



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the third periodic report of Albania*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations.¹ Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Please provide information regarding the measures taken to give full effect to the provisions of the Covenant in national legislation and to raise awareness of the Covenant among judges, lawyers, prosecutors and the general public. Please provide examples of cases in which the Covenant has been invoked or applied by national courts.

3. With reference to the Committee's previous concluding observations (para. 6),² please provide information on the measures taken by the State party to enable the People's Advocate of Albania (the Ombudsman's Office) to discharge its functions fully and in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by: (a) providing it with sufficient human and financial resources; (b) ensuring follow-up to and the implementation of its recommendations; and (c) providing a broad and clear mandate and mechanisms that enable it to engage in all human rights issues.

Anti-corruption measures (arts. 2 and 25)

4. Please indicate all measures taken to prevent and combat corruption effectively, particularly corruption within the judiciary, including updated information on the vetting process of public officials, including judges and prosecutors. Please provide statistical data on the number of investigations, prosecutions and convictions there have been in corruption

* Adopted by the Committee at its 132nd session (28 June–23 July 2021).

¹ CCPR/C/ALB/CO/2.

² Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/ALB/CO/2.



cases during the reporting period and, in particular, information about cases involving high-level public officials, judges, prosecutors and law enforcement officers. Please describe the mandates of the State party's anti-corruption bodies, including the Special Anti-Corruption and Organized Crime Structure, and the steps taken to ensure their independence and efficacy in fighting corruption.

State of emergency (art. 4)

5. Please report on the State party's legal framework concerning states of emergency, including information on its provisions, sanctions for violating the law, the possibility of judicial oversight of its application, and its compatibility with the Covenant. Please explain whether there have been derogations from any rights under the Covenant during the states of emergency declared in response to the coronavirus disease (COVID-19) pandemic. Bearing in mind the Committee's statement on derogations from the Covenant in connection with the COVID-19 pandemic,³ please indicate whether any such derogations met the strict requirements of proportionality to the exigencies of the situation, relating to duration, geographical coverage and material scope. Please indicate the measures taken by the State party to respect and ensure the Covenant rights of vulnerable and marginalized groups during the COVID-19 pandemic.

Combating impunity and past human rights violations (arts. 2, 6–7 and 14)

6. Recalling the Committee's previous concluding observations (para. 9), please provide information on all measures taken to conduct effective investigations into cases of past human rights violations and provide redress for the victims, in particular in relation to: (a) the killing of four civilians during the January 2011 demonstrations; and (b) extrajudicial killings, enforced disappearances and torture perpetrated during the period of the communist regime, from 1944 to 1991.

Non-discrimination (arts. 2, 20 and 26)

7. Please report on the measures taken to ensure that the State party's anti-discrimination legal framework, including the amended law on protection from discrimination, provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, and effective remedies in judicial and administrative proceedings for victims of discrimination. Please provide statistical data on complaints of discrimination brought before the courts and the Commissioner for Protection from Discrimination during the reporting period, and an indication of the basis of the discrimination, the nature of the investigations conducted and their outcome, and any forms of redress provided to victims. Please discuss the efforts made to combat hate crimes, hate speech, including online hate speech, and other acts of discrimination, stigmatization and violence, particularly against women, persons with disabilities, members of the Roma and Egyptian communities, persons living with HIV/AIDS, and on the basis of sexual orientation or gender identity.

Gender equality (arts. 3 and 25–26)

8. With reference to the Committee's previous concluding observations (para. 7), please provide information on the measures taken to achieve equitable representation of women in public and political life, especially in decision-making positions, including in the Parliament. Please discuss the efforts made to: (a) ensure, in law and in practice, substantive equality between women and men in matters relating to marriage and family relations, including marital property and land registration; and (b) combat the practice of sex-selective abortions.

Violence against women (arts. 2–3, 6–8, 24 and 26)

9. With reference to the Committee's previous concluding observations (para. 11), please indicate the legislative and other measures taken to prevent and combat violence against women and girls, including domestic and sexual violence, and specify the protection

³ CCPR/C/128/2.

measures that have been taken in the context of the COVID-19 pandemic. Please report on steps taken to: (a) encourage reporting by victims of violence against women, including through combating social stigma and increasing victims' access to justice; and (b) ensure adequate funding for victim support services and the availability of shelters throughout the country, especially for victims of domestic violence and their children.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 3 and 6–7)

10. Please report on the progress made in ensuring access to adequate and affordable sexual and reproductive health services for all, particularly women and adolescents, including in rural areas. In particular, please discuss the efforts made by the State party to: (a) ensure adequate access to safe abortion services for all; and (b) provide education and awareness-raising programmes, especially youth-friendly programmes, and training for health-care providers on the importance of using contraceptives and on sexual and reproductive health rights.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6–7)

11. Recalling the Committee's previous concluding observations (para. 10), please provide information on the measures taken to eradicate the practice of blood feuds. In particular, please report on the steps taken to investigate all cases of killings and other blood feud-related crimes, to prosecute and, if convicted, to punish the perpetrators appropriately, and to provide redress and access to social services for the victims, especially women and children.

12. With reference to the Committee's previous concluding observations (para. 12), please indicate the efforts made to prevent and combat cases of torture and ill-treatment of persons deprived of liberty, particularly at the time of and immediately following arrests. Please include statistical information on the number of investigations into cases of torture and ill-treatment, and on the prosecutions and convictions, including under articles 86 and 87 of the Criminal Code. Please report on the provision of human rights training to law enforcement officials, in particular training on the prohibition of torture and ill-treatment.

