



**Organization for Security and Co-operation in Europe
Presence in Albania**

Political and Public Affairs Unit

**REMARKS BY HEAD OF PRESENCE AT PLENARY SESSION
OF INTERNATIONAL CONSORTIUM
TIRANA INTERNATIONAL HOTEL, 19 APRIL 2011**

Minister Nishani, Acting Minister Peka, General Prosecutor Rama, Ambassador Sequi, Ambassador Arvizu, distinguished guests, ladies and Gentlemen, good morning.

I am delighted to address you today at the Annual plenary meeting of the International Consortium.

May I commend all those active individuals from the national and international agencies that make-up the International Consortium for another successful year.

Distinguished guests and colleagues, since we last met about one year ago, it would be remiss not to mention the important issue of visa liberalization and to celebrate the fact that Albanian citizens can now travel to the EU visa-free.

However, as know you, visa liberalization, did not just happen, rather it was awarded mainly due to the efforts of the Ministry of Interior, and in particular the State and Border and Migration Police.

Colleagues, in addressing the theme for this year's plenary "Addressing the Recommendations of EC Opinion on Albania", I would like to raise some issues that I believe are central to our discussions.

First, in the fight against organized crime, considering where the Crime Investigation Department was just some five years ago, I think it is fair to say that they are now in a far stronger position to fight organised crime than they have ever been before.

Indeed, with the introduction of MEMEX (which is an IT system that provides intelligence and information management solutions to the law enforcement agencies in search and sharing of intelligence) with the improvement of covert policing practices, and the implementation of their respective action plans, they are moving closer to EU standards.

However, the work of the DNA laboratory has to be improved.

Both the further training of laboratory personnel and prosecutors and work on certification of the laboratory need to take place.

Currently, prosecutors neither know enough on how to present DNA evidence nor how to build cases using DNA evidence as a starting point.

Training is also needed in assisting the judiciary to interpret DNA evidence more accurately.

Moreover, a case management system for the courts is very much needed.

And I might even add that perhaps even the police need such assistance too in the sense that they need a system that will track a case from the initial detection of a possible crime to the finalisation of the case.

By having such a system, they would be able to analyse where cases were lost and for what reason - thus increasing the number of crimes solved.

Second, relates to the immunity from criminal prosecution of MPs and other senior public officials

In commending the Assembly in trying to limit the immunity of MPs with regards to certain types of crimes, in my view such limitations should be made by amending the Constitution and the relevant legislation.

All voluntary declarations of limitation of immunity, however laudable, are not enough.

Third, the past two years have seen the steady growth of the newly established probation service not only in staff numbers but also in numbers of local offices.

The main problems they experience are in a lack of office space, equipment and educational training, with probation officers initially lacking basic professional skills.

Fourth, civil procedures need improving in order to better serve the wider public good.

Of most concern are the length of court proceedings, the notification of all interested parties, the legal reasoning of decisions made and the enforcement of judgments'

So changes to both legislation and practices are now required.

The judicial review of administrative decisions continues to be dealt with by the common court system, which is often unnecessarily inefficient.

The draft law intended to establish the administrative courts is pending approval in the Assembly by qualified majority for almost two years.

We urge the Albanian authorities to update the draft law in line with the suggestions made by the international community and then pass the law without further delay.

Fifth, there is room for strengthening the independence of the judiciary, by improving the procedures for appointment, transferral and disciplinary proceedings of judges.

Regarding the delays in the replacement of Constitutional Court judges whose mandates have expired, proper mechanisms need to be found to ensure the appointment of new judges without delay, including amendments to legislation to prevent future such stalemates.

The June 2010 ODIHR Kiev Recommendations on Judicial Independence contain some salient remedies for the current situation.

Sixth, despite the positive developments in the child protection area, the juvenile justice system still lacks a proper system of rehabilitation measures for children in conflict with the law, especially for those who are under the age of criminal responsibility.

Seventh, the legislative process is often characterised by insufficient research prior to the drafting, insufficient transparency and insufficient consultation during the drafting phase and insufficient quality of legal writing.

Indeed, improper laws then create many problems during their implementation.

An improvement in the process would have a positive impact on the quality of the laws approved and would help to prevent problems during their implementation.

Eighth, the People's Advocate is an important safeguard for all Albanian citizens from violation of their rights by the state organs of public administration.

Therefore, the ongoing delay in the election of the People's Advocate, which was due in February last year, is of grave concern.

The law notes that the new People's Advocate should have been elected within a month from the expiry of the mandate of the former People's Advocate – some time ago.

On a similar line, in defending the rights of minorities and in fighting discrimination, the last year has seen the adoption of the Law on Protection from Discrimination and the establishment of the Commissioner for the Protection from Discrimination.

Without doubt, this development is highly positive. It approximates EU legislation in an important field and – if implemented properly – could advance the principle of equality in the Albanian society.

However, there is further work that still needs to be undertaken, for example, the Office of the Commissioner still requires fully trained staff to be hired.

Although the human rights situation here is clearly not as problematic as it was in years past, there is a need to pay more attention to minority marginalised groups like Roma.

The violent incident involving dozens of Roma families in Tirana last month was a very ugly episode.

I am confident that, with the good will and efforts of all the national authorities involved, such episodes will not be repeated.

Ninth, and finally, in the area of anti trafficking, Albania has made significant efforts in fighting human trafficking and providing protection to trafficked persons.

The Office of the National Anti-Trafficking Co-ordinator has consistently increased its profile in the overall co-ordination of this sector.

However, Albania faces a number of challenges.

On the issue of internal trafficking and trafficking for labour exploitation, there is a need to increase the awareness of the responsible state agencies regarding these trends and strengthen the investigation of trafficking and labour exploitation crimes.

In addition, the rights of trafficked persons, from the acknowledgement of the victim's status, the compensation of damages, and to the long-term reintegration, should become issues of priority to be addressed both in legislation and in practice.

The shelters for victims of trafficking continue to do a tremendous work in providing a wide range of assistance services to trafficked persons.

Colleagues, I look forward to a constructive discussion through this year's Annual plenary meeting and equally success for our national partners over the next year.

Thank you.

ENDS