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Civil and Political Rights**

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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**List of issues in relation to the second periodic report of
Albania, adopted by the Committee at its 106th session (15
October-2 November 2012)**

Addendum

Replies of Albania to the list of issues*

[5 July 2013]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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

Reply to the issues raised in paragraph 1 of the list of issues (CCPR/C/ALB/Q/2)

1. In the Republic of Albania, the international law enjoys a privileged position compared to the domestic legislation. Article no. 5 of the Constitution defines the obligation of the Albanian State has towards the application of the international law. Article no. 122 defines that any international agreement ratified by the Parliament constitutes part of the internal legal after being published in the Official Journal. It is directly applicable, except for the case when it is not self-executing and its application requires the endorsement of another law. An international agreement ratified by law has priority over the laws of the country that are incompatible with it. On this basis, the international conventions on human rights field acceded or ratified by Albania, which also foresee the dispositions which guarantee the human rights without discriminating on national, ethnic or social origin, gender, race colour, language, religion, political convictions or of any other kinds, assets, birth, in capabilities, age or any other State bases, in which the Republic of Albania has acceded or ratified, have become part of the domestic legislation.

2. Likewise, in many cases, the provisions of the Covenant have been invoked before the Constitutional Court specifically: Decision no. 8, dated 21 May 1993; Decision no. 28, dated 17 March 2011; Decision no 64, dated 14 June.2011; Decision no11, dated 2 April 2008, Decision no. 20, dated 9 July 2009; Decision no. 9, dated 23 March 2010; Decision no. 3, dated 30 February 2012; Decision no7, dated 7 February 2013. Also the provisions of the Covenant have been invoked before the Supreme Court in two decisions: Decision no. 202, dated 30 September 2009, and Decision no. 415, dated 27 February 2013.

Reply to the issues raised in paragraph 2 of the list of issues

3. The measure taken to ensure the full independence of the Ombudsman's office on the allocation of human and financial sources, referring to the provisions of the Law 9936/2008 "On the management of the budgetary system in the Republic of Albania", amended, the budget of all general governing units (including Ombudsman) is drafted by the Ministry of Finances based on the budgetary requirements of the institutions. Later on the drafts are endorsed by the Council of Ministers and the Parliament.

Non-discrimination, equal rights for men and women (art. 2, paras. 1 and 3)

Reply to the issues raised in paragraph 3 of the list of issues

4. Since the establishment of the Commissioner for the Protection against Discrimination, there has not been any court decision in Albania on the application of the Law no. 10221, dated 4 February 2010 "On Protection against Discrimination". Currently, the following cases are being sued: In one case CPD is summoned as the interested party, after CPD has previously followed an administrative procedure about the same issue for which the decision of discrimination has issued. In another case, where the Commissioner has ruled on discrimination decision, the plaintiff has brought the case to the Court, and in this suit, the Commissioner was summoned as a third party but during the trial the plaintiff asked the suspension of the trial for the third person (CPD), because the object of trial had been changed and eventually the court decision was not expressed against discrimination. In another case previously reviewed by CPD, the plaintiff presented a lawsuit claim in the

court for compensation. In this case, the Commissioner communicated to the court the decision. The court decided to suspend the review of the complaint made by the plaintiff based on the Commissioner's decision to suspend the investigations.

Reply to the issues raised in paragraph 4 of the list of issues

5. One of the objectives of the government policies on gender equality and fight against violence in families has been and remains in continuance the raise awareness of the whole society and structures to eliminate all gender stereotypes and promote the women's role in the political, socio economic and social life. Media is considered as one of the main partners. The progressive influence of media focusing on gender equality problems, especially the women's participation in politics, culminated in the 2009 election campaign and the 2011 local elections, with some programmes and debates in the main media of our country. The awareness campaigns have continued which aimed at omitting the gender stereotype, increasing the public and political decision taking of the women, their economic consolidation etc.

6. Law no. 97, dated 4 March 2013 "On audio-visual media in the Republic of Albania", foresees that one of the main principles for the radio-television activity is also the unbiased respect of the right for information, political and religious faiths, personality, dignity and the other human fundamental rights and freedoms (article 4, point b). This Law also foresees that the services offered upon users' request are not allowed to include programmes promoting hatred on racial, ethnical, gender, national or religious bases (article 76). So far Audio-visual Media Authority has not encountered any practice in the electronic media, or received any complaint from any entity regarding the introduction of women as sexual objects. In contrast, the Audio-visual Media Authority, in accordance with the above provisions, has the power to intervene whenever the electronic media offers programmes that promote, among other things, gender hatred. Starting from 2008, this institution in the frame of electronic media monitoring, has measured the time awarded to each gender. The presence of female actors in Albanian electronic media continues to improve. Cooperation with the media is an on-going objective in the National Strategy for Gender Equality, Reduction of Gender and Domestic Violence, 2011-2015.

7. In the framework of international instruments, the Republic of Albania has ratified the "Convention of the Council of Europe on preventing and combating violence against women and domestic violence" with the Law no. 104/2012, dated 8 November 2012.

8. The legal framework for the fight against domestic violence. Recent amendments in the Criminal Code, with the Law no. 23/2012, dated 1 March 2012, foreseen in article 130/a, adds the offense of domestic violence, such as (a) beating, as well as any other act of violence against a person who is a spouse, former spouse, cohabitant, or ex cohabitant, close sex or close marriage relations to the offender, by violating the physical, psychosocial and economic integrity, is punished with up to two years imprisonment, as well as (b) a serious threat of death or injury and (c) wilful injury done to the person who is the spouse, former spouse, cohabitant or ex cohabitant, or close sex or close marriage relations to the offender, with the violation of the psychic integrity, are considered criminal offences for which appropriate penalties are also provided.

9. In Law no. 144/2013, published in Official Journal 83, May 2013 the inclusion of new provisions related to domestic violence, child protection is recorded, in accordance with the recommendations of the Committee on the Elimination of Discrimination against Women", the Convention on the Rights of the Child, and the Council of Europe Convention against human beings trafficking.

10. Regarding the activity of state structures in the fight against violence on women and domestic violence is based on a series of laws and regulations, namely: the Law no. 10329,

dated 30 September 2010 "On some amendments to Law No. 9669, dated 18 December 2006 "On measures for violence in family relationships"; law no. 9970, dated 24.7.2008 "On gender equality in society" law no. 10221, dated 4 February 2010 "On protection from discrimination". There are also designed sectorial strategies accompanied by action plans and relevant programmes. Based on the programmes and monitoring of the "National Strategy on Gender Equality and Domestic Violence 2007-2010", and after the adoption and implementation of the National Strategy on Gender Equality, reducing gender-based violence and domestic violence 2011-2015, adopted by the CMD no. 573, dated 16 June 2011, it can be concluded that the situation of combating violence against women and domestic violence has undergone positive changes. The Strategy of State Police 2007-2013, according to the principle of community policing is also adopted. State Police is already a subject qualitatively legitimate to ask the court to issue orders for the protection of minors.

11. Following the adoption of the legal frame against the phenomenon of domestic violence, the structures of the Ministry of Interior have begun work on its application, anticipating the restructuring of State Police at the central and peripheral level, approval of administrative acts for measures, prevention and reduction of the phenomenon of domestic violence, the creation of registers and forms suitable for the identification, treatment and prevention of domestic violence, draft manual on measures to prevent violence, protection and care of the victims, administrative and professional capacity building through training and professional qualifications, organizing awareness campaigns, establishment of cooperation with other institutions.

12. The level of denunciations of domestic violence. As a result of expertly handling domestic violence case, the number of denunciations of violence in police structures during the last five years has been increasing, also reflected in the following statistics: 822 cases were identified (377 are treated with lawsuits requests) during 2008; 1217 cases (841 are treated with lawsuits requests) were identified in 2009; 1998 cases (1234 are treated with lawsuits requests) were identified in 2010; 2181 cases (1345 treated with lawsuits requests) were identified in 2011; 2300 cases (1497 are treated lawsuits request) were identified during 11 months of 2011.

Reply to the issues raised in paragraph 4 (a) and (b) of the list of issues

13. In implementing the Government programmes, the Albanian legislation, specifically Law no. 9970, dated 24 July 2008 "On gender equality in society", Law. No. 9669, dated 18 December 2006 "On measures against violence in family relations, and monitoring of the National Strategy on Gender Equality 2007-2010", stipulates that gender equality and the fight against women and domestic violence has been the priority focus of government and has undergone positive changes. Support from the United Nations programme One "On gender equality in Albania", and other organizations operating in the country on these issues, and cooperation with civil society has played a very positive role in meeting the many commitments, the objectives of the Strategy, made it possible the inclusion of gender issues at all levels by providing institutional capacity building, increasing the participation of women in employment promotion programmes, raise public awareness on gender issues and violence against women, building and operating the facilities and support services. increasing participation in political decision-making, taking measures to omit gender stereotypes in education and media.

14. *Increasing the representation of women in political and public life:* As a result of the application of the quota and increase of awareness, the data on the representation of women and girls are: Parliamentary Elections 2009 -Women hold 22 seats in the Parliament or 15.7 per cent, of the government cabinet one woman holds the post of a minister or 7.1 per cent of the cabinet, Deputy Ministers are a total 35, out of which 7 are females or 20.6 per cent.

(data of December 2012). Out of 12 Prefects, two are women (in Gjirokastra, Shkodra) or 16.6 per cent.

15. *Local elections 2011* – out of 65 municipalities 3 are women mayors or 4.6 per cent (Burrel, Konispol Patos), out of 11 mini-municipalities in Tirana 2 are women mayors or 18 per cent (unit 1 and 5), member of Municipal Council 12.3 per cent, 2 out of 309 mayors, 1 district chairman out of 12.

16. *Increased number of women in public life and the public administration*: During this period women were elected in key decision-making positions as Speakers of Parliament, Chief of the Supreme Court, General Prosecutor, and President of the CEC and the Chairman of the High Inspectorate of Assets Declaration etc. In 2008 the participation at specialist level was 58.8 per cent whereas in 2011 it was 64.9 per cent. At middle management level is 40.2 per cent in 2011. At senior management level, the representation of women is 24.3 per cent versus 75.7 per cent held by men. In the year 2012 the data for the sharing between men - women in the civil service in ministries and in the Prime Minister Cabinet are: in total - 59 per cent female, 41 per cent male. At management levels (ranging from sector responsible - general secretary) - 47.8 per cent female, 52.2 per cent male, at executive level (specialists) - 64 per cent female, 36 per cent male.

17. *Representation in the justice system*: In the High Council of Justice the number of women is 21.4 per cent; out of 14 members in the Supreme Court 6 are women, a total of 42.8 per cent. Member of the Constitutional Court 1 female out of 8, a total of 12.5 per cent are females. The statistics in 2010 show that the representation of women judges in the two courts of the first two instance judgment is 32 per cent of the total number. The number of women prosecutors in the first instance is 30 per cent, in the second instance 18 per cent and in the General Prosecution 38 per cent.

18. *Economic consolidation of women and girls*: This area remains one of the government's long-term priorities. Economic consolidation of women and girls plays a key role in achieving gender equality and reduce domestic violence. In the recent years, have been implemented programmes to promote employment and vocational training from which a significant number of girls and women mainly those in need have benefited. Also, the CMD no. 27, dated 16 January 2012 "On the promotion of female employment seekers from special groups", intended to encourage Albanian leaders and managers to hire unemployed jobseekers women from vulnerable groups, which have difficulty to enter the labour market. It is also being worked to implement pilot programmes to promote business women through the implementation of programmes like that of Credit Guarantee Fund for Export and Competitiveness Fund. These programmes have served to promote women's business by providing loans and incentive programmes to open businesses.

19. *Women in rural areas*: governmental policies are focused mainly on supporting rural women's consolidation and on this purpose "Rural Development Strategy" is oriented towards creating employment opportunities in the rural areas by prioritizing the encouragement of the investment among local people and particularly women and youngsters. Also in 2012, in the evaluation criteria of the subsidy scheme is also considered to include with priority the application when farms are managed by a woman.

Reply to the issues raised in paragraph 4 (c) and (d) of the list of issues

20. There are no complaints regarding the violation of the principle of equal payment for work of equal value. State Labour Inspectorate, which is subject to the application of law in the field found no such violation. In terms of complaints and sanctions applicable to violations of respecting the principle of gender equality in elections under article 175 of the Election Code, is found that: Regarding the election of the local government held on 8 May 2011, were registered as electoral subjects 56 political parties. For the Municipality of

Tirana were registered in the multi-name lists in CEC, a total of 36 elective subjects. There were also recorded three candidates for mayor in the Municipality of Tirana. At this stage, the CEC discovered the non-implementation of the law related to gender equality with respect to multi-name list for the Council of the Municipality of Tirana. In this case, the CEC pursuant to article 67 of the Election Code, issued administrative sanction for the electoral subject that did not respect gender equality (every three names belongs to each gender) in multi-name list for Tirana Municipality Council.

Reply to the issues raised in paragraph 5 of the list of issues

21. With regard to measures taken to prevent and punish discrimination against persons belonging to the LGBT community, in terms of improving the legal and subsidiary framework is noted that: The Law 144/2013 "On some amendments to Law No. 7895, dated 27 January 1995" Criminal Code of the Republic of Albania ", amended, is reformulating existing provisions in the letter " J " of article 50 (art. 6), so that it is consistent with the terminology of the Constitution and the law against discrimination to include all cases, which according to the legislation constitute discrimination. Specifically this letter changes as follows: "j) when the offense was committed due to reasons related to gender, race, colour, ethnicity, language, gender identity, sexual orientation, political opinions, religious or philosophical beliefs, health status, genetic predisposition or disability ... ", Also, article 253: "Violation of equality of citizens" after the word "sex" are added the words "sexual orientation or gender identity," then the article is reformulated: "Performing because of the task and of its exercise, of employees by state function or public service, the differences based on origin, sex, sexual orientation or gender identity, health status, religious or political beliefs, trade union activity or because they belong to an ethnic group, nation, race or religion, that results in unfair privileges or denial of a right or benefit that comes from the law, punishable by ... ". This reformulation was made in order to include other causes provided by law "On protection from discrimination" including sexual orientation and gender identity of the person, ensuring a wider protection of persons against discriminatory reasons for which the employee with a state function or public service can differentiate citizens by violating the principle of equality."It also reformulated Article 265 of the Criminal Code "Promoting hatred or strife", which is provided as a criminal offense even where among other things happens because of sexual orientation.

22. In order to undertake concrete measures for the protection of LGBT rights, is designed "Action Plan for non-discrimination on grounds of Sexual Orientation and Gender Identity, 2012-2014", where a contribution was made by the Office of the Commissioner for the Protection against Discrimination. Some of the measures envisaged in this plan are: training of public administration at central and local government with new concepts and principles of the law for protection against discrimination, organizing awareness campaigns, annual publications, publications, leaflets, successful practices against discrimination; concrete measures by public/private institutions and business activities to ensure equality under the law on anti-discrimination, training of employment offices specialists and teaching staff on LGBT issues, involvement in school curriculum/ extra curricula on the rights of LGBT persons in the context of human rights, revision of textbooks with discriminatory content.The approval of the Law "On Protection against Discrimination", in February 2010, is a concrete step in the protection of human rights initiated by the international documents. Law enforcement has the object and the principle of equality in relation to gender, race, colour, ethnicity, language, gender identity, sexual orientation, political beliefs... etc.

