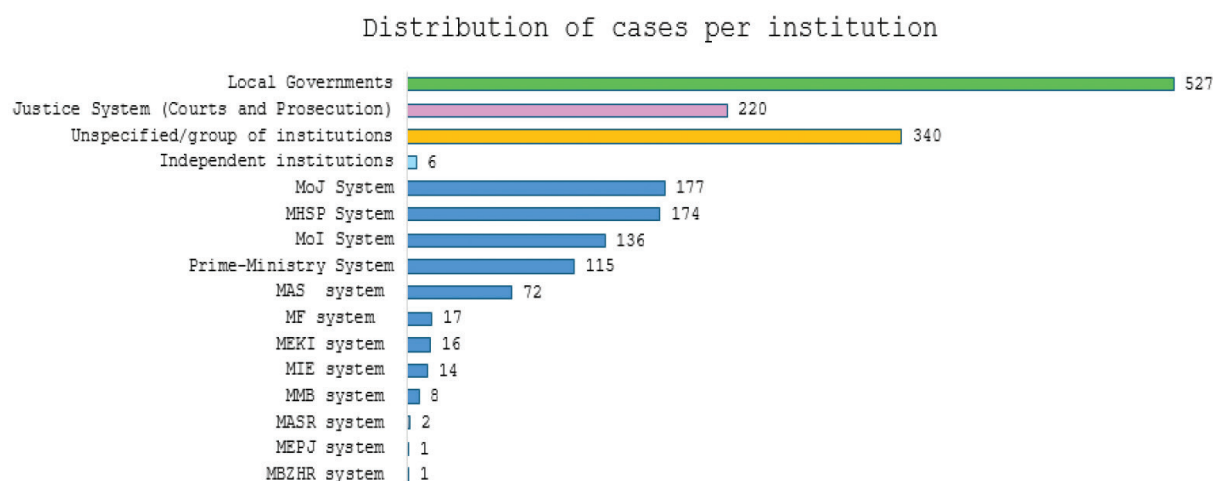


Graphical Representation of the Distribution of Cases Handled in 2024 by Group of institutions

*Undefined, group of institutions, other institutions, etc.



Graphical Representation of Cases Registered in 2024 by Institutional System



Annex 1

Vocational Courses provided in Prisons

Institutions	Number of prisoners on the day of inspection	Inspection date	Number of attendees	Vocational courses in IEPDs verified by inspections
IEPD Jordan Misja	446	21.02.2024	No courses	-
IEPD Mine Peza	161	28.02.2024	No courses	-
IEPD Fushë-Krujë	396	30.10.2024	40 inmates	1. Social Caretaker, 2. Italian Language, 3. English Language, 4. Plumbing Course 5. Electrician Course
IEPD Peqin	482	18.01.2024	6 inmates	Electrical appliances repair course
IEPD Rrogozhinë	179	19.09.2024	No courses	-
IEPD Pojskë Pogradec	68	19.09.2024	No courses	-
IEPD Drenovë	304	02.05.2024	15 inmates	Cooking course
IEPD Lushnjë	41	22.05.2024	No courses	-
IEPD Fier	686	09.05.2024	42 inmates	1. Cooking course 2. Foreign languages
IEPD Berat	145	15.05.2024	16 inmates	1. Electrician 2. Plumbing
IEPD Vlorë	157	29.04.2024	9 inmates	1. Electrician 2. Welding 3. English Language 4. Handicrafts
IEPD Lezhë	444	24.04.2024	Inmates on forced medication	
IEPD Reç Shkodër	650	04.06.2024	10 inmates	German Language
IEPD Burrel	128	25.07.2024	No courses	-
IEPD Tepelenë	72	10.10.2024	No courses	-
IEPD Kavajë	28	23.04.2024	7 minors	1. Plumbing 2. Welding
IEPD Durrës	281	02.10.2024	12 inmates	Social caretaker
IEPD Elbasan	189	12.03.2024	7 inmates	Cooking course
IEPD Kukës	34	04.07.2024	No courses	-
Prison Hospital	71	21.11.2024	Prison Hospital	-

A Cooperation Agreement was concluded between the General Directorate of Prisons and the National Employment and Skills Agency (NESA) for all IEPDs (Protocol No. 17028/1, dated 06.11.2024). The purpose of this agreement is to establish the procedures for inter-institutional cooperation, to ensure infrastructure, suitable conditions, and human resources for the development of vocational training for sentenced inmates held in the Institutions for the Execution of Penal Decisions. This aims to provide them with professional knowledge and skills that will assist in their rehabilitation and reintegration into society after their release.

Note: Of the 18 Prisons, only 10 provided vocational training courses.

Annex 2

Prison Population at the time of NPM Inspections at the IEPDs in 2024

	Institution	Capacity	Pre-trial Detainees	Convicts	Total	Overcrowding
1	Pojiskë Gratë	90	41	27	68	0
2	Berat	160	97	24	145	0
3	Burrel	172	40	88	128	0
4	Drenovë	380	227	77	304	0
5	Elbasan	160	189	0	189	29
6	Fier	828	313	369	686	0
7	Kukës	36	34	0	34	0
8	Lushnjë	189	0	41	41	0
9	302 Mine Peza	166	161	0	0	0
10	Reç	781	347	303	650	0
11	Tepelene	75	72	0	72	0
12	Vlore	160	147	10	157	0
13	Jordan Misja 313	480	446	0	446	0
14	Kavajë	40	24	4	28	0
15	Peqin	528	149	335	482	0
16	Fush Kruje	380	371	25	396	16
17	Rrogozhine	343	0	179	179	0
18	Durrës	300	229	52	281	0
19	Lezhë	280	0	444	444	164
20	IVSHB	99	25	46	71	0
	Total	5747	2730	2049	4779	

Penitentiary accommodation capacity – 5747 inmates

Pre-detainees 2730 and convicts 2049. Total 4779 inmates