



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

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Consideration of reports submitted by States Parties
under article 19 of the Convention

Replies of Albania to the list of issues in relation to its third periodic report*^{**}

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



Introduction

This document has been prepared through coordination and by incorporating contributions from central institutions, such as the Ministry of Justice, the Ministry of Health and Social Protection, the General Directorate of Prisons, the General Directorate of State Police, the Prosecutor General's Office, and the High Judicial Council. It also includes contributions from independent institutions, such as the People's Advocate of Albania and the Commissioner for Protection from Discrimination.

Replies to the list of issues (CAT/C/ALB/Q/3)

Articles 1 and 4

1. The People's Advocate and the National Preventive Mechanism have the legal right to visit institutions for the execution of criminal sentences in Albania without prior authorization, pursuant to Article 51 of Law No. 81/2020 "On the Rights and Treatment of Convicted Prisoners and Pretrial Detainees." This right also applies to commissioners, assistant commissioners and representatives of international institutions within the framework of monitoring visits.
2. Pursuant to Article 81 of Law No. 81/2020, the National Mechanism for the Prevention of Torture, established under the People's Advocate legislation, monitors the treatment of persons deprived of their liberty in detention centers, pre-trial facilities, and prisons. It ensures the law's implementation, aims to prevent torture and inhuman/degrading treatment, and issues recommendations to improve conditions in these institutions.
3. Under Article 82 of Law No. 81/2020, the National Mechanism is granted: a) access to information on the number, location, and conditions of detainees; b) access to institutional documents; c) free, unannounced entry to all detention areas, including use of monitoring equipment; d) private interviews with detainees or relevant individuals, with interpreters if needed; and e) freedom to choose locations and persons to interview.
4. Under Article 83 of Law No. 81/2020, the National Mechanism conducts oversight by: a) receiving complaints from prisoners, their legal representatives, or organizations (with consent); b) collecting information or requests from prisoners, visitors, NGOs, state authorities or legal defenders; c) requesting information from staff; and d) inspecting documents, equipment, and premises inside and outside the institution.
5. For the implementation of the National Mechanism's recommendations, particularly those arising from prison visits, the General Directorate of Prisons (hereinafter GDP) prepares an Action Plan to verify, follow up and implement them, and informs the People's Advocate of the implementation status within the legal deadlines.
6. Between 2020 and 2024, only one case of "Torture causing serious consequences" under Article 87 of the Penal Code was recorded. The 2021 incident involved one female victim and one perpetrator, arrested in flagrante delicto.

Article 2

Reply to paragraph 3

7. Persons taken into custody are promptly informed, in a language they understand, of the reasons for their detention. They are also notified of their right to remain silent and to promptly communicate with a trusted person and a lawyer.
8. By Order No. 367 dated 19.02.2024, the General Directorate of the State Police (GDSP) approved standard "Letter of Rights" formats to inform persons taken into custody of their legal rights within police premises, including:

- The Letter of Rights for minors who are suspected or arrested;
- The Letter of Rights for minors taken into custody in conflict with the law;
- The Letter of Rights for minor victims of criminal offenses;
- The Letter of Rights for adults taken into custody;
- The Letter of Rights for victims of domestic violence.

9. The standard formats of the aforementioned Letter of Rights have been distributed to local police structures and put into immediate use.

10. All detained/arrested persons are informed of their rights by judicial police officers, both verbally and through a written copy of their rights.

11. Posters displaying detainees' rights and an updated list of defense lawyers—approved by the National Chamber of Advocacy and including those appointed by the prosecution for those who cannot afford a lawyer—are posted in all holding and processing premises.

12. A health service operates near local police directorates, staffed by physicians or physician assistants who: a) examine detainees within 12 hours of arrival in holding cells; b) if unavailable, examinations are conducted by regional hospital or emergency service doctors; c) for each examination, a personal medical record/file is completed; d) for detainees facing imprisonment, the record is prepared in two copies—one sent with the individual to the Institution for the Execution of Criminal Decisions (hereinafter, IEVP/IECD).

13. Medical examination procedures for detainees are defined in the Standard Procedure “Treatment and Safeguarding of Detainees/Arrested Persons in State Police Premises, Recording and Addressing Their Requests/Complaints,” approved by Order No. 1720, dated 20.11.2023, by the General Director of the State Police.

14. Data on persons taken into custody or detained/arrested is entered immediately into the ADAM electronic system and recorded manually in the respective custody and detention registers.

15. The right of minors (ages 14–18) to have a family member notified upon custody was upheld in all cases, with notifications made within 3 hours of the person taken into custody and properly recorded in the Minor Custody Register.

16. Likewise, for the arrest/detention of minors, all rights granted to this category of persons by law have been applied and fulfilled in practice, as provided by the Code of Criminal Procedure and the Juvenile Justice Code.

17. As part of government-funded construction and renovation of police facilities, including holding cells, audio and video recording systems have been installed to document interviews and other procedures involving detainees. These recordings are provided upon request to the Prosecutor’s Office, the Court, or defense attorneys.

Reply to paragraph 4

18. In detention/arrest cases, the 48-hour period for assessing preventive measures begins at the moment of custody, as recorded by the police officer and judicial police officer in the custody and arrest reports. This is based on the actual time of deprivation of liberty—not when the report is completed.

19. In addition to documenting actions in the custody report, detainees are recorded in the register of detained persons maintained by each police unit and in the unified electronic system, ADAM.

20. Article 109(2) of Law No. 108/2014 “On the State Police” stipulates that:

- The person taken into custody shall not be treated as a detainee/ arrestee, and custody cannot exceed 10 hours;

- The police officer shall immediately notify the operations center and record the details in the electronic system- failure to comply with this obligation constitutes a serious violation of workplace discipline;
- The police officer documents the actions in a report, signed by both the officer and the person taken into custody, and a copy is provided to the person;
- The police officer immediately notifies the superior about the case and documents the actions in the relevant police registers.

21. Article 19 of Law No. 82/2024 “On the State Police”, stipulates:

- “Temporary police detention” (which replaces the previous “taking into custody” provided for in Law No. 108/2014 “On the State Police”, repealed);
- Temporary police detention begins at the moment the officer stops the person and lasts until the case is clarified, but in no case longer than 5 hours.

