



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### **List of issues to be taken up in connection with the consideration of the second periodic report of Albania, adopted by the Committee at its 106th session (15 October– 2 November)**

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

1. Please provide information on cases where the provisions of the Covenant have been invoked directly or indirectly before the courts of the State party, and on the availability of remedies, and their effectiveness, for individuals claiming a violation of the rights contained in the Constitution and the Covenant.
2. Please provide information on the measures taken to ensure the full independence of the Ombudsperson's Office, and on the human and financial resources allocated for its effective functioning. Please provide information on the number and type of complaints received by the Ombudsperson's Office and the follow-up given, as the case may be, to complaints of civil and political rights violations of which it has been seized.

##### **Non-discrimination, equal rights of men and women (arts. 2, para. 1, and 3)**

3. Please describe any recent court decisions on protection against discrimination, in application of Law No. 10221 of 2010 on protection from discrimination, on the ground of race, colour, ethnicity, sex, language, gender identity, sexual orientation, political, religious or philosophical faiths, economic, social or educational status, or any other ground.
4. Please provide the Committee with information on measures taken to address the dissemination of expressions by the media that propagate stereotypes against women by representing them as sex objects and as occupying a lesser position in the family and society. Please provide information on the impact of the measures taken to improve the plight of women in Albania, including in the context of the National Strategy on Gender Equality and Domestic Violence (2007-2010) and the Plan of Action for the Strategy, specifying: (a) the evolution of women's status in the political, economic and social life of the country; (b) levels of employment among women and the proportion of women in positions of responsibility both in the private and public sector; (c) levels of compliance with the principle of equal pay for work of equal value between men and women; (d) the number of complaints and the sanctions adopted in application of article 115 of the Labour Code, article 175 of the Election Code (for the failure to respect gender equality during elections), and Law No. 9970 on gender equality.
5. Please describe the measures adopted to prevent and punish discrimination against lesbians, gays, bisexuals and transsexuals.

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

6. Please provide information on enforced disappearances, torture and other human rights violations perpetrated during the Kosovo war and the communist era that are now being dealt with by the courts, and indicate the criteria used for reopening a case. Please also indicate to what extent it is ensured that the past cases of enforced disappearance are recognized as ongoing violations of rights under the Covenant.

7. Please provide information on the measures taken to guarantee the implementation of article 86 of the Criminal Code and avoid the reclassification of reported incidents of torture as arbitrary acts under article 250 of that Code. Please also specify the measures taken to guarantee that all alleged mistreatment by the police and members of security forces are duly investigated and that perpetrators are punished. In particular, please report on the progress made in the investigation of the cases of alleged physical and psychological torture and ill-treatment of demonstrators following the events of January 2011.

8. Please provide information on the magnitude of the problem of violence against women, especially domestic violence, and on measures adopted for ensuring that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned. In particular, please report on the measures taken: (a) to combat effectively and prevent the application of discriminatory customary law (*kanun*); (b) to establish marital rape and domestic violence as penal offenses; (c) to provide the courts with the necessary funds to guarantee the proper enforcement of the Law on measures against violence in family relations; and (d) to eliminate cases when the execution of protection orders is suspended pending appeal or when judges attempt to reconcile the parties, while this is not a prescribed procedural step provided by domestic law. Please provide information on the number of existing safe shelters to assist victims of domestic violence.

9. Please describe the measures taken to pursue prevention efforts and outreach campaigns with regard to blood feuds (the practice of vindicating honour outside the regular legal system), as well as the prosecution and judicial punishment of such practices. Please update statistics about cases of blood feuds.

10. Please describe the measures taken to implement the legal prohibition of corporal punishment of children in all settings in compliance with the 2010 Law on the protection of the rights of the child. Please also provide information on steps taken to raise awareness about the harmful effects of such corporal punishment, and on non-violent forms of discipline.

