



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 1063rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 May 2012, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Albania (continued) (CAT/C/ALB/2; CAT/C/ALB/Q/2 and Add.1; HRI/CORE/1/Add.124)

1. *At the invitation of the Chairperson, the delegation of Albania took places at the Committee table.*
2. **Mr. Peka** (Albania) said that under article 112 of the Constitution, the Convention was an integral part of domestic legislation and was therefore applied directly by the national courts. Article 250 of the Criminal Code interpreted an “arbitrary act” as the committal of an act, or the giving of arbitrary orders, by a public official acting on behalf of the State, or a public service, which infringed the freedom of citizens. Such acts were punishable by a fine, or a sentence of 7 years’ imprisonment. With regard to the applicability of article 86 of the Criminal Code, which provided a definition of torture, he said that it depended on the substantive elements of the offence.
3. In March 2012, the Criminal Code had been amended by the introduction of new provisions making domestic violence an offence. Thus, under article 130 (a) of the Code, beating or inflicting other forms of violence on a spouse, or a former spouse, with the specific intention of causing physical or psychological harm, was punishable by a prison term of 2 years. If the violence resulted in a disability or incapacity for work of more than nine days, the sentence was 5 years’ imprisonment. For repeat offenders, the penalty was 1 to 5 years’ imprisonment.
4. In 2011, the Serious Crimes Prosecutor’s Office had investigated 28 complaints of trafficking. Two cases of trafficking in minors had been brought before the courts. Thirteen complaints had been closed or dismissed and the 13 other cases, 9 of which involved trafficking in women, 3 trafficking in minors and 1 trafficking in persons, were still under investigation.
5. In 2011, the court of first instance responsible for serious crimes had heard 13 trafficking cases and issued a final verdict on 11 of them. A total of 18 persons had been, or would be, tried by the court. Six had been sentenced to prison terms ranging from 10 to 15 years and ordered to pay 4 to 6 million leks in damages (approximately 38,000 to 57,000 euros). In addition, the court of first instance responsible for serious crimes had ordered the freezing of the bank assets of two persons suspected of trafficking in persons and their accomplices, who were under investigation in Greece for a number of criminal offences, including trafficking in persons for purposes of sexual exploitation. The case was pending before the Tirana Court of Appeal. In 2011, the latter had reviewed 12 decisions relating to trafficking cases. It had upheld seven of the decisions of the court of first instance, overturned one decision, commuted the sentence and reduced the amount of damages in two cases and referred one case to the Constitutional Court.
6. Regarding the fatal shooting of three men during the 21 January 2012 protest, he said that proceedings were ongoing and that the relatives of the victims could claim reparation under articles 61 to 67 of the Code of Criminal Procedure.
7. The Ombudsman (or People’s Advocate), established under Act No. 8454 of 1999, acted as the national preventive mechanism. It had its own budget, which it managed independently. It was legally entitled to carry out regular unannounced visits to all places of detention, including police stations, pretrial detention facilities and prisons. In some cases, particularly when signs of violence and injuries were reported, the judge ordered a forensic examination to be carried out on the detainees concerned.

8. A minor could only be held in detention following a court decision. Special units for children in conflict with the law had been established in police stations. In Kavaja, the Directorate General of Prisons had opened a correctional education institution for juvenile offenders. The issue of reducing the period of solitary confinement was currently under consideration. A special unit devoted to protecting the rights of victims of domestic violence had been created within the Directorate General of State Police. In addition, a national agency for the protection of children's rights had been established and an action plan for the protection of children's rights for the period 2012–2015 had been adopted by the Government.

9. With regard to article 3 of the Convention, he said that the circumstances in which foreign nationals could be deported from Albania, or returned to their country, and the relevant procedure, were specified in Act No. 9959 of 2008 on foreigners. In accordance with article 8 of that law, the Ministry of Internal Affairs could declare a foreigner an "unwanted person" in Albania in the following cases: if the person concerned had carried out propaganda activities, or committed offences against national security and public order; if he/she had been found guilty of a criminal offence and sentenced to more than 3 years' imprisonment; if he/she belonged to a terrorist organization; if his/her extradition had been sought by an international court for crimes against humanity, or another serious offence; or if he/she belonged to a criminal organization engaged in human trafficking, drug trafficking, or other types of trafficking. The imposition of a ban from the country, decided by the Ministry of Internal Affairs for a period of 10 years, could be appealed to a court of first instance within 10 days of the person concerned receiving notification.