13. Please provide information on the State party's legal framework on the use of force by law enforcement officials, including during demonstrations, and whether the relevant laws are aligned with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please provide information on the number of complaints received during the reporting period concerning excessive use of force by law enforcement officials.

Liberty and security of person (art. 9)

14. Please indicate all the measures that are in place to ensure full respect of the fundamental procedural safeguards for detained persons, including the rights to have prompt access to a lawyer and to have access to a medical assessment. Please report on the measures taken to reduce the number of persons in pretrial detention and the duration of such detention, including by increasing the use of non-custodial measures and penalties in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Please report on the efforts made to separate convicted persons and pretrial detainees.

15. With reference to the Committee's previous concluding observations (para. 15) and in light of the adoption in 2017 of the Criminal Justice for Children Code and the implementation of the Justice for Children Strategy (2017–2020), please indicate the progress made in ensuring that: (a) children in conflict with the law, particularly children in street situations, are treated in a way that promotes their integration into society, providing information about the types and length of sentences applied to children in conflict with the law during the period under review; (b) the detention of children, including pretrial detention, is used as a measure of last resort only and for the shortest possible time; and (c) specialized juvenile chambers with trained judges are established.

Treatment of persons deprived of their liberty (arts. 7 and 10)

16. With reference to the Committee's previous concluding observations (para. 16), please describe the steps taken to: (a) address overcrowding and poor material conditions, including hygiene conditions, in places of detention, including police custody facilities; (b) ensure adequate access to water, food, clothing and health care, including psychiatric care, for detainees; and (c) prevent the spread of COVID-19 in places of detention and provide prompt and effective treatment for detainees infected with the disease.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)

17. With reference to the Committee's previous concluding observations (para. 14), please elaborate on the steps taken to address all forms of exploitation, including for the purposes of trafficking and labour exploitation, within the State party, particularly cases affecting women and children, especially Roma and Egyptian children and children in street situations. In this regard, please indicate whether all forms of human trafficking and exploitation, including that of children, are criminalized under the existing domestic legal framework. Please provide information on the pertinent training and awareness-raising programmes for police officers, border personnel, judges, prosecutors, lawyers and other relevant personnel.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24)

18. Recalling the Committee's previous concluding observations (para. 13) and in light of the adoption of the new asylum law (No. 10/2021), please report on the measures taken to ensure that all persons applying for international protection in the State party have access to fair and efficient asylum procedures, protection against refoulement and an appeal mechanism with suspensive effect against negative decisions on asylum. In this regard, please respond to concerns relating to the refoulement of Harun Çelik and provide updated information on the case of Selami Şimşek. Please describe the State party's current policy concerning detention and accommodation in camps of refugees and asylum seekers, including children, and address concerns about the harsh living conditions in reception centres and the lack of access to these centres during the COVID-19 pandemic.

Access to justice, independence of the judiciary and fair trial (art. 14)

19. Please report on the measures taken to: (a) guarantee, in law and in practice, the full independence, impartiality and competence of judges, including information on the current procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges; (b) reduce the backlog of court cases; and (c) ensure adequate access to free legal aid for persons in need throughout the State party.

Right to freedom of conscience and religious belief (art. 18)

20. Please provide information on all the steps that have been taken to uphold freedom of conscience and religious belief within the State party. In this regard, please report on the progress made in: (a) handling claims relating to the restitution of property belonging to religious groups; (b) addressing concerns about the distinction between religious organizations recognized under the law on non-profit organizations (No. 8788/2001) and those recognized as "religious communities" by the State party; and (c) ensuring that the measures taken to combat violent extremism are fully in line with the Covenant and relevant international standards.

Freedom of expression (arts. 19–20)

21. Please report on the legislative and other measures taken by the State party to promote and protect the right to freedom of opinion and expression, including online expression and within the context of the COVID-19 pandemic. Please discuss the measures taken to protect human rights defenders and journalists against harassment, intimidation and verbal and physical attacks, to effectively investigate all allegations of such violence and to provide victims with effective remedies. Please respond to reports of restrictions on media freedom,

including due to: (a) the concentration of media ownership in a few family groups; and (b) criminal charges brought and threats of litigation against journalists, leading to their self-censorship.

Right of peaceful assembly (art. 21)

22. Please provide information on all the measures taken by the State party to promote the right of peaceful assembly. Please outline the State party's existing legislation on the right of peaceful assembly, including the law on demonstrations (No. 8773/2001) and its compatibility with article 21 of the Covenant and the Committee's general comment No. 37 (2020) on the right of peaceful assembly. Please provide information on the investigations conducted into the cases of excessive use of force during the demonstrations in December 2020 and their outcomes, including any redress provided to the victims.

Rights of the child (arts. 23–24 and 26)

23. With reference to the Committee's previous concluding observations (para. 21) and the adoption of the law on the rights and protection of the child (No. 18/2017), please provide information on the measures taken to prevent the institutionalization of children, especially those living in poverty and in street situations, to improve living conditions in care institutions for children and to conduct close monitoring of these institutions, including with a view to combating cases of violence therein. Please indicate the steps taken to: (a) effectively prevent and prohibit child abuse, including sexual and online abuse, and bring the perpetrators to justice; and (b) increase the birth registration rate, particularly in rural areas and for Roma and Egyptian children.

Participation in public affairs (arts. 25–26)

24. In light of the amendments made in 2020 to the Constitution and the Electoral Code, please report on the measures taken to ensure the holding of free and fair elections and on the role and status of the Central Election Commission in this respect. Please indicate the measures taken to: (a) ensure voting rights for all, including members of the Roma and Egyptian communities who do not have identity documents or a permanent address, and persons with disabilities, including those with psychosocial or intellectual disabilities; and (b) address allegations of vote buying and voter intimidation.