Reply to paragraph 6

22. The State Police has strengthened protection for victims of gender-based violence by implementing international recommendations, including those from GREVIO and CEDAW. During the COVID-19 pandemic, efforts to address domestic violence intensified. To ensure victim protection and hold perpetrators accountable, the General Director issued Instruction Letter No. 2192 (dated 25.03.2020), directing all police units to prioritize domestic violence cases during movement restrictions and to enhance cooperation with local authorities.

23. According to the Joint Instructions of the Minister of Interior and the Minister of Health and Social Protection No. 866, dated 20.12.2018, and No. 912, dated 27.12.2018, the State Police is obligated to carry out a risk assessment in cases of domestic violence and to apply the *Order on Preliminary Measures for Immediate Protection* (UMPMM/OPMIP). These procedures are implemented by State Police officers in accordance with the models and rules established in the instructions.

24. In all domestic violence risk assessments, the municipal domestic violence coordinator is notified to participate, though their absence does not delay the process. When submitting a request for a Protection Order to the Court, care is taken to ensure the proposed measures align with the victim’s protection needs.

25. For monitoring the implementation of (UMPMM/OPMIP), the Police take the following measures:

- Informs the perpetrator about the legal consequences in case of non-compliance with the measures
- Informs the victim and ensures the possibility of immediate communication in case of violation of the measure by the perpetrator;
- Organizes frequent and visible police patrols in the areas around the residence where the violence occurred, especially when the perpetrator has been ordered to leave the premises;
- Initiates criminal proceedings in every case of violation of the Protection Order, in accordance with the Criminal Code.

Year	Petition for Immediate Protection Order (IPO) / Protection Order (PO)					Domestic Homicide / Females
	Documented Cases of Violence	Proceedings / Article 130(a)	Arrested under Article 130(a)			
2020	4701	2816	1505	615		7/6
2021	5312	3266	1631	638		16/10
2022	5199	2940	1884	681		13/6
2023	5064	2730	1911	699		13/9
January – June 2024	2522	1336	974	365		6/2

26. In cases of violations of Protection Orders, the perpetrators have been prosecuted in accordance with Articles 321 and 130(a) of the Criminal Code.

- During 2020, 138 cases were recorded.
- During 2021, 163 cases were recorded.
- During 2022, 157 cases were recorded.
- During 2023, 152 cases were recorded.
- January–June 2024, 98 cases were recorded.

27. In cases of domestic violence, the victim may turn to the structures of the State Police, local units (municipalities), the local health center, or the District Court, depending on her or the perpetrator's place of residence or location. However, statistics show that over 95% of cases are reported to police structures. Violence against women/domestic violence can be reported 24/7 via the free emergency numbers 129 and 112, or by email atpoliciaeshtetit@asp.gov.al.

Reply to paragraph 7

28. Given the seriousness of human trafficking offenses, Anti-Trafficking Investigation Units have prioritized the training and qualification of their management specialists. This includes ongoing training, guidance, and communication on reported cases, in line with domestic and international legislation standards, to ensure effective implementation of Protection of Victims of Trafficking (PVT) measures by all police officers.

29. Within the framework of inter-institutional cooperation, the Cooperation Agreement for the National Referral Mechanism has been revised, and the joint ministerial instruction for the establishment and functioning of the Responsible Authority has been approved.

30. Under Council of Ministers Decision No. 604, dated 20.10.2021, the Ministry of Interior is designated as the lead institution for coordinating efforts to prevent trafficking, protect victims' rights and support their reintegration.

31. The Anti-Trafficking Sector within the GDSP serves as the main body for coordinating anti-trafficking efforts at both national and international levels. Its key responsibilities include prevention, victim protection and assistance, criminal prosecution of traffickers and accomplices, and cooperation with state institutions, local organizations, and international partners such as Interpol, Europol, and Liaison Officers.

Article 3

Reply to paragraph 8

32. Under Law No. 79/2021 “On Foreigners”, relevant authorities must ensure the conditions for the integration of foreigners into the economic, cultural, and social life, in line with the legislation in force on the integration of foreign nationals in the Republic of Albania (Article 97).

33. Public institutions, alongside social partners, NGOs, and international organizations, promote and implement programs for the integration of foreigners (Article 98, Law No. 79/2021). These entities ensure protection against all forms of discrimination in their activities. Both direct and indirect discrimination by public and private legal persons is prohibited throughout the immigration and employment process.

Articles 5-9

34. (Article 99, Law no. 79/2021) The authority responsible for border and migration issues shall issue a removal order for a foreign national who:

- Fails to meet residence requirements in Albania;
- Has served a sentence imposed by Albanian courts for an intentional crime for which the Criminal Code provides a minimum penalty of no less than 2 years;
- Works in violation of permitted conditions, even if his/her residence is lawful."

35. The duration of an entry ban for a foreign national into the territory is determined on a case-by-case basis and can range from 3 months to 5 years."

36. The period for the voluntary execution of the removal order shall be no less than 7 days and no more than 30 days from the date of notification.

37. The execution of a removal order for foreigners with irregular residence:

- Within 10 days: If the foreign national entered or stayed illegally, worked without a permit, or served a sentence of at least 2 years;
- Within 30 days: If the foreign national held a visa or residence permit that was canceled, revoked, or refused to be renewed.

38. The extension of the period for voluntary departure (beyond 30 days) may be granted in exceptional cases, such as:

- Children attending school with less than 3 months left in the school year—extended until year-end;
- Financial obligations due within 3 months;
- Health issues preventing travel or requiring isolation/quarantine, as determined by relevant authorities.

39. Foreign nationals granted an extended voluntary departure period shall report every 10 days to the regional border and migration authority in their area of residence.

40. A foreign national whose extension for voluntary departure has been approved shall have the right to:

- Reside with family members in the territory of Albania;
- Access primary healthcare, treatment for specific illnesses, and public health services;
- For minors, guaranteed access to education for the duration of their stay;
- Benefit from special services for persons with disabilities;
- During the execution of the removal, have their best interests, including those of children, vulnerable persons, family life, and health taken into account.