10. Rejected asylum seekers had 10 days to challenge the decision of the authorities before the Tirana District Court. With regard to extradition, Albania applied the principle of reciprocity, irrespective of whether or not a bilateral agreement had been concluded with the country concerned. The courts were not currently dealing with any appeal against a removal order alleging that there was a risk of torture in the country of destination.

11. Albania had taken in 11 former detainees of Guantanamo Bay. Two of them had already left the country. The other nine had been granted refugee status and received all State benefits associated with that status. They were also entitled to follow Albanian language courses, use the services of an interpreter and complete vocational training or university studies free of charge if they so wished.

12. The Albanian authorities had no official information on the situation of the 500 Roma children who, according to a Greek non-governmental organization, had disappeared from a shelter in Athens. The organization concerned was invited to share any information brought to its attention with the relevant Albanian and Greek authorities so as to shed full light on the allegations.

13. Police training programmes included specific modules on the international human rights instruments to which Albania was a party, including the Convention against Torture. The programmes had been set up taking into account the recommendations made by international and national bodies and the findings of reports published by civil society organizations. Training was also provided on the rights of women and minorities. A strategy to promote diversity had been adopted by the National Police and, thanks to that initiative, 50 per cent of recently-recruited police officers were female. Women police officers were assigned to sensitive duties, including dealing with the victims of domestic violence, children and alleged victims of trafficking.

14. In 2011, a number of disciplinary measures had been taken to punish law enforcement officials who had committed arbitrary acts in the line of duty. Three cases of the illegal and excessive use of force and six cases of indecent assault had been tried and some of the perpetrators had been dismissed from their posts, or suspended from duty for a

month without pay. From January to March 2012, six law enforcement officials who had been tried for arbitrary acts had been disciplined. Four of them had been expelled from the police for professional misconduct, abuse of authority or violation of regulations. However, no law enforcement official had been convicted for acts of torture because, to date, no complaint alleging any act of that nature had been lodged in Albania.

15. Arrest and detention were two distinct concepts in Albanian law. Arrest was dealt with in article 251 of the Criminal Code, which called, *inter alia*, for judicial police officers to carry out the mandatory arrest of any person caught committing an offence if the offence committed, or about to be committed, carried a minimum 5-year prison sentence. Article 253 of the Criminal Code, on the other hand, dealt with detention. It stipulated that the Public Prosecutor's Office could order the detention of a suspect who had been arrested when there were reasonable grounds for believing that the person concerned might abscond if released. Under article 263 of the Code of Criminal Procedure, the maximum period of pretrial detention was 3 years if the offence committed was punishable by a prison term of between 10 years and life.

16. In accordance with the provisions of the Code of Criminal Procedure, the rights of persons during interrogation were protected in all cases. The presence of a lawyer helped ensure that the fundamental rights of suspects were respected during proceedings. General prison regulations provided that a committee composed of a doctor, police officers and social workers should examine all detainees on arrival at the prison. Copies of medical records were provided upon request to detainees, their relatives or counsel. Police regulations stipulated that medical examinations must be carried out no later than 12 hours after the arrest of a suspect. Medical consultations took place in private. Medical records were confidential and could only be accessed by medical staff.

17. With regard to concerns raised about the impartiality of investigations into allegations of police brutality conducted by the police Internal Inspection Service, he said that the body was independent; its mandate was very specific and it had a separate budget. Furthermore, criminal investigations into such cases were conducted under the lead role of the Public Prosecutor's Office. Prison overcrowding was gradually being reduced thanks to measures adopted, such as the introduction of suspended sentences with probation, alternative forms of punishment and the use of electronic tagging, and in particular to resources set aside for opening new detention facilities. There was no official evidence that overcrowding in pretrial detention centres was caused by slow legal proceedings.

18. As indicated in paragraphs 99 and 107 of the written replies, major renovations had been carried out in a number of the country's prisons and pretrial detention centres, and in police stations in half a dozen cities.

