



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### Concluding observations on the second periodic report of Albania\*

1. The Committee considered the second periodic report of Albania (CCPR/C/ALB/2) at its 2990th and 2991st meetings (CCPR/C/SR.2990 and 2991), held on 15 and 16 July 2013. At its 3003rd meeting (CCPR/C/SR.3003), held on 24 July 2013, it adopted the following concluding observations.

##### A. Introduction

2. The Committee welcomes the submission of Albania's second periodic report and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/ALB/Q/2/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

##### B. Positive aspects

3. The Committee notes the adoption of the following legislative measures:

- (a) The Law on protection of children's rights, in 2010;
- (b) The Law on protection against discrimination, in 2010, and the amendment of the Criminal Code in 2013, which widened the protection against discrimination on the basis of sexual orientation;
- (c) The Law on gender equality in society, in 2008; and,
- (d) The Law on measures against violence in family relations, in 2006.

4. The Committee welcomes the ratification of or accession to all core United Nations human rights treaties and, with a few exceptions, their optional protocols.

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\* Adopted by the Committee at its 108th session (8–26 July 2013).

5. The Committee also welcomes the following institutional and policy measures:
- (a) The National Strategy for gender equality and the reduction of gender-based violence and domestic violence 2011-2015, adopted in 2011;
  - (b) The National Strategy for the fight against child trafficking and the protection of trafficked children, adopted in 2008; and
  - (c) The National Strategy for Roma and the Decade of Roma Inclusion (2010-2015).

### C. Principal matters of concern and recommendations

6. The Committee is concerned at the limited human and financial resources allocated to the Office of the Ombudsman, the lack of a clear division of work between the Office of the Ombudsman and the Office of the Commissioner for Protection against Discrimination, as well as the limited follow-up to and implementation of the Ombudsman's recommendations (art. 2).

**The State party should provide the Office of the Ombudsman with the necessary financial and human resources to ensure that it can effectively and independently implement its mandate in line with the Paris Principles (General Assembly resolution 48/134, annex). It should also guarantee better coordination between the two offices so as to avoid an overlap of activities, and intensify its efforts in responding diligently and promptly to the Ombudsman's recommendations.**

7. While welcoming the increased representation of women in public administration positions, the Committee notes with concern that women remain underrepresented in Parliament. In this regard, the Committee is particularly concerned about prevailing attitudes among political parties that are reluctant to abide by the rule that sets a 30 per cent quota for women on the lists of candidates. The Committee is concerned about the lack of information provided on complaints concerning the gender wage gap despite reports underlining this situation, the low level of awareness on the principle of equal pay for work of equal value between men and women, and the limited oversight exercised by the Labour Inspectorate (arts. 2, 3 and 26).

**The State party should:**

(a) **Intensify its efforts to achieve equitable representation of women in Parliament and at the highest levels of the Government, judiciary and public service, including through the application of temporary special measures. In this regard, the State party is urged to take effective measures to render more effective existing measures to ensure equitable gender representation in Parliament; and**

(b) **Ensure that women enjoy equal pay for work of equal value, as provided for in the Labour Code and, to this end, strengthen labour inspection measures as well as identify and effectively address the reasons for the lack of sufficient implementation of the law, including lack of awareness, prevailing social attitudes and obstacles to access to justice for affected women.**

8. While welcoming various legislative and institutional measures adopted to protect the rights of lesbian, gay, bisexual and transgender (LGBT) persons, the Committee is concerned at the prevalence of stereotypes and prejudices against LGBT persons. In this regard, the Committee is particularly concerned about negative statements by public officials against LGBT persons (arts. 2 and 26).

**The State party should intensify its efforts to combat stereotypes and prejudice against LGBT persons, including by launching a sensitization campaign aimed at the**

**general public and providing appropriate training to public officials so as to put an end to the social stigmatization of LGBT persons. The State party should investigate allegations of discriminatory statements against LGBT persons by public officials and take appropriate measures to prevent such statements in the future.**

9. The Committee is concerned that investigations into allegations of human rights violations that occurred during the January 2011 demonstrations, including the death of four civilians and reports of ill-treatment by police officers against demonstrators, have not been finalized and that victims have not been compensated (arts. 2,6 and 7).

