**Albania’s Institutions response for the Joint questionnaire by Special Procedure mandate holders on “*protecting human rights during and after the COVID-19”.***

***Impact on human rights***

With regard to the exercise of its competences, the Commissioner for the Protection from Discrimination (CPD) issued 3 (three) Recommendations, responding to COVID-19 situation in the country, specifically:

*1.* Recommendation for the expansion of the list of beneficiary subjects of financial assistance, during the period of natural disaster, announced as a result of COVID-19, referring to the Decision of the Council of Ministers no. 254, dated 27.3.2020. With regard to this recommendation, the CPD has asked to the competent authorities, to take measures, including legal ones, to expand the list of beneficiaries receiving financial assistance, during the period of natural disaster, announced as a result of COVID-19, by:

- Inclusion of the category of self-employed in activities such as “Outpatient Seller”;

-Involvement of unemployed jobseekers, who have not been previously employed and consequently have not contributed to the social security scheme, as limited by DCM 254/2020, referring to article 53 of the Law 7703/1993 “On social insurance”; as well as paying special attention to “special groups” according to the Law 15/2019 "On the promotion of employment".

- Creating facilities for the registration of “unemployed jobseekers”, according to the provisions of Law 15/2019 “On the promotion of employment”, in order to create the possibility for the inclusion of this category also as beneficiaries of financial assistance pursuant to DCM no. 254/2020.

*2.* Recommendation for the expansion of the list of entities that fall into the category of needy strata, defined in point 4 of the Decision of the Council of Ministers no. 236, dated 19.03.2020. With regard to this recommendation, on 07.04.2020, the CPD has addressed to the Council of Ministers, to take measures, for the inclusion in point 4 of the DCM no. 236/2020 "On taking measures to provide housing assistance to the needy strata, in conditions of the epidemic caused by COVID-19", during the period of natural disaster, announced as a result of COVID-19, in order to:

- Include the category of persons who are unemployed jobseekers, which have not been previously employed and consequently have not contributed to the social security scheme, according to the predictions of article 53 of Law 7703 dated 11/05/1993 “On social insurance”.

- Creating facilities for persons who are not yet registered as unemployed jobseekers, in order to create the opportunity for the inclusion of this category also, as beneficiary subjects of assistance, pursuant to Decision of the Council of Ministers no. 236/2020.

*3*. Recommendations for proposed amendments to the Criminal Code of the Republic of Albania.

*3.1.* Regarding the proposed amendments to Article 130/a "Domestic Violence", the Commissioner appreciated the initiative to toughen penalties, occurring in conditions when more and more cases of domestic violence are reported, during the time of restrictive measures due to COVID-19.

*3.2.* Regarding the proposals for the addition of two new criminal figures, respectively: "Disobedience to the measures of the competent state bodies during the state of emergency or natural disaster" (Article 242/1) and "Violation of quarantine rules to prevent the spread of infectious diseases” (Article 242/2), the Commissioner assessed that:

- Regarding the addition of Article 242/1, the Commissioner has expressed a positive opinion on the need to have a special provision regarding the regulation and observance of restrictions, imposed during the time of extraordinary measures taken due to the establishment of the state of natural disaster. The proposal is clear and proportional.

- Regarding the addition of Article 242/2, the Commissioner expresses his concern for the content of this proposal, as the provision, does not guarantee the principle of proportionality, in terms of the measure of punishment and equal consideration of the same severity of punishment, of the two groups (the group of carriers of infectious disease and the group of non-carriers of infectious disease), who are in objectively different conditions. Also, in the Commissioner's assessment, the consideration of these two groups in this criminal provision is also a violation of substantive equality, which is based on the premise that different cases should be treated differently, in proportion to the difference between them. Furthermore, the Commissioner has proposed to clarify whether or not the knowledge of the person carrying the epidemic is known, as well as the violation of quarantine orders and rules was intentional or unintentional, as any such situation would require different predictions and cannot be addressed all in the same way, because that would violate the principle of equality. The Commissioner also emphasized the issue of simultaneous punishment with a fine and imprisonment of up to ten years, which is contrary to Decision no. 47/2012 of the Constitutional Court.

**Statistical information**

Based on the latest data of 2020, in the following table are shown number of older persons who are in prisons.

|  |  |  |
| --- | --- | --- |
| Categories | Pre-trial detainees  | Convicted offenders |
| 50-60 years old | 175 | 361 |
| 60-70 years old | 32 | 116 |
| 70-80 years old | 5 | 29 |
| Up to 80 years old | 0 | 9 |
| **Total:** | **212** | **515** |
| **Total Sum:** | **727 persons** |

The reported data in the first quarter of 2020 show that there is a declining number of proceedings of sex crimes and domestic violence offenses due to family relationships, compared to the same period of the previous year.

Thus, the registered sex crimes proceedings have been reduced from 30 to 25 in the period of January-March 2020;

The proceedings registered under Article 130 / a “Domestic Violence” have been reduced from 266 to 257 or 3.4% ’;

The registered proceedings for Article 79 / c "Murder due to family relations" are at the same level, namely 6 registered criminal proceedings.

***Social Protection***

*1.* In the framework of the measures taken to prevent the COVID-19, as well as pursuant to law No. 15/2016 *On the prevention and control of infections and infectious diseases*, is approved the Decision No. 236, dated 19.03.2020 "On taking measures to provide housing assistance to the needy in the conditions of the epidemic caused by COVID-19", which provides housing assistance, including the delivery of payments benefited from the social protection and social security program, the delivery of food and non-food products and reimbursable medicines, while defining the categories in need (beneficiaries of NE, PWDs, work invalids and pensioners) who benefit from these programs, as well as the homeless and those who have lost their homes due to the earthquake.

The Central Commission for Providing Assistance has been set up, which verifies the lists, makes the relevant adjustments, and confirms them to the district prefects, mayors, the State Social Service and the Social Insurance Institute. Lists were compiled within 3 days of the entry into force of the decision and are updated weekly. After their confirmation, the district prefects and mayors set up civil defense commissions with their staff and volunteers to deliver food and non-food products to the needy, where the Armed Forces are also engaged, which coordinates the work with these commissions. Sending monthly payments, from the social protection and social security program, to the apartment, is performed by the postal service.

*2.* Decision no. 254, dated 27.3.2020 of the Council of Ministers “On determining the procedures, documentation and the measure of obtaining financial assistance for employees in business entities with annual income up to 14 million ALL, economic assistance and payment of income from unemployment during the period of natural disaster, declared as a consequence of COVID-19”, was approved and foreseen:

 **(i)** to provide financial assistance to employees/self-employed, at the level of the minimum wage, for the period after the cessation of economic activity / labor relations due to the state of the epidemic caused by COVID19,

**(ii)** to provide an additional payment to individuals and families who benefit from the payment of economic assistance (2 times of the payment); and

 **(iii)** to provide an additional payment to individuals who benefit from the payment of unemployment benefits (2 times the unemployment benefit). Economic Aid and unemployment payment was benefit from existing beneficiaries of these programs and those who have applied by March 10, 2020. The decision also provides for the procedures for obtaining these benefits.

*2.1* With the decision no. 341, dated 23.4.2020 “On some additions and changes to the decision no. 305, dated 16.4.2020, of the Council of Ministers,” On determining the procedures, documentation and the measure of obtaining financial assistance for it current employees and laid-off employees as a result of COVID - 19 was approved to provide financial assistance of 16,000 (sixteen thousand) ALL, for applicants for economic assistance, who are applicants from July 2019 to April 2020, who have not received economic assistance and, currently, do not even benefit from the fund 6 percent allocated to municipalities, except in cases that have been excluded from the economic assistance scheme, according to article 15, of law no. 57/2019, "On Social Assistance in the Republic of Albania".

At the same time, the Ministry of Health and Social Protection, within the measures taken to prevent and limit the spread of this epidemic to the masses, has approved the following Orders:

*3.* Order No. 157, dated 10.03.2020 “On taking measures to prevent infection by COVID-19 of the beneficiaries of social care services” amended by Order No. 227, dated 02.04.2020, until the end of the epidemic situation caused by COVID 2019 infection.

This order provides for the prohibition of visits to public and non-public residential social care institutions of family members, friends and relatives of the beneficiaries, in order to prevent their infection by COVID-19. The staff serving in the institution is determined according to an agreed schedule between them and the head of the institution, avoiding any kind of contact outside the institution. Hygienic and sanitary measures have been increased. Contacts have been established with local health care units to monitor the health situation of the beneficiaries. In any case, it is planned to follow the Protocols Approved by the Ministry of Health and Social Protection and the Institute of Public Health.

*4.* Order no. 226, dated 02.04.2020 "On the suspension of the functioning of the evaluation commissions of persons with disabilities and work disability" which abolishes Order No. 158, dated 11.03.2020. According to this Order, the functioning of the first and Superior Medical Commission for Determining Blindness, is suspended, which assesses persons with disabilities and Work Invalids, the functioning of the MCDB, which evaluates the blind people, is suspended, as well as the suspension of the Multidisciplinary Commission of Disability Assessment where the bio-psycho-social assessment of disability reform is being implemented. This suspension will last until the end of the epidemic situation caused by the COVID 2019 infection. Payments to existing beneficiaries whose term of office expires during this period will continue to be granted on the basis of these decisions until the revaluation is made after the reactivation of the commissions.