23. Order no. 55 dated 14 April 2011 of the Minister of Labour, provides the establishment of a working group near MoLSAEO "To design a plan of measures for persons with different sexual orientation." This group is supported by other actors such as civil society organizations working in this field, international organizations, representatives

of academic field and the contribution of independent institutions such as the Commissioner for Protection against Discrimination and Ombudsman, drafted the action plan which includes measures to review the legislation in compliance with anti-discrimination provisions of international documents and recommendations in this field, containing campaigns for raise public awareness, etc. Also, on 26 February 2013 a Cooperation Agreement between the Commissioner for Protection against Discrimination and the PINK Embassy/LGBT Pro Albania was signed, in order to promote further cooperation between them for a more effective protection against discriminatory behaviour toward the LGBT community.

24. *Activities developed to protect the rights of the LGBT community:* A wide range of activities, conferences and seminars have been developed: (1) Third National Debate for Human Rights in Albania, held on 17 December 2010, in the third panel was discussed the protection of LGBT rights in Albania; (2) Training on "Inclusion of LGBT issues in social policy", organized on 14 December 2011 by PINK Embassy in the framework of enhancing cooperation between the latter and institutions that have a role in terms of respecting the rights of the LGBT community; (3) "Diversity Festival", realized for the first time in our country, on 17 May, 2012, as part of the International Day against Homophobia, during this event were distributed informative brochures "How the law protects LGBT " On Protection against Discrimination ", which was drafted by a joint contribution of the Pink Embassy and the Commissioner for Protection against Discrimination. (4) Seminar with the topic "Stop Violence: LGBT rights are human rights", organized by the U.S. Embassy in 13-15 June 2012. In the meeting were cited a number of cases which highlighted the problems of violence and discriminatory and threatening behaviour towards the LGBT community; (5) National Conference on "Non-discrimination - Challenge and Commitment for Albania " in support of the United Nations Programme for Development (UNDP) in the framework of the programme "One UN", on 23 February 2011; (6) Roundtable Discussion: "To better protect human rights against discrimination based on sexual orientation and gender identity, on 28 July 2011, organized by MoLSAEO in cooperation with the PINK Embassy and LGBT Pro Albania; (7) Roundtable discussion on the Council of Europe Project "Combating discrimination based on sexual orientation and gender identity," dated 7 February 2012, with representatives of inter institutional group; (8) Regional Conference "LGBT Movement in the Balkans. Achievements and Challenges ", on 18-19 March 2013, organized by Pink Embassy and COC Netherlands, with the participation of stakeholders and institutions such as MoLSAEO, Commissioner for Protection against Discrimination, Ombudsman, as well as local NGOs and those from the Balkan; (9) Albania attended the Regional Conference on the Rights of LGBT Persons, organized on 26 March 2013 in Paris, under the auspices of the French Government in collaboration with the European Commission and the Polish government; (10) on 23 April 2013, the first meeting of the working group for the implementation of the Action Plan for people with different sexual orientation and gender identity was held.

25. *Sexual orientation discrimination complaints:* Since 2010 the Commissioner for Protection against Discrimination has treated a total of 17 complaints of sexual orientation, associated with many problems such as: the use of "hate speech", discriminatory language that violates the dignity of the LGBT community, to exercise acts of violence, etc. In May 2012 CPD has found out in a public statement a discriminatory language on persons belonging to the LGBT community. The measure taken by the Commissioner's decision was to force the responsible person to publicly apologize and to avoid in the future the use of language which produces the effect of diffusion, promotes hatred or other forms of discrimination against persons because of their sexual orientation and gender identity. While in May 2013, this institution has issued three discrimination decisions: a discrimination decision is given after a complaint of PINK/ LGBT PRO Embassy claiming discrimination because of the sexual orientation of a person who is a public figure

associated with the language used in a newspaper article for the LGBT community. Also, after ex-officio investigation, the Commissioner has issued a discrimination decision against a person who is a political leader and analyst due to inappropriate language used against the LGBT community, during a TV debate.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment, and the fight against impunity (arts. 2, 6 and 7)

Reply to the issues raised in paragraphs 6 and 7 of the list of issues

26. Based on the Constitution and international conventions on human rights, in the Criminal Code there are a number of provisions regarding the illegal removal of freedom, kidnapping, holding hostage the person, enforced disappearance, torture, punishment or cruelty, inhuman or degrading treatment. Specifically are defined a number of provisions which guarantee that no one could be subject to torture, punishment or cruelty, inhuman or degrading treatment and the prevention of acts of torture or any abuse. In the Criminal Code (art. 86) the prediction of torture as a crime is in line with the definition in the article 1 of the Convention against Torture. The Penal Code (art. 87) also defines torture or any other inhumane act as a criminal offense so as these actions have serious consequences. By Law no. 9686, dated 26 February 2007 "On some amendments to the Criminal Code of the RA has been amended section 86 of the Criminal Code, namely torture means" intentional crime conduct by which a person has suffered severe physical or mental pain, by a person who performs public functions, or with his promotion or approval or tacitly, in order: (a) to obtain from him or another information's or statements; (b) to punish him for an act conducted or suspected to have been committed by/ or another person; (c) to intimidate or put pressure on another person or (d) for any reason based on discrimination of any form; (d) any other inhuman or degrading act.

27. The Criminal Code (as amended by Law no. 8733/2001 and Law no. 9275/2004) in article 109 is foreseen as a criminal act with respective sanctions "" kidnapping or holding hostage a person" even when it is committed against a minor under the age of 14 years old. Also in the Penal Code (as amended) in section 110 are provided respective provisions and sanctions, regarding the illegal deprivation of liberty.

28. Involvement in the Criminal Code of the Republic of Albania with the law no. 144/2013, of the enforced disappearance (art. 109/a) as a specific offence, the degree of punishment in accordance with the degree of risk, as well as other legal provisions on the illegal deprivation of liberty, kidnapping, holding a person hostage, torture, punishment or cruelty, inhuman or degrading treatment constitute an appropriate legal framework to prevent these acts and guarantees the non-avoidance of the State against enforced disappearances, torture or other inhuman or degrading treatments. Inclusion in the Criminal Code of the RA with the Law no. 144/2013, of the enforced disappearance as a specific offence, the degree of punishment is in accordance with the degree of risk, as well as other legal provisions on the illegal deprivation of liberty, kidnapping, holding a person hostage, torture, punishment or cruelty, inhuman or degrading treatment constitute an appropriate legal framework to prevent these acts and guarantees the non-avoidance of the State against enforced disappearances, torture, other inhuman or degrading treatments.

29. The mission of the State Police is closely linked to the respect of human rights and freedoms, in particular of the persons stopped, arrested and detained at police stations. In order to plan, track and monitor the implementation of measures to improve the treatment and respect of the rights of persons taken into custody, detained at the police station, and the implementation of Recommendation No. 12 of the EC, the State Police adopted the Work Programme no. 1800, dated 2 April 2012 "On the performance of recommendation

no. 12 of the Analytical Report of the European Commission and the Ombudsman. "For monitoring and implementing the tasks to fulfil recommendation no. 2 of the EC, with the order no. 145 dated 4 April 2012 of the General Director of State Police has established a central working group chaired by the Deputy General Director of the Public Security Police. It has been made an assessment of all the cases when the police officer with his action or inaction, has violated human rights and fundamental freedoms, namely the accompanied persons, or detained/ arrested at the custody and security premises.

30. Referring to statistics it is shown that in 2010 the Directorate of Professional Standards has investigated administratively and measures have been taken for 22 police officers for violating the discipline as foreseen by article 11, point 5 and 14 dealing with the performance of improper actions and unlawful or unreasonable use of force. While during 2011 several cases were investigated administratively and disciplinary measures were taken for (a) arbitrary act of duty to the special police officers, as follows: For a disciplinary offence provided in article 11, point 14 of the Rules of Discipline of the State Police approved by the Decision no. 786, dated 04.06.2008, which has to do with the use of illegal or unreasonable force, are investigated three cases: one case is given disciplinary action "expulsion from the police"; 1 case was given the disciplinary action "suspension without payment for up to 30 days"; for one disciplinary case was given "Deferment of grading up to 12 months."; (b) for disciplinary offenses provided in article 11, point 5 of the Rules of Discipline, which has to do with indecent performing, 6 cases were investigated, the first case was given disciplinary action "expulsion from the Police"; three cases were given disciplinary action "suspension without payment for up to 30 days", for two cases was given disciplinary measures "Deferment of grading up to 12 months." The Internal Audit Service, in 2010, sent to the Prosecution a total of 17 criminal cases for violation of fundamental freedoms and human rights on duty, for 24 police officers from whom four senior police officer and 20 police officers of the first-level of implementation. As for 2011, again from IAC were sent to the prosecution a total of 4 cases for four police officers of implementation level. During the inspections carried out in 2011 and 2012, the Department of Public Safety, in the Regional Police Directorate and the Police in the districts, for the failure of non-fulfilling their responsibilities to function in terms of respecting the rights and freedoms of persons taken into custody and stopped, Chiefs sectors in Regional Police Directorates and Heads of Sections for Order and Public Safety in the Police Stations were given 24 disciplinary measures.

31. The prosecution institution, on the basis of complaints or denouncements or by its own initiative started criminal proceedings in cases of torture, abuse and other violent acts to the detriment of the health of the accompanied arrested, detained, detainees or prisoners, investigating and bringing in front of criminal liability the culprits. From 2010 to the first three months of 2013 for these offences the prosecution has filed 100 criminal prosecutions for criminal proceedings in cases of torture, in charge of 49 people. Defendants or under investigation are employees of the State Police, Prisons, Police, State Intelligence Service and local police. According to the offences there are prosecuted: - 98 proceedings, with 44 defendants for the crime of arbitrary acts, article 250 of the Criminal Code;- 2 proceedings, with 5 defendants, for the crime of torture, article 86 of the Criminal Code. For these offenses have been indicted in the court for 12 proceedings, against 21 individuals, who according to the functions and roles are largely of base role. 66 proceedings against 35 individuals have been closed due to the lack of evidence and 6 proceedings for misidentification of the offender and continue the trace them have been suspended. Individuals, against whom charges are sent for trial in the court, 21 were declared guilty and sentenced. Persons against whom a court has been indicted and are condemned for ill-treatment are primarily representing employees of the State Police and the Municipal Police. Eleven persons were imprisoned, and six individuals were fined.

32. On 15 February/2011 Prosecution of Tirana Judicial District has registered criminal proceedings no286/ 1 for offenses for arbitrary actions and abuse of power, provided by articles 250 and 248 of the Criminal Code. Criminal proceedings are recorded on the basis of the report of some citizens, participated in the protest held on 21 January 2011 on the Boulevard "Martyrs of the Nation." These citizens report the fact that during their accompanying after the demonstration in the premises of the Police Stations were abused physically by the police officers of these stations. For that criminal proceedings are conducted a number of investigative actions to identify and hold legally accountable police officers who have committed arbitrary actions against these individuals.

33. Regarding the first part of the question raised in paragraph 6 we inform: Following the adoption of the Dick Marty Report, in his capacity of rapporteur of the Parliamentary Assembly of the Council of Europe, the Albanian authorities immediately expressed their willingness in cooperating as quickly and effectively with EULEX Special Investigative Task Force, for the investigation of the unfounded allegations made by the rapporteur Marty. Considering the importance of a full and transparent clarification on the allegations raised in this report, the Assembly of the Republic of Albania adopted the Law "On jurisdictional relations in criminal matters with the EULEX special investigation unit" in May 2012. Based on this Law, EULEX prosecutors are allowed to investigate within the Albanian territory on the alleged implications of Albania in the illicit trafficking in human organs in the Albanian territory mentioned in Dick Marty's report.

34. Referring the issues raised in paragraph 7 regarding the investigations of the cases during the events of January 2011, the structures of the Ministry of Interior (Internal Audit Service) have conducted an inspection. Pursuant to the Order of the Director General of ICS no 82/1, dated 4 February 2011 "On the performance of extraordinary structures Inspection of State Police" and the Inspection Protocol no. 82/2, dated 4 February 2011, sent by letter no. 82 dated 4 February 2011, the Directorate General of State Police, extraordinary inspection took place in the structures of the State Police. In conclusion, the report contains 12 recommendations on the management of the situation by the State Police structures before, during and after the events of 21 January 2011, which provide, among other, to respect strictly the rights and fundamental freedoms by the structures of the State Police, in association, detention and arrest, use of force must be proportional to the degree of risk and should not exceed the limits of the present situation. On the recommendation "Adopting of the eventual development of a comprehensive plan for future situations where a considerable number of persons could be taken under supervision at the same time", it may be noted that keeping the simultaneous treatment of a significant number of people arrested/ detained (like the 21 January) on the security rooms County police Department and police stations in Tirana, is impossible because of the number of rooms and security rooms is limited. One other is about the "Review of policy on crowd control operations, which often include persons deprived of their liberty and training to police officers who commit this type of operations".

35. Regarding the criminal proceedings against police officers who have violated the rights of persons accompanied, arrested/detained, by the Internal Control Service for the period January - May 2011 have been conducted the procedural actions which have referred to the prosecution in four cases of police charged the executive level, for violation of human rights, committing actions arbitrary, other intentional injuries and beating. During the period 2011-2013, the Internal Control Service has sent to the Prosecutor of the Judicial District, 9 criminal referrals (cases) for 13 police officials, where one police was officer of the first management level and 12 officers of executing level, for the charges of ill-treatment and violence during the accompaniment of persons on the premises of police stations. All these referrals are initiated by complaint from citizens. For four of these cases the discontinuance of the proceeding or the dismissal of the case by the prosecution has been decided. At the General Police Directorate has been established a working group to

review the rules and procedures laid down in the "Manual of rules for handling and securing a detained in police units "approved by order no. 64, dated 25 January 2010 of the General Director of Police. This Working Group was established to ensure full respect of fundamental freedoms and human rights and in particular to persons deprived of liberty (the arrested/ detained persons) during the activity of the State Police and for the implementation of the recommendations made by the European Committee for the Prevention of Torture, Ombudsman and other institutions.

Reply to the issues raised in paragraph 8 of the list of issues

36. One of the priorities of the Albanian Government has been consistently fighting for the prevention and reduction of gender violence and domestic violence. In this context, hard work has been done to complete the legal framework, for the establishment and strengthening of new structures in support of victims of domestic violence, capacity building of professionals through training, awareness campaigns.

37. Law No. 9669 dated 18 December 2006 "On measures against violence in family relations", aims at preventing and reducing domestic violence in all its forms and to guarantee, through legal measures, the protection of family members, who are victims of domestic violence, paying particular attention to women, children, the elders and disabled people, providing the defendant's right to appeal in court. Deadline for appeal of an order of protection is 15 days (art. 17, point 3 (d)). Deadline for appeal of an emergency protection order is 5 days (art. 19, point 3 (d)). The appeal does not affect the implementation of the order which shall be effective and apply immediately. This means that the perpetrator while waiting for the appeal is bound to apply the order of protection. The appeal filing does not suspend the execution of the court decision to issue an emergency protection order or an order of protection (art. 21, point 3). The filing of appeal does not suspend the order of protection, which remains into force (art. 22, point 3).