**The State party should intensify its efforts to conclude its investigation into the January 2011 demonstrations, ensure compliance with international standards of investigation, and to this end, bring perpetrators to justice, punish them adequately, if convicted, and compensate victims.**

10. The Committee welcomes the information provided by the State party about the introduction of more severe sanctions for blood feud-related crimes in the Criminal Code. However, it remains concerned at the persistence of this phenomenon, as well as reports of inadequate implementation of the law, ineffective police investigation into such cases, and limited convictions. The Committee is particularly concerned about the difficult situation of families, including children, who have confined themselves to their homes for fear of retribution (arts. 2, 6, 12 and 24).

**The State party should take more effective measures to close the gap between law and practice. It should effectively investigate all cases of blood feud-related crimes, bring perpetrators to justice, punish them with commensurate sanctions, if convicted, and ensure that victims are adequately compensated. The State party should intensify its efforts to identify families who have confined themselves to their homes as a result of this phenomenon and respond to their needs, particularly those of children.**

11. While commending the State party for criminalizing domestic violence and spousal rape in its Criminal Code, the Committee notes with regret the continuing reports of domestic violence against women and children, including corporal punishment. It is particularly concerned at reports of ineffective police investigation into complaints of domestic violence, which in turn result in actual impunity of perpetrators. The Committee is also concerned about the rare number of convictions and the lack of follow-up to protection orders, rendering them largely ineffective. Finally, the Committee is concerned about the lack of a sufficient number of shelters for victims of domestic violence (arts. 3, 7 and 24).

**The State party should:**

**(a) Adopt a comprehensive approach to preventing and addressing violence against women and children in all its forms and manifestations;**

**(b) Intensify its awareness-raising measures among the police, judiciary, prosecutors, community representatives, women and men on the magnitude of domestic violence and its detrimental impact on the lives of victims;**

**(c) Encourage non-violent forms of discipline as alternatives to corporal punishment;**

**(d) Ensure that cases of domestic violence are thoroughly investigated by the police, perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and victims are adequately compensated;**

**(e) Take measures to follow-up on protection orders to ensure the safety of victims, and guarantee that violators of such orders are sanctioned; and,**

**(f) Ensure the availability of a sufficient number of shelters with adequate resources. In this regard, the State party is encouraged to pursue its intention, as stated during the dialogue, and increase financial support to private shelters.**

12. While appreciating the inclusion of articles 86 and 87 in the State party's Criminal Code, criminalizing acts of torture and ill-treatment, the Committee is concerned at the large number of complaints against law enforcement officials of ill-treatment of persons deprived of their liberty, including Roma detained in the context of forcible evictions from their homes in 2012. The Committee is also concerned at the lack of information on case law that invokes article 86, and reports that investigations into such crimes rarely result in the conviction of perpetrators and compensation for victims (arts. 2, 7 and 10).

**The State party should ensure strict implementation of the prohibition of torture and ill-treatment. In this regard, the State party should ensure that law enforcement personnel receive training on investigating torture and ill-treatment, by integrating the Manual on the Effective Investigation and Documentatin of Torture and Other Cruel, Inhuman or degrading Treatment or Punishment (Istanbul Protocol) in all training programmes for law enforcement officials. The State party should ensure that allegations of torture and ill-treatment are effectively investigated, alleged perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the seriousness of the crime, and that victims are adequately compensated.**

13. The Committee is concerned that the automatic detention until deportation of all persons entering the country irregularly, including minors, and the lack of adequate information and referral of asylum seekers among such persons to the asylum procedure, exposes persons in need of international protection to a high risk of refoulement. The Committee is also concerned at the poor living conditions in transit reception facilities for asylum seekers and refugees (arts. 6, 7, 9 and 10).