41. The foreign national must be notified in writing—either in a language they understand or in English—of the removal order in accordance with the Code of Administrative Procedure and informed of their right to appeal under Article 100 of Law No. 79/2021.

42. The border and migration authority may consider voluntary compliance if the foreign national declares their intention to leave voluntarily. This declaration may prevent the prohibition, removal, or suspension of entry in humanitarian or other justified cases, except when public order and security are at risk (Article 101, Law no. 79/2021).

43. The authority responsible for border and migration matters gives priority to voluntary return for the following categories:

- Foreign nationals with irregular residence who do not pose a risk to public order and security and accept voluntary departure;
- Unaccompanied minors;
- Persons who are ill, disabled, or have reduced capacities;
- Parents with young children;
- Victims of trafficking who wish to return to their country of origin;

- Asylum seekers with rejected or withdrawn applications lacking financial means for return;
- Foreign nationals with valid documents but without financial means for residence;
- Foreign nationals working illegally in the territory of Albania.

44. Prior to the decision on the return of an unaccompanied minor, state authorities (other than those responsible for executing the return) shall provide the necessary assistance, in the best interests of the child. Additionally, the minor's return to family, guardian, or a suitable institution in the receiving State must be ensured before departure.

45. The removal order shall not be executed until the appeal process is concluded and the final decision is issued, except in cases otherwise provided by law.

46. The authority responsible for border and migration matters, in cooperation with relevant international organizations, undertakes joint programs to provide financial means that enable the return of foreigners to their country of origin.

Reply to paragraph 9

47. Decision of the Council of Ministers No. 111, dated 6.3.2019, establishes and regulates the procedures for the return of unaccompanied foreign/stateless children from Albanian territory, the repatriation of unaccompanied Albanian children from foreign states, as well as the readmission to Albania of unaccompanied/stateless children from third countries, in line with readmission agreements to which Albania is a party, including that between Albania and the EU.

48. This Decision does not apply to unaccompanied children subject to return/ repatriation under criminal law or extradition procedures. Furthermore, children accompanied by only one parent without the other's consent are treated in accordance with Law No. 9446, dated 24.11.2005, on the ratification of the Convention on the International Child Abduction, with repatriation rules set by a joint order of the Ministers of Justice and Interior.

49. The term "unaccompanied child" has the same meaning as provided in Law No. 18/2017, "*On the Rights and Protection of the Child*", which aims to guarantee the highest level of rights and protection for children through an integrated system of protection and institutional cooperation, focusing on the best interests of the child.

50. The State Agency for the Rights and Protection of the Child is the authority responsible for ensuring the functioning of the integrated protection system for unaccompanied children, both within and outside the territory of the Republic of Albania, through coordination with relevant institutions.

51. The mechanism for the care and protection of unaccompanied children, as well as the procedures for their return and repatriation, are guided by the principles provided in Law No. 18/2017, "*On the Rights and Protection of the Child*."

52. The return/repatriation of unaccompanied children shall take place only if it is in their best interest, by assessing:

- The individual needs of the child;
- The child's history and family, psychological, social, or cultural situation;
- The child's wishes and opinion, according to their age and ability to understand;
- The family situation and the ability to meet the child's needs;
- The possibility of family reunification/ placement of the child under legal guardianship;
- Guarantees from authorities of the receiving country that the child will be reunited with the family, placed under legal care or appropriate reception conditions.

53. The return/repatriation of unaccompanied/ stateless children, , or children from third countries shall be carried out taking into account and respecting the principle of non-refoulement.

54. The provisions of this Decision apply only when they do not conflict with binding bilateral or multilateral agreements involving the Republic of Albania and for as long as they are based on ensuring the best interest of the child.

55. Procedures for the return of unaccompanied, foreign or stateless children to the territory of the Republic of Albania:

- An unaccompanied child may not be returned at border crossing points under any circumstances. Return is allowed only as a last resort, when it serves the child's best interests;
- Within 12 hours of identifying an unaccompanied child, officials from the State Police, Border, Migration, or Asylum/Refugee structures must refer the case to the Child Protection Officer (CPO) and notify the Agency for Generalities and Citizenship. Age verification must begin immediately, and the individual is treated as a child until proven otherwise;
- In case of stateless children, the authority responsible for asylum and refugees, the Department for Border and Migration and the State Police shall make every effort to identify the child's place of residence. If standard conditions are not met, all options for granting a residence permit on humanitarian grounds must be considered;
- The local CPO conducts an initial assessment, verifying identity, residence, citizenship, and condition of the child. Within 48 hours, the CPO prepares a detailed report on the reasons for the child's entry and stay and initiates the process for appointing a legal guardian, in accordance with applicable laws;
- Information from the child must be collected with the assistance of a psychologist or a trusted adult familiar with the child's needs, in a language the child understands and with an interpreter, appropriate to their age and level of understanding. The Agency provides the CPO with a list of available interpreters and psychologists in the territory of the Republic of Albania;
- Case management for unaccompanied foreign children follows applicable legal procedures. The CPO must take emergency protection measures and refer the case to the relevant social care administrative unit. The protection plan includes assessing trafficking risks, registering an asylum application, and referring the case to the asylum/refugee authority. The CPO also submits a report to the Agency, including the child's opinion on whether they wish to return;
- The institutions and procedures for providing services to unaccompanied foreign children in Albania are defined under the guidance of the minister responsible for child rights and protection.

56. Unaccompanied asylum-seeking children are accommodated at the National Reception Center for Asylum Seekers. Children who are both asylum seekers and potential victims of trafficking are placed in the National Reception Center for Victims of Trafficking, where procedures for determining refugee status continue.

57. After official identification, the Agency, through the diplomatic service of the relevant country, informs the authorities of that state of the child's location and the reasons for their unaccompanied entry/stay.

58. The Agency requests the authorities of the relevant state to provide, within a reasonable timeframe, a thorough assessment and detailed information about the child, including parents, guardian, safety, post-return integration, living conditions, and the preservation of identity and family ties.

59. The report from the authorities of the country of origin is submitted to the authority that notified the child's identification, the CPO, the social care institution, and the authority handling legal requests. It is also made available to the child's legal guardian. Exceptionally, in cases where the unaccompanied child has submitted an asylum application, information is

requested only after the decision to refuse/revoke international protection status becomes final.