*5.* Order No. 213, dated 31.03.2020 “On taking measures to prevent COVID-2019 infection of applicants for economic assistance” which provides that exclusively during the natural disaster situation applications for economic assistance will be made electronically or through the postal service. It is envisaged that the beneficiary families will not be penalized for failing to complete the 3-month declarations at the administrative units and that family visits will not be carried out for applicants and beneficiaries of economic assistance, to verify the socio-economic situation by the social administrator. The order provides that social administrators maintain contacts electronically or by telephone to assist citizens in completing the application for economic assistance.

*6.* Instruction No. 253, dated 10.04.2020 "On the management of cases of children in need of protection, during the period of natural disaster due to the epidemic caused by covid-19", aims to determine the concrete procedures and actions of child protection structures, for the management of cases of children in need of protection, during the period of natural disaster due to the pandemic caused by COVID-19.

Child Protection structures, during this period, support, raise awareness, inform children and their families about the situation created by the COVID-19 pandemic, for preventive measures, signs and symptoms to identify the disease, referral routes to health structures, emergency numbers and how to access the services provided, in the territory where they live.

7. Order No. 254, dated 10.04.2020 “Protocol on the operation of public and non-public residential centers that provide housing services (shelters) for victims of domestic violence and trafficking in the pandemic situation of COVID19”, aims to assist providers of this service to function as effectively as possible in accordance with restrictions due to preventive measures. Implementation of the "COVID-19 Emergency Protocol for shelters" helps shelter staff provides the necessary services to victims of domestic violence and trafficking without compromising their health and their lives or the lives of victims benefiting the service, family members and the community as a whole.

The following protocols are being prepared as follows:

• Protocol on the operation of public and non-public, non-confidential centers that provide services to persons with disabilities, during and after the natural disaster period, until the completion of physical / social distancing measures due to the epidemic caused by covid 19.

• Taking special measures by the disability assessment commissions and work invalids to prevent the spread of COVID-19 infection.

• Taking special measures by local self-government units to prevent the spread of COVID-19 infection to applicants for economic assistance.

**Protection of various groups at risk and indigenous people**

1. Gender Equality& domestic violence

Since the beginning of the emergency period, Government of Albania and particularly MoHSP have been very careful on providing a gender sensitive response to COVID situation, by undertaking specific measures targeting most vulnerable groups of women in need.

Priorities:

* Including the most vulnerable groups of women as beneficiaries from the economic measures package of Government of Albania.
* Ensuring the needed legal protection to all women and family members abused/violated.
* Providing immediate and effective multi-sectorial treatment of Violence against Women and Domestic Violence’ cases.
* Ensuring the continuity of specialist support services for women, children and family members in risk or victims/survivors of violence.
* Regular monitoring of situation related to VAW&DV

Some of the key actions to mention on this direction are:

- Women with an issued protection order, women head of families and the women under economic aid scheme were amongst the first groups included in the economic measures’ package prepared from our government, to benefit the double payment of what they usually get.

- The non-suspension of the work in judiciary, for family cases related to domestic violence, child custody, children’s rights and adoption process, alimentary and in some other civil and criminal cases, was followed also by the improvement of the Criminal Code, particularly on the article 130/a “Domestic Violence”. The amendments consist on tightening of penalties for abusers and are in line with the recommendations of the Istanbul Convention and CEDAW Convention which require from States Parties to take all legislative measures to punish perpetrators and eliminate violence against women.

Different measures are taken to ensure an increase of coordination, promotion of effective collaboration and immediate response for cases’ managements despite all restrictions and precautionary measures.

- Immediate measures are undertaken to create an enabling environment for ensuring the continuity of specialist support services for women, children and family members in risk or victims/survivors of violence. Specific protocols and regulations are prepared and approved in order for these services to provide protection, support and professional treatment to cases happened during COVID emergency. The protocol for functioning of all specialized temporary and long-term shelters approved by the Order No. 254 / dated 10.04.2020, of the Minister of Health and Social Protection; Instruction of the Minister of Health and Social Protection No. 253, date 10.04.2020 for cases’ management of children in need for protection; the protocol for domestic violence cases’ management from members of the Coordinated Referral Mechanisms at local level, etc., are some of good tools produced during this situation.

- An awareness Video Spot reminding citizens their moral and legal right to report any case of domestic violence they might hear/know that’s happening, especially now during the COVID-19 restriction, where also national free helpline number (116 117) and police number (129) for cases’ reporting are also provided, is published in MoHSP webpage. https://www.facebook.com/MinistriaeShendetesisedheMbrojtjesSociale/videos/252515315870825/.

- The free green line number 0800 40 40 providing psychological counseling and support in case of fear, angry, stress, etc., due to COVID-29, functioning every day from 08.00 – 22.00 as another option also track any potential case of VAW&DV,

- The internal regulation of functioning of the Centre for Management of Sexual Violence Crisis “Lilium” is drafted, during Covid 19. This will be a complementary document in addition to the Protocol approved and will be focused on all specifics of services provided to “Lilium” Centre during the pandemic of COVID-19, what aspect of the work provided from all professionals will be changed, which will be the new rules to be followed from the forensic and the victim/survivor during the examination process, how there will be collected the evidences by avoiding also the risk of being infected or spreading COVID-29, etc. (this document is prepared with support of UNDP). ( During march- may 2020 in this Center there were 3 cases of victims of sexual violence :2 minors girls and 1 women.).

- A rapid need assessment of the specialist support services providing sheltering (short-term or long-term) for victims/survivors of violence against women and domestic violence is prepared from the specific Sector for Social Inclusion and Gender Equality in Ministry of Health and Social Protection, focused on identifying: their needs for protective and hygienic materials for their staff and beneficiaries; their capacities and potentials to create the isolation room inside the shelter spaces; their need for a possible training on the new protocol of their functioning in the COVID-19 emergency; their need for training and capacity building activities, etc. There are analyzed the needs of 19 shelters (short-term and long term focused on VAW&DV, trafficking of human beings as a form of VAW, children abused in family relations, or victims/potential victims of trafficking, as well as on LBGTI community, plus the center for management of sexual violence crisis). Their specific needs/requests for training and capacity building activities were already mentioned above.

Training with local coordinators for protocols for National Referral Mechanism members for domestic violence case management and for the Covid 19 situation:

1. The Ministry of Health and Social Protection in cooperation with UNDP, within the joint program "Let's end violence against women and girls", during the period April-May organized three cycles of online training with local coordinators for protocols for MCC members about Covid 19. About 44 local coordinators have been trained.

2. LILIUM Center during January-December 2019 has managed 40 cases of victims of sexual abuse, of which 80% were women and girls,60% of the cases were children. For the period January-May 2020, 10 cases were treated in this center, of which 5 adults and 5 minors.

3. A publication has been prepared by the Ministry of Health and Social Protection supported by UNDP, within the Joint Program "End Violence against Women in Albania", which is addresses to all professionals who identify, report, treat, refer to and up to the reintegration of survivors / survivors of sexual violence.During the period January-March 2020 , a total of 948 calls were received from the National Counselling Line 116-117.

While during March 2020, the National Counselling Line 116-117 has had an increase of about 30% of the number of received calls, compared to the same period last year.

It should be noted that during April 2020 the number of calls is increased about 50% compared to last year.

*The Data obtained from the state police*

From the data of the state policy results that during the period March-May 2020 were identified 655 cases of domestic violence compared to the same period of 2019, where were identified 928 cases. During the year 2020 there are 391 requests for protection order, compared to the same period of 2019 where there are 510 cases.

Regarding to the Article 130 / a, for the pandemic period of Covid-19 there are convicted 226 persons, compared to the same period of 2019 where 220 persons were convicted.

For the year 2020 there are 455 injured women compared to the same period of 2019 where there are 626 women. For the year 2020 there are 79 people arrested compared to 2019 where there were arrested 86 persons. During the pandemic period there were no murders compared to the same period of 2019 where there were 3 murders.

Challenges:

- Lack of needed financial, materials, infrastructure and human resources

- Lack of trained and gender-sensitive professionals in judiciary and policing system

- Lack of the needed number and types of available specialist support services, accessible from all groups of women and family members in need.

- Lack of a specific gender sensitive plan/platform to be used in civil emergencies and natural disasters.

*The Ombudsman Institution findings*

1. During this period, the Ombudsman Institution has exercised both the function of promoting human rights and monitoring their implementation by public administration institutions. Immediately, the AP institution on its official website as well as through the social media, distributed a statement in which it was emphasized the possibility of occurrence or increase of cases of gender-based violence or domestic violence. In this statement, AP called on women and girls, members of families or children, to immediately denounce if they were subjected to violence of any kind, or witnessed episodes of domestic violence, calling the dedicated numbers.

2. The Ombudsman Institution also called on all responsible institutions, members of the Coordinated Mechanism against cases of domestic violence in local government, to be ready, to continue managing all possible cases of violence and to provide better protection for the victims.

3. In conditions when social and physical distancing had to be implemented, many services for violated women such as psychological counseling, legal advice, and information about institutions responsible for protection against violence or ways of applying for economic assistance or any other kind of assistance were provided through online platforms, telephone, etc.

4. As the civil society organizations were the first to adapt to this way of communication, the Ombudsman issued a statement urging civil society representatives to continue their work in support of the most vulnerable groups, valuing them as very important in wining this battle. Through this statement, the Ombudsman Institution encouraged the local government to include in its activity the provision of services for certain groups in the community, representatives from the civil society sector, who have the necessary experience and expertise to communicate with these groups during difficult situations.

5. The AP also requested information on the situation and the measures taken by the National Center for the Treatment of Victims of Domestic Violence with regard to the fulfillment of their customers’ needs for food, medicine, detergents, masks, etc.