19. The provisions of article 22 of the Convention were applicable, since Albania had made no reservation to that instrument. Detainees were properly informed of their rights in all of the country's prisons. As noted in the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its 2010 visit to Albania, prison regulations had been amended and investments made in order to improve detention conditions. All complaints about any form of violence in detention centres were investigated. Prison authorities had adopted a standardized procedure for collecting data on cases of violence, based on the Istanbul Protocol. Prisons were equipped with a camera surveillance system. Regarding the death of persons in detention, according to official reports they were due to natural causes; each occurrence of death was fully documented.

20. With regard to preventive detention, he said that the State Police Act provided that a person who had breached an administrative rule could be escorted to a police station for identification purposes, with or without consent. In such circumstances, the person

concerned was not placed in the same facilities as persons in pretrial detention and could not be held for a period exceeding 10 hours. Disciplinary measures applicable during police custody were proposed by police station heads and approved by regional police chiefs. Implementation of those measures could be halted if the detainee filed a complaint against the police.

21. The new Kavaja correctional education institution, intended for children aged between 14 and 18 years, currently accommodated 51 children. The institution provided general and vocational education for children to facilitate their rehabilitation; it also offered recreational activities. The Constitution and the Code of Criminal Procedure contained a number of specific provisions regarding the treatment of juveniles detained or under arrest, including the requirement to notify the prosecutor and the parents or guardian of the child promptly about his/her arrest and to inform the child of his/her rights, including the right to assistance from a lawyer; the requirement to interview the child in the presence of his/her legal representative or guardian, to provide medical assistance and to take appropriate steps to protect his/her health; and the requirement to inform the prosecutor promptly about the child's statements in order to ensure safe detention conditions. Juveniles were always held separately from adults.

22. The possibility of placing juveniles in solitary confinement for up to 10 days had been introduced under a guideline published by the Directorate General of Prisons in 2009. The Albanian Government was willing to review the issue in the light of the recommendations made on the matter by the Human Rights Committee and the Committee against Torture. Amendments to prison regulations would be made to reduce the maximum period of disciplinary measures taken against juveniles from 10 to 3 days.

23. A semi-open prison regime had been introduced especially for women detainees. The team of staff members in charge of them was composed entirely of women. Men and women were held separately, and social services were offered to the children of women prisoners. Electronic monitoring was provided via a GPS tracking system; no audio and video recording system was in use.

24. Since September 2011, the police had been using a comprehensive manual, which included methods of treating persons held in police custody and guaranteeing their rights. A training programme for the 500 police officers directly involved in the treatment of persons under arrest would run from May to September 2012. The second stage of the programme, which would form part of the Police Academy training programme, would take place from September to December 2012. In addition, the police and prison authorities had signed cooperation agreements with several non-governmental organizations involved in the protection of human rights and fundamental freedoms.

25. The delegation had no information on the follow-up to the Prosecutor General's circular referred to in paragraph 157 of the report, or on whether any new circulars had been issued, but the information requested could be sent to the Committee in writing.

26. The Government was committed to improving children's living standards and, following the ratification by Albania of the Convention on the Rights of the Child, it had stepped up efforts to ensure the enjoyment and protection of the rights of all children through the implementation of national policies and the adaption of legal and institutional frameworks. The Act on the Protection of the Rights of the Child, adopted in 2010, contained a definition of the child and established the National Agency for the Protection of the Rights of the Child. Parliament had also amended article 16 of the Criminal Code, which henceforth provided that any persons who subjected a child for whom they were legally responsible to physical or psychological abuse would be punished by a prison term of 2 months to 2 years.

27. According to the results of a demographic and health survey carried out in 2008–2009, 98 per cent of births took place in public health-care institutions. A birth certificate was issued in maternity units, which should be used to register the child at civil registry offices within 60 days. With regard to children born abroad, all Albanian embassies and consular offices provided birth registration services. The certified documents subsequently had to be forwarded to the relevant civil registry offices in Albania.

28. A number of measures had been adopted to compensate torture victims, former political prisoners and victims of persecution. Of particular note was Act No. 9831 (12 November 2007) on compensation for former political prisoners of the communist regime, which aimed to specify the beneficiaries, amounts, selection criteria and procedures for granting financial compensation to former political prisoners who had directly suffered persecution under the communist regime, and Decision No. 933 of the Council of Ministers (17 November 2010) on the establishment of administrative procedures for examining applications for compensation from the family members of victims executed without trial for political reasons during the period from 30 November 1944 to 1 October 1991.

