



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

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## Committee against Torture

### List of issues in relation to the third periodic report of Albania\*

#### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on the measures it had taken in follow-up to the recommendations on the following issues: fundamental legal safeguards for persons detained; prompt, independent and impartial investigations; adequate compensation; and data collection.<sup>2</sup> The Committee regrets that it has not received information from the State party on the implementation of the above-mentioned recommendations, despite a reminder sent by the Committee's Rapporteur for follow-up to concluding observations on 3 June 2013.<sup>3</sup> Noting the information provided in the State party's third periodic report,<sup>4</sup> the Committee considers that these recommendations have been only partially implemented. The remaining issues, which have not been addressed by the State party, are reflected in the paragraphs below.

#### Articles 1 and 4

2. With reference to the Committee's previous recommendations<sup>5</sup> and the information provided in paragraph 96 of the State party's report that no criminal proceedings concerning the crime of torture were registered under articles 86 and 87 of the Criminal Code during the reporting period (up to 2020) and that no cases of ill-treatment or violence were identified by the General Directorate of Prisons,<sup>6</sup> please indicate what steps have been taken to ensure that alleged acts of torture under articles 86 and 87 of the Criminal Code have been duly compiled and evaluated and not reclassified as arbitrary acts under article 250 of the Criminal Code. In this connection, please inform the Committee whether any such acts committed by a public official or other person acting in an official capacity, at their instigation or with their consent or acquiescence have been reclassified from articles 86 and 87 to article 250 of the Criminal Code. If so, please indicate the function of each of the alleged or convicted perpetrators and submit examples of the domestic courts' decisions in those cases.

\* Adopted by the Committee at its seventy-ninth session (15 April–10 May 2024).

<sup>1</sup> CAT/C/ALB/CO/2, para. 33.

<sup>2</sup> Ibid., paras. 13, 21, 27 and 28.

<sup>3</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FALB%2F12901&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FALB%2F12901&Lang=en).

<sup>4</sup> CAT/C/ALB/3.

<sup>5</sup> CAT/C/ALB/CO/2, para. 8.

<sup>6</sup> See also CAT/C/ALB/3, paras. 11–19 and 34–36.



## Article 2<sup>7</sup>

3. With reference to paragraphs 107 to 110 of the State party's report, concerning fundamental legal safeguards upon arrest,<sup>8</sup> please comment on reports indicating: (a) that some interrogations have taken place without the presence of legal counsel; (b) that detainees have not had immediate access to independent medical examinations and care at the moment of admission to facilities and periodic check-ups of health conditions during their stay in police premises, which allegedly resulted in the death of a detainee; (c) that not all arrested and detained persons have been properly recorded in the official register; and (d) that the right to notify a family member upon arrest has not always been respected for children in conflict with the law. Please provide information on any new measures taken by the State party during the reporting period to ensure that audio and video recordings of interviews are systematically used in relation to criminal investigations as a basic safeguard and as part of efforts to prevent torture and ill-treatment and that such recordings are kept in centralized, secure facilities. Please clarify the extent to which the defence lawyers of interrogated persons have access to those recordings. Please indicate any steps taken to ensure that all persons deprived of their liberty have the right to effectively and expeditiously challenge the lawfulness, necessity and proportionality of their detention. Please provide the number of cases since the consideration of the State party's previous report in which detainees have challenged their detention or treatment therein before the courts, as well as the outcomes of those cases, specifying in particular the number of cases in which the petitioner was released from detention.

4. With reference to paragraphs 149 and 150 of the State party's report, concerning the 10-hour administrative detention period ("escort period"), please clarify whether such deprivation of liberty is included in the 48-hour period during which a suspect must be brought before a judge. In addition, please explain how these escort periods are recorded and whether there is a unified electronic register for that purpose. Please provide statistics on the use of this type of deprivation of liberty in the past five years and notably during the December 2020 protests.

5. With regard to paragraphs 98 to 104 of the State party's report, please clarify whether the national preventive mechanism, in addition to regular, planned visits, has the right to enter at any time, with no limitation, without preliminary authorization and without informing the director of the institution, any place of deprivation of liberty, in line with article 4 of the Optional Protocol to the Convention. Please explain the procedure in place between the national preventive mechanism and the People's Advocate, in its capacity as the national human rights institution, for handling individual complaints submitted by persons deprived of liberty to the national preventive mechanism in the course of its visits.<sup>9</sup> With reference to paragraphs 105 and 106 of the State party's report and the information included in the annexes thereto,<sup>10</sup> please indicate the specific steps taken by the State party to ensure the effective implementation of the findings of and recommendations adopted by the national preventive mechanism and provide concrete examples in this regard, in particular concerning the implementation of the recommendations from its visits to prisons, police stations, mental health care institutions, including psychiatric wards, and social care homes.