6. The AP has requested information from the Ministry of Health and Social Protection as the main institution responsible, as well as from the State Police and civil society organizations to provide information on the number of cases of violence identified during the quarantine period, the number of cases what has been treated / assisted and what kind of assistance this includes (psychological counseling, legal assistance, housing, medical assistance, food assistance or any other kind of assistance), as well as information on specific measures taken to respond to this situation for victims of domestic violence. The AP is in the process of processing this monitoring report.

In parallel, the AP has pursued its work on following complaints and cases taken by initiative related to raped women, women in economic or housing difficulties, etc.

*2. Roma and Egyptian minorities*

The Government of Albania due to the pandemic situation has taken series of measures to help the most vulnerable including Roma communities.

- The Ministry of Health and Social Protection has proposed to the Parliamentary Commission to discuss extension of pandemic measures by the end of June 2020.

- The Government of Albania will provide initial protection measures for families that do not benefit from the social protection programs and informal workers.

- The Council of Ministers (DCM) on 27 of March approved a measure that will finance Roma families and additional payment from the Economic Aid, for the above mention social groups and those who were targeted by the earthquake.

- The interest rate caused by electricity payment delays are absolved for all.

- The Ministry of Defense in collaboration with the municipalities has distributed food packages to families for three different categories: beneficiaries of economic aid, people that have lost properties and housing during the earthquake and people without property and housing.

- There are regular disinfection and sanitary measures taken at the Roma communities.

- Municipality of Tirana had covered the rent accommodation expenses for 385 families benefiting from social housing, during the period March-April 2020.

- The Municipality of Tirana had provided food and sanitary packages every 2 weeks in Bregu i Lumit, Selite, Yzberisht, Petrel neighborhoods.

-The Ministry of Health and Social Protection allocated 56,451.61 € (7 million Albanian Lek) from the Social Fund, to support municipalities in providing social services for vulnerable groups.

- 1000 families involved in the informal work sector are being supported by different organization such as Save the Children, Word Vision, UNICEF, Terre Des Hommes.

- The Government of Albania decided to support Roma families with 129 EUR or (16000 Lek) that were not part of Economic Aid scheme because of not fulfilling technical conditions to benefit while applying from July 2019 –April 2020, distributed as below:

-. The number of benefiting families from Roma families reaches 5100 families.

- The Ministry of Defense in collaboration with the municipalities had deliver food packages to families and vulnerable groups.

- The Government of Albania is coordinating work with SCO’s in the field of child protection how to manage the cases and create standard for home services for all vulnerable groups.

*The Ombudsman Institution findings*

*1.* The continuous monitoring of the situation has ascertained the concerns made public in the media, but also by civil society activists, where the lack of livelihoods, food items, disinfectants, as well as financial treatment by responsible state structures of individuals have been identified on the Roma and Egyptian families in the area of Rrapishta, Elbasan, in the villages of Levan and Driza, Fier, in the Roma and Egyptian communities in Korça, Shkodra, the Roma community in the area of the former NISH Tulla, Durrës, etc. This situation is the same throughout the country, indicating that the measures taken by the responsible institutions have been insufficient and disproportionate to ensure a normal life within the conditions of self-isolation for these communities.

*2.* In this broad existing issue, we have assessed that the overall measures taken to prevent infection, such as social distancing and self-isolation are impossible for these communities, thus exposing their members to extreme poverty, which escalates to survival. For this reason, we have requested from the responsible local self-government authorities, an increased institutional attention and commitment, to respond to the basic living needs of these communities, concretized with measures that directly affect and that provide an acceptable standard of living conditions in this global pandemic. Providing additional financial assistance, basic livelihoods, guaranteeing the provision of basic social services and access to these services for these communities, have been some of the suggestions of the institution of the People's Advocate, addressed to local government bodies, which will enable them to cope and overcome this situation as dignifiedly as possible.

Through the relevant recommendation addressed to all mayors in the country, we have suggested that it is necessary to take measures to:

* Evidence of the real number of individuals and families in need, part of the Roma and Egyptian communities, located within the territory of the administrative unit, administered by them.
* Provision of basic food packages continuously periodically, for individuals and families in need of the Roma and Egyptian communities, located within the territory of the administrative unit, administered by them.
* Evidence of families and individuals, part of the Roma and Egyptian communities, located within the territory of the administrative unit, administered by them, who would be treated with the so-called, "war payment".
* Continuous disinfection of public areas of areas where Roma and Egyptian communities are located, within the territory of the administrative unit, administered by them, and providing disinfectants for individuals and families in need of these communities.
* Ensuring the uninterrupted supply of drinking water to the families and individuals of the Roma and Egyptian communities, located within the territory of the administrative unit, administered by them.
* Continuous provision of social services and increased attention to persons with disabilities, the elderly and children in these communities.

*3. Children*

Specific protocols and guidelines have been prepared and adopted in order for these services to provide professional protection, support and treatment for cases occurring during COVID emergencies.

*1.* There is a very important document related to this purpose:

Instruction No. 253, dated 10.04.2020, of the Minister of Health and Social Protection "On the management of cases of children in need of protection, during the period of natural disaster due to the epidemic caused by Covid-19".

The purpose of this instruction is to determine the concrete procedures and actions of child protection structures, for the management of cases of children in need of protection, during the period of natural disaster due to the epidemic caused by COVID-19.

2. Child Protection Structures support, raise awareness, inform children and their families about the situation created by the COVID-19 epidemic, preventive measures, signs and symptoms to identify the disease, referral routes to health facilities, numbers of emergency and how to access the services provided, in the territory where they live.

During the COVID-19 epidemic, Child Protection Units across the country have reported:

• 21 cases of abused children, of which 15 children are from families where the mother has received a protection order and they have witnessed this violence;

• 6 cases of sexual abuse, 4 of which have been made public in the media, have been reported to the State Agency for the Protection of Children and have been managed by the Child Protection Units.

• 1 case as a possible victim of trafficking;

• 2 abandoned children who are placed near social care institutions;

• 1 case without parental care, the father died during this period and the mother with mental health problems could not take care of the children.

4. At the national level, there are 2 emergency centers, which provide their service to children in need of protection, which according to the Instruction No. 253 provide services and protect children who have been left without parental care due to COVID-19.

The cases of the children in need of psychological support are referred to by Child Protection Workers in municipalities or administrative units, at services that provide psychological support at a distance such as:

a) Green line 0884040 every day from 8.00-22 free, published by Ministry of Helath and Social Protection as a new free psychological service for all citizens, children and anyone who needs support in a pandemic situation.

b) National Children's Counselling Line ALO 116 111

c) National Counselling Line for Women and Girls 116 117

d) Online consultation on the platform www.nukjevetëm.al. The platform offers counseling via messaging, or offers individual therapy via chat service;

e) Psychologists of the respective children's schools for online counseling

f) The service provided by the Order of Psychologist, through "Albanian Online Psychologists", which has published on the official website the lists of psychologists available to respond to citizens.

 *Online meetings for training and support of first-line professionals*

• On May 27, an online meeting was held by the group of parliamentarian "Friends of Children" with the participation of the Head of State Agency for the Rights and Protection of Child (SARPC), representatives of the Ministry of Health and Social Protection, Representatives of Ombudsman, representatives of UNICEF. The meeting had a report on the situation of children in this period of pandemics and measures taken for children of families in need.

• Periodic online weekly meetings between SARPC, UNICEF and child protection staff were held during the pandemic period. In these meetings, technical instructions are given to Child Protection Worker for the cases that can be identified and the procedures that will be followed. For the professionals, have been distributed leaflets with practical instructions for dealing with the pandemic situation.

• On May 8, SARPC together with CRCA organization and National Counseling Line ALO 116 111 became part of the webinar conducted by ISIGURT.al where it was found that 49% of cases have been addressed to the State Agency for the Rights and Protection of the Child to protect children from content harmful online and strengthen the mechanism of reference and blocking of these sites which infringe on the rights of children.

• On May 8, a webinar was held between SARPC and OSCE on the situation created by # COVID19, emphasizing the role of the Agency as the main partner of the OSCE Presence in the fight against trafficking and exploitation of children even during the natural disaster caused by the corona virus, as well as during the next tourist season.

• Also on May 27, Ministry of Health and Social Protection, UNICEF WHO has started the online training “ Mental Health and Psychosocial Support in Emergency Situation”, which aims to equip first-line professionals with the knowledge and tools to protect and improve the mental health and psychosocial well-being of tall people an emergency situation . This training will last until July 2020.

*2.1* The protection of the rights of child victims and juveniles in conflict with the law has been assessed as one of the main priorities of the Albanian government in the context of the judicial system reform. From this point of view, it was necessary to make legal changes to the criminal procedure legislation and also to the law "On free legal aid guaranteed by state”.

These main interventions made by the Albanian government have brought a positive approach towards the field of protection of minor’s rights and their access to justice.

Even during the COVID-19 pandemic, the Albanian government including the Ministry of Justice has taken all necessary measures to protect the minor’s best interest. For minors in conflict with law/juvenile victims are guaranteed a series of procedural guarantees to respect their right of access to justice even during the period of the COVID-19 pandemic.

* Normative Act of the Prime Minister no. 9, dated 25.03.2020 "on taking special measures in the field of judicial activity during the pandemic situation caused by Covid-19".