38. In 2010 - April 2013 there have been significant steps in improving legislation and legal framework in support of the victims of domestic violence: (1) in September 2010 the Law no. 10329, dated 30 September 2010 was adopted "On some amendments to Law No. 9669, dated 19 December 2006" On measures against violence in family relations ". The main purpose of this Law was to solve some problems that have arisen during its implementation and the establishment and support of special responsible structures for the protection, support and rehabilitation of victims, prevention and mitigation of consequences of domestic violence. The changes in the Law paved the way to the establishment of the first national shelter for victims of domestic violence, increasing the national referral system for victims of domestic violence as well as providing free legal aid to victims of domestic violence; (2) the amendments made to the Law No. 10.399 dated 17 March 2011, "On social assistance and social services" (as amended) that sanctioned the right of withdrawal of economic assistance not only to belong to the head of the family, but also included abused women when they are provided with protective orders. Also the woman has access to benefits and social assistance in cases the spouses are divorcing and a court final decision has not been pronounced yet.

39. With the Law no. 104/2012 dated 8 November 2012 the Albanian Parliament ratified the Council of Europe Convention, "For preventing and combating violence against women and domestic violence." With the ratification of this Convention, Albania once again was committed to cooperate at regional and international level against gender violence and domestic violence, as well as legislative measures, political and executive ones to combat the phenomenon.

40. The Criminal Code of the Republic of Albania addresses a wide range of offences and punishment measures for their performance, which are based on the violence against women. The legislation provides that the commission of criminal offences gender-

motivated constitutes an aggravating circumstance and increases the author/ authors penalty sanction of accomplishment. This provision also provides the aggravating circumstance of committing criminal offenses of weak motivation. The concept of weak motivation is elaborated by the jurisprudence by including the killing of women committed in the name of honour. In these circumstances, the judge of the case decides the appointment of a security period, during which no parole is allowed for the defendant (art. 64 the Criminal Code).

41. One of the most important legal amendments is the inclusion of domestic violence as a criminal offense in the Criminal Code of the Republic of Albania. With the amendments made to the Criminal Code, the Law No. 23, dated 1 March 2012, domestic violence is a crime foreseen in article 130/a, which mentions the forms of violence, as well as measures to protect the environment of the subjects of this article. The changes have also included systematic psychological and economic abuse, as well as measures to liberate the victims of domestic violence from the obligation to stand a trial in the case of "minor physical injuries."

42. Also another important amendment made recently in the Criminal Code is in Law 144/2013, the addition of the offence of murder because of family relations (art. 79/ c), so deliberate killing of a spouse, former spouse, cohabitant or former cohabitant, or close sex or marriage close relation to the offender shall be punished not less than twenty years or life imprisonment.

43. The blood feud phenomenon is unacceptable in the Albanian society and must be fought with more rigor and determination. For this reason the Law 144/2013 "On amendments to the Criminal Code" has foreseen the increase of the penalty for this blood offense thus conveying a clear message and determination in combating intolerance and even to punish this offense. So after the article 78 of the Criminal Code is added article 78/a in which it is predicted that intentional homicide for blood feud is sentenced to not less than thirty years or life imprisonment;

44. Another measure is the inclusion of marital rape as a criminal offense and stricter sanctions against this offense. Thus, in the article 102 of the Penal Code as amended by Law 144/2013, it is foreseen stricter measure of punishment for committing rape, inter alia, between spouses.

45. The Office for Budget Administration of the judicial system has its annual budget which covers all court expenses under applicable laws and regulations including the costs associated with application of the law on domestic violence.

46. In order to take measures to reduce the maximum cases of family violence, the High Council of Justice, with decision no. 297 dated 15 November 2012, point 9 has set the realization the thematic inspection for the period 1 January 2011 to 30 June 2012, in the first instance courts and appeals, in connection with the examination of issues relating to 'taking measures against domestic violence. The inspection report is being compiled.

47. Supporting victims of domestic violence with residential services and shelters: Law No. 9355 dated 10 March 2005, "For the Relief and Social Services", as amended sanctions that: social care services, according to the way of financing, are classified into public and private services. This means that services toward the person can also be organized by private entities. Public social care services include social care services that are offered in residential institutions, every day or at home, for vulnerable groups including victims of domestic violence. These services are funded from the central budget and the budgets of independent local government under the law: (i) town hall or municipalities administer social services to all individuals who are residents of the city or municipality; (ii) the district administers services when they are provided to individuals belonging to several

local units in the district. Private social care services include social care services that are offered in residential centres, every day care centres or at home, self-paid.

48. In the Republic of Albania there are 24 private social care services for victims of domestic violence and the National Centre for Victims of Domestic Violence (State). Sorted by service typologies there are seven non-public entities that provide residential services, two in Tirana, one in Berat, one in Korça, one in Elbasan, one in Vlora and one in Gjirokastra and a public entity that provides residential services in Tirana. There are also 17 non-public entities that provide community services (counselling, advocacy, integration etc.) for victims of domestic violence distributed in 12 districts.

49. The time beneficiaries can spend (victims of domestic violence) in the centre is in accordance with their needs, this is performed by evaluating the needs of the beneficiaries of the multidisciplinary team which is reflected in the plan of care according to standard No2, of the CMD no. 505 dated 13 July 2011 "On approval of standards of social care services for victims of domestic violence, in residential centres, public and non-public" and Instruction No. 13, dated 17 December 2012 "On the implementation of standards of social care services for victims of domestic violence, in residential centres, public and non-public. In order No. 36 dated 18 March 2011 of the Prime Minister was established the National Centre for Treatment of Victims of Domestic Violence and in April of that same year the Centre began functioning. Establishment and operation of the centre was supported by UNDP in the framework of "One UN" program. The purpose of this centre is the rehabilitation of women, girls and children of domestic violence. The centre's mission is to provide social support and quality services, consistent with contemporary standards of domestic violence victims (women, girls, children, boys up to 16 years old) and social care needs in order to promote independence, inclusion, dignity as well as their integration into normal life. There is available service and treatment 24 hours a day by providing specialized assistance for rehabilitation and return to normal life until the disposition of their close family, or in other appropriate places.

Reply to the issues raised in paragraph 9 of the list of issues

50. Due to the high social risk posed by the criminal offense of murder for revenge, article 78 of the Criminal Code stipulates that murder committed on interest basis, blood feud or revenge, is an offense against the life of the person who is charged with no less than twenty years or life imprisonment.

51. State Police have taken steps to prevent blood feud phenomenon based on detailed measures, which are compiled periodically. The latest action plan is the one with no. 1277, dated 24 October 2012. In accomplishing the tasks determined in this plan, the regional police departments compiled a list with all family names in conflict, in constant contact. All feud motivated crimes are detected and perpetrators are punished by the courts. On district bases, revenge motivated murders were mostly recorded in the region of Shkodra, Lezha and Kukës. Due to blood feud and in special occasions due to revenge there are families or individuals that confine their own freedom.

52. The situation of the blood feud motivated murders during the last five years: (1) in 2008, five murders for blood feud were evidenced; (2) in 2009, one murder with blood feud motivation was evidenced - in 2010 5 murders with blood feud motivations were evidenced; (3) in 2011 five murders with blood feud motivations were evidenced; (4) in 2012 eight murders with blood feud motivations were evidenced; (5) the first trimester of 2013, no cases evidenced.

53. Statistics related to: article 78/2 "premeditated murder for blood feud" article 83/a "Serious Threat for revenge or blood feud" article 83/b "Incentive for blood feud " are as follows:

Criminal Cases Year 2011

Article	Cases		Not Concluded	Time of judicial decision			
	(in total)	Concluded		Until 2 months	2 - 6 months	6 months - 1 year	More than 1 year
78/2	16	13	3	4	4	1	4
83/a	1	0	1	0	0	0	0
83/b	0	0	0	0	0	0	0

Criminal Case of the first 6 months of the year 2012

Article	Cases		Not Concluded	Time of judicial decision			
	(in total)	Concluded		Until 2 months	2 - 6 months	6 months - 1 year	More than 1 year
78/2	6	1	5	0	0	1	0
83/a	3	1	2	1	0	0	0
83/b	0	0	0	0	0	0	0

The Convicted of the first 6 months - 2012

Article	Convicted	Innocent	Exempted	In total
78/2	3	0	0	3
83/a	1	0	0	1
83/b	0	0	0	0

Reply to the issues raised in paragraph 10 of the list of issues

54. In the Law no. 10347 "On Protection of the Rights of the Child" is determined the children's right of protection from all forms of violence: (a) physical and psychological violence; (b) corporal punishment and humiliating and degrading treatment; (c) discrimination, exclusion and resentment; (d) abuse and neglect; (e) disregard and neglect; (f) exploitation and abuse; (g) sexual violence.

55. Pursuant to this law there are established and function institutional mechanisms responsible at the local level, which have the task of implementing and respecting the children's rights. In all regions of the country are established Children's Rights Units (CRU) to monitor the implementation of law and realization of children's rights in the region. While at municipality/ district level are established around 130 Child Protection Unit (CPU). These units are responsible for protecting children against all forms of violence, including body punishment of children. CPU are required to identify, assess, and manage cases of children at risk by coordinating these actions with all the necessary stakeholders to improve the situation of children as local authorities, but also the children themselves (when it is possible), parents, community, etc.

56. Also, pursuant to the Joint Order No. 125, dated 23 August 2012, the Minister of Interior and Minister of Labour, Social Affairs and Equal Opportunities, "To protect the children's rights exposed to various forms of abuses " is coordinated the work with the relevant structures of SSS (State Social Service), by identifying and treating 30 children who exercised the beggar, of whom three are sheltered in the" National Centre for Victims of Trafficking "in Linz, two are sheltered at Child House in Shkodra and a Baby in the House of Sauk-Tirana. The other children are left under their parents' care and the relevant structures followed by SSS.

57. State Agency for Child Protection in collaboration with UNICEF, has started a cycle of training of local administration in all regions of the country associated with the realization of children's rights, the applicability of the Law "On the Rights of the Child" and his by-laws. These training sessions are attended by representatives of local institutions such as the police, health, education, social services, etc.

58. All schools in the country are equipped with informational materials about New Ways of Discipline (NWD). An important part of this programme is also the community involvement of parents in receipt of NWD. The Ministry of Education and Science is currently promoting psychological services in schools. This service operates in all urban areas and is extended step by step and in rural areas, primarily in schools with a large numbers of students. School psychologists are working to build the capacity of school administrators, teaching staff, children and parents to use child-centred approaches, promoting participation and strengthening the links between school, family and child. They also affect in encouraging schools to use child protection policies, identifying violence inside and outside the school and its address through multidisciplinary approaches.

59. Recent amendments to the Criminal Code of the Republic of Albania reflected in the Law No. 144/2013 "On some amendments to Law no. 7895, dated 27 January 1995 "Criminal Code of the Republic of Albania", amended bring changes to article 124/b "maltreatment". The second paragraph of this article is amended as follows: "Obligation, exploitation, drive or use of the minor to work, to provide income, to beg or perform actions that affect his mental development and/ or physical, or education, are punishable by two to five years imprisonment". The margins of punishment have moved and have made tougher the latter compared with the previous Criminal Code, but also due to a minor addition to work, to provide income, to beg, or to perform actions that impair his mental development and/ or physical (cutting provision provided by the previous code) are already provided as offense the exploitation, pressure and the use of a minor to perform the latter.

Elimination of slavery and servitude (art. 8)

Reply to the issues raised in paragraph 11 of the list of issues

60. Important developments for the identification, referral and assistance to victims/potential victims of trafficking and the implementation of the National Referral Mechanism:

61. Bylaws approved: (1) Order No 69, dated 25 January 2010 of the General Director of State Police "For the work coordination between central and local structures for the fight against human trafficking and identifying victims of trafficking"; (2) Decision of the Council of Minister (DCM) no. 142, dated 23 February 2011 On approval of the "National Action Plan to Countering Human Beings Trafficking" and the additional document" Action Plan for the Fight against children trafficking and protecting child victims of trafficking "; DCM no. 582, dated 27 July 2011 "On approval of Standard Operating Procedures (SOPs) for the Identification and Referral of Victims/Potential Victims of Trafficking". By this Decision is expressed the commitment to provide protection and

assistance to victims and ensure potential victims of trafficking. To ensure this objective are already implemented and monitored standard operating procedures for the identification and referral of victims of trafficking (SOP), procedures which ensure proactive identification of victims/ potential victims of trafficking and a quickly and secure reference. Adoption and implementation of SOPs, has made it possible the institutionalization of the steps to ensure the identification, rehabilitation and reintegration of victims/ potential victims of trafficking; (3) Instruction no. 07, dated 10 January 2012 of the Ministry of Interior "On Approval of the procedures and records, which will be met by representatives of the State Police and Municipalities/ Municipal Units/ Municipalities, to find cases of children and registered in the Registry."

62. The New Cooperation Agreement on the Functioning of the National Referral Mechanism for Victims/ Potential Victims of Trafficking in Persons was signed on 11 June 2012. This agreement aims the identification, referral, protection, support and upgrade for victims/ potential victims of trafficking, as well as their reintegration. This act is part of a common institutional goal against human trafficking, raising public awareness, and fulfilment of social and moral duty to support the re-integration of victims of trafficking. Also, in the agreement is reflected the expansion of partnerships with many different actors of the civil society and state authorities such as the Ministry of Education and Ministry of Health, which are already supporting the rehabilitation of victims of trafficking and potential victims of trafficking.

63. Information for victims/ potential victims of trafficking for the period 2010-2012 is set out below.

Year	<i>Numbers of victims/ potential victims of trafficking</i>				
	<i>Children</i>	<i>Adult</i>	<i>Albanian victims</i>	<i>Foreigner victims</i>	
2010	97	14	83	97	0
2011	84	39	45	84	0
2012	92	26	66	90	2 (masculine)

Data on registered cases for criminal proceedings, perpetrators and penalties for criminal offenses of "Trafficking in Persons" for the period 2010-2012

Year	<i>No of cases referred by the police</i>	<i>No of criminal proceedings registered by the Prosecution</i>	<i>The number of the authors identified by the Police</i>	<i>The number of the authors proceeded by the Prosecution</i>	<i>The number of people convicted and the measures of conviction by the Supreme Court, First instance</i>
2010	37	39	51	29	11 people 7 - 15 years of imprisonment fine 3 - 4 million ALL
2011	23	28	34	27	6 people 10 - 15 years Fine 4-6 million ALL
2012	31	30	35	11	2 people 10-15 years of imprisonment Fine 4-6 million ALL

Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 9, 10 and 14)

Reply to the issues raised in paragraph 12 of the list of issues

64. The Law on State Police, article 64 defines the obligation to guarantee medical assistance, namely: (1) When an officer is entrusted with the maintenance of a person for whom he estimates it needs medical attention, medical help must be sought and take necessary measures, reasonably practicable to protect the life and health of the person; (2) If an employee harms a person on duty, he should seek medical help and take the necessary and practicable to protect the life and health of the person.

65. Near each district Police Directorate functions the Health Service, where persons detained/arrested have full access to immediate contact with the doctor, get the necessary medical help within the security premises and under doctor's care, sending them to the other Health Centres for further medical treatment. During all stages of the investigation, the detainees/ arrested have the right of the presence of a lawyer and also in financial difficulties to ensure the state attorney. The presence of a lawyer is conducted at any time of the investigation stage, and actions are reflected in the procedural documents drafted by the Judicial Police Officers. The detainees/arrested are sent for evaluation measure in court within the legal time limits, limits that are provided in the Constitution of the Republic of Albania. We have no recorded cases of violation of these terms.