29. Concerning the admissibility of evidence, article 151, paragraph 4, of the Code of Criminal Procedure provided that any evidence obtained by illegal means was inadmissible and the Constitutional Court, in its decision No. 14 of 3 May 2011, had ruled that any statement obtained through violence was inadmissible. In addition, a declaration of inadmissibility could be made at any stage of proceedings.

30. **Ms. Milo** (Albania) said that the protection of national and ethnolinguistic minorities had given rise to a framework convention applicable to all Albanians belonging to a minority group. As the practice of setting up “minority zones” had been abandoned over 20 years earlier, there was no more territorial discrimination. In 2010, Parliament had enacted an anti-discrimination act, which had been prepared in collaboration with human rights non-governmental organizations, and which was designed to abolish discrimination, particularly based on race, religion or ethnicity. That law had led to the establishment of the Institution of the Commissioner against Discrimination, which was responsible for monitoring the situation in the country, recording violations and proposing measures to resolve any problems that might arise.

31. **Mr. Peka** (Albania) said that Albania considered that it had completed its transition and was now a democratic country based on the principle of the rule of law and with a market economy. It expected to achieve candidate status for accession to the European Union and would take over the presidency of the Council of Europe’s Council of Ministers in May 2012.

32. As had been pointed out by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Alston, the phenomenon of blood feuds between families in Albania was an anachronistic problem, to which the Government was giving all due attention. Progress had been made, and Mr. Alston’s recommendations would serve as guidance to the Government in its ongoing efforts to eradicate the problem.

33. **Ms. Milo** (Albania), addressing the issues of secret detention centres, disappearances and murders allegedly committed in Albania after the war in Kosovo, said that the Government considered the allegations contained in the report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (the “Marty Report”) to be misleading and pure speculation. The Albanian Government regretted that Mr. Alston had largely based the part of his report on Albania dealing with those issues on the Committee’s report, whose findings were unfounded and not supported by any facts or evidence. The Albanian authorities had repeatedly expressed their willingness to cooperate fully with the relevant international institutions, the European Union Rule of Law Mission (EULEX) and the Council of Europe to establish the truth.

Even though the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY) did not extend to Albania, the Albanian Government had offered its full cooperation to the ICTY investigative task force in 2004 and to Mr. Marty during his visit to Albania in 2008. She recalled in that connection that the ICTY tribunal had rejected claims that Albania had been involved in organ trafficking. In August 2011, a EULEX special investigative task force had been mandated to look into the allegations contained in the Committee's report and Albania had invited it to conduct a thorough and transparent investigation into all aspects of those allegations involving any part of Albanian territory, pledging its full support.

34. The Committee against Torture's recommendations on health services in detention centres were being implemented, including giving detainees the opportunity to choose their doctor. All persons admitted to a detention centre underwent a medical examination, which took place without the presence of other members of staff. Their medical information was recorded on their medical and dental cards, in line with a procedure used throughout the prison system. It was not standard practice as part of the medical examination to check for infectious diseases within the first 24 hours, but within a period that depended on the clinical condition of each detainee. Laboratory tests and scans were carried out first, followed by examinations a few days later. Detainees received all the medical services they required free of charge, including specialist services.

35. Under the Mental Health Act 2012, the Ministry of Health offered detainees suffering from mental disorders all the diagnostic, treatment and rehabilitation services they needed. Health-care professionals working in police stations and within the prison system underwent continuous training, including in mental health. Given the shortage of trained psychiatrists outside the capital, psychiatric consultations were often held at the nearest public health-care institution. Physical restraint measures (immobilization, pharmaceutical restraints, placement in solitary confinement) were permissible only in residential mental health-care institutions, on the order of a psychiatrist. The delegation had no statistical data on pharmaceutical restraints, but could provide all of the documents and reports it had available to the Committee.

36. In line with the Committee's recommendation, legislative measures had been adopted to place prison medical staff under the responsibility of the Ministry of Health. Similarly, all institutions specializing in mental health care for detainees and persons suffering from mental health disorders who had committed a criminal offence and were receiving treatment under a court order henceforth came under the Ministry of Health. Rules regarding hygiene conditions in detention centres were set by common guidelines of the Minister of Justice and the Minister of Health, the Sanitary Inspectorate being required to inspect all detention centres no less than twice a year.