The High Judicial Council has decided as a general principle the suspension of activity and judicial services in all courts of the country due to the situation created by the transmission of Covid-19 virus. This measure was taken to prevent the spread of COVID-19 virus, but on the other hand the restriction of the activity without being accompanied by other special exceptional rules might have infringed the rights of citizens for a fair trial. For this purpose, the Ministry of Justice, took specific actions to provide the continuing of Judicial/prosecution activity even during the COVID-19 pandemic.

The Minister of Justice and the Minister of Health and Social Protection proposed an act which determines the special rules for the continuing of judicial /prosecution activity during this period for specific cases by undertaking a series of measures in the context of respecting social distancing.

This act, the Normative Act of the Prime Minister no. 9, dated 25.03.2020 "On taking special measures in the field of judicial activity during the pandemic situation caused by Covid-19", aims to determine the special rules for the continuing of judicial / prosecution activity during this period.

Through the normative act, keeping as primary consideration the highest interest of children, we have enabled the continuation of judicial processes as below:

• Measures of securing the lawsuit in civil and administrative matters, in cases when the court deems that the suspension may cause serious and irreparable damage to the parties;

• Family law cases (guardianship and adoption measures; protection against domestic violence, parental responsibility and alimony obligations);

• Criminal cases related to the validation of arrest in flagrance;

• "Imprisonment" or "house arrest" security measures when the arrested, the defendants or their defense counsel request it;

• Criminal cases related to the imposition of the “preventive sequestration” measure

• In criminal cases against juveniles in conflict with the law, according to Article 15 of the Code of Juvenile Criminal Justice.

Specifically, referring to the article 3 of this act, for juveniles cases, when has been applied the measure of arrest or detention according to the article 15 of the Criminal Justice for Children Code, will be adjudicated even during this situation caused by Covid-19, taking a series of measures in the context of respecting social distancing, as follows

a) restricting the access of the public to the court premises, guaranteeing

b) only the access of individuals who must perform the activities which are considered an

emergency;

c) access to services, by reservation, also through telephone / electronic communication

d) imposing mandatory guidelines on the restriction and manner of movement of persons.

e) closed-door for all public court hearings; (as specified in this article);

f) minimizing the physical presence of the parties in the administrative and civil court hearings (as specified in this article);

Also, strict measures have been taken for juveniles in conflict with the law, who are currently undergoing rehabilitation at juvenile reintegration centers, as well as any other convicts part of the penitentiary system in the Republic of Albania to minimize the transmission of COVID virus, always without violating their fundamental rights and freedoms.

Specifically, based on the order of the Minister of Justice no. 92 dated 09.03.2020, "On taking measures in the GDP and the institutions of execution of criminal decisions for the prevention of the transmission of COVID-19" it is foreseen to take immediate measures by the General Directorate of Prisons as follows:

• Taking measures added by the medical staff for people who have symptoms of chronic diseases;

• Assignment and establishment of structures in the service of 24 hours, in all IECDs, which report to the central structure set up in the GDP, for any case or situation suspected of infection caused by COVID-19;

• Changing the schedules of actions for performing additional telephone communications of convicts and detainees with family and relatives, due to the increased measures;

• Taking measures by the General Directorate of Prisons and IECDs for enabling electronic communications (video call, skype, etc.);

• Avoiding the gatherings of persons convicted and detained in the premises where they carry out joint activities within the IECD, when it is not possible to respect the safe distance of at least 1 (one) meter from one person to another ;

• Suspension of all social and cultural activities in prison facilities.

Despite these social distancing coercive measures, juveniles haven’t been deprived of their fundamental rights and freedoms, including the right to meet with lawyers or communicating with their families by electronic means.

- Law no. 111/2017, "On Legal Aid Guaranteed by the State"

The free legal aid system is a mechanism created by the state to guarantee equal access to justice. Through the provision of free legal aid, juveniles in conflict with the law and juvenile victims (as direct beneficiaries of services) are provided with legal services such as advice and guidance on legislation and procedures followed in its implementation, drafting of acts and documents, legal representation in court.

- Secondary legal aid

Referring to Article 11 of this law, minors who live in social care institutions; minors in foster care who seek to initiate a process without the consent of their legal representative or against their legal representative; juvenile victims and juveniles in conflict with law, at any stage of criminal proceedings (for which compulsory protection is not obligated), can receive any form of legal aid as "special" categories. As mentioned above, since the judicial activity on urgent matters, such as secondary legal aid for vulnerable categories, has continued to function throughout this period, every beneficiary of secondary legal aid, including minors, have continued to receive this service.

- Primary legal aid

The Free Legal Aid Directorate is the institution dedicated to legal aid issues, responsible for the administration and functioning of the legal aid system guaranteed by the state. As a key institution in this context, the FLAD cooperates with other actors involved in the legal aid system to ensure the provision of these services with efficiency and quality. (Authorized NGOs; Law Clinics; Primary Aid Centers).

In the conditions when the undertaking of restrictive measures started in the country as a result of pandemics (Covid-19), the primary legal aid centers were closed, and some of the work processes were suspended.

Regardless of the circumstances, the Ministry of Justice in close collaboration with FLAD has taken all the measures necessary to provide legal aid services (as a service closely related to the citizen) even in these restrictive conditions. For this purpose, the Ministry of Justice in cooperation with the Open Society Foundation for Albania has continued to provide online legal services through the platform juristionline.al to guarantee the access of citizens through free legal aid.

Through this platform, every person (including minors), can receive free legal consulting at any time. During this period the lawyers of the platform have administered a considerable number of legal counseling cases where the minors are directly or indirectly involved divorce procedures; wage assignment orders; parental responsibility and alimony obligations).

*The Ombudsman Institution findings*

The People’s Advocate through its Commissioner for the Protection and promotion of the rights of the Children took a number of measures to guarantee and protect the rights of the child through on-line work.

Based on the review of cases by initiative, but also on the on-line monitoring of public services provided by institutions responsible for child protection, the problems identified during COVID emergency period are as follows:

* violation of the right of the child to education, as a result of the lack of communication technology equipment and internet supply to the children of families living in difficult socio-economic conditions;
* problems in ensuring protection of the child from violence as a result of surfing the Internet for a long and continuous period of time, without security filters as a result of the education process on the on-line platform;
* problems in ensuring protection of the child from domestic violence as a result of restrictive measures and isolation of families at home;
* violation of the right to life and normal development of the child, as a result of difficult socio-economic conditions, which is exacerbated by the situation of COVID-19 pandemic;
* violation of the right to life and health of minors in conflict with the law deprived of liberty;
* problems in ensuring protection of children placed in residential social care institutions.

From the identification of the above-mentioned issues, through the official social media and official on-line communication, has brought to the attention of responsible state institutions the relevant suggestions and recommendations for state administration bodies, as part of the integrated child protection network. On this regard, the Commissioner in the exercise of its functions in accordance with domestic law is preparing the synthesis report of the protection of the rights of the child during the COVID-19 pandemic.

*4. Persons with disabilities*

The Ombudsman Institution, in the exercise of its constitutional mandate, during the critical situation of the natural disaster caused by the Covid-19 pandemic, has pursued and continues to pursue with special attention, the protection and the respecting of the rights of persons with disabilities, with specific interest in the rights of deaf people.

In a democratic society, sign language is the first natural language of deaf people, and therefore they have the right to express themselves through signs and to be regularly informed in the language of signs, in order to feel integral part of society. Any professional medical advice, but also any other official communication to the public, makes sense when it becomes accessible and understandable to all. Clear and real-time communication with this community, keeping them informed about the situation we are in, makes them feel not discriminated against but equal to others. The media should be at the service of everyone without distinction.

By monitoring the good practice of the Ministry of Health and Social Protection, realized during the official daily updates, on the progress of the pandemic of Covid-19 and the measures taken for its treatment in our country, the People's Advocate has greeted and offered through public statements, support for public authorities and health experts, to be able to communicate directly with deaf people, through sign language.

5. *People deprived from liberty*

1 .As soon as the epidemiological risk appeared and following the measures taken by the Albanian Government to prevent the spread of COVID-19, the Ministry of Justice, on March 9, 2020 issued several orders and instructions for taking measures in Institutions for the Execution of Criminal Decisions to prevent the spread of the COVID-19 virus.

2. In addition, the General Directorate of Prisons has drafted an additional protocol on health measures to be taken by all IECDs to prevent the spread of the virus, and has issued several other administrative acts to prevent the spread of the virus in the prison system, as well as additional measures to maintain order in the IECD and the psychological well-being of prisoners in this global pandemic situation. The implementation of these measures has been followed in an uninterrupted dynamics and manner based on the principle of continuous improvement.

3. Also, immediate action has been taken to inform prison managers of all levels and the social, security and health sectors, who are direct in contact with prisoners, on the risk, prevention and management of prisoners in the emergency situation created by COVID-19.

The implementation of these measures has been followed in an uninterrupted dynamics and manner based on the principle of continuous improvement.

The first cases ascertained with the COVID 19 virus resulted in the Rrogozhina Penitentiary Institution on April 2, 2020, where 2 (two) employees of the institution after the test have resulted positive. Immediately, quarantine measures were taken against them in their homes, and the epidemiological investigation was carried out by the doctors of the General Directorate of Prisons and epidemiologists of the IPH. None of other prisoner of staff had been infected by them.

4. Any measures taken for the isolation and treatment of infected prisoners is consulted and carried out according to the recommendations of epidemiologists and the situation is followed in dynamics in cooperation with the responsible epidemiological structures.

If the number of cases of prisoners affected by the virus increases, adequate measures have been taken to separate them from other prisoners by placing them in a special sector; such a sector is opened in all IECDs. Also, in the prison hospital, two wards have been prepared for the accommodation and treatment of infected patients who will need hospitalization and intensive care.