60. The State Agency for the Rights and Protection of the Child, after reviewing this report and that submitted by the CPO, provides a written opinion to the responsible authorities on the possibility of the child's stay in the Republic of Albania, in accordance with the best interest of the child.

61. In deciding on asylum or refugee status, the structure within the ministry responsible for asylum and refugees, as well as the authority responsible for border and migration issues, considers the opinion of the Agency and relevant information from the country of origin.

62. A decision on a child's return cannot be made without the reasoned opinion of the State Agency for the Rights and Protection of the Child. This opinion must be considered by the local border and migration authority, unless well-founded exceptions apply—such as risks to national security, public order, or the child's life.

63. The decision on whether or not to return the child shall be made within 7 (seven) days from the receipt of the reasoned opinion from the Agency.

64. If the local authority responsible for border and migration matters determines that an unaccompanied child should be returned, it must issue a reasoned removal and return order, clearly stating the maximum timeframe for its execution.

65. An unaccompanied child may be subject to return and removal from the territory of Albania only if their asylum or residence permit application is refused or not accepted, or if their refugee status has been revoked, in accordance with the provisions of the law on foreigners.

66. The removal and return order for the unaccompanied child shall be immediately notified to the Agency and the CPO overseeing the implementation of the child's protection plan.

67. The CPO, within 3 (three) days from the date of notification of the removal and return order, with the assistance of a psychologist/ trusted adult, shall inform the child in a language they understand, in accordance with the child's age and ability to understand.

68. The unaccompanied child, through their legal guardian, has the right to administrative and judicial appeal. The child shall receive free legal assistance from the State if requested, in accordance with the legislation in force.

69. The removal order shall not be executed until the appeal process is concluded and the final decision is issued, except when otherwise stipulated in the law on foreigners.

70. The responsible authorities, based on the specific circumstances of the child, may order an extension of the period for carrying out the return procedure.

71. Within 3 (three) days of issuing the removal and return order for an unaccompanied child, the local border and migration authority shall prepare a return plan and coordinate with the receiving country to determine:

- The return method and safest transport route;
- The time of return;
- The persons responsible for accompanying and handing over the child, and the necessary documentation for the handover;
- The contact points between authorities, to facilitate the child's return and handover procedure;
- The possibility of covering the related costs of the return and handover procedure.

72. The child's return plan includes:

- Rules for return, including transport from place of residence to the border crossing;
- Provision of food and hygiene during the child's journey until their handover to responsible authorities of the receiving country;

- The responsible person, as well as their duties and responsibilities for escorting the child from the place of residence until their handover;
- The responsibilities of all relevant authorities involved in the child's return procedure;
- Border crossing procedures, including required documentation for the handover of the child.

73. The local authority responsible for border and migration matters shall notify the child protection authority in the receiving country of the child's return plan, to ensure the child's protection and guarantee of his/her rights.

74. In determining the manner of return, the best interests of the child shall be taken into account, ensuring an easy, quick, and appropriate return, in accordance with the child's age and needs, while respecting their dignity and personality.

75. As a rule, the child shall be accompanied by their legal guardian during the journey, until handover to the responsible authorities. If not feasible, the child shall be accompanied by a psychologist/ trusted adult.

76. The handover of the child to the authorities of the receiving country shall be documented by a report, describing the course of the journey and the persons responsible for the handover. The report shall be signed in triplicate by the persons responsible for taking the child and the person responsible for escorting them. One copy shall be sent to the Agency.

77. The costs for the return and guarantee of the child's rights until the handover, when not covered by the receiving country or the child's family, shall be borne by the approved budgets of the responsible institutions. In accordance with the principle of reciprocity/binding international agreements, reimbursement may be sought from the receiving country or the child's family.

78. For unaccompanied children or those reported missing, the diplomatic service of the Republic of Albania abroad shall immediately notify the Ministry for Europe and Foreign Affairs. This ministry or any other state authority, including the Department for Border and Migration, shall officially notify the State Agency for the Rights and Protection of the Child within 24 hours.

79. The notification shall include the child's general information (if known), location, history in the country where they are, family residence, names of relatives or school, and any other information regarding their care and situation, as provided by relevant authorities of the country where the child is located.

80. The State Agency for the Rights and Protection of the Child, in cooperation with the General Directorate of Civil Status, the State Police, and local government authorities, shall, within 10 (ten) days, verify the child's general information, family residence, parent or guardian, address, manner and period of border crossing, and shall definitively confirm whether the child is an Albanian citizen.

81. The Agency shall refer the case to the child protection officer in the territory where the child resides or where the child's family is located.

82. Within 15 days of the Agency's notification, the CPO, in cooperation with the social care administrator, shall prepare a report on the child's family situation, data on the parent or legal guardian, the residence of the family and relatives, the child's history, social and economic situation, as well as safety and integration possibilities after repatriation, aiming to preserve the child's identity and family ties.

83. For the preparation of the report, information shall be collected through field verification of living conditions, interviews with parents, legal guardian, relatives, or service providers for the child, as well as examination of data on violence, exploitation, or involvement in criminal activities. It also assesses whether the family receives economic aid or social services, whether the child's has been part of the social care system, and any other relevant sources.

84. Within 3 days of receiving the informative report, the Agency shall forward it to the authority that issued the notification, requesting that the report also be sent to the body caring

for the child, the legal guardian (if appointed), as well as the authorities handling the child's legal requests in the country where the child is located.

85. If state authorities receive notification of a decision regarding the return of an unaccompanied Albanian child from a foreign country, they shall immediately communicate it to the Agency, which shall forward the notification to the CPO who has prepared the informative report.

86. In cases of return or repatriation of unaccompanied Albanian children, the Department for Border and Migration, in implementation of relevant agreements, coordinates with the authorities of the receiving country on the transportation mode, the person who will escort the child, the timing and manner of return, the necessary documentation, and the coverage of repatriation expenses.

87. The rules agreed upon between the authorities are immediately notified to the Agency, which forwards them to the CPO for acknowledgment, so that, together with the Migration Sector Officer at the Regional Directorate for Border and Migration, they can inform the family of the unaccompanied child or the child's legal guardian.

