



REPUBLIC OF ALBANIA
PEOPLE'S ADVOCATE



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PRESS RELEASE

The People's Advocate urges the Albanian Government to submit the report to the Committee on Enforced Disappearances

The People's Advocate has addressed a recommendation to the Minister of Foreign Affairs, Mr. Ditmir Bushati, with regard to the necessary measures that need to be taken in order to fulfil obligations stemming from the UN Convention for the Protection of All Persons from Enforced Disappearance.

Through the recommendation submitted to the Ministry of Foreign Affairs, the People's Advocate urges:

- Taking due measures in keeping with Article 29/1 of the International Convention for the Protection of All Persons from Enforced Disappearance, concerning the preparation and submission of the relevant report to the Committee on Enforced Disappearance.
- Taking all appropriate measures for raising awareness and promoting the International Convention for the Protection of All Persons from Enforced Disappearance, including by the utilization of various media, regarding obligations for public administration employees and the rights enjoyed by persons subject to forceful disappearance.
- Taking all necessary measures in view of raising awareness regarding the amendments to the Penal Code, in particular with regard to Article 109/c concerning the designation of "enforced disappearance" penal offenses, by pro-actively promoting these legal changes and not relying solely on their publication in the Official Gazette.

The recommendation draws attention to the fact that the People's Advocate has received a notification letter from the International Coordinating Committee of National Human Rights Institutions (ICC), with its seat at the UN in Geneva. In this connection, the People's Advocate institution is informed that Albania ought to have submitted a report to the Committee on Forced Disappearance by November 8th 2012, in light of obligations stemming from Article 29/1 of the International Convention for the Protection of All Persons from Enforced Disappearance. As of yet, the pertinent report has not be duly submitted.

The People's Advocate institution recalls that the Republic of Albania has ratified the UN Convention for the Protection of All Persons from Enforced Disappearance, through the adoption of Law No.9802, dated 13.09.2007, acknowledging amongst others the competencies of the Committee on Forced Disappearances and the various obligations for state parties stipulated by the Convention.

Furthermore, in compliance with obligations stemming from the Convention, the Parliament of the Republic of Albania adopted Law No.144/2013 "On some amendments to the Penal

Code”, thereby recognizing “forced disappearances” as a penal offense (Article 109/c of the Penal Code). The People’s Advocate institution values that the adoption of the abovementioned law provides for a comprehensive legislative framework for the prevention and punishment of acts of forced disappearances.

The People’s Advocate values that state institutions have not undertaken sufficient measures for promoting and raising awareness on this Convention, the obligations it entails for public administration employees, as well as the rights enjoyed by persons that are subject to forced disappearance. The People’s Advocate institution avails of no information regarding any measures and initiatives endorsed by state institutions for promoting and raising awareness on this Convention, apart from the ratification of the Convention and the adoption of the abovementioned Law No.144 on relevant changes to the Penal Code.

According to Article 29/1 of the Convention, states parties are obliged to submit to the Committee on Forced Disappearances, through the UN Secretary General, a report concerning measures taken for its implementation within a two-year period of becoming subject to the Convention. With a view to the notification letter received by the International Coordinating Committee of National Human Rights Institutions (ICC), Albania has not fulfilled its obligations stipulated in Article 29/1 of the Convention for the Protection of All Persons from Enforced Disappearance, demanding the submission of the pertinent report to the Committee on Forced Disappearances. As a result, Albania’s current standing is inconsistent and wanting vis-à-vis obligations that the country has as a party to the Convention.