The measures were implemented in line with the Council of Europe's recommendations for the prevention of COVID-19 in penitentiary institutions, with a focus on respecting the rights of prisoners, safety of life and health during this extraordinary situation.

The measures to prevent COVID-19 in the prison system are summarized as follows:

• Applying a temporary residence permit at home

In order to protect the life and health of convicted persons and to guarantee the right to human treatment and respect for their dignity, in the framework of special measures against global pandemic caused by the new COVID-19 coronavirus, the Council of Ministers has approved Normative Act no. 7/2020 "On granting a temporary permit to convicted prisoners who are allowed to stay at home for a period of three months". 372 convicts have benefited from this act, according to the following criteria:

1. convicts who have been convicted of criminal offenses that do not constitute a social danger and who have less than 3 years in prison to serve.

2. convicts of equal age group or over the age of 60, who have been convicted of criminal offenses that do not constitute social danger, who have less than 5 years of prison sentence and suffer from chronic diseases such as in COVID-19 epidemic conditions can be life-threatening.

• The health situation of prisoners and staff

The health situation of the prisoners has been followed dynamically by the prison health care staff.

For the cases of infected prisoners that have been confirmed, there were carried out:

- Epidemiological investigation of cases by epidemiologists of public health structures, of course in close cooperation with health staff in prisons;

- Their quarantine in the premises of the prison hospital where the necessary facilities for quarantining the cases in the prison system have been created;

- Following the dynamics of symptoms and treatment by the medical staff of the prison hospital.

In all prisons, health staff has been designated as the main structural body for managing the situation. COVID-19 prevention protocols are applied daily, along with disinfections and safeguards. The health staff is present during the daily instruction on the protective measures of the personnel working directly with the prisoners.Chronic patients and elderly inmates are kept under constant control.

Also, the staff is kept under constant monitoring for strict implementation during the exercise of the duty of protocols and measures for the use of protective equipment, social distancing, continuous disinfection, etc.

• The psycho-emotional state of the prisoners

Prisoners have been informed in advance of restrictive social distancing measures conditioned by the COVID-19 pandemic situation. The prisoner community has shown understanding and cooperation on restrictive measures in order to prevent the spread of the COVID-19 virus and confidence in the structures in the Penitentiary Institution for the engagement of the measures taken.

There is a general concern, but there is no panic. Alternative measures such as video-call communication have eased the tension of not having physical encounters with family members.

Psycho-social staff has been present every day near to the inmates, providing the necessary psychological assistance and advice on managing the stress caused by COVID-19.

• Staff readiness to cope with the situation

Prison staff is aware of responsibility, mission and risk. It is to be welcomed that in this difficult situation, but also in other situations such as the earthquake of a few months ago, the prison staff has been very mobilized and ready to respond to the tasks and meet with humanism the mission of the prison system.

• Reports

In the Ministry of Justice, the General Directorate of Prisons and each IECD, a Task Force has been set up to monitor and report on the situation in the prison system, in the framework of anti-COVID measures.

• The security situation

The General Directorate of Prisons has given clear instructions to security issues, such as

Control of security elements

- Managing the behaviour of convicts

- Obtaining information, evaluating and addressing it

- Identification of signals or concerns that affect security

- Behaviours and attitudes of dangerous convicts

- People at risk, especially those with mental health problems and at risk of suicide

• Inspections

As part of measures to prevent the spread of COVID-19, inspections are carried out every day for 24 hours, according to a schedule in all IECDs.

The purpose of inspections is to raise the awareness of staff and prisoners, as the success of these measures cannot be achieved otherwise than with the involvement of everyone. The inspections were carried out by the staff of all levels of the GDP, as well as by the staff of the Ministry of Justice, significantly influencing the mobilization, motivation and immediate improvement of the situation.

We are pleased to note that the measures described above, undertaken since the beginning as a response to the pandemic caused by COVID-19, are in line with the measures recommended by the guidelines adopted by the international organization, namely:

1. Guideline “Readiness, Prevention and Control of COVID-19 in Prisons and Other Detention Centres”, published by the World Health Organization (WHO), adopted on 23 March 2020;

2. Instruction of the Subcommittee on the Prevention of Torture for States Parties and National Preventive Mechanisms concerning Coronavirus Pandemic, adopted on 25 March 2020;

3. Prison Communication Package "Readiness and Reaction Plan to COVID-19 for Prisons", drafted by the United Nations.

In the spirit of these important documents, the General Directorate of Prisons has improved the protocols of the measures taken, creating not only standards for the protection of life and health of convicted and detained persons and guaranteeing the right to human treatment in the conditions of the global pandemic caused COVID - 19, but also good and efficient practices for coping with similar situations of natural emergencies in the prison system

*5*. All 24 penitentiary institutions have been disinfected in all indoor and outdoor environments, and a strict protocol is being followed regarding the hygiene and personal hygiene of convicts and detainees. All prison police officers, as well as civilian staff, are checked by the health team before starting the task, and are provided with all the necessary protective equipment such as masks, gloves, sanitizers, etc. Due to the risk of coronavirus spreading to detention and detention centers, visits and permits are currently prohibited.

*6.* In all prisons and detention centers in Albania, prisoners' meetings with their families have been suspended. On the other hand, in order to continue the communication of the convicts with their relatives, special equipment has been installed to continue with an alternative contact communication such as: Increasing the amount of minutes of telephone communication and already with the Order of the Minister of Justice completed the installation and connection of computers in 24 institutions which enable communication through the platform "Skype". Lawyers can still visit inmates, but they must using protective equipment and keep physical distance.

*7.*It should be noted that one of the most important measures taken in this context is the adoption of a normative act by the Albanian Government on March 23, 2020, through which a certain category of prisoners according to clearly defined criteria in law (convicted and detained) would be temporarily granted a three-month leave due to the situation created by the COVID-19 pandemic, and to serve their sentence in their homes, isolated. During this period, the General Directorate of Prisons organized with priority the evaluation of the files of prisoners and detainees and it was estimated that this act meets the formal criteria of about 600 prisoners and measures were taken to implement its effective implementation. (2)

8. On April 11, the NPM Commissioner and the Ombudsperson adapted in Albanian, the document of the Advice of the Subcommittee on Prevention of Torture of the States Parties and National Preventive Mechanisms regarding Coronavirus Pandemic, (adopted on 25 March 2020) These document was officially sent to the Albanian Parliament, the Ministry of Justice and the General Directorate of Prisons.

This document is translated into Albanian and was transmitted also to SPT, the network of NPMs by email. This document is also published on the official website of the People's Advocate.

9. Repeatedly, the People's Advocate, as well as the NPM, have made publications on social networks where they provide every citizen, that there will be no interruption in the provision of essential services, especially for complainants, including persons deprived of liberty, and in at any time, they may request the assistance of the People's Advocate in the ways of contact by email, telephone, green line, with the telephone application of the People's Advocate, as well as by mail.

10. NPM directly, by email, have asked for a detailed information, but even that we still do not have an official written response from the General Directorate of Prisons, but in the telephone communication with the General Directorate of Prisons as well as from the NPM Commissioner, but also from the People's Advocate we are informed that all these persons are isolated in individual rooms, 11 are completely asymptomatic and only 2 have mild fever. An epidemiological investigation is underway for all prisoners in this building and the police and staff who have been in contact with them. The quality of the food has been improved and all the measures has been taken to have sufficient material base with medicines and equipment. It is worth noting that the situation in general in relation to the stock of medical equipment and medicines is much better than the beginning of March. The health service for these prisoners is done in close cooperation with the Institute of Public Health and is run by special epidemiologists who are not part of the medical staff of the prisons but are infectious disease specialists. We expect in each case a response from the GDP written in writing on the measures taken in the cases in question.

11. During the lockdown period, the National Mechanism against Torture has conducted 7 physical inspections, (based on the Annual Inspection Plan for 2020), and also has conducted 2 online general monitoring (due to the limitations of Covid 19 lockdown) in all institutions of deprivation of liberty including penitentiary institutions, police units, psychiatric hospitals, social centers for the elderly, anti-trafficking centers, asylum seekers centers.

Also has monitored online through its experts the border crossing points, mainly with Greece and quarantine centers, taking into account the complaints made by Albanian citizens seeking to enter in Albania from the land border, during the period of pandemic.

12. The two external experts of the People's Advocate, who are part of our team, in the framework of the project "Refugees and Asylum Seekers in Southeast European Countries", which is being supported by UNHCR, have monitored and reported on the dynamics of guaranteeing Albanian citizens that enter from Greece into the regions of Korca and Gjirokastra.

13. It’s also has monitored the protests against the demolition of the former National Theater, and protest in Skanderbeg Square against the Government measures of the lockdown. In this context has inspected the police stations, after the protests, for the actions of the State Police, against the detained and escorted persons and their treatment under police surveillance.

NPM in fulfillment of legal and functional duties, as well as in implementation of the recommendations given by international organizations covering the field of human rights, for informing and monitoring the measures taken by the state authorities due to non-spread of pandemic infectious disease Covid -19 , we have monitored online three psychiatric hospitals, two asylum centers for researchers, as well as in cooperation with the General Section within the People's Advocate have conducted online monitoring and in 9 homes for the elderly, and social centers.

The NPM is also working closely with international organizations such as UNHCR, as well as various NGOs, providing each other with information about persons staying in places of deprivation of liberty.