88. If multiple return decisions for unaccompanied Albanian children from the same country are issued within the same period, the Department for Border and Migration coordinates with foreign authorities to carry out the repatriations simultaneously.

89. The Migration Sector Officer at the Regional Directorate for Border and Migration, together with the CPO, informs the child's parents/legal guardian about the details of repatriation. The latter complete the "Acknowledgment of Repatriation Statement," in which they definitively express whether they assume parental responsibility, housing and upbringing of the child, reception upon arrival in Albania, and coverage of transportation costs.

90. The individual repatriation and care plan for the child is immediately communicated to the parents/legal guardian, if they have expressed willingness to receive the child, to the Regional Directorate for Border and Migration that has jurisdiction over the border crossing point where the child will be handed over, and to the MFA.

91. The child is accompanied to the family immediately upon arrival in Albania. If placed in a care institution, the CPO in the territory of the border crossing accompanies the child to the institution, after a request has been made to the State Social Service, stating reasons for institutional placement.

92. Within 48 (forty-eight) hours of the child's arrival in the family, the CPO, accompanied by a psychologist or social care administrator, assesses the child's psychosocial and health condition, identifying the child's needs for reintegration into social life.

93. A repatriated child is considered in need of protection and is treated according to applicable law. The CPO initiates protective measures if, after a joint assessment with the social care administrator, it is determined that remaining with the family is not in the child's best interest. This also applies if parents or guardians refuse to accept the child, even when the family meets care and support conditions.

94. In every case specified in letter "b" of point 57 of this decision, the CPO shall report the case to the Local Directorate of the State Police for carrying out the necessary verifications and, depending on the circumstances, initiating criminal proceedings against the parent/legal guardian of the child, based on Article 124 of the Criminal Code of the Republic of Albania.

95. In state authorities receive sudden notification of a decision regarding the return of an unaccompanied Albanian child from a foreign country, the Department for Border and Migration or another competent authority shall immediately notify the Agency. The Agency shall then refer the case to the CPO of the area where the child and his/her family reside for follow-up.

96. If the return timeframe does not allow the child to be received at the border, they are taken into custody upon arrival and accompanied to an emergency center, day center, or residential facility in the nearest municipality. The child remains there until a full

psychosocial and health assessment is completed and a decision is made on returning them to their family.

97. The custody of a repatriated unaccompanied Albanian child must be documented in a record detailing the reception process, the child's visible condition at handover, and the individuals responsible for taking custody.

98. The CPO, within a six-month period, shall send to the Agency bimonthly periodic reports on the progress of case management of repatriated children.

99. The instruction of the Minister of Interior No. 174, dated 12.09.2022, establishes the categorization of foreigners with irregular stay in the territory of the Republic of Albania, which is carried out through a selection process at the border or within the territory, classifying the foreign national as:

- Subject to entry refusal;
- Applicant for international protection;
- Potential victim of trafficking;
- Irregular/illegal migrant;
- Unaccompanied minor.

100. In the border and migration police service apprehends a foreign national with irregular stay at the border or within the territory, it immediately notifies the direct supervisor, conducts a detailed physical inspection to verify nationality or country of origin, prepares a service report, and, under secure conditions, escorts the foreign national to the competent authority. The selection process (fingerprinting, identification) is carried out by the Regional Directorate for Border and Migration, the Border and Migration Commissariat, or the border crossing point.

101. Fingerprinting is conducted in coordination with county forensic police or at the border crossing point. Identification involves cooperation with local State Intelligence Service (SHISH) units and the Anti-Terror Directorate of the State Police. In special cases, at the request of the SHISH/SIS representative, continuation of the interview may be allowed only with the representative of this institution.

102. If other State Police services identify foreign nationals with irregular stay within the territory, after performing the prescribed duties, they escort them to the premises of the local Directorate for Border and Migration / Border Police Commissariat/Station in the territorial jurisdiction where the irregular foreign national is detected/apprehended, handing him over against a service report.

103. When a foreigner, during the selection procedure, is determined as an applicant for international protection, the local authority immediately notifies the state authorities responsible for asylum and foreigners. This authority organizes his transport and escort to the National Reception Center for Asylum Seekers in Tirana, where the handover is made by means of a protocol in two copies, one of which is delivered to the National Reception Center for Asylum Seekers, while the other is kept by the local authority. The data is recorded in the National Register for Foreigners and reflected in the daily report.

104. If, during the selection procedure, circumstances arise for detention or arrest of a foreign national who has applied for international protection, the local authority detains/arrests them in accordance with applicable legislation and follows the relevant legal procedures. Subsequently, the responsible structure within the central authority for foreigners is notified, which in turn informs the competent state authority for asylum and refugees. All data are entered into the National Electronic Register for Foreigners and included in the daily work report.

105. If, during the selection procedure, it is determined that the foreign national is a victim or potential victim of trafficking, the local authority for foreigners acts in line with the Guidelines for Standard Procedures for their Identification and Referral. It immediately notifies the Anti-Trafficking units/structures in the District Police Directorate and hands over

the foreign national with a report in two copies. The data is recorded in the National Electronic Register for Foreigners and reflected in the daily report.

106. If, during the selection procedure, the foreign national is determined to be an irregular migrant, the responsible unit within the competent state authority for the treatment of foreigners, depending on the case, prepares the relevant acts provided for in Law No. 79/2021, "On Foreigners."

107. If an asylum seeker is denied status or withdraws from international protection, and cannot return voluntarily using personal funds, the central authority for foreigners—upon notification from the asylum and refugee authority—takes measures to facilitate their return to their country of origin or another accepting country, prioritizing voluntary or assisted voluntary return.

Reply to paragraph 10

108. Regarding applications for the year 2023, a total of 133 applications were submitted for humanitarian reasons (asylum seekers, subsidiary protection, refugee status, trafficking victims, and others). Out of these 133 applications: 125 were approved and 8 were refused.

109. During the year 2024 (from January 1 to July 31), a total of 84 applications were submitted for humanitarian reasons (asylum seekers, subsidiary protection, refugee status, trafficking victims, and others). Out of these 84 applications: 18 are in process, 62 were approved, and 4 were refused.