<sup>7</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

<sup>8</sup> See also [CCPR/C/ALB/QPR/3](#), para. 14.

<sup>9</sup> See [CAT/OP/12/5](#). See also [CAT/C/57/4](#) and [CAT/C/57/4/Corr.1](#), annex, paras. 11–23.

<sup>10</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FADR%2FALB%2F45284&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FADR%2FALB%2F45284&Lang=en).

6. Further to the Committee's previous concluding observations<sup>11</sup> and the information provided in paragraphs 111 to 120 of the State party's report and the annexes thereto, please provide updated information on the measures taken to further combat sexual and gender-based violence, including domestic violence,<sup>12</sup> in particular with regard to cases that involve acts or omissions by State authorities and others that engage the State party's international responsibility in accordance with the Convention. In this regard, please comment on the information received by the Committee that, despite the issuance of numerous protection orders in cases of domestic violence during the reporting period, the implementation of such orders remains poor, and provide information on steps to remedy shortcomings in their implementation, including information on existing forms of cooperation between the police and local authorities in that regard. Please provide statistical data indicating the number of cases of domestic violence, femicide and sexual violence, including rape, that have been investigated and prosecuted, the number of convictions and punishments resulting from those cases and the redress measures, including support services and crisis shelters, provided to victims during the reporting period. In addition, please also provide information indicating the number of victims assisted by the Coordination Mechanism for Referral and Treatment of Domestic Violence mentioned in paragraph 118 of the State party's report, as well as the type of assistance and services provided to them. Further to the legislative steps taken by the State party during the reporting period, as detailed in paragraphs 92 and 111 to 113 of the State party's report, please inform the Committee about any further measures that are foreseen to criminalize all forms of gender-based violence and to amend the definition of rape in line with the recommendations formulated by the Committee on the Elimination of Discrimination against Women.<sup>13</sup>

7. With reference to paragraphs 132 to 140 of the State party's report and the statistics provided in the annexes thereto,<sup>14</sup> please provide information on the specific measures taken by the State party to prevent trafficking in persons and to increase protection for victims of trafficking, in particular for victims of labour and sexual exploitation and trafficking in children,<sup>15</sup> and to provide redress and rehabilitation services to those victims, including access to shelter, accommodation and other assistance services.<sup>16</sup> Please also provide updated information on the outcomes of criminal cases involving trafficking in persons, in particular the number of convictions and sentences handed down and the number of victims to whom redress was provided. Please indicate any measures taken to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychological support, for potential victims of trafficking while identification processes are being carried out, and provide information about the funding allocated for the provision of assistance to victims of trafficking, including assistance provided by civil society actors. Please explain what efforts have been made in practice to implement the Standard Operating Procedures for the Protection of the Victims and Potential Victims of Trafficking approved on 29 August 2018.

### Article 3

8. With reference to the information provided by the State party in paragraphs 151 and 152 of its report,<sup>17</sup> in particular the adoption of Law No. 79/2021 on foreigners and Law No. 10/2021 on asylum, please indicate any measures that have been adopted to ensure that individuals facing expulsion or return are fully informed about their right to seek asylum and to appeal a deportation decision, including through a judicial procedure. Please also indicate whether such an appeal has automatic suspensive effect.<sup>18</sup> Please provide details about the memorandum of understanding signed in 2023 between Italy and the State party on

<sup>11</sup> CAT/C/ALB/CO/2, para. 14.

<sup>12</sup> CEDAW/C/ALB/CO/5, paras. 23 and 24; and CCPR/C/ALB/QPR/3, para. 9.

<sup>13</sup> CEDAW/C/ALB/CO/5, para. 24.

<sup>14</sup> See appendix No. 5 of the annexes to the State party's report.

<sup>15</sup> CCPR/C/ALB/QPR/3, para. 17.

<sup>16</sup> CEDAW/C/ALB/CO/5, paras. 25 and 26.

<sup>17</sup> See also the annexes to the State party's report.