66. In the context of respect for the rights of this category the project on amending the law "On the State Police" is designed. This bill provides: (1) the rights of persons accompanied detained/arrested for appealing to their claims; (2) the obligation of the police structures to track/ review within a month of answering the complainant; (3) the right of non-governmental organizations (NGOs) to monitor and observe at all times the security premises of the association and police departments.

67. Several bylaws are approved: (1) Order No. 763 dated 27 September .2011, of the General Director of State Police for approval of "Rules and Procedures Manual of Standard Treatments and Security of Persons Arrested and detained in police units"; (2) Order No. 158, dated 12 April 2012 of the General Director of State Police "To reshape Registry Identification data for escorted in the Directorates and the Police Stations"; (3) Order No. 371 dated 8 August 2012 of the General Director of State Police "Establishing and putting into operation the Registry to identify, address and resolve complaints/ requests of persons deprived of liberty in the premises of the State Police"; (4) Order No. 372 dated 8 August 2012 of the General Director of State Police "Procedure for approval of a standard for public order and security" identification, management and resolution of complaints/ requests for persons deprived of their liberty, in premises of the State Police, "standard operating procedure for public order and security" identification, management and resolution of complaints/ requests for persons deprived of their liberty, in the premises of the State Police. "

68. Several cooperation agreements are signed: (1) Cooperation Agreement between the General Directorate of State Police and the Albanian Centre for Rehabilitation of Trauma and Torture, "For prevention of torture, maltreatment and increase the level of respect for freedoms and rights of persons deprived of their liberty, in the premises of police State ", dated 23 January 2012; (2) Cooperation Agreement between the General Directorate of State Police and the Commissioner for Protection from Discrimination, dated 16 January 2012; (3) Cooperation Agreement between the General Directorate of State Police and the Albanian Helsinki Committee, dated 26 March 2013; (4) Cooperation Agreement between the General Directorate of State Police and EIT with no. 1627 No. 27 dated 25 March 2013.

69. In April 2012 a meeting was held among the senior of the State Police and the representatives of some NGOs that protect human rights, in order to enhance the level of cooperation and provide full access for inspections and visits to the police station to monitor whether the rights of persons deprived of liberty in police premises are respected. Present at the meeting was the Director of the Unit for the Prevention of Torture near the Ombudsman. Also, several meetings have taken place between senior State Police and the Ombudsman, at which the measures have been presented and the planned actions implemented; the establishment of a regular cooperation is required in order to achieve timely and quality appropriate tasks and recommendations of the Ombudsman. At these meetings, it was decided that a representative of the Ombudsman will assist the working group of the General Directorate of State Police to implement the Ombudsman's recommendations and those of the Council of Europe.

70. In January 2012 OSCE presence in Tirana in cooperation with PAMECA Mission funded the production of 1000 copies/brochures of this manual, which was distributed to all central and local structures of the police. The following were also produced: another 800 printed posters with the rights of persons arrested/detained and escorted. Funding by the OSCE also made it possible to produce 4000 leaflets on the rights of persons arrested/detained in six languages (English, Italian, Greek, French, Macedonian and Romanian), which were distributed to all local police units including the border crossing points.

Reply to the issues raised in paragraph 13 of the list of issues

71. Article 27 of the Albanian Constitution cites that no person may be deprived of liberty except for the cases and according to procedures established by law, as well as in cases and proceedings of restricted freedom. Article 28 cites the rights, treatment and deadlines and the right to justice. In relation to the right of compensation, article 44 of the Constitution provides that everyone has the right to be rehabilitated and/or indemnified in accordance with the law if he/she suffers damage due to an act, illegal action or non-action of the State bodies.¹

72. Article 109 of the Criminal Code provides for the prohibition of abduction of a person, article 109/ a provides the punishment of kidnapping in mitigating circumstances, while article 110 provides for the cancellation of unlawful detention, article 250 provides for punishment of arbitrary actions by employees who work in state institution or civil service in exercising the duties, which affect the freedom of citizens, article 251 punishes failure to take measures to stop the illegal situation, and article 252, which condemns the detention without being sued.

73. Law 9749, dated 4 June 2007, "On the State Police" provides that the mission of the police is to maintain public order and security, in accordance with the law while respecting the rights and freedoms of the people. Article 4 of the Law "On the State Police" provides responsibilities as follows: in the responsibilities of the Police is provided the protection of human life, safety and personal property, to prevent, detect and investigate, in accordance with the criminal law and criminal procedural law and the performance of their authors, to protect public order and security. Regarding the treatment of the accompanied person article 64 of the law stipulates the obligation to guarantee medical assistance, provided that when to an officer is entrusted the preservation of a person for whom he estimates that needs medical care, the Police should seek medical help and take the necessary measures,

¹ Detailed information regarding the constitutional and other legal provisions given in Annex No 5 attached.

to protect the life and health of the person. If an employee harms a person in the course of an action when on duty, he should seek medical help and take the necessary and practicable guidelines to protect the life and health of the person.

74. In taking action to avoid risk measures are proportional to the degree of danger and it should not be overstepping the boundaries of the need for the presented situation. Also the Law "On the State Police" stipulates the obligation of the police to report the relevant violation on the superiors or, in his absence, any offense for which he has reasonable suspicion to believe that has been committed by a person, whether it is aware of the breach in the performance of duty or in other situations. The accompanying of the persons in the offices of Police is done for the supervision of a minor for education purposes or to bring them to the competent authority, and when the person is the carrier of a contagious disease, mentally incompetent and dangerous to society. The accompanied persons have the right to humane treatment and respect of their dignity and are kept in detached from the detainees. They are immediately notified by the police officer for the reasons of going into the police. The keeping of the people in the police lasts until the necessary verifications are carried out, but not more than 10 hours.

75. For the accompanying and holding persons in the offices of Police, the Police officer prepares the action document and immediately notifies his superior or body concerned to resolve the case. In all cases the association and retention in the police offices are taken in consideration the personal and family conditions of the associated person.

76. The escorted people are immediately notified for the reasons of escorting, as well as the right to inform a relative or a person whom he trusts. If the accompanied person is unable to exercise his rights as above and if against the will of the person, the police will notify mainly persons mentioned above. When the person accompanied is a minor, then in each case is immediately notified the person responsible for his supervision. The same applies to adults, who are assigned to a career. Females and males are accompanied in isolated environments. The minors are accompanied in separate environments from those of adults.

77. The rights of the victim of the offence are mentioned in the Code of Criminal Procedure (CCP) namely (art. 58): (1) "person or his heirs aggrieved by criminal offense have the right to seek prosecution of the guilty and compensation for damage; (2) the injured person who has no legal capacity to act, exercises the rights that are recognized by law through his legal representative; (3) the injured party has the right to file claims in the proceeding and to request evidence. When the request is not accepted by the prosecutor, it has the right to appeal in court within five days of receiving the notice "(art. 58). In article 59 of the CCP in relation with the injured accuser is stated that (1) "a person who is aggrieved by the offenses provided in the Penal Code² has the right of petition in the court and to take part in the hearing as a party to proof the charge and to obtain compensation; (2) the prosecutor participates in the trial of these cases and, where appropriate, requires the punishment of the defendant or his innocence; (3) if the injured accuser or his appointed counsel did not appear at the hearing without a good cause, the court decides to dismiss the case. CCP sets the procedures concerning the compensation for unjust imprisonment and the Civil Code provides for compensation for damage caused illegally and with guilt." Article 60 provides for the submission of the application modalities of the injured accuser before the court, and determines that the request should be submitted as it is attributable to the offending person.

² Articles 90, 91, 92, 112 first paragraphs, 119, 120, 121, 122, 125, 127, 148, 149, 254.

78. In relation to compensation for unjust imprisonment, article 268 of the Code of Criminal Procedure, provides application conditions, specifically: (a) the one who is pronounced innocent by a final decision is entitled to compensation for the served detention, except when it is proved that the wrong or non-disclosure in a timely manner of the unknown fact is wholly or partly attributable to the individual; (b) the same right belongs to the prisoner who had been detained, when by a final decision is confirmed that the act with which the measures are taken is issued without the conditions provided by articles 228 and 229; (c) the provisions of paragraphs 1 and 2 shall also be applied in favour of the person whose case has been dismissed by the court or prosecutor; (d) when the decision of the court establishes the fact that it is not foreseen by law as a crime, because of the nullification of the respective provision, the right to compensation is not recognized for the part of detention served before the nullification. Article 269 (the claim for compensation) determines that: (a) the claim for compensation must be made within three years from the date on which the judgment of guilty or suspension of the case has become final, otherwise it is not accepted; (b) The amount of compensation and the method of calculation, as well as cases of home arrest compensation are determined by a special law.

79. Law no. 9381 dated 28 April 2005 "On compensation for unjust imprisonment" has as an object the regulation of benefit and compensation cases for unjust imprisonment, including house arrest and the extent and manner of its calculation and application procedures, salary and compensation for unjust imprisonment. The right to compensation for the detention suffered if for the person who is declared innocent or for the case which has been dismissed by the final court decision or prosecutors, or held in jail after the time specified in the sentence.

Reply to the issues raised in paragraph 14 of the list of issues

80. As mentioned in the reply to the issues raised in paragraph 6 of the list of issues, "enforced disappearance" is specifically provided as a new criminal offense in the Criminal Code. The CC also provides as a criminal offense the unlawful deprivation of liberty, as well as abduction of a person.

81. In connection with secret arrests the State Police informs that there are not secret arrests. For specific foreign nationals who carry out illegal activities such as terrorist acts within our territory or acts against the interests of our State, legal obligations foreseen in the Criminal Code are applied; this means that police structures are propelled only on paper - messages coming from the structures of the respective States. Persons are put on the checklist and in these conditions are carried out procedural actions under the direction of the prosecutor.

Reply to the issues raised in paragraph 15 of the list of issues

82. According to Law no. 8432, dated 14 December 1998 "On asylum in the Republic of Albania", amended by Law no. 10060, dated 26 January 2009 " Albania recognizes and respects the obligation not to return and remove from its territory, individuals who have sought asylum or temporary protection or to whom asylum was granted in these cases: (a) in a country where their life or freedom would be jeopardized due to racial, religious, nationality, membership in a particular social group or political convictions discrimination, or (b) in a state where they would be subject to torture and inhuman and degrading punishment, or any other treatment provided for in international treaties to which Albania is part, and (c) the country of origin, in case they are granted temporary protection in accordance with the provisions of this Law (d) in a third country, which can send a person back to a country indicated in paragraph "a" and "b" of this article. The asylum seeker whose application for asylum has been rejected by the Department for Citizenship and

Refugees, are not expelled from the territory of Albania, before signing a legal provision for the possibilities for the exercise of procedural rights and safeguards provided in the law.

83. The Department of Citizenship and Refugees performs the application and hearing sessions pursuant to the Law No. 8432, dated 14 December 1998 "On asylum in the Republic of Albania", as amended, and these asylum seekers are in the process or have already made the decision. With regard to persons entering the country illegally are subject to a form of selection for asylum. The selection procedure aims at preventing the return of foreign persons entering illegally in the territory of the Republic of Albania and enables them to be identified as asylum seekers or irregular immigrants. This procedure is carried out by the Border and Migration Police, in close and constant communication with the Department of Citizenship and Refugees. Although the number of asylum seekers is low, it is important that the Department of Citizenship and Refugees provide a literal implementation of the law on asylum. This shows a full commitment to fundamental rights, like the right to international protection from persecution and torture or other forms of treatment.

84. Also in terms of legal framework it is highlighted: (1) Decision of the Council of Minister (DCM) no. 1102, dated 4 November 2009 "On the treatment and health services to persons who have been granted asylum and of persons who have applied for asylum in the RA"; (2) Decree of the Minister of Education no. 32, dated 26 October 2009 "On the registration and evaluation of students who have been granted asylum in the RA; (3) Rules of Procedure of the National Reception Centre for Asylum Seekers, in Babrru Area, no. 1561/2, dated 16 May 2007.³

Reply to the issues raised in paragraph 16 of the list of issues

85. The High Council of Justice is a constitutional body specially arranged in article 147 of the Constitution of the Republic of Albania. Law no. 8811, dated 17 May 2001 "On the organization and functioning of the High Council of Justice", as amended, provides that the Council is the only authority responsible for the state to realize protection, appointment, transfer, discharge, education, moral and professional assessment, career and to control the operation of the first instance and appeal court. The organizational structure of the Council is a guarantee for its independence: out of 15 members, 9 are elected by the judges in the National Judicial Conference, in which are entitled to attend all court suits of first instance and appeal courts to members of the Supreme Court

86. To ensure a more efficient and transparent functioning, the Council has adopted for the period 2010 – up to now, a series of laws that define detailed rules, in order to ensure transparent procedures to select the best candidates to fill the vacancies: (1) Decision No 269/2, dated 27 September 2010 "On detailed rules for the scoring system of mandatory application in the selection of candidates to fill vacant seats in the Courts of Appeal and the Supreme Court "; (2) Decision no274/ 2, dated 16 February 2011 "On the organization and functioning of the Commission to review the nominees', as amended by Decision no. 294/ 3 dated 14 September 2012.

87. In the framework of the measures against corruption in the justice system, are approved constitutional amendments related to limiting the immunity of judges. The High Council of Justice is currently conducting the assessment and training of judges, so far has assessed 130 judges, which will increase the accountability of duty by judges. Special importance is given to the complaints of citizens. There is a special portal on the official

³ Information regarding the function of the National Centre for Asylum Seekers reception is given in annex no 6.

website of the HCJ where all the complaints are directly stored. The inspectorate verifies each file and when ascertains the existence of disciplinary or dismissal of judges cases, disciplinary proceedings may be initiated. The HCJ has a special register for the complaints of the citizens, which has recently added a special section to identify separately the complaints on corruption cases.

88. In the table below, the statistics on complaints filed in 2010, are provided, indicating the total number of complaints received, the number of complaints that are estimated to be verified by inspectors and the number of complaints where disciplinary violation were verified :

<i>Year</i>	<i>Total number</i>	<i>Verified complaints</i>	<i>Number of complaints with disciplinary violations</i>
2010	1047	227	74
2011	995	273	76

<i>Year</i>	<i>Number of complaints</i>	<i>Un based complaints</i>	<i>Verified Complaints</i>	<i>Complaints with violations</i>	<i>For professional evaluation</i>	<i>Emphasis of violation in written from</i>	<i>Sent to the Ministry of Justice</i>
2012	767	379	72	28	18	4	6
January-May 2013	368	158	53	81	29	44	8

89. From 2010 till now, the High Council of Justice has reviewed the request of the Minister of Justice for judicial disciplinary proceedings and has taken 36 decisions accordingly. In connection with the operation of inspectorates, on 13 September 2012 was signed the Memorandum of Cooperation between the Minister of Justice and Vice Chairman of the HCJ "To avoid the overlapping of responsibilities in judicial inspection". The purpose of this memorandum is to harmonize the procedures and practice of judicial inspection at both institutions. This cooperation is realized mainly through the exchange of information on a regular basis on the programme of inspections, complaints filed and court statistics. The implementation of the memorandum resulted effective in fulfilling its goal. With the assistance of EURALIUS III, it is published the manual for the verification of complaints procedures and inspection of courts of first instance and appeal courts and it is available to inspectors of both institutions, as well as were organized trainings.