37. **The Chairperson**, speaking as Country Rapporteur, asked whether the Convention could be directly invoked before the courts. Referring to the case of two police officers who had been accused of severely beating three young men during their arrest in Tirana, he said that the police officers had been charged with an offence under article 250 of the Criminal Code, namely an arbitrary act, rather than the offence of torture, which was covered by article 86, and that one of the police officers had been fined an amount equivalent to US\$ 15. The example illustrated a trend that the Committee had observed in a number of States parties, whereby police officers accused of acts of torture were charged with offences carrying a lighter sentence than would be applicable to torture offences. In that connection, the Committee would like to know what measures were being taken to guarantee that the sentences handed down against the perpetrators of acts of torture were proportionate to the seriousness of the crimes.

38. The rise in the number of cases of domestic violence reported to the police showed that the population was aware of the problem, which was positive. He asked whether the

police and judicial authorities for their part were exercising due diligence in such cases. The State party's policy to recruit more women police officers would ensure that complaints about domestic violence would be taken more seriously. He requested the delegation to provide details of the investigations and prosecutions relating to those complaints. He also wished to know what penalties were provided for in law for acts of domestic violence, whether those penalties had already been applied and whether marital rape was a separate offence in the Albanian Criminal Code.

39. The appointment of the Ombudsman as the national preventive mechanism reinforced the importance of its role in achieving the overall objective of the Convention. For the Ombudsman to fulfil that role effectively, it must have sufficient resources. He would therefore appreciate more detailed information on the budget allocated to it. Corporal punishment had long been seen as an integral part of child rearing in many cultures; it appeared that that traditional view of child rearing had not completely disappeared in the State party, and it would be interesting to know whether there was a law specifically prohibiting all corporal punishment in Albania. With regard to the regime of solitary confinement, he asked the delegation to indicate whether its application to juveniles was specifically provided for in law and, if so, in what circumstances and for what reasons it was authorized.

40. With regard to article 3, he asked whether the State party considered that obtaining diplomatic assurances offered sufficient guarantee to return persons to a country where there were grounds for believing that they might be at risk of being subjected to torture. Regarding the involuntary committal of patients suffering from mental disorders, he asked the delegation whether the law regulated the process, and particularly whether judges regularly reviewed all cases of patients committed against their will and whether the law guaranteed patients the right to request a review of the committal order.

41. **Mr. Gaye** (Country Rapporteur) said that he would like to focus on issues relating to articles 10 to 16 of the Convention. Regarding training, he asked whether specific training based on the Istanbul Protocol was provided to medical and judicial staff on how to detect signs of torture. Based on the delegation's replies, it would appear that law enforcement officials who committed violations in the line of duty were subjected to a disciplinary procedure, but were rarely prosecuted. That raised the question of how the right to reparation for victims was guaranteed in the absence of legal proceedings. Furthermore, even when criminal proceedings were initiated, the acts that the public officials concerned were alleged to have committed were generally characterized as offences punishable by lighter sentences than the offence of torture. The case cited in the State party's report (para. 255) of the sentencing of a police officer to 3 years' imprisonment for "violation of service rules" following the death of a detainee due to ill-treatment by the police officer perfectly illustrated the problem. He requested the delegation to elaborate further on the matter.

42. The delegation had provided welcome details on the distinction between the concepts of arrest and detention. He was not sure that he had understood the reference to the period of 12 hours mentioned and asked the delegation to clarify whether it referred to the period within which anyone arrested by the police must appear before a judge. He also asked whether the law set a limit on the length of pretrial detention. That issue was crucial from the point of view of the prevention of torture, as it was well known that the longer the period of detention, the greater the risk of torture. The delegation had stated that the Public Prosecutor's Office was monitoring the situation of all persons detained by the police. More information on how such monitoring was carried out would be useful.

43. A number of non-governmental organizations had commented on the ineffectiveness of the judiciary. He requested the delegation to indicate whether steps were planned to strengthen its independence and improve the training of all those involved in the justice system. The effectiveness of the Ombudsman's action certainly depended on the resources

it was allocated, but also on the extent of its powers, which could be strengthened to enable it to intervene directly in cases of human rights violations.