<sup>18</sup> CCPR/C/ALB/QPR/3, para. 18.

disembarkation and the processing of asylum applications and indicate the safeguards that have been put in place to ensure fair and prompt access to asylum procedures, legal aid and effective remedies thereunder. Please also provide information on existing mechanisms or procedures for an individual assessment of protection needs and procedural guarantees with regard to persons seeking asylum,<sup>19</sup> as well as for the screening, identification and immediate referral of persons in vulnerable circumstances, including victims of torture or trauma, who are seeking asylum, including procedures for assessing risk in the event of return.

9. Please provide information on the measures taken to identify unaccompanied children among migrants and asylum-seekers, the existing procedures for age assessment and the support available and assistance services provided for those children, including safe shelter and appropriate medical and psychosocial services. In addition, please explain what steps have been taken to prevent and eliminate the risks of the exploitation of, violence against and trafficking in unaccompanied children arriving in the State party.

10. Please provide the number of asylum applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or would be in danger of being subjected to torture if returned to their country of origin. Please also provide information, disaggregated by country of origin, indicating the number of persons who have been returned, extradited or expelled, including the list of countries to which individuals were returned. With reference to the Committee's previous concluding observations,<sup>20</sup> as well as the information provided by the State party in paragraph 153 of its report, please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of diplomatic assurances or the equivalent thereof. Please also indicate the minimum content of any such assurances or guarantees and what measures have been taken in such cases with regard to subsequent monitoring.

## Articles 5–9

11. In addition to the information provided in paragraphs 49, 50 and 64 to 70 of the State party's report, please inform the Committee of any extradition treaties concluded with other States parties, indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties and whether any proceedings have been held in compliance with the State party's obligation to extradite or prosecute (*aut dedere aut judicare*) during the reporting period, and clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into. Please explain whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

## Article 10

12. With reference to paragraphs 71 to 75 and 172 to 176 of the State party's report and the annexes thereto, please provide up-to-date information on any educational and training programmes developed by the State party to ensure that all law enforcement officials, prison staff, immigration and border control officers and members of the military are fully acquainted with the provisions of the Convention and are aware that breaches will not be tolerated, that allegations of torture and ill-treatment will be investigated and that offenders will be prosecuted. Please indicate whether those training programmes are mandatory or optional, how often they are conducted, how many law enforcement officials, members of the military, prison staff members and immigration officials have completed them, what percentage of all such persons have completed them and what measures have been taken to provide training to those who have yet to receive it. Please provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigation techniques. Please indicate whether the State party has developed any

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<sup>19</sup> See communication ALB 2/2020, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25832>.

<sup>20</sup> CAT/C/ALB/CO/2, para. 19.

methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if it has, please provide detailed information on that methodology. Lastly, please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention.

13. Please provide detailed information on the programmes aimed at training judges, prosecutors and forensic doctors and other medical professionals who deal with persons deprived of their liberty to detect the physical and psychological consequences of torture, ensure the effective documentation of torture and verify the admissibility of confessions. Please indicate whether these programmes contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised.

## Article 11

14. With reference to the Committee's previous recommendations<sup>21</sup> and the information provided by the State party in paragraphs 141 to 148 of its report, please explain what further measures have been taken to reduce the duration of pretrial detention, as well as its excessive use. Please also explain what measures have been adopted to promote the use of alternatives to pretrial detention and imprisonment and assess the impact of those initiatives. Please provide updated statistical data – if possible, for the most recent three-year period, broken down by place of detention and the gender, age group (minor/adult), ethnicity and nationality of the detained person – on the capacity and occupancy rate of all places of detention, specifying the number of persons in pretrial detention and the number serving sentences.

15. Please inform the Committee of efforts made: (a) to improve the material conditions of all prison establishments, such as ventilation and access to adequate sanitary facilities and to potable water;<sup>22</sup> (b) to enhance recreational premises and out-of-cell activities and provide employment and vocational and recreational activities; (c) to afford all persons deprived of liberty access to medical care, including mental health care, improve the quality of prisoners' medical records, ensure periodic monitoring of the health of persons deprived of liberty and ensure an immediate follow-up to concerns raised by inmates; (d) to ensure that all injuries and health complaints are properly recorded by independent medical personnel; (e) to increase the number of members of prison staff, as well as on-site medical doctors, nurses and psychosocial specialists, in all penitentiary establishments; and (f) to protect the rights of detainees in vulnerable circumstances, notably women, in particular women with children. Please indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons, persons with drug-related problems and lesbian, gay, bisexual, transgender and intersex persons. In particular, please indicate the measures adopted to provide persons with disabilities with individualized reasonable accommodation and accessibility adaptations in prisons.