Reply to the issues raised in paragraph 17 of the list of issues

90. In recent changes to the Code of Civil Procedure, approved by Law no. 122/2013 "On amendments to the Law no. 8116', dated 29 March 1996 "Code of Civil Procedure of the Republic of Albania "amended", several measures are included aimed at shortening the time of trial. Thus the last paragraph of article 35 differs from predicting that the judgment of the Supreme Court cases is made by three judges and not by five judges for all cases that at first instance are judged by one judge, thereby accelerating the trial. The second paragraph of article 63 is amended by providing that the appeal hearing in chambers, in college with a panel of three judges and the Supreme Court is stated in a reasonable decision not later than 30 days from the filing of the complaint. The letter "c" in the first paragraph of article 472 is repealed, except the right to recourse decisions for procedural violations that have affected the verdict. This will allow the reduction of the number of the cases judged in the Supreme Court. Article 310/1 provides that "the court's decision for

which will be issued the execution order, pursuant to Part Four of this Code, in each case is accompanied by a copy of the order of execution, prepared and signed by the presiding judge or panel, which rendered the judgment”.

91. The implementation of this intervention, on the one hand, will have a positive impact on the courts, because of the reduction of the caseload that they will consider and will enable the increased efficiency and shortening of the trial time of other cases. On the other hand, this intervention will positively affect the citizens, as will be shortened the procedure for the execution of a final civil judgment, which serves to accelerate the implementation of the sentence, reduces financial cost to citizens as a result of a simplified procedure and will increase legal certainty. Consequently, the execution procedure is more practical and efficient. These changes aim at shortening and simplifying the procedures of execution in a more effective way of court decisions and facilitate the procedures to be followed by citizens, which currently are prolonged, having additional costs to the applicant, for executing an order.

92. The administrative reform for a fair and complete trial within a reasonable time provided in the Law no. 49/2012 "On the organization and functioning of administrative courts and administrative disputes", aimed at reducing the number of issues that have been examined so far by the Administrative Section of the Court of First Instance, Tirana.

93. The High Council of Justice, as the responsible authority for evaluating the judges of the courts of first instance and appeal courts, has adopted/approved several decisions: (1) Decision no. 261/2, dated 14 April 2010 'Judges Assessment System', where are also defined the criteria for judicial actions. Defined as an element in the decision of the judge effectiveness evaluation at work and therefore set the standard guiding the quantitative, qualitative and limit judicial activity. Standard working time means the realization of the trial judge within a maximum time limit from the date of appointment of a judge to the case. If it is determined that the trial delay is intentional, the judge is subject to disciplinary proceedings; (2) Decision no. 319, dated 3 May 2013 "On the criteria and method of delegation of judges to review a case", by repealing the relevant decision of the year 2008, which sets out clear criteria for delegation of judges, to avoid any barrier to providing timely justice.

94. In Law no. 91/2012 "On some amendments to Law No. 9109, dated 17 July .2003" For the Lawyers Profession in the Republic of Albania ", in article 38, point 1, letter (b) of the amended Law, provides that a lawyer shall be subject to disciplinary proceedings if acted against the procedural provisions that regulate the activity of attorney, affecting seriously or repeatedly the regular legal process. Also, there was created the Disciplinary Committee at the National Bar Association and approved all laws governing the operation of the Committee. On the other hand, was elected the Commissioner of Appeals and has begun reviewing the first applications for disciplinary proceedings.

95. Measures taken against administrative and structural deficiencies in the judicial system: The creation of administrative courts, with Law no. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" will have an impact in reducing the burden of civil courts, resulting in quick solution of disputes and increase the quality of trials.

96. The decree of the President of the Republic no. 7818, dated 16 November 2012, "On determining the number of judges for each court of first instance, courts of appeal and the administrative and territorial distribution of powers and the administrative headquarters of the courts", is made the redistribution of the number of judges in all district courts and courts of appeal, based on the average caseload for judges to judge the length of cases which will avoid delays, in order for a better administration of justice. It aims to reduce the

number of judges in the small district courts that have fewer cases and increase the number of judges in courts with a greater work load.

97. The High Council of Justice, collects information about the activity of courts and judges, through the verification of claims, periodic reporting to the heads of courts, court inspection, inspection and evaluation of judges in their professional skills. This information is the ground for disciplinary procedures for judges, in cases breaches are identified. HJC continues work on filling vacancies, based on professional assessment of candidates, so that every promotion is based on meritocracy. Meanwhile, it has been completed the procedure of selection testing of candidates for judges in administrative courts and the results were published. The Council will continue with the procedure for the selection of candidates, taking into account the results of the selection test.

Reply to the issues raised in paragraph 18 of the list of issues

98. Reduce of overcrowding in prisons: A fundamental aspect in law enforcement and improvement of prison conditions in Albania is to reduce overcrowding in the prison system. During the year 2010, an average of 4,800 treated prisoners in all Institutions of Criminal Judgement Executions (ICJE). The capacity was 4380 until the 4 November 2010 and after that date, due to changing capacity of the Prison Hospital; the capacity of accommodating prisoners went in 4341. Overcrowding has ranged from 420 inmates or 9.5 per cent of 4380 capacity and 480 inmates or 11 per cent of 4341 capacity.

99. During the year 2012 the country managed 22 in ICJE. In October of this year with funding from the European Union and the Albanian government, was inaugurated the newest detention in Elbasan, which resulted in the improvement of the standards and conditions in the whole system. On average, during 2012 were treated 4850 prisoners, from 4750 treated in 2011, 2, 05 per cent more. The capacity of ICJE until 3 October 2012 was 4417 and after putting into function the ICJE in Elbasan, the capacity of ICJE increased by 120 places and reached 4537 places, 2.7 per cent more.

100. The adoption of Law No. 107 dated 8 November 2012 "On granting amnesty", where 512 persons with deprived liberty were excluded from prosecution, suffering the punishment entirely or partially, and the opening of ICJE in Elbasan, contributed to alleviate the bulk. As a result, the overcrowded prisons decreased by 7.7 per cent in 2011 to 1.6 per cent at the end of 2012. With the EU funding, during the years 2013/14 is planned the opening of two new institutions in Berat and Fier. The opening of these institutions will directly affect the growth of standards in which persons deprived of their liberty are held and treated, and reduce overcrowding in ICJE.

101. The level of overcrowding in ICJE in the period 2010-2012 is presented below in the comparative table:

<i>Year</i>	<i>Capacity</i>	<i>Treated prisoners</i>	<i>Overcrowding</i>	<i>Percentage</i>
January- October 2010	4380	4800	420	9.5%
November- December 2010	4341	4821	480	11%
Year 2011	4417	4750	340	7.7%
January- September 2012	4417	4850	433	9.8%
September 2012	4417	4950	533	12%

<i>Year</i>	<i>Capacity</i>	<i>Treated prisoners</i>	<i>Overcrowding</i>	<i>Percentage</i>
October 2012	4537	4950	420	9.1 %
November 2012 (amnesty)	4537	4610	73	1.6%

102. Improved infrastructure and hygienic conditions in all prisons: In terms of improving the infrastructure of the prison system, the necessary measures to increase the new capacities have been taken in compliance with the European framework, or the improvement of the conditions of the existing institutions. The opening of the new detention centre in Elbasan was on 2 October 2012. This detention institution improves the conditions. The uniqueness of this detention compared with the five new institutions built from 2008 onwards with EU funding, is that during the construction of this institution are used some special techniques such as the electricity techniques.

103. Within the framework of the retention of prisoners in appropriate conditions, these investments are realized during the years 2010-2012: water lines and reconstruction in the prison of Tepelena; reconstruction of the prison building No 3 St. Koll Lezha; second line of water supply and partial adjustments in the detention in Durres; external engineering network for the new prison in Elbasan; external engineering network for the new prison in Berat; elimination of moisture in the GDP, the reconstruction of the building of the ICJE administration in Rrogozhina; emergency investment in p/ b 313 J. Misja; reconstruction of building 2 in Lezha, reconstruction of facilities in Tropoja (phase II).

104. To improve hygienic conditions in prisons and detention are issued orders and a set of guidelines from the General Directorate of Prisons (GDP). With document no 26.01.2010 960 prisons were instructed on preventive measures for persons who are in contact with food assortments. The GDP in cooperation with the Ministry of Health has signed a cooperation agreement on hygienic-sanitary inspection of institutions, from Hygiene Inspectorate of this Ministry. In June 2011 all ICJE were acknowledged that they will be subject to inspections by inspectors of regional hygiene by the location of prisons and detentions. Also, with the order no. 7731, dated 2 November 2012 is re-standardized the format for hygiene for the Prison Hospital. All institutions are informed about preventive and hygiene measures, especially during the summer season. In February 2013 were notified all ICJE for the order of organizing the hygiene week in all institutions. From healthcare staff are conducted periodic inspections in all prisons and detentions of the country, where the main aspect is the implementation of the instructions and orders issued for hygiene. Also, to the ICJE is allocated a special fund for the maintenance of the institution.

105. Inspections in penitentiaries: Groups of multidisciplinary inspection of the General Directorate of Prisons have conducted a series of inspections in ICJE expanding the range and scope of inspections, and based on the recommendations of the Ombudsman and other organizations monitoring. Important part of the inspections have the issues related to law enforcement in penitentiaries, the treatment of persons deprived of their liberty, as well as organizational issues. Compared to the year 2011, there is a decrease in the number of audits and an increase in the number of inspections in ICJE, regarding the treatment of persons deprived of their liberty and security issues.

Reply to the issues raised in paragraph 19 of the list of issues

106. Treatment of minors in the police premises continues to be the centre of attention and has become a priority in the work of the operational management of the State Police. In all cases of their association or detention/ arrest, they stay in separate rooms, separated from adults. The emphasis is given to the construction of special facilities with all the

required conditions and parameters, in all cases of the construction or reconstruction of facilities security escort made in recent years in the County Police Departments.

107. Registration of all persons associated or detained/ arrested in police premises is made in time particularly of the minors, where during this period do not result recorded cases of violations or deficiencies. For this purpose all Regional Police Directorates since 2011 have been implementing and working on the ADAM system, a system which is used to record the time and bio data of all associated persons, detained/ arrested in police premises, including minors. The interviewing of minors is always done in the presence of a psychologist, a parent, a guardian, a lawyer, including primarily the lawyer, as defined in the provisions of the defence.

108. Regarding police premises where minors are interviewed and held: during May 2012 - April 2013 was made possible the construction/ adaptation of a special environment for interviewing minors in the District Police Department in Vlora. This environment was created in close cooperation with the French Embassy in Tirana.

109. Also on 18 June 2012 was signed the Cooperation Agreement between the General Directorate of State Police and "Save the Children" Organization, for providing special facilities to interview the minors, victims, witnesses and/ or implicated in criminals, based on best international instruments. The agreement provides the implementation of best contemporary practices in interviewing minor victims, witnesses to crimes and minors involved, creating special facilities for interviewing them in Police Departments in Districts of Shkodra, Korca, Fier. Currently are in the final stage three special rooms for interviewing minors in police departments in the District of Shkodra, Fier and Korca.

110. Also in collaboration with the Centre for Legal Practice and Integrated Services, and with the support of UNICEF, EU and "Save the Children", is being worked to develop a draft Guide for Police Officers on "detailing the rights of minors defendants, victims and witnesses in the investigation phase and friendly techniques of interviewing minors as defendants, victims and witnesses".

111. Since the beginning of the operation of the Proof Service on 1 June 2009 and to date (see table below) there have been 1302 minors, the work with whom has consisted in the supervision of alternative sentences; work for the public interest, stay at home, suspension of execution of prison sentence and proof, and probation.

<i>Subject</i>	<i>Year 2009</i>	<i>Year 2010</i>	<i>Year 2011</i>	<i>Year 2012</i>	<i>January-May 2013</i>	<i>Total</i>
Minors	109	280	246	455	212	1302

112. Currently under probation supervision are 550 minors convicted who are sentenced to one of the alternatives to imprisonment. Apart from the specialists who work with minors, the work is coordinated with the Centre of Integrated Legal Services and Practices, Action Plus, Refraction, Don Bosco in Tirana, YAPS, Mediation Service, the "Emmanuel" centre, etc. Some of the services offered meet the needs of minors: (1) free legal advice and support; (2) treatment for non-use of substances; (3) management of anti-social behaviour and reduction of criminal behaviour; (4) resolving conflicts through mediation; (5) increasing employment opportunities through the provision of vocational courses etc.

113. The methods used for this purpose are: implementation of the counselling sessions with minors and their families; identification of the situations of risk for recurrence of antisocial behaviour; promotion of modelling of pro social behaviour to minors; orientation towards improving communication between family and minors; awareness of the importance of the parental role in the progress of the obligations established by the court and the identification and treatment of parents who have difficulties in communicating with

children and building healthy relationships. Also in terms of psychological counselling, it focuses on: (a) the awareness of the importance of the sentence conduction; (b) the consequences of non-conduction; (c) increased sense of responsibility concerning correctness and obligations in everyday life; (d) forming healthy interpersonal relationships and with problematic behaviour with authoritative figures; (e) tracking of the attendance of the training course for minors; (f) correlation with the family and the centre where the course is taking place.

114. In order to provide a more effective treatment for youngsters, the probation specialist organizes meetings and exchanges information with the staff of NGO's which refer certain cases for issues related to the treatment and psychological counselling to minors. The treatment is based on the realization of the psychological assessment conducted in the early stages of the minor's process progress, while psychological counselling to these minors focuses on: (1) their awareness of the importance of carrying out the sentence; (2) recognition of the consequences of the failure in accomplishing it; (3) increasing the sense of fairness and responsibility in connection with the duties of everyday life; (4) formation of healthy interpersonal relationships and especially with problematic behaviour with authority figures.

115. Because of the devotion to the work with minors, with the Order No. 2, dated 11 January 2012 "On approval of the organizational structure of the Probation Service" is created a special section for minors in the General Service Probation, as part of the structure of the Department of Inspection and Community Services, Division of Juveniles, Community Service, Probation and Statistics.

116. The Law No. 10039, dated 22 December 2008 "On legal aid", as amended, defines the conditions, type, method and procedures for the provision of legal aid from the state, to protect the freedoms and fundamental rights of the individual and the other legitimate interests thereof. In this Law is provided the aid to minors in conflict with the law. Specifically, in point 2 of article 13 in Chapter III "legal aid services and its beneficiaries," is stated expressly that "the benefit of legal assistance to minors, for whom the defence in criminal proceedings and the judgment is enforceable by law ". This prediction was made in order to meet the provisions of the Code of Criminal Procedure. So the article 35 of the Criminal Code Procedure provides "Helping minor defendants," the which in point 1 provides that "to a minors defendant is provided legal and psychological assistance to any state and stage of the proceedings. .. " so as the article 49 "The defined protector ", which in paragraph 2 provides that" when the defendant is under 18 years old, assistance from a lawyer is compulsory". These changes are also made in the context of the fulfilment of obligations upon international instruments on the protection of children's rights, to which Albania belong.

Freedom of speech (art. 19)

Reply to the issues raised in paragraph 20 of the list of issues

117. As noted in previous reports, the Constitution of the Republic of Albania guarantees the right to freedom of speech. Freedom of the press, radio and television is guaranteed. Prior censorship of the media is prohibited. The Law may require the granting of authorization for the operation of radio or television. "Pursuant to Articles 5 and 122 of the Constitution, the European Convention for the Protection of Human Rights and Fundamental Freedoms⁴ is part of domestic law and applies directly and has supremacy

⁴ This Convention has been ratified by Albania with Law no. 8137 dated 31.07.1996.

over national laws that do not agree with. According to article 10 of the Convention stipulates the right to freedom of speech, which includes freedom of thought and freedom to receive and impart information. This article shall not prevent States from requiring companies to broadcasting, television or cinema to obtain the license.

