



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-first session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE INITIAL REPORT OF THE
REPUBLIC OF ALBANIA (CCPR/C/ALB/2004/1)**

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

1. What measures does Albania envisage to implement the Covenant in practice (paragraph 120 of the report)? Have there been cases in which the Covenant has been directly invoked before the courts (para. 121)? Please give details of relevant cases, if any.
2. Please provide further information on the role of the People's Advocate (paragraphs 86 to 89 and 124 to 142 of the report) in implementing Covenant rights. Please provide figures on how many complaints have been received, and how many investigations have been made by the Ombudsman, and with what results.
3. Please provide detailed information on the draft "Law on Preventing and Combating Terrorism" and on the "National Plan of Action Against Terrorism", adopted in 2000. What practical special measures have been taken under that plan and what acts are considered "terrorism"? Have they been used to investigate and prosecute suspects not directly related to terrorism? How is consistency of those measures and draft provisions with the provisions of the Covenant ensured?

Derogation and counter-terrorism (art. 4)

4. In the light of article 175 of the Constitution, are articles 9.4 and 10.1 of the Covenant subject to derogation during the state of emergency (see also General Comment No. 29)?

Gender equality and prohibition of discrimination (arts. 2, 3 and 26)

5. It is reported that, mainly in the north-east part of the country, women continue to face discrimination under customary law and traditional codes (the *Kanun*). Please provide information on the measures taken or envisaged to eliminate such discriminatory practices, faced by women, under traditional law (paragraphs 143 to 148 of the report). Violence in the family “continues to be considered as a private problem” (paragraph 1140 of the report). Please provide additional information on domestic violence and on the measures taken to prevent those abuses and on public awareness programmes regarding this issue.

6. Regarding the access to the judiciary and legal services (paragraphs 180 to 189), “practical access of women ... is restricted by a number of difficulties”. What are the means in place to modify and remedy this situation? Please provide information on the means used to increase women’s participation in public affairs (paragraphs 190 to 199 of the report). What are the main activities of the Committee for Equal Opportunity (paragraphs 200 to 204 of the report) and what performance indicators exist to demonstrate that the Committee is meeting its objectives?

7. Please provide information on the percentage, disaggregated by position of responsibilities, of women in the public administration (paragraphs 199 and 1327 to 1329 of the report) and other public entities. What measures, in law and in practice, have been taken to enhance the status of women in public life, particularly in public service, and to raise the low representation of women in Parliament (currently only eight women out of 140 deputies, less than 6 per cent; paragraph 1087)? Explain the recent decrease of women deputies in Parliament (paragraph 195 of the report).

Right to life; torture and prohibition of cruel, inhuman or degrading treatment; right to be free of arbitrary arrest and detention (arts. 6, 7 and 9)

8. Does Albania actively consider the ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty (paragraphs 310 to 315 of the report)?

9. According to information before the Committee, there continue to be killings as a result of actions connected to traditional “blood feuds” and numerous families are in a situation of self-imprisonment at home due to fear of revenge, thus preventing children to attend school. Please provide information and statistics about crimes related to customary law and traditional codes (the *Kanun*) and on legal and practical measures taken to prevent them, and their results.

10. According to information before the Committee, human rights violations such as arbitrary arrests and detention, excessive use of force by the police, ill-treatment of detainees in police custody and inhuman conditions of detention continue. The use of torture by law enforcement personnel to extract confessions from suspects is also reported. Please provide information on measures adopted to prevent such Covenant violations.

11. Please provide information on any investigation and prosecution of law enforcement personnel who committed violations of the type mentioned in Question 10 in the past five years, and on which charges? What legal remedies, implementing article 44 of the Constitution, are available to pursue complaints about criminal conduct of members of the police force and other law

enforcement authorities, and to award compensation when such claims are successful (paragraph 450 of the report)? Please provide information on the number of such cases and their outcome.

Prohibition of slavery or forced or compulsory labour (art. 8)

12. According to information before the Committee, trafficking of women and girls remains a significant problem in Albania. Please provide more information on legislation to combat trafficking in persons. What practical measures are being taken to prevent trafficking in women and children, what have been their results (paragraphs 552 to 562 of the report)? Please provide information on alleged involvement of members of the police forces in human trafficking.