16. Please provide updated information on the extent to which the authorities monitor inter-prisoner violence, on the number of complaints that have been made or registered and on the number of investigations conducted and the outcomes of those investigations during the reporting period. Please describe any preventive measures that have been taken in this regard. Please provide statistical data regarding deaths in custody during the period under consideration, disaggregated by place of detention, sex, age, ethnic origin or nationality and cause of death. Please also provide information on the manner in which those deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased persons received compensation in any of the cases and the amounts that they received. Please provide detailed information on the measures to combat the spread of infectious diseases and implement programmes for the prevention of suicide and reduction of self-harm in places of detention.

<sup>21</sup> Ibid., para. 16.

<sup>22</sup> CCPR/C/ALB/QPR/3, para. 16.

17. Please indicate what specific measures the State party has adopted to ensure strict compliance with the rules governing disciplinary measures for prisoners to ensure that they are proportionate and are imposed only when strictly necessary, including in respect of children, that decisions to impose disciplinary measures are properly reasoned and that persons placed in solitary confinement are visited by health-care professionals on a daily basis, in accordance with rule 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please provide details about the use of solitary confinement and means of physical restraint during the period under review, including the duration and frequency of the use of such measures, and indicate whether they can be imposed on children in conflict with the law as well.

18. Please inform the Committee of the measures taken: (a) to set up a permanent specialized forensic psychiatric facility that provides a therapeutic environment and a multidisciplinary treatment programme, including occupational and other psychosocial therapeutic activities; (b) to increase the number of staff in psychiatric forensic institutions, including health-care staff, clinically trained psychologists and occupational therapists; (c) to ensure that an individualized multidisciplinary treatment plan is designed for every patient; and (d) to bring the material conditions and the regime, including the provision of purposeful activities, in psychiatric forensic facilities into line with international standards. Please provide statistical data, for the past three years, indicating the number of compulsory treatment orders issued pursuant to article 46 of the Criminal Code, the number of appeals lodged against such orders, the outcomes of periodic judicial reviews of continued confinement and the number of forensic psychiatric patients placed temporarily in the Lezha special institution.

19. Please explain the measures that have been adopted to bring material conditions in detention facilities for children in conflict with the law into line with the Convention and to ensure sufficient staff in those establishments, notably in the Kavajë Juvenile Institute.

20. Please provide information on steps taken by the State party to ensure that the material conditions in the Kareç closed reception centre for migrants meet minimum international standards and that the accommodation and infrastructure capacities of the Babrru asylum reception centre are suitable, with sufficient staff, and that adequate health-care and psychosocial services are provided to migrants in vulnerable situations. Please also provide information on the average and maximum duration of those in migration detention, explain the efforts made to implement alternatives to migration-related detention and indicate, for each year since 2020, the percentage of cases in which alternatives to migration detention were applied.

21. With reference to the information provided in paragraphs 28, 93 and 95 of the State party's report, concerning the amendments made to Law No. 44/2012 on mental health, please provide information on any other measures adopted to put an end to institutionalization and detention on the basis of impairment; to ensure effective legal safeguards, supervision and periodic monitoring by judicial organs of placement in psychiatric hospitals and institutions for persons with intellectual and psychosocial disabilities; and to ensure that all health-care interventions and treatments are provided on the basis of free and informed consent and that such persons are not subjected to the use of restraints and coercive measures on the basis of a medicalized model of disability.<sup>23</sup> Please indicate whether any measures aimed at the deinstitutionalization of persons with psychosocial or intellectual disabilities and at developing community-based services have been adopted.<sup>24</sup>

## Articles 12 and 13

22. In addition to the information provided by the State party in paragraph 164 of its report, concerning the number of complaints lodged against police officers dealt with by the Internal Affairs and Complaints Service,<sup>25</sup> please provide statistical data for 2020 onwards and an

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<sup>23</sup> CRPD/C/ALB/CO/1, paras. 27–30.

<sup>24</sup> E/C.12/ALB/Q/4, para. 24.

<sup>25</sup> See also the annexes to the State party's report.



update on the progress made in investigating allegations of ill-treatment reported to the Prosecutor General's Office, as well as their outcomes. In particular, please provide information about any independent investigation that has been undertaken in response to reports of the use of excessive force by law enforcement during the policing of the protests that occurred in 2020. Please comment on allegations of injuries, arbitrary arrests and detention during those protests, including allegations that, on several occasions, minors and journalists were among those affected. Please indicate the number of criminal investigations or disciplinary proceedings carried out in relation to the incidents reported.<sup>26</sup> In this connection, please inform the Committee of the number of convictions handed down, as well as the number of cases in which criminal charges were dismissed.