118. The Albanian Parliament in March 2013 adopted the Law no. 97/2013 "For audio-visual media in the Republic of Albania", which aims to regulate broadcasting activity in the Republic of Albania, in accordance with democratic functioning of electronic media. This Law regulates the activity of audio-visual media and their support services, based on the principle of technological neutrality in the territory of the RA. This law enforcement frame is related to linear and nonlinear broadcasting and their support services. This Law does not apply to printed media.

119. The need to amend the legislation in the field of broadcasting came as a result of the development of electronic media services, technological developments in the field of electronic communications and information society. Previous legislation in this area despite constant changes, didn't respond as needed to technological developments and convergence of services offered in electronic communications networks. The change of the legislation in this area relates to the fulfilment of obligations for the harmonization of legislation with EU legislation, as well as obligations under the Stabilization and Association Agreement (SAA) with the EU.

120. In this Law are reflected the provisions of the European Convention on Human Rights and the Council of Europe recommendations in relation to freedom of opinion and expression (arts. 8 and 10 of the European Convention on Human Rights). The new Law, which is in compliance with the recommendations of the Council of Europe, as well as the *acquis communautaire* concerning this area brings a number of changes, additions and improvements in the field of electronic media broadcast. The Law establishes the principle of the regulation on the basis of technological neutrality. His area of implementation includes linear and non-linear broadcasting in accordance with Directive AVMSD and in the frame of directives on electronic communications networks, services and new programmes and protected services. This Law provides that public and private radio and television programmes respect personal dignity and fundamental human rights, fairness, pluralism of information, the rights of children and adolescents, public order and national security, language and culture, the constitutional rights of citizens, national minorities in accordance with international conventions and religious diversity in Albania.

121. Regarding the licensing procedures, the law has taken into consideration some European experience, complying with the European legislation and its best practices (Directive authorization, etc.). According to the law, the licenses are categorized into different types on importance basis to present information, education and entertainment to the public and in the media market, as well as in the use of limited natural resources (frequencies). Specifically in article 52 are defined types of Licenses and Authorizations that issues the Audio-visual Media Authority (AMA). In this law is stipulated that the AMA is the regulatory authority of audio and audio-visual broadcasting and other support services in the territory of the RA.

122. In the category of licenses are included audio broadcasting licenses and licenses of the audio-visual programme service, so as the digital networks licenses (multiplexes). These licenses are granted or issued through public competition, given that the provision of the above requires the use of radio frequencies which are limited. Specifically, the licenses are classified into: (1) a license to broadcast audio and audio-visual broadcasting licenses; (2) programme service licenses audio and/ or audio-visual; (3) audio broadcasting licenses to community; (4) audio broadcast licenses for temporary purposes and institutions. The law also provides for the granting of authorizations without competition for: (1) the programme service audio and/ or satellite broadcasting; (2) programme service audio and/

or audio-visual cable; (3) online service when the service relies on the Internet; (4) service provider, including conditional access service.

123. Given their importance, and the fact that putting them in life requires the use of frequencies, giving these licenses by the institution of AMA will be carried out through open bid of candidates. In the category of authorization are included audio-visual programme services, which rely on electronic communication networks different from terrestrial networks that for their nature require an easier regime, since they do not require the use of frequencies (with cable TV operators, satellite, etc.). Also in the category of authorizations is included the provision of some specific services, such as technical service for conditional access systems. The new law brings changes by avoiding long bureaucratic procedures for the authorization of activities, by establishing simple rules that will strengthen harmonized market and media service networks bringing it to the European level.

124. The law provides for the regulation of ownership in audio and audio-visual broadcasting reflecting the recommendations of the Council of Europe and the European Commission. The regulation of ownership is based on the experience of some European countries and provides flexibility in the regulation of ownership compared with the previous law. Another innovation of this law is to supplement and clarify the arrangements for promoting community radio as recommended by the Council of Europe and the European Commission. Specifically, the updates that delivers the new law in the regulation of ownership in broadcasting are as follows: (1) an entity that holds shares in a company that has a national license for audio or audio-visual transmission cannot exceed 2 per cent of the total capital in a second company which owns a national audio or audio-visual broadcasting license. Analogue audio transmissions allow the participation of 10 per cent in a third national company; (2) an entity that holds shares in an entity that owns a local or regional audio broadcasting license cannot be more than 40 per cent of the total capital in a second company, which owns a local or regional audio broadcasting license; (3) an entity that holds shares in an entity that owns a local or regional broadcasting transmission license cannot be more than 40 per cent of the total capital in a second company which owns a license to broadcast local and regional broadcasting; (4) from the requirements of the law on ownership restrictions are not exempted national licenses for the audio and/ or visual programme services for legal entities authorized to provide services of audio programmes and authorizations of audio-visual programme services based on satellite networks.

Family and children's rights (arts. 23 and 24)

Reply to the issues raised in paragraph 21 of the list of issues

125. Measures taken by the Directorate of Social Services/Ministry of Labour Social Affairs and Equal Opportunities (MoLSAEO). The Law No. 10399, dated 17 March 2011 "On some amendments to Law No. 9355, dated 10 March.2005 "On social Assistance and Social Services" which relate to:

- (a) The expansion of the target groups as victims of domestic violence and orphans;
- (b) The better management of the programme of economic assistance to central and local level;
- (c) The ensuring of social inclusion and non-discrimination of certain individuals and groups in need;
- (d) The functionality of domestic custody services as an alternative service for children.

126. The economic assistance will be conditional upon participation in work or services that contribute to a better targeting of individuals in need, coverage with higher incomes for the family, the benefit of the community where the work or services are provided, reducing the level of poverty and the realization changing the scheme of social assistance scheme from a passive into an active scheme. Also, this improvement of the law, defines the support with an additional fee on that provided for the family structure, for the children of families eligible for economic assistance who attend compulsory education, having in consideration to encourage the benefiting families of SA to send children to school, these families should be encouraged to do so with the food package.

127. Following the legislative amendments cited above, in assessing the current scheme of this programme, there are several procedures that are exclusive to the families involved in this programme; the CMD no. 904, dated 12 December 2012 "On the definition of criteria, procedures and documentation of economic assistance in pilot areas" was adopted, which defines a new way of application, based on the indicators used to measure the living conditions. These indicators are arranged in a formula, which will statistically calculate scores for a family. The innovations of this Act are: (i) any family that believes that there is sufficient income will have the right for application; (ii) this system will be piloted in the region of Tirana, Durrës and Elbasan, areas which contain about half the population of the country. In these regions there is a greater dynamic of movements from rural to urban areas, from mountainous areas into coastal and central ones. The number of families eligible for assistance in these three regions was 38 675 in the year 2001, 29 685 in the year 2006 and 25 391 in the year 2010; (iii) the procedures for applying for financial assistance are simpler, but the information will be collected and processed through electronic data system.

128. With the establishment of the electronic data system, which will be a parallel process with the entry into force of this Decision, the information laid by the administrator in the local units will be verified by the Regional Directorate of State Social Service. This institution, in the regional level, will make the verification of the data that the families have filed. So will be performed a cross checking of data online with other central institutions. Then the Regional Directorate of the Social Services will forward the decision of the families that will receive financial assistance to the head of the municipality/ commune in charge of transferring the money into bank accounts and the decision for the families who will benefit economic assistance with appropriate justification.

129. The de-institutionalism: In deepening the process of deinstitutionalization by promoting alternative forms of services in residential care facilities for children and adults are adopted several laws: (a) DCM No. 89, dated 26 January 2012 "On the determination of the procedure and documentation criteria of Custody Service"; (b) DCM no. 425, dated 27 June 2012 "On the implementation of the necessary criteria and documentation for admission of persons in residential, public and private social care"; (c) DCM no. 231, dated 20 March 2013 "On the standards of social care services for children in need in day centres."

130. Custody as an alternative social service for children in need provides: (1) continuity of good upbringing for children in difficulty in a family environment through a replacement family where children feel surrounded by family care and attention; (2) development and care for children in difficulty according to age, individual needs and service standards custody;(3) socialization and reintegration of the child with the biological family to relatives, adoptive family and the community.

131. Also the Ministry of Labour, Social Affairs and Equal Opportunities in the first implementation of this decision has also drafted the Instruction No 6, dated 1 August 2012 "On the implementation of Decision No. 89, dated 26 January 2012" On the definition of criteria, documentation and custody service procedures "which will be piloted initially in

the region of Shkodra and Tirana for 47 children who with the court decision have passed under the custody service. The instruction helps the administration of local government units for the procedures that have to be followed step by step in the implementation of Decision No. 89, dated 26 January 2012, which will be piloted initially in the region of Shkodra and Tirana District for 47 children who with the court decision have passed under the custody service. Among the administrative measures taken to further consolidate this process was done based on the measures of service model "family-house" for children in the Children's House "ZyberHallulli" Tirana, where the premises were re constructed according to this typology of service.

132. The approval of the Decision no. 425, dated 27 June 2012 "On determining the necessary criteria and documentation for the accepting of the persons in the in public and non-public residential institutions of the social care" where in the letter c) of point 1.3 of Chapter I, says "from age 6 -16 years old are placed in the homes of school-age children."

133. Also, in this DMC, in point 1.3.1. in Chapter I it is stipulated "In the case of orphaned children, the children stay in these institutions until the age of 18 years old" and point 1.4 of Chapter One is stipulated "orphaned children who have completed the compulsory secondary education (9 years) and want to continue to high school education, should be placed in institutions that have their system dormitories". The above-mentioned amendments were made pursuant to point 2 "Primary education consists of six classes, from first grade to sixth grade. Secondary education consists of three classes, from seventh grade seven to ninth grade ", chapter III, article 22 of the Law no. 69/2012 "On Secondary Education in the Republic of Albania", in which consequently are included children who are accommodated in residential social care for the group age of 6-15 years old, to ensure continuity of secondary education from seventh to ninth grade.

Right to vote (art. 25)

Reply to the issues raised in paragraph 23 of the list of issues

134. The following measures have been taken to protect the rights of persons with disabilities and to promote their participation and inclusion in society.⁵

135. In December 2009 the Albanian Government signed the Convention on the Rights of Persons with Disabilities and in November 2012 this Convention was ratified by Parliament by Law no. 108/2012.

136. In the centre of policies and programmes undertaken by the Government and civil society have also been Persons with Disabilities (PwD) in order to guarantee and respect their rights, support, rehabilitation and integration into daily life. Persons with disabilities constitute a vulnerable category because they face difficulties associated with low income, with deficiencies in the adequacy of facilities both inside and outside, few opportunities to integrate into the labour market, the education system, and lack of social services to support their rehabilitation and integration, lack of introduction of modern methods and therapeutic reintegration, etc. The total number of disabled persons in the year 2007 was 100 606 and in the year 2012 has reached 142.123 individuals. In the framework of undertaking the necessary measures the Action Plan for the implementation of the Convention for the period 2012-2022 is prepared.

⁵ More detailed information about the measures taken to protect persons with disabilities is found in annex no. 1 attached to this material.

137. During the year 2012, an Inter-Ministerial Working Group has been working for the development of a Draft law "On inclusion and accessibility for people with disabilities", which will assist in the implementation of the Convention in all the country. As a positive step towards protecting the PWD from discrimination can be mentioned the adoption of Law No. 10221 dated 4 February 2010, "On Protection from Discrimination". There are also undertaken a series of measures to improve the legal framework in support of disabled people in terms of social protection which have consisted in increasing the payments for PWD, payments for their care taker, expansion of social services, their integration into the life of daily, providing a favourable environment and to support them etc. Also the Law for "Legal Aid", offered free legal assistance to different categories of persons, including disabled persons in civil, criminal and administrative proceedings.

138. Regarding the second part of the question, about the limitations of the right to vote, we explain that this conclusion is not correct. Article 45 of the Constitution stipulates restrictions concerning voting rights for persons with disabilities. Specifically in article 45,⁶ paragraph 2, states that "are excluded from the right of election the citizens declared by a final court decision as mentally incompetent."

139. In the Civil Code of the Republic of Albania in the general part of article 1 is defined the legal capacity and specifically "Every person enjoys full and equal capacity of having civil rights and obligations within the limits set by law". In its article 2 it states that "Legal Capacity begins with the birth alive and ends with his death". When the child is born alive enjoys legal capacity since the time of conception. Regarding the ability to act the article 6 of the Civil Code stipulates that" A person, when he reaches the age of 18 years old, he/she bears the full capacity of his/her actions to acquire rights and assume civil obligations". The full capacity to act is gained through marriage also for the woman who has not reached the age of eighteen years old. She does not lose this ability even if the marriage is declared invalid or is resolved before she reaches the age of eighteen years old". In article 10 of the Civil Code is clearly defined "adult person, who for mental illness or mental development is wholly or partly unable to take care of his affairs, can be removed or restricted the ability to conduct legal transactions by court order". Article 11 states that "The legal action that limits the capacity to act is invalid".

140. Also the referring, in question No. 23, to article 45 of the Election Code of the RA⁷ is not correct, since article 45 of the Election Code does not impose restrictions, but article 45 refers to "electoral components", which means the components of the civil state with which is identified the voter⁸. Given that the Election Code was adopted in 2008 and subsequently made a number of changes, we explain that article 45 of the Election Code of 2008 (which was in force until December 2012) sets no restrictions on voting rights of persons with disabilities.⁹

141. The Electoral Code provides a special provision concerning the voters that cannot vote by themselves (art. 108). Specifically, paragraph 1 of this article states that "the Voter who for physical reasons is unable to perform the own voting procedures may seek the help of a family member or another voter, who is on the list of electors in that polling area". In point 7 of this article is determined that in the case that there are registered voters who have

⁶ Information on the full content of the constitutional provision on the right to vote is given in the attached annex 2.

⁷ Approved by Law 10019, dated 29.12.2008 and amended by Law no.74/2012.

⁸ The contents of articles 44 and 45 of the Electoral Code of 2012 (approved by Law no. 10019, dated 29.12.2008, by Law no. 74/2012), is presented in annex No 3, attached.

⁹ The contents of articles 44 and 45 of the Electoral Code of 2008 (approved by Law no. 10019, dated 29.12.2008), is presented in annex no. 3, attached.

difficulties accessing the polling environment, the setting of the polling centre and the organizations are made in such a way as to guarantee free access to this category of voters. In case that this is impossible, in accordance with the instructions and with the expenses of the CEC, heads of local government units appoint personnel or helping equipment to guarantee free entry. In paragraph 8 are provided the procedures regarding the blind voter, in relation with the V way is informed by VCC about the manner of voting with special voting devices, or by other provisions that deter this article.¹⁰

142. The law does not provide space for voters voting outside polling stations, as may be the case of people who cannot leave the house because in the Election Code is clearly defined the definition of the polling station and its location. In article 2 paragraph 16, is given the definition of "voting centre" – that is defined as the specified environment for conducting the voting, in accordance with the Election Code.

143. The Electoral Code of the RA provides that institutions that have responsibility for the administration of elections and in this case, mainly the Central Election Commission (CEC) and local government, to identify and guarantee ancillary infrastructure so that people with disabilities can be able to exercise the universal right to vote, without any restriction. In order to guarantee and respect of the right to vote of any elector, including persons with disabilities, the CEC has adopted a set of guidelines and conditions regarding the placement of polling stations. Specifically Instruction No. 01 dated 12 December 2012 of the CEC "For the establishment and designation of polling location and map preparation of the local government elections," conditions on the location of the polling station, in the first floors of the facilities. Guideline provides that the President of the Local Government Unit takes measures to create facilities for voting for people with disabilities, as well as sending the CEC list of voters with disabilities and blind voters within the period of the revision of electoral extract components.