**In-focus section on COVID-19 measures**

During the practical implementation of the set restrictions, the People’s Advocate institution has identified the following problems:

• Timely disclosure of normative acts and right to information

Regarding the normative acts (legal or sub-legal), which imposed restrictions, our institution found that there were delayed publication (both on the official website of the relevant state institution and in the Official Journal), and that in some cases acts were not even published at all. The lack of publication of these acts hinders citizens from obtaining complete and accurate information about the measures taken and the restrictions made by the responsible authorities in the country, and makes their legal power arguable that is why The People’s Advocate Institution assessed that the level of transparency should be increased. Also, The People’s Advocate recommended that in addition to publishing acts, citizens should be given the opportunity to contact the institutions that provide services, whether by telephone or electronically, especially in this period of confinement.

On the above issue, on March 31, a recommendation was sent to the Ministry of Health and Social Protection, to take immediate measures to reflect on the official website of the bylaws issued for measures taken in accordance with the law no. 15/2016 “On the prevention and control of infections and infectious diseases” and normative acts of the Council of Ministers, in the framework of taking special administrative measures during the duration of the pandemic caused by COVID-19.

• Obstacles faced by citizens to obtain authorization to move with vehicles for work or health emergencies

After the imposition of measures in the context of pandemic, Albanian citizens who had to move with vehicles for work or health emergencies experienced difficulties because due to the high number of applications, most applicants not only did not receive the required authorization, but also did not receive any response from this structure. Also, the two telephone numbers available to the public to get information about this problem, from the verifications made turned out to be busy all the time.

For the above issue, on March 31, a recommendation was sent to the General Directorate of State Police, to take the necessary measures to decentralize the competence to issue authorizations for the movement of vehicles, or to increase the staff in the Traffic Police Directorate that was responsible for this service.

• Transportation of citizens from the border entrance to their homes

After the imposition of the measures due to the pandemic, Albanian citizens who entered through the land border crossing points and especially to those who returned from Greece and Northern Macedonia to Albania experienced difficulties. After entering the territory of our country, they had medical examinations for COVID-19 infection and after being advised to stay self-isolation in quarantine for 14 days, they remained at the border, because there were no means of transport (neither public nor private) for them to go to their houses.

On the above issue, on March 31, a recommendation was sent to the General Directorate of State Police, to take the necessary measures to allow or provide transport service at all border crossings, especially with Greece and Northern Macedonia, in order to enable the movement and transportation in their houses, of the Albanian citizens who came from these countries during that period of time.

• Denial of the right to enter the territory to Albanian citizens blocked by the Albanian police, on the land border with the Greek and the Montenegro state

With the suspension of flights, the Albanian state made possible that a number of about 2000 citizens were repatriated, from the places where they had remained trapped (at the end of March 2020), a welcomed decision by our institution.

Meanwhile, about a week later (the first week of April 2020), through an unpublished act, it was decided not to allow Albanian citizens to enter the territory of their state, even though they had reached the land borders by means of their personal expenses. More concretely, the Joint Order no. 240, dated 07.04.2020, of the Minister of Health and Social Protection and the Minister of Interior, "On the self-assembly of Albanian citizens who want to enter the territory of the Republic of Albania from all Land Border Points", which is a sub-legal act normative, until the drafting of the Peoples Advocate Recommendation on 28.04.2020, has not been published in the Official Gazette no. 76, dated 27.04.2020. Thru its recommendation, the People Advocate urged the authorities to:

1. Take the necessary measures for the immediate publication in the Official Gazette of the Joint Order no. 240, dated 07.04.2020, of the Minister of Health and Social Protection and the Minister of Interior "On the self-assembly of Albanian citizens who want to enter the territory of the Republic of Albania from all Land Border Points".

2. Take measures to guarantee (if no such thing has been done so far) the right of citizens to complain about the quarantine measures and the inclusion of this right in the acts that communicate such a binding measure.

3. Take immediate measures for the reflection on the official pages of Ministry of Health and Social Protection as well as the Ministry of Interior of the sub-legal act cited above for the measures taken pursuant to law no. 15/2016, as amended, in the context of taking special administrative measures during the duration of the COVID-19 infection period.

The Albanian government after several days of hesitation, allowed these citizens to enter the Albanian territory, provided that they could not go to their homes, but would stay in quarantine (in hotels designated by the state, but at the citizens own expenses). This situation again created different kinds of problems, since some did not have the necessary financial means, while others complained that they could not have other necessary services (medical visits, purchase of medicines, etc., because the hotels where they were staying were guarded by the armed forces (police and army), which did not allow them to leave the quarantine.) Regarding the above issue, on April 5, a recommendation was sent to the Inter-Ministerial Committee of Civil Emergencies and the General Directorate of State Police and to the attention of the Parliament and the President of the Republic of Albania.

• Declaration on the temporary suspension of the application of certain articles of the European Convention on Human Rights

With the verbal note of the Permanent Mission of the Republic of Albania to the Council of Europe, dated March 31, 2020, the Albanian State, in accordance with Article 15/3 of the ECHR, has fully informed the Secretary General of the Council of Europe of the derogation from certain rights provided by the articles of the Covenant, due to the state of the epidemic, concretely: the right to respect private and family life (Article 8 of the ECHR), freedom of rally and organization (Article 11 of the ECHR), protection of wealth (Article 1 of the ECHR Additional Protocol), the right of education (Article 2 of the ECHR Additional Protocol), freedom of movement (Article 2 of the ECHR Protocol No. 4).

From the verifications of our institution, it results that the communication of this verbal note has not been given the appropriate publicity (eg publication in the Official Journal, on the website of the Ministry for Europe and Foreign Affairs, or shared to the media).

• Temporary release of detainees

The proposal of the Minister of Justice, at the end of March 2020, the Council of Ministers approved the temporary release (suspension for 3 months) of about 600 persons deprived of their liberty, who were serving their sentences in re-education institutions, in order to protect their health due to the risk that may come from COVID-19 pandemic.

• Declaration of a state of natural disaster

With the decision no. 243, dated 24.3.2020, the Council of Ministers, decided to declare the state of natural disaster, while on April 21st, 2020 the Council of Ministers has asked the Parliament to give consent for the extension of the state of natural disaster for another two months, which was approved on April 23rd.

• Changes in the Criminal Code

One of the measures taken by the government in the context of pandemic was the introduction of a number of amendments to the Criminal Code. This changes did not take into the account the Council of Europe guidance to governments on respecting human rights, democracy, and the rule of law during the COVID-19 crisis, where it was noted that in the current state of emergency it is advisable not to continue the process of reform and that states should minimize the legislative activity to the extent necessary to address the situation in which the state finds itself.

The changes proposed disregarded among other the constitutional obligation of Article 170, point 5, which explicitly stipulates that under the conditions requiring extraordinary measures, none of these laws on emergency measures should be altered. Furthermore, summary reports of the draft laws, foreseen that proposals had no financial effect. In fact, in our opinion they have financial effects because the toughening of criminal policy and increasing the sentence and / or imposing a minimum sentence for some types of offences implies, in an initial phase until there is a proper awareness of potential offenders of the new provisions, the imposition of lengthy prison terms on offenders with an extra cost to the Ministry of Justice and the General Directorate of Prisons.

The People’s Advocate found some of these amendments problematic and therefore notified its opposition to the Committee of Laws in the Assembly (April 14th). The proposals for amendments to the draft law "On an amendment to the law no. 7895, dated 27.1.1995," Criminal Code of the Republic of Albania ", as amended", were treated by us in three respects: first, as an extraordinary measure which cannot be changed during the duration of the situation itself, secondly as an act in violation of the legislative procedure, and thirdly as an aggravation and disproportionate criminal policy:

- Any legislative and / or executive activity during the state of emergency should be subject to the principle of legitimacy and proportionality. The principle of legitimacy is a principle that goes beyond the possibility of decision-making or the possibility of enforcing the law and for this sufficient jurisprudence and doctrinal thought.

- Attempts to add provisions to the Criminal Code, moreover with extreme sentencing measures, do not come into coherence either with the situation or with the circle of persons that the legal provisions should protect. As an example, the measures of punishment proposed in Article 242/2 “Violation of quarantine rules for the prevention of the spread of infectious diseases” are so severe that they exceed the measure of punishment that has been determined for serious criminal offenses, grievous bodily harm, violent theft or negligent homicide, etc.

- The Ombudsman is of the opinion that, as a rule, acts of a permanent nature cannot be produced in an extraordinary situation. In no democratic country can there be fundamental reforms in the legal system during situations that require extraordinary measures, except in cases where they are absolutely necessary.

*Proactive actions of The People’s Advocate Institution and its role in promoting the highest standards of human rights and freedoms during COVID-19*

*Accountability and justice*

In compliance with the normative Act no. 9 dated 25.03.2020 , on the10th of March 2020, HJC approved decision No. 127, which suspended the activity of all courts (general and special jurisdiction), as a response to the emergency situation caused by the COVID-19 pandemic.

Notwithstanding the above provision, the effect of this suspension shall not apply to activities and judicial services classified as urgent matters as per above mentioned normative Act. During the curfew the adjudication of urgent cases are assessed as such by the judge on a case-by-case basis. Depending on the progression of Covid-19 epidemic situation, the suspension was extended by decision No. 128, dated 24.03.2020 and decision no. 133, dated 06.04.2020. HJC with decision no. 135, dated 16.04.2020 established a temporary commission for the drafting, proposing and overseeing the implementation of an action plan in response to the COVID-19 situation. Upon proposal of the temporary commission, HJC approved a regulation on the activity of the High Judicial Council during the COVID -19 pandemic. The purpose of this regulation is to determine appropriate rules and practices to limit the spread of COVID-19 during the activity of the Council.