Article 10

110. The Border and Migration Department implements a 3-month basic border course program, following the FRONTEX model, for personnel with operational roles in border policing.

111. Prison staff receive continuous training regarding the provisions of the Convention. Every newly recruited prison police officer undergoes a 3-month training, which, in addition to technical issues in the Execution of Penal Decisions Institutions, also covers matters related to respecting human rights and preventing any form of torture or ill-treatment.

112. Besides this training, police officers undergo on-the-job training to reinforce this knowledge at the Training Center of the General Directorate of Prisons, in cooperation with other civil society actors.

113. In 2023, in collaboration with the Albanian Helsinki Committee, the "Practical guide for the prevention of torture in pre-trial detention and prisons" was prepared. For this guide, 60 staff members of multidisciplinary teams were trained by experts from the Albanian Helsinki Committee, while 250 prison police officers were trained by trainers from the General Directorate of Prisons. The module has been published and is accessible to all personnel. Issues related to the prevention of torture are also included in knowledge assessment tests during career development or initial and ongoing training of police officers.

Article 11

Reply to paragraph 15

114. Regarding the improvement of material conditions, one of the most urgent issues requiring intervention is the waterproofing of terraces in the majority of IEVPs across the country. For this reason, the Projects and Investments Sector planned in the 2024 budget to carry out terrace repairs as needed, based on the assessment of each IEVP.

115. As part of ongoing projects, a Master Plan for 2023-2030 has been prepared, which foresees the closure of Tepelena Prison and the expansion of capacities through new constructions in Kukës and Gjirokastër, as well as the renovation of existing institutions.

116. In July 2024, the women's prison in Pojskë, Pogradec, became operational. This prison is a modern investment that enables the treatment of incarcerated women in accordance with international standards.

117. Through cooperation with the Albanian Football Federation, in recent years, donations have been obtained for laying green fields in two of the country's IEVPs. GDP is in ongoing discussions to further expand cooperation in all IEVPs, equipping their outdoor areas with artificial grass in every space designated for outdoor sports activities.

118. Regarding the provision of healthcare access to all prisoners, upon admission to the institution, prisoners are received by healthcare staff, consulted by the institution's doctors, provided with a detailed medical history, and issued a medical record. Furthermore, newly arrived prisoners undergo laboratory medical examinations (complete blood count, biochemical tests, complete urine analysis, pulmonary scopy, or X-ray) in regional public hospitals.

119. The description of medical consultations and documentation in prisoners' medical records is a fundamental duty of the doctor.

120. From the moment of admission to the IEVP, prisoners are consulted and examined for signs of violence, and if detected, these are recorded in the relevant register and officially reported to relevant authorities.

121. The medical staff in IEVPs has been instructed on procedures for managing, disciplining, and treating convicts and pre-trial detainees, as well as on carrying out medical examinations for prisoners, in accordance with the formats of the physical restriction registers.

122. Regarding testing for drug users, all IEVPs have been supplied with drug tests from the GDP pharmaceutical warehouse, and staff has been informed and trained on inmate testing.

123. For testing newly admitted prisoners and conducting medical examinations, including voluntary testing for HIV and hepatitis B/C, in cooperation with the Stop AIDS Association, voluntary testing of prisoners for infectious diseases (Hepatitis B, C, HIV/AIDS, SST) has been carried out periodically, and training sessions for prison staff have been conducted. Additionally, in cooperation with this association, mini-laboratories for infectious disease testing have been established in several IEVPs, specifically in Jordan Misja, Berat, Fier, Rrogozhinë, Fushë Krujë, Peqin, and Ali Demi.

124. Regarding the increase in prison personnel, especially healthcare and psycho-social staff, it is noted that, while in 2021 there were 230 healthcare staff and 118 social staff employed in the prison system, by 2024 there were 234 healthcare staff and 132 social staff employed.

125. Concerning the protection of prisoners' rights in vulnerable circumstances, regarding female prisoners, with the opening of the new prison in Pojskë, Pogradec, all conditions have been created for the treatment of this category in accordance with international standards.

126. Regarding the psychosocial treatment of persons deprived of liberty, the GDP has continued to strengthen the social service within IEVPs, updating and enriching the portfolio of therapeutic instruments and psycho-educational programs. Life skills courses for prisoners have been implemented, including modules with a therapeutic approach based on cognitive-behavioral therapy (CBT), such as Substance Abuse, Domestic Violence, Behavioral Correction, Employment Course, and Sexual Offenders. These courses are implemented under the supervision of the American Community Corrections Institute (ACCI).

127. In cooperation with the Council of Europe, in June 2024, staff in all IEVPs were trained on the application of Cognitive-Behavioral Therapy (CBT) with prisoners, as well as Trauma Therapy. The application of CBT with prisoners is being piloted in IEVP Vlorë, Lushnje, and Fushë-Krujë, while Trauma Therapy is applied to the category of female prisoners.

128. The social sector staff has been trained regarding the procedure for preparing and drafting the pre-release program.

129. The procedural document database related to the implementation of the reintegration process has been completed.

130. In order to ensure the success of these measures (the individual program and the overall psycho-social care for this category), the work programs include and implement continuous staff training aimed at guaranteeing efficient service and realistic interventions. In this context, the Social Affairs Directorate within GDP conducted the following training sessions during the period of March-April 2024:

- (a) “On the Prevention of Recidivism and the Social Reintegration of Offenders”;
- (b) “Methodology for Prisoner Sentence Planning, Based on Tools Developed by Council of Europe Experts”;
- (c) Implementation of the “Psychologist’s Protocol”;

131. In 2017, the DPB sent an informational manual to the staff in IEVPs regarding the treatment of persons who are part of the LGBTIQ community.

Reply to paragraph 16

132. The Closed Center for Foreigners was established and operates under the Council of Ministers’ Decision No. 1083, dated 28.10.2009, “On the Establishment of the Closed Center and the Approval of its Organizational and Operational Regulation.”

133. The Karreç Closed Center for Foreigners has a total of 25 accommodation rooms for foreign nationals, each available for 2 to 4 persons, meeting standard living conditions.