144. The CEC has also prepared educational materials for voters in accessible formats such as in sign language, audio, etc., and commercials are broadcast in order to respect the rights of all voters for information. CEC has signed a cooperation agreement with the National Council of Persons with Disabilities (NCPD) in March 2013 with the object of creating the conditions and facilities for persons with disabilities to exercise their right to vote for the election of 23 June 2013 for the Albanian Parliament¹¹.

145. Pursuant to the provisions of the Election Code, during the administration of elections for local government bodies of 8 May 2011, CEC has asked all local authorities to comply with the obligations imposed by law in regard with the voters who cannot vote by themselves. The local governing based on local legal requirements and to the instructions of the CEC has taken a series of measures to guarantee the right to vote of the electors of these categories. According to the information from the CEC's most polling locations have been positioned on the first floors of buildings. Beyond this fact, the CEC has also collaborated with NGOs to represent this category of voters, orienting them towards the correct way that the law provides for the registration of persons with disabilities.

146. Given the problems of previous elections, since the beginning of the election administration process for the Albanian Parliament, dated 23 June 2013, CEC has pursued a clear strategy to really come to help to this category of voters. CEC has cooperated and exchanged relevant information with international organizations that have experience in this field, public institutions that are responsible for providing social services to this

¹⁰ Detailed information regarding Section 108 of the Electoral Code is given in annex 4, attached.

¹¹ Detailed information about the measures taken with regard to voters with disabilities provided on the official website of CEC:

http://www.cec.org.al/index.php?option=com_content&view=article&id=421&Itemid=327&lang=en.

category, with local governments, as well as interested NGOs. Also CEC has created for the first time a database with the number and type of disability of persons who are registered as voters who cannot vote for themselves

147. With regard to the respecting of the obligation to establish the polling stations on the first floors of the buildings by the local government, the CEC has established criteria for the establishment of polling stations, including the above-mentioned criteria. CEC administers official information, contains addresses/ locations of voting centres, but not their physical location, even though according to the data and experience so far most of the polling stations in districts and municipalities with a relatively small number of voters, are on the ground floor of the location/ building set. While municipalities with the highest number of polling stations are instructed in cases where voters cannot vote for themselves, polling stations should be located on the first floors of the building.

148. In terms of administrative and financial aspect, CEC, with the decision No. 174, dated 5 March 2013 "On approval of the structure of budgetary expenditures for the Parliamentary elections in 2013", has approved the production of masks/ envelopes for ballot reading for the blind people in each polling station and has quadrupled (compared to previous elections), and the budget for the provision of ramps (facilities) in the polling centres.

149. By the training strategy of commissioners (approved by Decision no. 19, dated 28 January.2013) and the Voter Education Strategy (approved by Decision no 173, dated 5 March 2013) a special attention is paid to the information and assistance that should be given to all categories of voters who are persons with disabilities, in order to guarantee their free access to polling stations and ensure the exercise of the right to vote.

Rights of persons belonging to minorities (arts. 26 and 27)

Reply to the issues raised in paragraph 24 of the list of issues

150. The Albanian government considers the rights of minorities as an integral part of human rights and in this context has ratified the most important international documents, improving the legal framework and the implementation of policies for setting the highest standards for protecting minorities. In accordance with international instruments and the obligations arising from the process of European integration, legal and institutional framework and Albanian State policies aim to ensure the protection of the rights of persons belonging to national minorities and those of ethnic-linguistic. The Convention in the framework of the Council of Europe "On Protection of national minorities", which after ratification is part of domestic law, constitutes the basis on which is based the design and implementation of policies for national minorities and ethnic-linguistic minorities in Albania. The Constitution has defined minorities as an integral part of the Albanian society, by knowing them all their rights, as well as other Albanian citizens, guaranteeing conditions to preserve and develop their national, cultural and religious identity. The Law on protection from discrimination and mechanisms established for further implementation (creating of the Commissioners institution for Protection from Discrimination) constitute a guarantee for respecting, protection of persons belonging to national minorities and ethno-linguistic.

151. In connection with the Roma minority we inform that to improve their living conditions in the year 2009 was drafted the National Action Plan "Decade of Roma Inclusion", in cooperation with central and local institutions, Roma organizations, civil society and UNDP's assistance. The main objectives of this plan were: (a) improving access, participation and enrolment of Roma population in the education system; (b) creation of conditions for the preservation and development of cultural heritage of Roma

community; (c) empowering Roma community by increasing access to the labour market, training programmes and social protection schemes; (d) improving the access of Roma community to health-care services and improving the service to this population; (e) improving housing and infrastructure conditions for Roma population; (f) prevention and reducing the incidents of social and institutional discrimination and increasing the access of Roma community in public institutions.

152. Regarding the education a main priority is the prevention of school dropout, protection and reintegration of children in schools, providing normal conditions for learning, paying an important attention to the measures for educational, psychosocial and economic support, especially for the category of children who are in difficulty. In this context, the education of Roma children, as one of the main and most efficient method of the integration of the Roma population in the social, economic, cultural and political life occupies a special place in the National Strategy for Roma and the Decade of Roma Inclusion from 2010 to 2015.

153. For its implementation are involved central and local institutions, specialists, students, teachers, parents, representatives of civil society in general and NGOs operating in the field against discrimination. The objectives in the field of the education in the focus of the Ministry of Education and Science (MES) are: (1) to guarantee the right of children and young of Roma community equal access to all levels of the education system; (2) the elimination of exclusionary and inferior attitudes to Roma in the school community and the transformation of cultural diversity in a source of knowledge and of mutual respect, tolerance and understanding atmosphere; (3) preservation and development of cultural identity of the students of the Roma community; (4) involvement 100 per cent in compulsory education of Roma children.

154. Pursuant to the objectives of improving the education situation with the Instruction of MES no. 26, dated 10 August 2010 is aimed the implementation of a national action to reduce the school drop-out to zero for the period 2009-2013. In this context, an important space takes the drafting of specific work programmes, in class and school level for parent's awareness of the importance of education. For this purpose Educational Directorates and Offices in the local and regional level, so as the schools directorates are focused on the supporting educational policy and teacher training, in order to guarantee the education of Roma children.

155. As regards the application of economic aid we inform that as many Roma families do not receive financial assistance because they do not know the rights that are guaranteed to them by law are undertaken several measures. Specifically is programmed the organizing of an awareness campaign in the field of social defence for the rights of economic help benefit and unemployment payment, maternity pay and other rights arising from the legislation, as well as the issuance of an administrative act that obliges municipalities and districts, to give legal assistance to Roma families to complete their relevant file.

156. In the field of employment, in the Law "To promote employment" are defined specific groups of unemployed who have difficulties to engage in labour market. In the category of "specific groups" under this law are also included the Roma community. Based on this Law, in order to provide equal opportunities to these groups are designed and implemented policies that contain positive measure or positive discrimination, which are necessary having in consideration the difficulties that have these categories. Also in this way they are provided with equal access without discrimination and equal protection before the law. Specifically programmes that are implemented are: (1) the programme for promoting employment of unemployed women; (2) the programme for promoting employment of unemployed in trouble. Another efficient programme is the free charging for special groups who are registered unemployed in labour offices and want to pursue vocational courses, offered by the Regional Directorates of Public Vocational Training

(DRPVT). In this target group are included the Roma minority, trafficked women and girls, persons who have suffered former convictions, orphans, disabled persons and returned immigrants with economic problems.

157. In the field of health we inform that all Public Health Departments have instructed district health staff on the on-going pursuance of the health of persons belonging to the Roma minority. Specifically are taken measures for the implementation of mandatory vaccination, health care of pregnant women and children, health promotion and health education, hygiene and epidemiological problems of the area such as drinking water, urban waste, infectious diseases, etc. In the framework of the National Strategy on HIV/ AIDS, a special attention was paid to the expansion of services provided to vulnerable groups through strengthening the network of partners and with the active participation of vulnerable groups. It is set a close cooperation with representatives of the Roma minority that seeks to improve and extend the activities on information, education and communication in several districts of the country. Specifically there are five non-governmental organizations supported by the Global Fund, which in cooperation with Roma associations offer a range of services in some districts, such as Tirana, Berat, Pogradec, Lezha, Shkodra, Fier and Elbasan. Services include training on the prevention of HIV, promotions of Voluntary Counselling and Testing, distribution of sexual protection tools and the training of medical staff working in areas where the Roma minority resides.

158. In connection with the measures taken to implement strategies for the elimination of discrimination against the Roma minority in the Strategic Plan 2012-2015 and Action Plan for 2012 compiled by the Office of the Commissioner for Protection from Discrimination, this problem takes an important place. Among the commitments and measures taken specifically for this minority we highlight: (1) awareness of the Roma minority and information regarding their right to non-discrimination; (2) increase of the numbers of complaints of Roma in the field of delivery of goods and services in the field of employment. In the context of the project, "Best Practices for Roma Integration" financially enabled by ODIHR, as executor of this regional project (EU - OSCE - ODIHR), the following activities were undertaken: (1) preparation of a TV spot to increase awareness of the public about the law and the powers of the Commissioner for Protection against Discrimination (CPD), which is broadcast on two national television; (2) organization of "Open Days" for this minority in cooperation with local governments and municipalities in seven municipalities (Municipality of Tirana, Municipality of Lezha, District of Sushica, Municipality of Lushnja, District of Grabian, Municipality of Pogradec, Municipality of Gjirokastra); (3) During the development of these Open Days, the Commissioner has assigned cooperation agreements with Mayors or their respective municipalities. In the framework of these agreements are set contact points between the CPD staff and employees of these local units, in order to refer cases of alleged discrimination to the Commissioner's Office and Open Days are organized periodically. The total number of contact points set up now in local governing units is 32 contact points. The Commissioner for Protection from Discrimination has contributed to the drafting of the Action Plan recommended at the Workshop Recommendations "for inclusion of Roma and Egyptian community" organized in December 2011.

159. The Commissioner for Protection from Discrimination has organized a series of meetings with organizations representing the Roma Minority and also and Egyptian community associations, in order to inform about the law, the rights guaranteed by law, so as addressing the problems, concerns and complaints to these vulnerable groups at CPD, the identification and measures for more effective protection from any form of discrimination. Also these meetings have aimed at the establishment of cooperation with organizations that protect their rights and to make them aware to address to the Commissioner when they claim a violation of the law "On Protection from Discrimination." Specifically, within the international Day against Racial Discrimination,

the Commissioner, during the three years of his practice has developed periodical activities with representatives of the Roma minority and also with the representatives of Egyptians community. In the year 2013 are signed cooperation agreements with 10 NGOs that defend the rights of Roma and Egyptian communities.

160. In connection with the measures taken to ensure that CPD has adequate financial and human resources we inform that the institution of the Commissioner for Protection from Discrimination is financed from the State budget and from different donations. With the state budget the Commissioner for Protection from Discrimination, covers the basic expenses such as the infrastructure, salaries of employees, a part of activities that accomplishes the publication of leaflets etc. National and international organizations, which are considered as an important partner of the Commissioner for Protection from Discrimination, give support in a part of awareness activities. Among these projects are identified: (1) the "Best Practices for Integration of Roma Community", a regional project supported by the EU-OSCE-ODIHR and financially enabled by ODIHR, which is applied by the Commissioner for Protection from Discrimination; (2) the application of the principle of gender equality and the violence programme with gender-based ", supported by UNDP; (3) implementation of the Law "On the Protection against Discrimination in Education System", in collaboration with UNICEF, etc.

161. Regarding human resources, the Commissioner for Protection from Discrimination has completed full recruitment of staff, in accordance with the civil service legislation .The commissioner staff has participated in on-going training during the period 2010 and onwards in order to build capacity, namely: (1) training "Identification of cases of discrimination and their representation before administrative/ judicial bodies and Commissioner for Protection from Discrimination, organized by the Albanian Helsinki Committee with the financial support of the Civil Rights Defenders; (2) training "Improving safeguards high ratios of human rights in the fight against discrimination", organized by the Soros Foundation; (3) training "Discrimination based on sexual orientation, gender and disability" organized by the UNPD; (4) periodic training organized by the Training Institute of Public Administration.

162. Referring the last part of issues raised in paragraph 4 of the list of issues, we inform: After the forced eviction of Roma families, Ministry of Labour, Social Affairs and Equal Opportunities took immediate actions in cooperation with other central/ local institutions and with a network of interested actors for the purpose of resolving the chain of issues concerning the Roma situation. In order to systemize and their rapid housing, Roma families transferred in an emergency camp in Babrru, the Tiranaarea.

163. For a long lasting solution, efforts are made in order to identify a list of public buildings currently in the process of privatization and possibly suitable for the housing of Roma families. A property of the Ministry of Defence has been identified and been transferred to the ownership of Ministry of Labour, Social Affairs and Equal by a Council of Minister's Decision. Currently it is being worked to make these premises suitable for permanent housing needs of this community. Roma families settled in the Kombinat Area in Tiran accompanied and registered in the municipality unit of Kombinat Area in Tirana. All of them benefit from economic aid. Conditions of premises are further being improved.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

Reply to the issues raised in paragraph 25 of the list of issues

164. Considering the respect and protection of human rights as a key priority, the Government is committed to fulfil its international obligations, including the obligation on

periodic reports on the implementation of international conventions on human rights, including the International Covenant for Civil and Political Right. After ratification of the Covenant and the Optional Protocol, their text is translated into Albanian as an official language and is published in the Official Journal as a legal liability. Also their publication in the Official Journal and the official websites provides an opportunity to inform the public.

165. The process of preparing the report and the reporting process is considered as a tool to identify the fulfilment of international obligations and also as an opportunity to present the situation of human rights within its jurisdiction in the implementation of the Covenant.

166. Under Prime Minister's Order no. 201, dated 5 December 2007 "On Establishment of the Working Group for drafting the National Reports under international agreements to which RA's is a party" Ministry of Foreign Affairs (MFA) coordinates the preparation of the National Periodic Reports in cooperation with state institutions. Specifically in relation to the preparation of the second periodic report (CCPR/C/ALB/2), as the responsible institution for drafting national reports in the framework of human rights has informed the competent public authorities and has set up an interagency working group on drafting this report. This report has been prepared as a result of the coordination of the work and involvement of State institutions, according to their areas of competence over matters covered by this Convention. Specifically this report was prepared in cooperation with central government (Ministry of Justice, Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Education and Science, Ministry of Health), independent institutions (Ombudsman, General Prosecution) and institutions such as the General Directorate of State Police, the General Directorate of Prisons, etc.

167. After reviewing the first report and approving of the Committee concluding observations of the Human Rights Committee, the latter are translated into the official language, are published on the official website of the Ministry of Foreign Affairs,¹² and the relevant institutions are informed about their implementation. In the context of the drafting of the periodic/interim report to the respective institutions is asked information under the relevant articles of the Covenant and information on the implementation of the recommendations of the Committee, in accordance with the general guidelines for drafting reports.

168. Regarding the dissemination of information on the preparation of the second national report (CCPR/C/ALB/2), we inform that the second periodic report under the International Covenant on Civil and Political Rights was adopted by the Decision of Council of Ministers (DCM no. 452 dated 22 June 2011) and is published in the Official Journal.