Furthermore, HJC approved, by decision No. 146, dated 27.04.2020, the guidelines on the necessary measures for the preventing the spread of Covid-19 during the exercise of judicial activities in all courts. This guideline focuses on:

- Increasing cooperation with the Prosecutor's Office, the Chamber of Advocates, Police Directorates / Commissariats, the Institute of Forensic Medicine, the Probation Service, the Social Service Offices, experts, translators, etc., in order to coordinate between them the planning of court hearings for enabling long-distance communication with the court via e-mail and / or telephone / fax;

- Summoning of witnesses and / or experts in different timeframes, limiting, as far as possible, the call to testify to a large number of witnesses within the same hearing.

- Confrontation between witnesses should be done at a safety distance from each other, in compliance with restrictive measures.

- in drawing up a calendar regarding the use of courtrooms, changing the working hours / working days, or enabling work and communication via telephone, video or Web

The free legal aid system is a mechanism created by the state to guarantee equal access to justice. Through the provision of free legal aid, juveniles in conflict with the law and juvenile victims (as direct beneficiaries of legal aid services), are provided with legal services such as: legal consulting and guidance on legislation and procedures followed in its implementation, drafting of acts and documents necessary for a court process, legal representation in court.

The Free Legal Aid Directorate is the institution dedicated to legal aid issues, responsible for the administration and functioning of the legal aid system guaranteed by the state. As a key institution in this context, the FLAD cooperates with other actors involved in the legal aid system to ensure the provision of these services with efficiency and quality. (cooperation with National Chamber of Advocates; Authorized NGOs; Law Clinics; Primary Aid Centers).

In the conditions when the undertaking of restrictive measures started in the country as a result of pandemics (Covid-19), the primarly legal aid centers were closed, and some of secondary legal aid cases (court procedings) were temporarily suspended.

• Primary legal aid during COVID-19 pandemic

• juristionline platform

Regardless of the circumstances, the Ministry of Justice in close collaboration with FLAD has taken all the measures necessary to provide legal aid services (as a service closely related to the citizen) even in these restrictive conditions. For this purpose, the Ministry of Justice in cooperation with the Open Society Foundation for Albania, has continued to provide online legal services through the juristionline.al platform in order to guarantee the access of citizens providing free legal aid services.

Through this platform, every citizen has the opportunity to be advised and informed about all the legislation adopted in the framework of preventing the spread of Covid-19 virus, normative acts in force, their rights and obligations and methods for exercising these rights.

This platform has proved to be quite successful as there is a significant number of citizens (over 400 cases since April 1, 2020) who have been addressed in order to obtain a legal orientation on their problems.

• Green number 08001010

Also, Free Legal Aid Directorate has made available a green number, free of charge to which any citizen can have acces (08001010).

• Secondary legal aid during COVID-19 Pandemic

The High Judicial Council has decided as a general principle the suspension of activity and judicial services in all courts of the country due to the situation created by the transmission of Covid-19 virus . This measure was taken to prevent the spread of COVID-19 virus, but on the other hand the restriction of the activity without being accompanied by other special exceptional rules might have infringed the rights of citizens for a fair trial. For this purpose, the Ministry of Justice, in cooperation with the HJC and other justice system institutions took specific actions to provide the continuing of Judicial/prosecution activity even during the COVID-19 pandemic.

The Minister of Justice and the Minister of Health and Social Protection proposed an act which determines the special rules for the continuing of judicial /prosecution activity during this period for specific cases by undertaking a series of measures in the context of respecting social distancing.

This act, the Normative Act of the Prime Minister no. 9, dated 25.03.2020 "On taking special measures in the field of judicial activity during the pandemic situation caused by Covid-19", aims to determine the special rules for the continuing of judicial / prosecution activity during this period, including cases as follows:

• Measures of securing the lawsuit in civil and administrative matters, in cases when the court deems that the suspension may cause serious and irreparable damage to the parties;

• Family law cases (wage assignment orders; guardianship and adoption measures; protection against domestic violence, parental responsibility and alimony obligations);

• Criminal cases related to the validation of arrest in flagrance;

• "Imprisonment" or "house arrest" security measures when the arrested, the defendants or their defense counsel request it;

• Criminal cases related to the imposition of the “preventive sequestration” measure

• In criminal cases against juveniles in conflict with the law, according to Article 15 of the Criminal Justice for Children Code.

As mentioned above, since the judicial activity on urgent matters, such as secondary legal aid for vulnerable categories, has continued to function throughout this period, every beneficiary of secondary legal aid, have continued to receive this service even during covid-19 pandemic.

During the period of march – june 2020, are administered over 20 decisions of secondary legal aid.

In order to prevent the spread of COVID-19 infection and the progress of work in the prosecution offices with general jurisdiction, the Prosecutor General approved 4 orders as follows;

- General Guideline no. 2, dated 10.03.2020 "On administrative measures for the progress of work in the prosecution offices with general jurisdiction in order to prevent the spread of COVID-19 infection"

- General Guideline no.3, dated 19.03.2020 "On some procedural measures in the prosecutor's offices with general jurisdiction in order to prevent the spread of COVID-19"

- General Guideline no.4, dated 24.03.2020 “On administrative measures for the progress of work in the prosecution offices with general jurisdiction in order to prevent the spread of COVID-19 infection”

- General Guideline no.5, dated 08.05.2020 “On administrative measures for the progress of work in the prosecution offices with general jurisdiction in order to prevent the spread of COVID-19 infection”.

With these acts it was decided in principle:

- - Limiting the performance of investigative actions related to obtaining statements except when investigations were damaged or due to deadlines;

- Restriction of procedural actions in hospital, laboratory, etc., and when it is not possible to take protective measures;

- Restriction of administrative activity in contact with the public;

- Restriction of meetings, analyzes, etc.;

- Determining the priorities for the investigation of cases with security measures with arrest;

- Adherence to the restrictions set by normative act no.9 dated 25.03.2020;

The Normative Act no. 9 clearly stipulates the exemption cases where the effect of suspension are not applied referring to:

- Administrative disputes having as subject matters adjudication on injunctions for which the court ascertains that resolving on these cases after the deadline determined above shall cause an irreparable damage to the involved parties.

- Family cases, subject to trial, care, obligations and respect for the rights of minors, custody and adoption, protective measures against domestic violence, exercise of parental responsibility, care and maintenance obligations, as well as in those civil cases in which, the court considers that their delayed review may cause serious and irreparable damage to the parties;

- Criminal cases related to the validity of the arrest in flagrance or detention, the determination, verification of the conditions and criteria of sentencing the security measures, replacing, revoking, merging or terminating the security measures of "prison arrest" or "house arrest", when arrested person, defendants or their legal representatives require to further proceed with their review, as and in criminal cases related to the imposition of the measure of property insurance "sequester preventive";

- Criminal cases, in which the deadlines for the maximum duration of detention, according to point 6 of article 263 of the Code of Criminal Procedure, end during the curfew period;

- Criminal cases of an urgent nature, due to the need to provide evidence, pursuant to Article 316 of the Code of Criminal Procedure. The urgency is assessed by the judge examining the case;

- Criminal cases against juveniles in conflict with the law, when the measure of arrest or detention has been applied to them, according to Article 15 of the Criminal Code of Juvenile Justice;

- Any other criminal case in which the defendant is in custody or is serving a prison sentence, if the defendant or his legal representative requests the continuation of the trial.

HJC decision making is fully compliant with the above previsions which pay a particular attention in respecting of fundamental human rights. Pursuant to the normative act, HJC, with decisions no. 133 dated 06.04.2020, extended the suspension period, under the same exclusion rules, set in the normative act.

HJC and courts have done their best to ensure access to justice even during the Covid-19 pandemic, without excluding any particular category. Consequently, cases related to hate-speech, racism, racial discrimination, xenophobia, and related intolerance have been taken into consideration either as urgent cases or procedural terms have been extended.

The guidelines issued on 27 April, aim at facilitating the access to justice, at the extent possible, during the pandemic restrictions. The rules provided in this instruction do not infringe but are part of and are intended to guarantee a regular and legal process during the duration of the epidemic.

The guidelines, among other, ensure:

1. Measures for the organization of administrative services in the court through alternative communication measures, to enable the provision of services by the court by avoiding, as far as it is possible, gathering of people in court premises or their physical contact with court employees and with each other and respecting the hygienic-sanitary and social distancing measures.

2. Administrative and public services to be organized by on-line programming, ensuring prior communication, in order to avoid bringing together employees and / or citizens.

3. Measures to ensure electronic communication with the court administration for sending requests for information and / or documentation (certificates, court decisions, copies of acts, etc.) by publishing in the notice corner and the court website the information and necessary instructions for the realization of this communication.

4. Measures, for the drafting, publication and distribution (through the possibility of downloading from the website of the court and / or placement in appropriate places at the entrance / outside the court) of the forms for submitting requests, as well as sending the answer and / or acts requested by the court electronically to the applicants, except when the document is required in its physical form and must be sent via postal service.

5. In case of impossibility to use electronic communication, the judicial administration should make available to applicants forms, which must be completed and sent to the court in which the applicants are informed to declare the contact number and / or the e-mail address through which they will be contacted by the judicial administration when their claim is handled. For requests to receive acts or other paper documents, the applicant should be notified (by e-mail or telephone) of the date and time at which they can receive the service.

