

Local strategy for the implementation of the EU Guidelines on Human Rights Defenders

— REPUBLIC OF ALBANIA —

Adopted by EU Heads of Mission to Albania on 7 April 2010

I. Human rights in Albania

The Republic of Albania is a parliamentary democracy. Its Constitution contains an extensive catalogue of civil, political, economic, cultural and social rights and fundamental freedoms, which are to be guaranteed by the State. Albania has ratified most of the international and European human rights instruments, and has recently extended a standing invitation to all UN thematic special procedures.

Albania is determined to achieve human rights standards on a par with Member States of the European Union. In view of the country's European perspective, human rights and the protection of minorities play a central role in EU-Albania relations. In this regard, the respect for democratic principles and human rights constitutes one of the general principles of the Stabilisation and Association Agreement, and occupies a prominent position in the European Partnership priorities.

Albania has an adequate legal framework to ensure the respect of human rights. However, existing legislation and policies are implemented unevenly due to shortcomings in law enforcement and persisting corruption, as well as to the lack of sufficient human and financial resources of central and local Government structures.

Although not the result of intentional State policy, human rights violations occur. This is particularly the case in fields like prevention of torture and detention conditions, extrajudicial killings, gender equality and domestic violence, fight against discrimination, rights of LGBT individuals, human trafficking, child protection, disability and social inclusion, and living conditions of the Roma minority.

II. Situation of human rights defenders in Albania

Human rights defenders in Albania consist of a limited number of effective NGOs committed to the protection and promotion of human rights and fundamental freedoms. These civil society organisations operate in a non-restrictive environment, although undue pressure is occasionally exercised. Registration of new organisations is not hindered by the State authorities. However, the fiscal regime governing the non-profit sector remains unclear and negatively affects their work.

Although freedom of expression is guaranteed in the Albanian Constitution, the media fail to fulfil its watchdog role. There is no censorship, but self-censorship among members of the media is present, partly due to the criminalisation of libel and defamation. Business and political interests continue to influence the independent media, and there has been pressure on critical journalists and media outlets.

Human rights organisations suffer from weaknesses affecting Albanian civil society in general, e.g. lack of personnel and financial resources, dependence on donor assistance, organisational shortcomings, politicisation and fragmentation. They also face the challenges of the Albanian legal system, such as prevalent corruption, long duration of process and deficiencies in the implementation of court rulings.

The Government has progressively consulted civil society organisations on draft laws and policies with a human rights dimension. However, there are no formal mechanisms in place for such consultations, and civil society participation in policy-making remains weak. Nevertheless, some human rights defenders are very visible in the defence of fundamental rights, and are involved in active dialogue with the Albanian authorities and the international community present in the country.

Together with these civil society organisations, the People's Advocate (Ombudsman) is a key defender of human rights in Albania. As the independent national institution for the defence of fundamental rights and freedoms, as foreseen in the Constitution, the People's Advocate should play an active role in monitoring human rights and making recommendations to redress human rights breaches.

This core function of the Ombudsman will be supplemented by the establishment of the Commissioner for Protection from Discrimination, following the adoption of the Law no. 10221, dated 4.2.2010, on protection from discrimination. The new Commissioner will monitor the implementation of the law, and will be empowered to examine complaints on cases of discrimination and impose administrative sanctions.

III. EU local outreach and action

Human rights defenders maintain an active dialogue with EU Missions in Albania (Embassies and Consulates of Member States and EU Delegation). Their contact points are very often the Heads of Missions, although in bigger missions also include other officials. Sometimes, more formal meetings take place with human rights defenders, e.g. in the framework of civil society consultations with the EU Delegation.

EU Missions play an important role in financing projects of human rights defenders. This includes EU calls for proposals for civil society organisations under the Instrument for Pre-accession Assistance (IPA) and the European Instrument for Democracy and Human Rights (EIDHR), as well as different grant schemes of Member States. Funding is also provided to the Albanian Government in projects with a human rights dimension, like training for the State Police, justice sector reform and improvement of prison conditions.

Since the work of human rights defenders is in general not impeded or threatened by the State authorities, the role of EU Missions is to continue promoting fundamental rights and supporting their advocates. In this regard, EU Missions shall:

Monitor the human rights situation

- Collect and verify information to identify human rights problems, in cooperation with human rights organisations. In this regard, EU Missions will in particular monitor the implementation of laws and policies relating to human rights, on the basis of recommendations from the Universal Periodic Review and UN Special Rapporteurs.

- Share information regularly on human rights and the situation of human rights defenders, and discuss human rights violations at Heads of Missions level.
- Maintain an active dialogue with the Government of Albania and other relevant institutions on human rights issues and, in particular, on the important role of human rights defenders.
- Express the need to adhere and comply with international norms and standards, including the obligation to implement measures to protect human rights defenders.
- Support efforts to promote the principle of equal treatment, including equal rights for men and women and gender mainstreaming, and to fight against discrimination.
- Cooperate with other relevant international organisations, in particular the UN, OSCE, and the Council of Europe, in promoting respect for human rights defenders.

Maintain a permanent dialogue with human rights defenders

- Maintain close contacts with human rights defenders, including holding regular consultations, amongst others with a view to better understand their needs and constraints and shape donor assistance accordingly.
- Involve human rights defenders in the preparation and application of the local strategy for the implementation of the EU Guidelines on Human Rights Defenders. Maintain regular contacts with the EU liaison officer for human rights.
- Inform human rights defenders on the financial resources available and the means of requesting them.
- Stress the need for further cooperation among human rights defenders, to avoid fragmentation of civil society organisations.

Provide support to human rights defenders

- Provide, as and where appropriate, visible recognition and adequate support to human rights defenders, including funding opportunities and public awareness activities.
- Provide support aimed at strengthening capacities of civil society organisations, in particular technical and financial capacities. In this regard, EU Missions will promote capacity-building of human rights defenders to monitor Albania's progress towards EU accession.
- Encourage and support the work of national bodies for the promotion and protection of human rights, namely the People's Advocate and the Commissioner for Protection from Discrimination.
- Encourage the Albanian authorities to guarantee an enabling environment for human rights defenders, including an adequate and clear fiscal regime governing non-profit organisations.
- Encourage the Albanian authorities to further involve civil society organisations, including human rights defenders, in the policy-making process and subsequent implementation.
- Continue to support the Albanian authorities in promoting justice and police reform, the rule of law and the fight against corruption.