169. Considering the contribution of civil society in the preparation of the report is encouraged and supported the involvement of civil society in the field of human rights. In the preparation of the report were officially informed the NGOs dealing with human rights and are invited to provide their contributions in the preparation of reports, although they have not answered to our invitation and cooperation.

¹² www.mfa.gov.al: Referring the Conventions and reports on human rights.

Annexes related to the written replies to the list of issues of the Human Rights Committee

Annex 1- Reply to the issues raised in paragraph 23 of the list of issues

Detailed information about measures taken for the protection of disabled persons (PwD)

1. Measures taken by Albanian Government on the Rights of People with Disabilities in light of the United Nations Convention on the Rights of People with Disabilities (CRPD). There are 120 thousand PwD in Albania or aprox. 4,2 per cent of population. Data on PwD show that the number of these individuals has increased from year to year. During the last 20 years, policies have focused mainly on financial support under various financial programmes for different categories and less in inclusion policies and their integration into society. In the light of CRPD, there are many measures taken by the Albanian Government in the last three years, in order to respect and realized the rights of PwD in Albania. The financial data shows that the State budgetary funds are increased from 6.318.217 ALL in 2007, to 13.000.000 ALL in 2013.

2. Strategic Documents. The disability issues are developed in some strategic documents like as National Strategy for Development and Integration (NSDI) 2007-2013, National Disability Strategy 2006-2015, Social Inclusion Crosscutting Strategy 2007-2013, Social Protection Strategy 2007-2013, Strategy of Employment and Vocational Training, National Strategy of Education. National Strategy for PwD, is aproved in the end of 2005 and is based on international principles. The objectives of NSPwD stategy are : Encourage and educate for a society that allows the participation of PwD, ensure the rights for PwD, provide the best education for PwD, employment and economic development opportunities for PwD, support quality living in the community for PwD, collect and use relevant information about PwD and disability issues. The coordinating and monitoring structures of NSPwD are: the National Council for Disability Issues and Technical Secretariat for PwD.

3. Legal Framework on dissability issues- The rights of people with disabilities are sanctioned by the Albanian Constitution and by the overall legislative framework. Article 25 of the Constitution of Albania guarantees the fundamental rights and freedoms of PwD. Law “On protection against discrimination” regulates the implementation and the observance of the principle of equality related to disability.

4. Social Protection- Law “On Assistance and Social Care”, lay out the blueprints of service provision for the disabled, the assessment, the rules of payment and its increase during the years. Stipulations are made for the treatment at care institutions, both public and private ones and for payment to disabled pupils and students. Middle school pupils receive 200 per cent of the minimum payment, and students get 300 per cent. The new Law “On mental health” aproved in June 2012, addresses the rights of all persons with mental disabilities.

5. Employment- The Labour Code prohibits any kind of discrimination in employment and professional training of PwD. They have the right to work in appropriate jobs according to the evaluation of the Medical Assessment Commission that defines their ability to work. Law “On the encouragement of employment”, provides and supports employment, advice and professional qualification for PwD. In article 15 sets forth that out of 25 employees, one should be a PwD able to work. An employer can chose to employ one person with an aggravated disability instead of five persons with light disabilities. Every employer who does not fulfill his employment quota for the disabled shall pay an amount equal to a minimal pay for each of the PwD he ought to have employed. Article 16 sets out incentives for employers of people with disabilities:

1) “An employer of people with disabilities may ask for subventions from the Labour Office for the suitable equipment of the disabled person.

6. The payment for the people with disabilities is exempt from taxation. In 2012, employment of the persons with disabilities was one of the most important areas. Regarding to this, Ministry of Labor, Social Affairs and Equal Opportunities, in collaboration with civil society organizations is lobbying for the employment in the government and private entities of people with disabilities. Employees of the Labor Office from all the country were trained. Meetings with business companies, to make them recognize the legislation of the employment of persons with disabilities, explaining the benefits and legal basis that affects them in case they hire a person with disabilities, were also organized. Labor inspectors obtain information of the number of employees with disabilities through evaluation questionnaires they make to business companies, during inspections conducted in various subjects. Labor offices face the difficulty of physical adaption in the environment that inhibits businesses from employing even when they have good will.

7. Supporting the initiative to formalize the sign language as a right guaranteed in the Convention on Disabilities has been another important process. During the last year, in cooperation with Albanian National Association of Deaf (ANAD), activities with various actors, in order to promote the launch of the process of creating the legal basis for the formalization of sign language and the need for this service in the State, were organized.

8. Ratification of the Convention on the Rights of Persons with Disabilities (CRPD). In November 2012 the Albanian Parliament ratified the CRPD. There were many activities carried out in 2012, supporting this action. Ministry of Labour, Social Affairs and Equal Opportunities (MoLSAEO). with the support of UNDP has carried out assessment of the national legislation and policy documents against the CRPD, developed an Action Plan on implementation/awareness raising of CRPD, has design and deliver capacity-building activities for government officials, monitoring mechanisms, labour institutions, in-service judges and prosecutors on legislative requirements under the CRPD, has assess accessibility guidelines against EU accessibility standards and provide training to architects, professionals in construction industry and government investment specialists on accessibility norms/standards, has conduct awareness raising campaigns on disability rights all over the country, reaching more than 1000 (one thousand) stakeholders, 900 (nine hundred) students in eight universities and one third of the large public.

9. In 2012 MoLSAEO supported by UNDP, began the process of drafting the Law “On Inclusion and Accesability of PwD”, in compliance with the Convention requirements, based on the twin-track approach. The study of legislation, that proceded this process, identified gaps and shortages in approaching disability-related issues and provided recommendations on aligning the legislation to the Convention. The draft law is consulted with civil society and groups of interest.

Annex 2– Reply to the issues raised in paragraph 23 of the list of issues

The right to vote: Article 45 of the Albanian Constitution.

1. Every citizen who has reached the age of 18, even on the date of the elections, has the right to elect and to be elected.
2. Citizens who have been declared mentally incompetent by a final court decision do not have the right to elect.
3. Convicts that are serving a sentence that deprives them of freedom have only the right to elect. 4. The vote is personal, equal, free and secret.

Annex 3- Reply to the issues raised in paragraph 23 of the list of issues

Detailed information on articles 44 and 45 of the Election Code of the Republic of Albania (amended by Law No. 74/2012 dated 19 July 2012)

Article 44- Criteria for inclusion of voters in the voter lists

In order to be included in the voter list, a person shall meet the following criteria:

- a) hold Albanian citizenship;
- b) be 18 years old, including those who reach this age on the election date;
- c) be not found incapable to act by a final court decision;
- d) be registered with the National Civil Status Register (hereinafter NCSR);
- e) have the registered domicile in the territory of one of the polling units;
- f) be registered as a voter in the voter list of only one polling unit.

Article 45- Electoral components

1. A voter is identified in the NCSR through the electoral components. Electoral components consist of the following civil status components:

- a) first name;
- b) father's name;
- c) mother's name;
- c) surname;
- d) date of birth;
- e) personal identification number;
- f) citizenship;
- g) code of domicile.

2. The electoral components specified in letters "a", "b", "c", "ç", "d" and "ë" are published in compliance with articles 51 and 56 of this Code. The list used by the VCC during the voting process contains the components specified under letters "a", "ç", "d", and "dh".

Articles 44 and 45 of the Election Code of 2008, which were into force until December 2012

Article 44 - Conditions for being a voter

1. Each Albanian citizen, 18 years old, on the date of election and who meets the conditions set forth in this Code shall have the right to vote in elections for the Parliament and local government.

2. Are excluded from the right to participate in the elections, those citizens declared by final court judgment, as incapable of acting.

Article 45 – Voting Place of the voters

Electors vote at a polling station in the area where they are registered in the voters' list, except for provided in this Code.

Annex 4- Reply to the issues raised in paragraph 23 of the list of issues

Article 108 of the Electoral Code - Voters that cannot vote by themselves

1. "A voter who is physically disabled to vote may require the help of a family member or another voter who is on the list of electors in that polling area." Both voters should be present at the polling station when applying this procedure.
2. A person can only help a voter who cannot vote by himself.
3. Before you mark the ballot, a person who assists another voter makes a statement in the Book of Meeting Protocol of VCC that will vote in compliance with the guidelines and that will affect the decision of the voter, that will not make the vote public, and that he has not voted on behalf of another voter.
4. Members of electoral commissions and the secretary cannot help any voter who cannot vote for himself.
5. Note on the ballot must be made in the voting booth.
6. Within the revision of voter lists, voters specified in paragraph 1 of this Article shall have the right to request to the President of the local government unit, who prepares the list of electors in the respective voting centre, their registration as voters who cannot the vote by themselves. The application for registration shall be accompanied by official documentation that proves the type and category of disability. The registration as voters who cannot vote by themselves is done to facilitate the voting process of these voters.
7. In any case, when registered voters, according to paragraph 6 of this article who has difficulties accessing the polling environment, the setting of the polling place and its organization is done in such a way as to guarantee free access to this category of voters. If this is impossible, in accordance with the instructions and at the expense of the CEC, heads of local government units designate personnel or equipment to guarantee free access.
8. In the case of blind voters, the mayor of the local government notifies the CEC for the number of blind voters in their voting centres. CEC, in accordance with the procedures and deadlines for distribution of election materials, provide the committees of these polling stations with special tools, which allow voters to read or understand the ballot and vote independently. The blind voter is informed by the VCC for the voting method with special tools and, upon his request, is provided with them. Otherwise, the voter votes in accordance with paragraphs 1/3 of this article.

Annex 5- Reply to the issues raised in paragraph 13 of the list of issues

Detailed information on the constitutional and other legal provisions

Article 27 of the Constitution

1. No one may be deprived of liberty except in the cases and according to the procedures provided by law.
2. Person's freedom cannot be limited, except for the following cases:
 - a) is sentenced to imprisonment by a court of competent jurisdiction;
 - b) for failure to comply with lawful orders of the court or non-fulfilling any obligation prescribed by law;
 - c) when there are suspects of having committed an offense or to prevent committing an offense or leaving after committing it;
 - d) the supervision of a minor for purposes of education or his accompanying in the competent authority;

e) the person is the carrier of a contagious disease, mentally unable and dangerous to society;

f) illegal border crossing, and in cases of expulsion or extradition.

3. No one may be deprived of liberty only because is not able to fulfil a contractual obligation.

Article 28

1. Everyone who is deprived of liberty has the right to be notified immediately in the language that he understands, for the reasons of the accusation done to him. The person deprived of liberty shall be notified that has no obligation to make a statement and has the right to communicate immediately with a lawyer, and be given the opportunity to realize his rights.

2. The person deprived of liberty under Article 27, paragraph 2, subparagraph "c", should be sent within 48 hours in front of a judge who decides his detention or be released not later than 48 hours from the time of receiving the documents for review.

3. The detainee has the right to appeal against the decision of the judge. He has the right to be judged within a reasonable time or to be processed free on bail against an estate guarantee under the law.

4. In all other cases, the person who's deprived of liberty in an illegal way, may, at any time go to the judge who decides within 48 hours on the legality of the measure.

5. Any person deprived of liberty under Article 27, has the right of humane treatment and respect for his dignity

The relevant provisions of the Law "On the State Police"

Article 71- The obligation to report violations

The Police officer reports immediately to his supervisor or, in his absence, to the supervisor's supervisor, any offense for which he has reasonable suspicion to believe that has been committed by a person, whether he is aware of this violation in the course of his job performance or in other circumstances.

Article 93- Proportionality

1. Measures to reduce risk should be proportionate to the severity and overcoming it should not exceed the limits of necessity for the present situation.

2. Measures remain appropriate even if it lowers the risk or diminishes it temporarily. If the measure is ineffective it then can be chosen another measure with a greater impact.

Article 101- Escort to Police

1. Police officer accompanies persons in police premises or in the authority that issued the order in the following cases:

a) the supervision of a minor for purposes of education or for escorting him to the competent authority;

b) the person is the carrier of a contagious disease, mentally incompetent and dangerous to society.

2. Accompanied persons have the right to humane treatment and respect for their dignity. They are immediately notified for the reasons for the escort to the Police.

3. Accompanied persons are held in environments different from those detained or arrested.

In these cases, the holding of the persons in police lasts until the case, for which they are accompanied, is verified, but in any case not more than 10 hours.

4. In cases of accompanying for illegal border crossing, for deportations or extraditions, procedures and time limits are set by the legislation in force.

5. For accompanying and holding persons in the Police offices, the Police officer prepares the action document and immediately notifies his superior or body concerned to resolve the case.

6. In all cases of the accompanying and holding at the Police offices, are taken into account the personal and the family conditions of the person who is accompanied.

Article 107- Treatment of accompanied

1. If a person is accompanied according to the Article 101 of this Law, it shall be notified immediately for the accompanying reasons.

2. Accompanied persons must be given the opportunity to immediately inform a relative or a person that he trusts. If the accompanied person is unable to exercise his rights as above and if it is contrary to the will of the person, the police reports mainly the persons above mentioned. When the accompanied is a minor, then in each case is immediately notified the responsible person for his supervision. The same thing applies to adults, for whom a guardian is appointed.

3. Men and women are accompanied in separate environments. The minors are accompanied in separate environments from those of adults.

Annex 6- Reply to the issues raised in paragraph 15 of the list of issues

Information on the functioning of the National Reception Centre for Asylum Seekers.

1. The National Centre for Asylum Seekers Reception was established and operates within the framework of the construction of the asylum system in Albania, which is already an integral part of the common asylum system of the European Union with the aim of establishing a free security area and justice for all those who, forced by circumstances seek legal protection. It is an institution under the Ministry of Interior, to accommodate and accommodate foreigners, can be considered as the first step of the reception of persons in need after entering in Albania. In this centre are treated foreigners in need of international protection until the review and making of a final decision by the competent authority. The centre provides all conditions for minors, the disabled, the elderly, pregnant women, single parents with minor children and persons who have been subject to physical and psychological violence, etc. At the same time families are accommodated in separate buildings with family residential project in order for the family to be united. All asylum seekers treated in Centre based in the Albanian law for asylum are guaranteed: (1) free movement, without prejudice to their privacy by ensuring full access under the EU Directive; (2) education for pre-school and school system is free; (3) health care is also offered free by the Albanian State; (4) Albanian language courses and other professional courses; (5) free legal assistance is offered through partners; (6) asylum seekers have access to continuous contact with the National Commissioner of Refugees and representatives of the United Nations High Commissioner for Human Rights; (7) social counselling provided by social workers at the Centre. Social workers assist asylum seekers to exercise and benefit from all the rights and the services required. Social workers and all the staff of the Centre assist and facilitate the process of adaptation and integration of asylum seekers with the life in Albania.

2. In addition to the conditions in accommodation facilities (dormitories, water supply, electricity, heating, toilets in accommodation facilities, the Centre has: (1) A joint canteen where three meals are served; (2) common TV room; (3) common laundry; (4) common

showers (in case of flows); (5) sports environment; (6) Playground; (7) rooms for community services for children and adults.

3. The centre is equipped with internet hall, library, games room, bedroom community services for children and pre-school age. It is provided the room for community services for women (which develops professional courses, assistance and counselling) and telephone communication (cabins) and are fulfilled all standards of harmonious reception in line with the European Council Directives in order to create a more convenient and decent environment. Towards asylum seekers and persons refugees apply the basic rights and obligations foreseen by the Constitution, the legal system and legal framework of the Republic of Albania.