44. **Mr. Bruni** asked whether the findings of the Ombudsman's visits as national preventive mechanism to places of detention had been analysed and, if so, what areas the analysis had identified for priority attention. The State party's ratification of the Convention without reservation was a positive step, but it did not mean that it officially accepted the review process of individual complaints provided under article 22. To do so, it must make the declaration specifically required in that regard. He wondered whether the delegation could confirm that it was indeed the State party's intention to make such declaration. Article 8, paragraph 2, of the Convention provided that, if a State party received a request for extradition from another State party with which it had no extradition treaty, it could consider the Convention as the legal basis for extradition. Did the State party recognize the Convention as the legal basis for extradition?

45. **Mr. Mariño Menéndez** asked whether, for certain types of offences such as terrorism or drug trafficking, the State party's legislation provided for the possibility of placing suspects in incommunicado detention. As his understanding was that the granting of Albanian nationality was based on the principle of *jus sanguinis*, he asked whether the delegation could confirm that the State party granted Albanian nationality to children born abroad to Albanian parents.

46. **Ms. Gaer** said that her question on whether police officers had ever been prosecuted and convicted for failing to assist a person in danger in domestic violence cases remained unanswered. She would like to hear from the delegation on that subject. With regard to family blood feuds, data on the victims disaggregated by sex would be useful. She would also welcome statistics on honour crimes and on the number of criminal proceedings instigated against trafficking offences in Albania.

47. **Ms. Belmir** requested more information on Act No. 10347 on the protection of children's rights, which the State party had adopted in 2010. She wished to know in particular whether it contained a definition of the child that complied with the Convention on the Rights of the Child and whether it protected the rights of children in conflict with the law. With regard to the distinction between arrest and detention, in both cases persons were deprived of their liberty and were therefore under the responsibility of the State; the obligations of State officials under the Convention were thus the same in both situations.

48. **Mr. Tugushi** said that he had asked at the previous meeting whether the budget of the Ombudsman had been increased since its appointment as the national preventive mechanism. As far as he knew, he had not received a reply to that question, or an explanation as to why persons remanded in custody often remained in detention in police facilities for periods exceeding those prescribed by domestic law. He would appreciate any further information that the delegation could provide on those two points.

49. **Ms. Sveaass** requested further information on medical care, including psychological care, provided to former Guantanamo detainees once in Albania. She asked whether the training on the use of the Istanbul Protocol to which the delegation had referred was only targeted at judicial staff, or whether it was also intended for health professionals. The delegation had stated that it had no official information about the 502 missing Roma children. She said, however, that she had seen a list with the names of the children and, according to some sources, four of them had been located. As the children had already been missing for several years, it was urgent to take steps, in collaboration with the Greek authorities, to find them. When the delegation had stated that there had been no complaints of torture in Albania, did it mean that there had been none recently? If so, could it indicate when the last time a complaint of torture had been recorded in Albania? There was a rehabilitation and compensation programme for persons who had been detained and

tortured under the communist regime. Were reparation measures also provided for persons who had been subjected to torture during the transition period?

50. **The Chairperson** thanked Committee members for their follow-up questions and, at the request of the Albanian delegation, proposed suspending the meeting for a few minutes to allow it to prepare its replies.

The meeting was suspended at 17.05 p.m. and resumed at 17.20 p.m.

51. **Mr. Peka** (Albania) said that the Government had decided to entrust the role of the national preventive mechanism to the Ombudsman because it was an institution based on the Constitution and had its own budget. The Ombudsman Act had been amended as a result; the Ombudsman's Office had been given five additional posts to ensure it could undertake the activities arising from its new duties and its budget had been increased to cover the costs involved. It was worth noting in that regard that Albania's Ombudsman Act had been based on the best practices of European and Nordic countries, particularly those of Denmark. A political crisis in parliament had led to the post of Ombudsman remaining vacant for the past two years, but the post was filled and was currently fully operational.

52. The former Guantanamo detainees taken in by Albania had freely chosen to be transferred to Albania. They received social benefits and had been provided with all the necessary documents, including work permits. Concerning their possible resettlement in another country, the circumstances would be taken into consideration, along with a whole range of other factors, most important of which for the Albanian Government was that it met its international obligations with respect to protecting human rights and that those persons lived peacefully in the community and were free from danger and persecution, whether in their country of origin or in a third country.