**Elimination of slavery and servitude (art. 8)**

11. Please provide the most recent data on trafficking, disaggregated on the basis of gender, age and country of origin, as well as information on the number of prosecutions, convictions and sentences imposed on convicted perpetrators. Please describe the measures taken to improve the identification of victims and to enhance the effectiveness of the national referral mechanism to protect, assist, support, compensate and rehabilitate victims of trafficking.

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

12. Please provide information on the measures taken to guarantee that all persons detained by the police are fully informed of their fundamental rights from the outset of their detention, and have immediate access to a lawyer and a medical doctor, and are systematically brought before a judge within the constitutionally prescribed period.

13. Please indicate what measures have been adopted to prevent arbitrary detention and to guarantee that persons subjected to illegal and/or arbitrary detention are able to report such violations and are afforded effective judicial redress and compensation. Please also indicate which steps have been taken to limit the legally prescribed maximum duration of police custody following arrest and pretrial detention, and to ensure that this duration is not exceeded in practice.
14. Please comment on allegations of secret detention carried out on the territory of the State party in the context of its cooperation in counter-terrorism.
15. Please provide information on the detention of asylum seekers who enter the country in an irregular manner, and on measures taken to ensure that persons with international protection needs are identified and referred to asylum procedures.
16. Please provide information on the de facto functioning of the High Council of Justice in securing the quality, efficiency and independence of the judiciary, in particular efforts to combat what is described as widespread corruption. Please also specify the measures taken to resolve the issue of overlap of inspection powers between the inspectorates of the High Council of Justice and of the Ministry of Justice.
17. Please provide information on any practical measures taken to ensure that inordinate delays in the conduct of civil and criminal proceedings are eradicated, and that administrative and structural deficiencies in the judicial system are addressed.
18. Please provide information on any measures taken to reduce overcrowding in prisons, especially in the Women's Prison in Tirana, and to improve the infrastructure and sanitary conditions in all prisons and investigation detention facilities.
19. Please provide information on measures taken to improve the treatment of juveniles in police stations, in particular relating to timely registration, notification to their lawyer, quality of the provision of defence from an ex-officio lawyer, physical infrastructure of police cells and separation from adults. Please provide further information on the steps taken to ensure that alternatives to detention, such as diversion, probation, counselling, community service or suspended sentences, are used in addressing juvenile crime.

#### **Freedom of expression (art. 19)**

20. Please provide information on the legal regime that regulates the ownership and licensing of the press and the broadcasting media, and on how the press and broadcasting media promote freedom of expression, despite the lack of a self-regulatory body for the media.

#### **Right to family and rights of the child (arts. 23, 24)**

21. Please provide information on the measures adopted to strengthen support for families by developing a comprehensive child-centred family policy, and to prevent the removal of children from their families because of their health status, or placement of children in institutions by parents in difficult economic situations. Please also describe the measures taken to promote social support and community-based services for young people as they leave institutional care.
22. With regard to information that 502 of 661 Albanian Roma street children reportedly went missing following their placement in the Aghia Varvara children's institution in Greece between 1998 and 2002, please inform the Committee on the measures taken to investigate the fate of those children whose whereabouts are still unaccounted for.

**Right to vote (art. 25)**

23. Please describe the measures taken to protect the rights of persons with disabilities and their full participation and inclusion in society. Please also describe the restrictions put on the right to vote of persons with disabilities by article 45 of the Constitution and article 45 of the Electoral Law.

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

24. Please describe the measures taken to ensure the effective implementation of the strategies and policies adopted to eliminate discrimination and the social exclusion of persons belonging to ethnic and national minorities, and to combat the negative stereotypes of the Roma minority and other minority groups. Please also provide information on the measures taken to ensure that the Commission for Protection against Discrimination receives adequate financial and human resources in order to work independently. Please comment on reports that members of the Roma community have been subjected to forced evictions and that their houses have been demolished, while no adequate housing alternative was provided.

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

25. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the second periodic report of the State party (CCPR/C/ALB/2), its examination by the Committee and the Committee's previous concluding observations on the State party's initial report (CCPR/CO/82/ALB). Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparatory process for the report.

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