134. Concerning preventive measures against prisoner-on-prisoner violence, the DPB has developed an action plan with concrete measures for detection, assessment of security elements, enhanced control, and the use of intelligence information, which is being implemented with the support of U.S. security agencies.

135. Regarding deaths by suicide, according to standard procedures, the prosecutor’s office and state police are notified. Full investigations are conducted to determine whether there are elements of a criminal offense, such as incitement or creation of conditions leading to suicide. The GDP has approved a procedure on preventive measures against suicide, which includes suicide risk assessment, treatment programs, monitoring, management, and reporting.

Reply to paragraph 17

Summary of Disciplinary Measures under Law No. 81/2020 and Related Regulations

136. According to Articles 61–70 and Article 90 of Law No. 81/2020 “On the Rights and Treatment of Prisoners and Detainees,” disciplinary measures are to be applied only as a last resort, prioritizing mediation and conflict resolution. Measures must be lawful, proportionate, and preceded by the prisoner’s right to be heard. Collective or degrading punishments are strictly prohibited.

137. Use of physical force is allowed only in exceptional, justified cases such as self-defense or prevention of harm. All use of force must be documented and followed by medical examination. Restraint devices may not be used as punishment and are subject to strict regulation, including prosecutorial oversight if used beyond 48 hours.

138. For juvenile prisoners, disciplinary measures and the use of force or restraints are strictly limited, in accordance with the Juvenile Criminal Code. Pregnant minors are afforded special protection.

139. Disciplinary decisions may be appealed within 15 days to the Disciplinary Appeals Commission at the General Directorate of Prisons, with the right to legal representation throughout the process.

Reply to paragraph 20

140. The Closed Center for Foreigners was established and operates under the Council of Ministers' Decision No. 1083, dated 28.10.2009, "On the Establishment of the Closed Center and the Approval of its Organizational and Operational Regulation."

141. The Karreç Closed Center for Foreigners has a total of 25 accommodation rooms for foreign nationals, each available for 2 to 4 persons, meeting standard living conditions.

142. The Closed Center is an administrative institution with a defined level of security and freedom restriction, where only foreigners subject to deportation from the territory of the Republic of Albania can be placed. According to the provisions of Law No. 79/2021 "On Foreigners," detention in the closed center ranges from a minimum of 6 months to a maximum of one year.

143. It maintains continuous cooperation with NGOs, IOMs, and other law enforcement institutions to ensure security and improve the conditions for detainees at the Closed Center for Foreigners.

144. In fulfilling of legal obligations, all efforts are made to ensure normal living conditions, freedoms, and rights for foreign nationals during their stay at the Center, as well as to improve conditions and ensure timely follow-up of cooperation with other institutions.

Articles 12 and 13

145. The legal acts of the prison system clearly establish the obligation of healthcare staff regarding the prevention of torture and the humane treatment of citizens deprived of liberty.

146. Upon the admission of pre-trial detainees or sentenced persons, a medical examination is mandatory, as well as the recording of statements or physical and psychological signs related to violence. According to point 8 of Article 38 of Law 81/2020, immediately after admission to the institution, the prisoner undergoes a medical examination and interview conducted by the institution's physician to assess the physical and psychological health condition, with the aim of preventing the spread of contagious diseases, suicides, and registering any signs of physical injuries caused outside the institution at the time of the check.

147. Regarding the training of medical staff to detect the physical and psychological consequences of torture and ensure effective documentation, healthcare personnel are continuously trained on the Istanbul Protocol for recording, documenting, and reporting torture. Trainings are conducted in multidisciplinary groups. In 2021, 53 staff members from multidisciplinary teams were trained on mental health issues and suicide prevention. The training was conducted with the support of the Council of Europe (CoE).

148. In July 2024, with the support of the CoE, 17 staff members (doctors, police officers, and social workers) were trained on "Incident management in cases of prisoners with mental health disorders."

Reply to paragraph 18

149. Patients under the medical measure "Forced Treatment" are currently accommodated at the Prison Hospital Center and the Special Institution in Lezhë. Therapeutic interventions in these institutions are applied at a multidisciplinary group level, led by a psychiatrist, psychologist, and social worker.

150. Regarding the increase in staff numbers at this institution, in 2024 the healthcare staff increased by 11 employees.

151. An individual treatment plan is prepared for each patient, based on the assessment of identified needs.

152. At the Lezhë Institution, facilities dedicated to recreational activities have been revitalized.

Reply to paragraph 19

153. The Kavajë Juvenile Institute has been operating since 2009. It provides treatment for minors under custodial arrest measures from ages 14 to 18, and also has a section for young adults aged 18 to 21 who committed crimes while under the age of 18.

154. The Institute provides a safe, supportive, and encouraging environment for minors and young adults and the staff is complete according to the organizational structure.

Reply to paragraph 28

155. Our country has conducted a comprehensive, article-by-article analysis of the legislation on combating terrorism and is working to fully align the Legal Framework for Combating Terrorism and Preventing Violent Extremism with the EU “Acquis.” The harmonization of Albanian legislation with that of the EU is a relatively long process, but it is expected that the reflection of these changes in the Criminal and Procedural Code will be approved by 2026.

156. Among the measures undertaken by the Albanian government to address the threats of terrorism are:

- Amendments to the Criminal Code, which criminalized participation and incitement to participate in military actions of a foreign country, financing of terrorism, etc.;
- Drafting of cross-sectoral strategies and their action plans using a comprehensive approach to the fight against terrorism, paying particular attention to the prevention and fight against violent extremism and radicalism that foster and lead to terrorism, as well as the protection of human rights and the rule of law;
- Establishment of a dedicated Directorate for terrorist crimes, specifically the Anti-Terror Directorate (which, prior to this period, was a sector within the Department of Serious and Organized Crimes);
- Increasing material capacities and human resources to respond to these threats;
- Continuous training of the personnel of the Anti-Terror Directorate for the prevention of potential terrorist incidents, as well as for response in the event of such an attack.

157. The adoption of national strategies and action plans continues to guide Albania’s efforts in conflict prevention, human rights protection, and strengthening the rule of law. These actions fulfill obligations stemming from the UN Security Council, the EU Counter-Terrorism Strategy, the European Convention on Human Rights, and the Joint Action Plan against Terrorism in the Western Balkans.