23. Please provide information on the measures taken to establish an independent and effective mechanism for addressing complaints of torture and ill-treatment, including the use of excessive force, inflicted by law enforcement personnel. Please explain how the independence of such an oversight mechanism is ensured and whether there is any institutional or hierarchical relationship between its investigators and the suspected perpetrators of such acts.

24. Further to the Committee's previous concluding observations,<sup>27</sup> please indicate the measures taken by the State party to investigate reports of the ill-treatment of children in social care settings. Furthermore, please provide information on the steps taken to implement the Committee's previous recommendation on missing Roma children.<sup>28</sup>

## Article 14

25. With reference to paragraphs 83 to 86 and 199 of the State party's report, concerning the amendments to the Criminal Procedure Code introduced under Law No. 35/2017, which are aimed at improving the rights and the position of victims of crime, please provide information on the extent to which compensation has been afforded to victims of torture or ill-treatment, including victims of the use of excessive force, through a civil claim filed in the context of criminal proceedings. Furthermore, please specify the number of claims for compensation filed in the context of criminal proceedings have been referred to civil courts for further proceedings. Please indicate the number of victims of violent crimes, including the crimes of torture, ill-treatment, sexual and gender-based violence and trafficking in persons, who have obtained compensation, pecuniary and non-pecuniary, from the Special Fund for Crime Prevention in the past five years.

## Article 15

26. With regard to paragraphs 18, 88 and 89 of the State party's report, please indicate, for the reporting period, the number of cases in which accused persons claimed that their statements were obtained under torture, ill-treatment or duress, the number of cases in which courts declared evidence inadmissible on the ground that it had been obtained through torture, ill-treatment or duress and the number of cases in which law enforcement officers who had used such illegal interrogation techniques were investigated and prosecuted.

## Article 16

27. Please provide information on the steps taken to prevent harassment, violence and discrimination against persons based on their gender identity or sexual orientation<sup>29</sup> and against ethnic minorities, in particular Roma.<sup>30</sup> Please submit statistical data on complaints and police reports, investigations, prosecutions, convictions and punishments relating to

<sup>26</sup> CCPR/C/ALB/QPR/3, paras. 12 and 13.

<sup>27</sup> CAT/C/ALB/CO/2, para. 21 (d).

<sup>28</sup> Ibid., para. 24.

<sup>29</sup> CEDAW/C/ALB/CO/5, paras. 41 and 42.

<sup>30</sup> CCPR/C/ALB/QPR/3, para. 7.

hate-motivated crimes, disaggregated by type of offence and the investigating authority, and the reparations and rehabilitation provided to victims.

### **Other issues**

28. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if they have, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with all its obligations under international law, in particular under the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area, the number of persons who have been convicted under legislation adopted to combat terrorism, the legal remedies and safeguards available in law and in practice to persons subjected to anti-terrorism measures, whether there have been complaints of the non-observance of national and international standards in applying measures to combat terrorism and, if there have, what the outcomes were. Please provide information on investigations carried out into the alleged involvement of the State party's law enforcement officers in rendition and secret detention programmes, as addressed in the Committee's previous recommendations,<sup>31</sup> and comment on allegations of enforced disappearance in the context of transnational transfers carried out on the pretext of national security grounds and at the expense of the fundamental rights and freedoms of the alleged victims, as reported by the Working Group on Enforced or Involuntary Disappearances in 2021.<sup>32</sup>

29. As the prohibition of torture is absolute and non-derogable, including in the context of measures related to states of emergency and other exceptional circumstances, please provide information on the measures taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions are compatible with its obligations under the Convention. With reference to the information provided in the annexes to the State party's report concerning Normative Act No. 7/2020 of the Council of Ministers, which allowed convicted prisoners to stay in their homes for a period of three months in the context of the COVID-19 pandemic, and which benefited 7,372 convicted prisoners,<sup>33</sup> please also provide disaggregated data on types of offence and the gender of the offenders and indicate the conditions for release, the procedure followed and the criteria used to authorize such release. In addition, please describe the measures that have been taken in relation to persons deprived of their liberty in places of confinement such as homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

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<sup>31</sup> [CAT/C/ALB/CO/2](#), para. 22.

<sup>32</sup> [A/HRC/48/57](#), para. 40; and [A/HRC/49/45](#), para. 4.

<sup>33</sup> See the annexes to the State party's report.