**The State party should ensure proper implementation of pre-screening procedures at the border and inside the country in order to ensure that persons in need of international protection are identified and referred to the asylum procedure, regardless of whether or not they entered the country in an irregular manner. It should refrain from detaining asylum seekers on the basis of the manner of entry into the country. It should improve living conditions in transit reception facilities.**

14. While taking note of the information provided by the State party that it is no longer considered a transit country for trafficking, the Committee is concerned that it remains a country of origin, mainly for trafficked women and children (arts. 3, 8 and 24).

**The State party should reinforce existing measures to prevent and combat trafficking in persons. In particular, it should continue to identify victims of trafficking and take necessary measures to ensure that victims of trafficking are provided with medical, psychological, social and legal assistance. Protection should be provided to all witnesses and victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against those responsible. The State party should also devote sufficient resources to investigating cases of trafficking in persons by identifying those responsible, prosecuting them and imposing commensurate penalties.**

15. The Committee is concerned at reports that children in conflict with the law are ill-treated in police stations after arrest. It is also concerned at the lack of (a) chambers specifically designated for juveniles with specialized judges; (b) long-term rehabilitation programmes for such children; and (c) educational facilities for convicted children (arts 7, 9, 10, and 24).

**The State party should effectively investigate all allegations of ill-treatment of children in police stations. It should reform its juvenile justice system by (a) establishing juvenile chambers with trained judges; (b) creating long-term rehabilitation programmes with a view to facilitating the integration of those children in society after release; and (c) ensuring that imprisonment of children is a last resort and education facilities are provided for imprisoned children.**

16. The Committee is concerned about inhumane conditions of detention, including overcrowding and poor sanitation in detention facilities. The Committee is particularly concerned about reports that even the newly established facilities do not meet international standards (art. 10).

**The Committee reiterates its concern about inhumane detention conditions (CCPR/CO/82/ALB, para. 16) and urges the State party to improve the conditions of detention for those held on remand and for convicted persons. It should also ensure that new facilities meet international standards, by allocating sufficient resources for their construction and operation.**

17. The Committee is concerned about the reportedly frequent incidence of arbitrary detention, that access to a lawyer after arrest is often hindered, and police decisions on the release of arrestees may be subject to bribes. The Committee is also concerned about undue delay in delivering court decisions in criminal cases; that the reason for the decision of the court of first instance is not delivered in a timely manner, which compromises the ability of the aggrieved party to appeal; that hearings are often not public; and that the transfer of files to the court of appeal is often delayed. The Committee is also concerned about the ineffectiveness of free legal aid for persons in need (arts. 9, and 14).

**The State party should ensure full respect for article 9 of the Covenant, and to this end it should:**

- (a) Take measures to avoid arbitrary deprivation of liberty and ensure that victims of arbitrary detention are adequately compensated; and**
- (b) Ensure immediate access to a lawyer following arrest, and combat corruption.**

**The State party should uphold the right to a fair trial in line with article 14 of the Covenant. In this regard, it should:**

- (a) Urgently improve the functioning of the judicial system, including by increasing the number of qualified and professionally trained judicial personnel, and training judges and court staff in efficient case-management techniques;**
- (b) Ensure that adequate compensation is awarded in cases related to lengthy proceedings; and**
- (c) Ensure the actual availability of free legal aid in cases where the interest of justice so requires.**

18. The Committee is concerned at reports that corruption is widespread within the judiciary. The Committee is concerned that the process of selecting judges, particularly those at the highest level of the judiciary, is highly politicized and lengthy (art. 14).

**The State party should intensify its efforts to reform the judiciary, including the Council of Justice, and guarantee that the selection of judges is based on the criteria of competence and independence. The State party should rigorously combat corruption, including by instituting procedures for vetting corrupt judges by an independent body and taking appropriate sanctions against them.**

19. The Committee is concerned about reports of harassment and attacks against journalists for carrying out their work, and information that lawsuits are filed against media organizations as a means of intimidation (art. 19).

**Recalling its general comment No. 34 (2011) on freedoms of opinion and expression and its previous concluding observations (CCPR/CO/82/ALB, para. 19), the Committee recommends that the State party take effective measures to fully guarantee the right to freedom of opinion and expression in all its forms. It should also conduct effective investigations of reports concerning attacks or violence perpetrated against journalists and bring those responsible to justice. It should also prevent and refrain from using lawsuits against media organizations as a means of intimidation.**

20. The Committee is concerned about reports of lack of cooperation between the State party and the Greek authorities to establish the whereabouts of 502 Roma street children from Albania, who went missing after being arrested by Greek police for begging and who were allegedly admitted to a children's institution in Greece between 1998 and 2002 (art. 24).