158. To combat terrorism more effectively, Albania established the Counter-Terrorism Directorate (CTD) under the State Police. This specialized structure is tasked with preventing, investigating, and prosecuting terrorism-related crimes, while fully respecting constitutional and international human rights standards.

159. The CTD has the operational and logistical capacity to carry out specialized anti-terrorism operations. However, due to evolving threats and technological advancements, there is an ongoing need for investment and capacity enhancement.

160. Regular training is provided to strengthen the professional and operational readiness of relevant structures. Human rights principles are a core part of all training programs for CTD personnel.

161. Human rights are also central to Albania’s repatriation efforts from Syrian camps. So far, 38 citizens—9 women and 29 children—have been brought back. The government prioritizes their rehabilitation and reintegration through services that support their physical, mental, and social well-being.

162. Specialized training has also been conducted on topics such as terrorist investigations, financing of terrorism, intelligence analysis, and the use of surveillance technologies and tools.

163. To strengthen the fight against terrorism, the Counter-Terrorism Directorate (CTD) has been established as a special, budgetary and operational structure under the authority of the General Director of the State Police which aims to prevent and combat criminal activity in the field of terrorism. The establishment of this structure aims to organize, coordinate, pursue, investigate, detect and punish the perpetrators of criminal offenses with a terrorist background. In carrying out its activities, the CTD adheres to the principles of the rule of law concerning the guarantee of fundamental human rights and freedoms, as defined in the Constitution and other national and international legal acts.

164. The CTD possesses the necessary operational capacities and logistical resources to conduct special operations that assist in the prevention and suppression of criminal offenses of a terrorist nature, but taking into account technological developments and the evolving dynamics of terrorist threats, the need for continuous investment and support remains, in line with these developments.

165. Regular training has been conducted to enhance the professional and logistical capacity of all relevant structures. Human rights are integrated into all CTD staff training curricula.

166. Albania has organized state-led repatriation of 38 citizens (9 women, 29 children) from Syrian camps, focusing on their rehabilitation and access to health and social services.

167. Specialized training has been delivered on terrorist crime investigations, financing of terrorism, intelligence analysis, and surveillance technologies.

168. Following the CPT's 2023 visit, the CTD prepared a report and developed a training module on the rights of detained/arrested persons, in cooperation with investigative units.

169. The GDP and CVE Center drafted an Action Plan against violent extremism in prisons, introducing tools for early detection, rehabilitation plans, and staff training.

170. Asset freezing related to terrorism is conducted under Law No. 157/2013, in line with international obligations, to prevent and combat terrorist financing.

171. The law ensures the right to appeal asset freezes and designations, allowing affected persons to challenge decisions in court and prove legal ownership.

172. Instruction No. 1 (2014) outlines rules for allowable expenses from frozen assets. To date, 13 entities have been listed with no appeals filed.

173. Between 2021–2024, 14 individuals were convicted of terrorism-related offenses; currently, 5 remain incarcerated for such crimes.

Reply to paragraph 29

174. With regard to the pandemic situation, strict preventive measures against COVID-19 were immediately implemented in the prison system. Following the first confirmed case in Albania, the General Directorate of Prisons issued administrative acts to prevent the spread of the virus and additional measures to maintain order, security, and the psychological well-being of prisoners during the pandemic.

175. Specifically:

- On 9 March 2020, the protocol “On the implementation of hygiene and sanitary measures for the prevention of the spread of acute respiratory infections, including COVID-19,” was approved¹.
- To strengthen preventive measures and due to risks identified during implementation, a protocol was approved for additional measures against the spread of COVID-19 in the prison system, aiming to provide guidance to staff and individuals at risk.
- Specific instructions were issued regarding health measures and psychological assistance, particularly for penitentiary institutions housing vulnerable categories

¹ Order No. 2729, dated 09.03.2020, of the General Director.

such as chronically ill inmates, elderly prisoners, inmates with mental disorders, women, and those in high-risk areas (“red zones”).

- Immediate measures were also taken to provide all staff with protective equipment (masks, gloves, disinfectants, cleaners, soap, thermometers).
- Protective and hygiene equipment was placed at entry points of penitentiary institutions, and during shift changes, security and other staff were subjected to health checks, interviews, disinfection, and provision of protective equipment.
- Continuous disinfection of living areas and external premises was carried out in all penitentiary institutions.
- Newly admitted inmates under preventive detention were placed (quarantined) in observation rooms, and their condition was monitored for 14 days.

176. One of the key measures to prevent the spread of COVID-19 was the implementation of Normative Act No. 7, dated 23.03.2020, “On granting temporary leave to sentenced prisoners, allowing them to stay at home for a three-month period,” which aimed to take temporary measures to prevent the spread of COVID-19 infection in IEVPs, as well as to protect order and security by ensuring conditions for safeguarding the life and health of prisoners.

177. Every sentenced person could benefit from a special temporary leave to stay at home for a period of three months, provided that, on the date the normative act entered into force, they met the criteria set forth therein, as follows:

- Has been convicted by a final court decision and meets both of the following conditions:
 - (i) Has not served the sentence imposed for up to three years of imprisonment;
 - (ii) Does not meet the prohibitive criteria provided for in Article 5 of this normative act.
- Has been convicted by a final court decision and meets all of the following conditions:
 - (i) Has not served the sentence imposed for up to three years of imprisonment;
 - (ii) Is 60 years old or older;
 - (iii) Suffers from a life-threatening chronic illness, certified by the relevant medical documents in accordance with the provisions of the legislation in force;
 - (iv) Does not meet the prohibitive criteria provided for in Article 5 of this normative act.

178. The period of temporary stay at home, according to the provisions of this article, is included in the time served for the sentence.

179. If the court later replaces the sentence with an alternative punishment, the special leave is revoked.

180. To monitor the implementation of Normative Act No. 7, dated 23.03.2020, and the measures taken to address the COVID-19 pandemic, a special Task Force was established within the General Directorate of Prisons. During the period April-July 2020, 672 prisoners were granted temporary leave.