Throughout the COVID-19 pandemic, acces to justice has been guaranteed through ONLINE alternative means for every citizen including the categories as mentioned in the question. The juristionline platform and the green number 08001010 provide legal consulting even during the period of physical distancing measures (as described in the question above).

• What has been the impact of this situation on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence, and are protection orders accessible?

As mentioned above, based on the Normative Act of the Prime Minister no. 9, dated 25.03.2020 "On taking special measures in the field of judicial activity during the pandemic situation caused by Covid-19", family law cases (wage assignment orders; guardianship and adoption measures; protection against domestic violence, parental responsibility and alimony obligations) will continue to be handled even during the period of Covid-19 pandemic .

• Have persons in situation of homelessness been fined, detained or prosecuted for non-respect of confinement or stay at home orders? How was this issue addressed in your country?

No data are available on the above.

• In which way have restrictions for public or private meetings impacted on the freedom of expression and assembly? Have persons taking part in peaceful protest been fined, detained, or prosecuted for breaking national restrictions imposed for public or private meetings?

Only if their participation has been in contradiction with the bylaws and consequently is provided by law as a criminal offense.

Article 262 of the Albanian Criminal Code provides as a criminal offense, organization and participation in gatherings and demonstrations without the permission of the competent authorities.

*Complaints before the CPD regarding COVID-19 and information on how they have been addressed are as follows:*

1. Complaint filed on 25.03.2020, by an organization with legitimate interests against the Council of Ministers, in which it is alleged discrimination due to "economic and family situation". The organization informs that the Council of Ministers has approved Decision no. 236, dated 19.03.2020 "On taking measures to provide housing assistance to the needy strata, in conditions of the epidemic caused by COVID-19" but families, which provide income through informal work, are not included in the categories of determined in this decision, therefore they cannot receive assistance from the services provided by state institutions.

During the development of the administrative investigation procedures, the Commissioner took notice that the Council of Ministers with Decision no. 341, dated 23.04.2020, has decided to provide financial assistance to applicants for economic assistance, who are applicants from July 2019 to April 2020, who have not received economic assistance. The complainant informed the Commissioner that, by this DCM, considers fulfilled the object of his complaint.

Thus, the Commissioner decided to close the administrative procedure, because the effectiveness and purpose for which the case was initiated, has been achieved.

2. Complaint filed on 11.05.2020, by the complainant G.M. represented by a syndication, against a private entity (the complainant's employer), with the object of claiming discrimination for "any other reason", as it has consistently opposed the employer's unfair violations and decisions.

Complainant G.M. was given the disciplinary measure “Warning for dismissal” for violation of the discipline and conditions of the Employment Contract, by the employer, since with the beginning of the pandemic and the closure of all economic activities, on 13.03.2020, the complainant so there were some problems with internet access, which had been resolved within a few hours, and had notified the employer. Immediately, without any understanding or clarification, the complainant is asked to return the computer. At this time, no movement was allowed due to quarantine. The disciplinary measure has escalated with her final dismissal.

The CPD has decided not to accept the appeal, as the formal criteria, provided in Law 10221/2010 "On protection from discrimination", were not met.

3. Complaint filed on 27.05.2020, by the complainant I. I., represented by syndication, against a private entity (the employer of the complainant) claiming discrimination due to “belonging to a particular group”.

The complainant has been working since 2016, in the position of telephone operator. From May 2019 onwards, it is alleged that discrimination against the complainant began, as he was engaged as a member of the syndication Board, which protects the rights of employees in call centers. On 18 February 2020, the applicant filed an application for annual leave. The employer has rejected his application for annual leave. Under these conditions, the complainant resigned a week ago, but respecting the rules of prior notice. Upon his return to work, the employer gave him disciplinary action and removed his salary bonus. Subsequently, on 17.05.2020, during the pandemic of Covid-19, the complainant was asked by the company to self-quarantine, as it resulted in fever. For this 2-week quarantine period, he received a lower salary. The complainant also asked the employer to provide him with a computer in order to work from home, but this request was denied. The opposite has happened with many other employees of the company, who have been provided with computers.

The complaint is being reviewed by the CPD.

4. Complaint filed on 02.06.2020, by the complainant K.H, against Call Center with the object of claiming discrimination due to his membership in the syndication.

The complainant was a former employee of the Call Center Society. The complainant was informed on 26.05.2020 by the employer that his employment contract would be terminated, as a result of the employer's operational request due to COVID-19 pandemic and that it has led to reorganization and reduction of the amount of work in the Company by launched in March 2020.

The complainant alleges that his dismissal was not due to the above as claimed by the employer but came as a result of his participation in the syndication organization, in defense of the rights of employees.

The complaint is being reviewed by the CPD.

5. Complaint filed on 05.06.2020, by the complainant B. M., against the Albanian Radio Television, with the claim of discrimination due to "political, philosophical convictions, health condition and any other cause".

In the object of the complaint, the complainant claimed that the employer, due to ongoing debates and disagreements, had taken disciplinary action against him. Among other things, the complainant requested that due to the COVID-19 situation, he be provided with protective measures by the employer, e.g. mask, but has been denied telling him to perform duties without a protective mask.

The complaint is being reviewed by the CPD.

**Questions by the Special Rapporteur on the right to adequate housing**

1. A prohibition on evictions was declared, by undertaking some measures such as:

- Approval of Normativ Act no. 12, date 2.4.2020, which obligated the private landlords to postpone the rent payment for two months, April and May, for 3 categories: small business, affected families which had lost their jobs because of the lock down and students;

- Agreement with private banks for a three month grace period of monthly mortage payment,upon the request of the mortagee, extended for another 3-month period;

- Muncipality of Tirana approved a rent forgiveness for two months for 400 families housed in social housing;

- The Steering Council of National Housing Agency approved a three months grace period for the monthly payment and forgniveness of the unpaid dues during this period.

During the pandemic the communication with the citizens was established through the platform “co-governance”. For those citizens that live in informality, such as not having a leasing contract, through this platform, they could denounce their landlord in case he wanted to evict them from the house for not paying the rent, and measures would be taken afterwards by the state.

Referring those who live in informal settlements, there are not any reported cases of evictions during this pandemic period.

2. The government has taken measures that affect the budget of housing owners and/or tenants. Decree of the Government no. 254 of 27.03.2020, provides:

1) financial assistance to employees in small business, for the period after the cessation of economic activity / labor relations due to the state of the epidemic caused by COVID-19.

2) an additional payment to individuals who receive payment of economic assistance (twice the amount of pre-pandemic).

3) an additional payment to individuals who benefit from the payment of income from unemployment (twice the amount of pre-pandemic).

**Questions by the Independent Expert on foreign debt and human rights**

1. The Government of the Republic of Albania has provided economic support to the private sector through two sovereign guarantee packages. The focus of these packages has been to mitigate the effect pf COVID-19 on the economy and a faster and less repetitive return to an economy that operates under normal conditions. These facilities have been aimed mainly to the most vulnerable part of the society.

The measures taken by the Government of the Republic of Albania are:

* Sovereign Guarantee I (11 billion ALL): Financial assistance for employees in business entities with annual income up to 14,000,000,00 ALL, for the period after the cessation of economic activity due to the state of pandemic caused by COVID-19.
* Sovereign Guarantee II (15 billion ALL): Support for entrepreneurships and employees in all sectors of economy for working capital needs and investment.
* Reduction of Basic Interest Rate: On march 25, 2020 the Bank of Albania has reduced the key interest rate from 1.00% to 0.50% and the interest rate on one-day loans from 1.90% to 0.90%. A reduction in the key interest rate and the one-day credit rate is a factor that tends to enable the credit growth of the economy to facilitate the economic consequences caused by COVID-19 situation.

2. **Domestic sources:**

Sovereign package No. 1 in the amount of 11 billion ALL

Sovereign package No. 2 in the amount of 15 billion ALL

**International support:**

* 4.00 mln EUR for the health sector and 46.7 mln EUR for social and economic support (Financial support program for the Western Balkans during the Covid-19 period).
* Macro-financial support. From the 3 billion EUR package, Albania will benefit 180 million EUR.
* On april 10,2020 the IMF approved 139.3 million SDR(190.5 million USD) support for the health sector.
* Albania has received USD 2 million in assistance to the health sector to be prepared in response to COVID -19.
* Albania has received assistance for the health care system from Turkey, China, Switzerland, Norway, Hungary and UNDP.

The impact of Covid-19 on the annual budget

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Revenue | Expenditures | CashBalance | Financing |
| Domestic | Foreign |
| Annual Budget01.01.2020 | 509,674.90 | 549,373.60 | -39,698.70 | 25,204.46 | 14,494.08 |
| Normative Act15.04.2020 | 489,674.90 | 558,373.57 | -68,698.67 | 35,754.40 | 32,944.50 |
| Covid-19 (the impact) | ↓ 20,000.00 | ↑ 8,999.97 | ↑ 10,549.90 | ↑10,549.90 | ↑18,450.42 |

Due to the effect of COVID-19, the budget deficit has increased by 28,999.97 million ALL compared to the annual budget.

3. Public debt repayment are provided for in the annual budget law and are not funds accumulated from cuts specified in budget items. The priority of the healthcare sector leaves no room for negotiation regarding budgetary determinations.

4. Increasing public investment of national importance , as well as other costs to recover the economy. Facilitating the fiscal burden on family business (an indirect form of subsidy) so as not to burden the most economically vulnerable parts of society. In the current situation the forms of financial crisis are through public debt or through the monetization of public debt. Therefore maintaining a stable level of public debt in this period is in the background as the focus is on a return to normality of the economy.