**The State party should intensify its efforts to engage with the Greek authorities with a view to finding out the truth surrounding the disappearance of those children and establishing their whereabouts. In doing so, the State party should involve the Ombudsman and relevant civil society organizations.**

21. While appreciating the measures taken to reduce the number of children in State institutions, the Committee remains concerned that parents, especially those living in poverty, still send their children to institutions. The Committee is concerned that living conditions in the institutions are poor; some children are reportedly the subject of sexual abuse; others are forced into begging; and many children are homeless after leaving the institutions (arts. 23 and 24).

**The State party should adopt a holistic approach in addressing the situation of children in institutions, and to this end, it should:**

**(a) Shape a family policy, in close cooperation with the State Agency for the Protection of Children's Rights, aimed at better supporting poor families and preventing the institutionalization of children;**

**(b) Intensify its measures to encourage the placement of children in alternative family-based settings;**

**(c) Regularly monitor all children's institutions and improve living conditions therein, also through adequate allocation of resources;**

**(d) Ensure provision of social services to all children in need thereof, and protect them from all forms of exploitation. In doing so, the State party should investigate allegations of sexual and economic abuse, bring the perpetrators to justice and rehabilitate the child victims;**

**(e) Strengthen educational opportunities, including vocational training, to children deprived of a family environment, with a view to preparing them for adult life and preventing homelessness.**

22. The Committee is concerned about the existence of laws that discriminate against persons with disabilities. It is also concerned that persons with disabilities tend to have a low economic status, which is exacerbated by untimely payment of their disability allowance, and about reports that the needs of persons with disabilities are not catered for in detention facilities. The Committee is particularly concerned about the legal restriction on

persons with disabilities to exercise their right to vote in the State party (arts. 2, 10, 25 and 26).

**The State party should repeal or amend all legislation that discriminates against persons with disabilities, namely the amendments introduced in 2012 to the laws on the Status of the Blind and on the Paraplegic and Tetraplegic Disability Status. The State party should revise its legislation to ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on grounds that are disproportionate or that have no reasonable and objective relationship to their ability to vote. The State party should at all times, ensure full and timely payment of disability allowances and formulate and implement appropriate policies to improve the economic status of persons with disabilities.**

23. The Committee is concerned that despite the adoption of the National Strategy for Roma and the Decade of Roma Inclusion (2010- 2015), the Roma minority continues to face discrimination in accessing housing, employment, education, social services and participating in political life (arts. 2, 25, 26 and 27).

**The State party should take immediate steps, in consultation with the Ombudsman, the Commissioner for Protection against Discrimination, civil society organizations, and the Roma community to:**

**(a) Effectively implement the National Strategy for Roma and the Decade of Roma Inclusion (2010 to 2015), by allocating adequate earmarked resources and ensuring sufficient linkage between all Roma-related programmes;**

**(b) Include the Roma communities in housing schemes, and as a matter of priority, provide those forcibly evicted from their homes in 2012 with adequate and permanent housing;**

**(c) Act on the Ombudsman's recommendations on the Roma minority, particularly those relating to the education of Roma children;**

**(d) Refrain from blocking access to existing livelihoods of the Roma, facilitate a wide variety of employment opportunities, including through strengthening and expanding temporary special measures in the public sector and the provision of vocational training;**

**(e) Ensure that all Roma have identity cards so as to facilitate their right to vote.**

24. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the second periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations with a view to increasing awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee suggests that the report and the concluding observations be translated into the official languages of the State party. The Committee also requests the State party to broadly consult with civil society and non-governmental organizations when preparing its third periodic report.

25. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations contained in paragraphs 9 and 13 above.

26. The Committee requests the State party, in its next periodic report, to be submitted by 26 July 2018, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

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