53. Regarding investigations carried out into the fate of the 502 missing Albanian Roma children, he said that the Government was concerned about all of its citizens and ensured their protection, both in Albanian territory and abroad. No information had been provided by the Greek law enforcement authorities, or by the Greek Government, but Albania would make every effort to obtain all the information required and to cooperate as widely as possible with Greece and all other stakeholders.

54. The compensation programme for former prisoners of the communist regime was continuing. Over the past 20 years, successive governments had used various means and measures to make life easier for those persons and help them adapt to the new system, allowing them access to vocational training, housing assistance and free schooling for their children at all levels of education. Reparations were also provided for the years of imprisonment they had endured.

55. Albanian courts were totally independent of the Government, which could in no way influence their decisions. In any event, the best way to guarantee the independence of the judiciary was to ensure that there were no conflicts of interest. Albania had made considerable progress in establishing democratic and accountable institutions, including in the justice sector. More remained to be done, but the country was committed to putting in place a strong, democratic and independent legal system.

56. **Ms. Milo** (Albania), in reply to the question of whether Albanian children born abroad were granted Albanian nationality, said that the principle of *jus sanguinis* was very important for her country and that any child born to at least one Albanian parent had Albanian nationality.

57. **Mr. Tafa** (Albania) said that, with regard to the application of articles 86 and 250 of the Criminal Code, if a complaint was filed against acts of torture or abuse it was not up to the police, but the Public Prosecutor, to bring charges. The delegation was not aware of any case brought before the courts for acts of torture to date. With regard to compensation for

victims, both civil legislation and the Code of Criminal Procedure guaranteed victims of acts of torture the right to seek redress.

58. With regard to domestic violence, 472 cases had been reported to the Public Prosecutor's Office in 2009, 439 in 2010, and 495 in 2011. There had been 841 cases in which a protection order had been requested in 2009, 1,234 in 2010, and 1,345 in 2011. It was also worth noting that there had never been any cases of police officers refusing to provide protection. Law enforcement officers were well aware that such a refusal would have serious consequences and that they were required to comply strictly with the orders given and provide the protection required. Marital rape was not considered a separate offence, but was included under the general definition of rape.

59. Regarding corporal punishment against children, a law and action plan on protecting children had been adopted in 2010 and institutions established to monitor their implementation. Furthermore, the Criminal Code had recently been amended to prohibit the physical and psychological abuse of children by parents, relatives, or legal custodians and to punish such acts by sentences of up to 2 years' imprisonment. As for family blood feuds, no cases had been reported in 2012. An honour killing had been recorded in April 2012.

60. In cases of arrest, Albanian legislation concerning the police provided that a person could be brought to police premises for checks for a maximum period of 10 hours. Pretrial detention applied to cases where the law stipulated a prison sentence of between 10 years and life. The maximum length of pretrial detention differed depending on the type of offence, but under article 263 of the Code of Criminal Procedure could not exceed 3 years.

61. Every effort had been made to provide the best possible training for judicial staff. Judges were trained at the National School for the Judiciary and often also attended a number of training courses delivered by international experts under projects funded by the European Commission. It was true that there was no juvenile court in Albania, but specific departments within the district courts had responsibility for cases involving juveniles and the judges in those departments received specialized training.

62. As for an assessment of the reports of the national preventive mechanism, he said that the Ombudsman's report was subject to scrutiny at the highest level of the State police. The key priorities for Albania, following the recommendations of the Ombudsman and other actors, were to strengthen the capacities and vocational training of prison officials and to improve detention centre conditions to ensure that they conformed to international standards. There was an annual training programme for police officers, which included some human rights training.

63. In response to the question of whether the Convention was used as the legal basis for extradition, he said that the situation had never arisen to date. The possibility must not be ruled out, but the only agreements or treaties invoked as the legal basis to date had been those signed with the United States and Italy.

64. **Mr. Betija** (Albania), replying to the question on involuntary committal, said that judges had to follow the procedure laid down in article 239 of the Criminal Code, which provided that hospitalization in a psychiatric institution had to cease as soon as the person concerned showed no more signs of mental disorder. Judges were required to carry out an annual review of the cases of all persons held under an involuntary committal order, and legislation on mental health enacted in March 2012 stipulated that when the reasons for the involuntary committal no longer applied, the head of the institution concerned, a parent, or the legal guardian of the patient could request the judge to put an end to the detention.

65. **The Chairperson** thanked the delegation for the replies it had provided.

The meeting rose at 6 p.m.