13. Considering that persons are being trafficked through the territory of Albania, e.g. from Kosovo and Macedonia, do articles 109 and 109/a of the Criminal Code also apply to individuals who are transporting trafficked persons but who were initially recruited in other States (paragraph 556 of the report)? Please provide information on this issue. What measures has the State party taken to counter these practices on its territory?

Liberty and security of the person; treatment of prisoners (arts. 9 and 10)

14. Please provide information of pre-trial detention: numbers of remands, place and conditions of detention, average period of pre-trial detention and compensation for unlawful detention (paragraphs 639 to 658 of the report). Please clarify the condition of detention of juveniles, separation from adult detainees, and on re-education facilities for juveniles. What measures are being taken to reduce the number of detained persons, through the use of security measures other than pre-trial detention and of non-custodial sentences?

15. According to information before the Committee, the conditions of detainees in prison as well as in police custody are inhumane and degrading (paragraphs 701 to 734 of the report), and the subject of substantive complaints to the Ombudsman. Before the new prisons mentioned in the report are actually built (paragraph 716 of the report), what measures will be taken to improve this situation?

Freedom of movement and expulsion of aliens (arts. 12 and 13)

16. According to information before the Committee, numerous citizens are not locally registered, as a result of recent significant internal migration, which deprives them of certain rights such as education and medical care. What practical measures are taken to solve this situation (paragraph 756 of the report)?

Right to a fair trial (art. 14)

17. According to information before the Committee, the State party's judiciary is facing substantive problems ranging from inefficiency of the system, inexperienced magistrates, up to allegations of judicial corruption. Please provide concrete information on the difficulties faced by the judiciary, measures taken to improve the situation, judicial inspection (paragraph 809 of the report) and their results.

18. Please provide detailed information on how access to counsel, legal aid and trial without delay (paragraphs 834 to 843 of the report), rights enshrined in article 14 of the Covenant, are guaranteed in practical terms.

19. Please comment on allegations of interference with the independence and impartiality of the judiciary by State officials and others. Are those responsible for such interference prosecuted and/or disciplined? What are the practical difficulties in the enforcement and implementation of judicial orders?

Right to privacy (art. 17)

20. What are the mechanisms of judicial supervision of surveillance measures that interfere with confidential communication?

Right to freedom of belief, opinion and expression (arts. 18 and 19)

21. Please elaborate on the competencies and activities of the State Cult Committee, subject to the authority of Council of Ministers (paragraphs 948 and 949 of the report).

22. According to information before the Committee, physical violence against and harassment of journalists remains common as well as threats of defamation suits against journalists and newspapers. Please comment on these allegations and the action taken, by law and practice, to guarantee freedom of expression and opinion. Elaborate on the competencies, activities and results of the "Council of complaints next to the NCRT" (paragraphs 998 to 1002 of the report).

Rights of women and children (arts. 23 and 24)

23. Regarding abuses and maltreatment against children (paragraph 1234 of the report), please provide additional information, as well as on measures taken to protect children against such abuses, mainly child labour, and on campaigns of public awareness-raising. Elaborate on the National Strategy for Children (paragraphs 1156 to 1157 of the report) adopted in 2001, and on its results, mainly in relation to the abuse, exploitation and trafficking of children.

Right to take part in public affairs; protection of national minorities (arts. 25, 26 and 27)

24. To what extent do all ethnic, linguistic, religious and other communities have equal access to public service and governmental positions at the central level? What measures are taken to address any problems?

25. Please explain the measures taken to prevent ethnic discrimination against persons belonging to, amongst others, the Greek, Macedonian, Montenegrin, Egyptian, Aromanian and Roma minorities, in relation to employment, education, housing and social programmes, and religious affairs. Please provide specific information about the Roma minority in the State party and the special measures, if any, that are taken concerning that minority?

26. Please provide information on linguistic minorities and their participation in public life. What is the legal status of minority languages in Albania? Does written communication with local government authorities have to be in Albanian (paragraph 1435 of the report)? Is fluency in Albanian a requirement for access to public service?

Dissemination of information relating to the Covenant (art. 2)

27. Please indicate the steps taken to disseminate information on the submission of this report, on its consideration by the Committee and on the Committee's concluding observations that will be made.

28. Do programmes exist for the training of members of the judiciary, law enforcement officers and other public officials (e.g. schoolteachers) about the provisions of the Covenant and their application? If not, are such programmes envisaged? Please indicate the steps taken to increase the awareness and understanding of the Covenant amongst the general public, including ethnic and linguistic minorities.
