



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Information received from Albania on follow-up to the
concluding observations on its report submitted under article
29 (1) of the Convention***

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* The present document is being issued without formal editing.



Follow-up information (CED/C/ALB/CO/1)

A. Follow-up information relating to paragraph 31 of the concluding observations

1. Part of the reform of the prison system is the improvement of the capacity-building and professional capacity of the law enforcement structures. Training plans and programmes are elaborated and adopted at the beginning of each calendar year, including, among other things, the curricula of training programs which include the implementation of international Convention on human rights.

2. Staff training is regular and carried out in accordance with the provisions of Article 23 of the Convention, in order to ensure that the staff of different services and levels participating in trainings, receive in-depth knowledge related the treatment of persons with limited freedom and the prevention of any form or act affecting the life and safety of any individual prisoner. Diverse, systematical and needs-based programs are offered.

3. During the period January-December 2019, 2042 employees (45% of the total number) were trained, of whom 361 are mid-level multidisciplinary staff, 1516 are core-level employees, 27 are senior management and 138 multidisciplinary teams. 90 days of training were held, of which 10 days were conducted in cooperation with partners outside the prison system such as the CoE, OSCE, the Swedish Project, Matra, etc.

4. Convention, for the Protection of All Persons from Enforced Disappearance is a component part of the curricula of the programs of the initial and continuous training of the School of Magistrates. The School of Magistrates has conducted 16 (sixteen) trainings with judges and prosecutors.

5. Related initial trainings: Provisions of Convention are part of the curricula of trainings, more specifically:

- “Criminal law”, section of crimes against humanity;
- “Criminal procedure”, the treatment of the victims of these criminal offences and jurisdictional relations with foreign authorities in the support of common actions related between different states;
- “Family law”, civil aspects of International Child Abduction.

6. The program of the Continuous Trainings:

- Amendments and additions in Criminal Procedures Code (adopted by the law no. 35/2017) and international standards; Jurisdictional relations with foreign authorities;
- Temporary arrest;
- Recognition of the foreign penal judgment for the judged in absence from the Foreign Judicial Authority;
- The rights of the victim during the penal proceeding;
- Protection from re-victimization. Problems of civil lawsuit in the criminal process. Re-compensation of victims;
- Prevention and the war against trafficking of human beings;
- The investigation and the criminal judgment of the offences of the trafficking in human beings in accordance with the innovations of the Code of Criminal Procedure;
- European Convention on Human Rights (ECHR) and the asylum seekers rights;
- The rights of migrants and asylum seekers;
- Domestic violence and gender violence. The role of the court with focus on the problems of the judicial practice;

- Gender equality and gender based violence focused on the legal improvements, services towards the victim and rehabilitation of the perpetrators.

7. The police personnel of the local structures of the State Police are trained each year according to the Annual Training Program of the State Police. Trainings curricula are related with the protection of human rights in particular for persons deprived of their liberty, freedom (arrested, detained), their treatment, respect and guarantee of legal rights by police personnel, prevention and elimination of ill-treatment/torture of persons deprived of their liberty, etc.

8. The Security Academy of State Police held trainings with the medical staff of the local police structures on: “The role of medical personnel in preventing and combating ill-treatment and torture of arrested persons/stop”.

9. The Ministry of Health and Social Protection, together with various actors at central and local level and with the support of international partners, worked together to provide coordinated protection and support to victims of domestic violence, which are mostly women and girls. Empowerment of structures against domestic violence, various programs and services for women and girls have also been the focus of work to support and rehabilitate survivors of gender-based violence and domestic violence.

10. In addition to case management, activities for the promotion of the Center for the Protection of the victim of violence against women and domestic violence “Lilium Center”, with different groups of professionals, have been developed during this period. Special trainings have also been provided to strengthen the capacities of the staff of this Center. Reconstruction of the Center was enable, with the support of UNDP, has also begun.

11. The State Agency for the Rights and Protection of the Child, in cooperation with World Vision organized the training “Academy of Law”, aiming to continuously increase capacities and adapt to the needs of structures responsible for child protection in municipalities and administrative units.

12. The Conference “National Coalition in Support of Child Protection Workers” was held with the purpose to introduce legal innovations in the field of child rights. During the conference were presented the legal innovations in the field of child rights and protection. In addition, the Agency, in cooperation with the Ministry of Health and Social Protection, and the non-profit organization “Terre des Homes” have developed a training curricula for Child Protection Workers at the local level on legal innovations and new responsibilities in the field of child protection, including the children in conflict with the law. The training curricula is expected to be approved by Albanian School of Public Administration, which is the institution responsible that will train Child Protection Workers and civil servants in different fields on child protection.

B. Follow-up information relating to paragraph 33 of the concluding observations

13. The Criminal Code provides for the addition of Article 109 / c after Article 109 / b entitled “Enforced Disappearance” according to which:

- Enforced disappearance, through arrest, imprisonment, abduction or any other form of deprivation of liberty, by public officials or by persons acting with their authorization, support or approval, accompanied by the denial of the fact of the deprivation of liberty or the concealment of fate of the person or the country in which he is located, denying him the necessary assistance and protection, by law, constitutes a criminal offense and is punishable by imprisonment of seven to fifteen years;
- When this offense is committed against children, pregnant women or persons who, for various reasons, cannot be protected, or are accompanied by serious physical suffering, it is committed in co-operation against some persons or more than once, is punished by imprisonment of ten up to 20 years;

- When this offense has resulted in the death of the person, it is punishable by imprisonment of not less than thirty years or by life imprisonment;
- 4. The unlawful taking of children who are subject to enforced disappearance, or of children whose father, mother or legal representative has been the subject of enforced disappearance, or of children born during the period of enforced disappearance, constitutes an offense criminal and sentenced to imprisonment of five to ten years;
- 5. On the other hand, inclusion of enforced disappearance as a crime against humanity in a general and analytical manner is envisaged. The circumstance set out in Article 25 of the Convention is also provided as a criminal offense. The inclusion of these amendments reflects the obligations of the Republic of Albania deriving from the ratification of the Convention.

14. Following the adoption of the Concluding observations of the Convention for the Protection of all Persons from Enforced Disappearance, the Ministry For Europe and Foreign Affairs is informing the responsible institutions related evaluation of the legal initiative of the domestic legislation in compliance with the provision of the Convention. Till now (May 2020), the Ministry of Justice, has not received any proposal from law enforcement institutions related the amendment of Article 109/c of the Criminal Code.

15. The Law 18/2017 “On the Rights and Protection of the Child” does not specifically provide for the protection of children from enforced disappearance. The law provides that every Albanian child, stateless person or foreign child who is within the territory of the Republic of Albania has the right to be protected against all forms of violence, including abuse, neglect, exploitation, trafficking, hostage-taking, pornography, sexual abuse, as well as other forms of violence, no matter where it is committed. The child is also protected from all forms of illegal migration under the applicable state border control and surveillance legislation.

C. Follow-up information relating to paragraph 39 of the concluding observations

16. Regarding recommendation No. 39, there is no specific legal provision in Law 18/2017 “On the Rights and Protection of the Child” for children who have been forcibly disappeared. The law stipulates that for cases of Albanian children outside the territory of the Republic of Albania are accompanied by only one parent and without the consent of the other parent, the Ministry of Justice is notified. The responsible structures take immediate measures for the return of the child to Albania in accordance with domestic legislation and the provision of the law no. 9446, dated 24.11.2005, “On the ratification of the Convention on the Civil Aspects of International Child Abduction”.
