



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-second session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

ALBANIA

1. The Committee considered the initial report of Albania (CCPR/C/ALB/2004/1) at its 2228th, 2229th and 2230th meetings (CCPR/C/SR.2228 to 2230), on 19 and 20 October 2004, and adopted the following concluding observations at its 2245th meeting (CCPR/C/SR.2245), on 1 November 2004.

A. Introduction

2. The Committee welcomes the initial report submitted by Albania while regretting that it was presented with a delay of 11 years. It expresses its appreciation for the dialogue with the State party delegation. The Committee also welcomes the extensive responses to the list of issues in written form, which facilitated discussion between the delegation and Committee members. In addition, the Committee appreciates the delegation's oral responses given to questions raised and to concerns expressed during the consideration of the report.

B. Positive aspects

3. The Committee welcomes the progress accomplished in legislative and institutional reform after the regime change in the early 1990s, notably the restoration of the freedom of conscience and belief, as well as the adoption of a democratic Constitution in 1998 which enhances protection of human rights. It welcomes in particular the ratification by Albania of most of the main United Nations human rights instruments.

4. The Committee welcomes the fact that the provisions of the Covenant are directly applicable in the domestic legal order and that they have been invoked in the domestic courts.
5. The Committee welcomes measures taken to improve the protection and promotion of human rights, namely:
 - (a) The establishment of a “State Council of Minorities”;
 - (b) The establishment of a “National Strategy for the Improvement of the Roma Living Conditions”; and
 - (c) The establishment of a “Committee for Equal Opportunity”.
6. The Committee welcomes the adoption of new legislation relevant for the protection and implementation of human rights, inter alia, the Criminal Code, the Criminal Procedure Code and the recent Family Code.
7. The Committee commends the State party for having abolished the death penalty in 2000, and encourages it to ratify the second Optional Protocol to the Covenant.
8. The Committee welcomes the establishment of the People’s Advocate, an independent institution for the defence of human rights and individual freedoms, although it suggests that future reports should provide more adequate information on its activities.

C. Principal subjects of concern and recommendations

9. The Committee notes with concern the State party’s interpretation of possible derogations from articles 9, paragraph 4, and 10, paragraph 1, of the Covenant during a state of emergency (art. 4).

In the light of the Committee’s General Comment No. 29, the State party should ensure that, in order to protect non-derogable rights, the right to take proceedings before a court, in order that the court may decide without delay on the lawfulness of a detention, as well as the right of all persons deprived of their liberty be treated with humanity and with respect for the inherent dignity of the human person, must not be reduced by a derogation from Covenant provisions during the state of emergency.

10. The Committee is concerned that women continue to face discrimination under customary law and traditional codes (*Kanun*), as well as about reports of high rates of domestic violence, and regrets the lack of detailed information provided on the nature and extent of those problems (arts. 2, 3 and 26).

The State party should adopt and implement appropriate policies to combat effectively and prevent the application of discriminatory customary law, to reinforce its policies against domestic violence and to assist its victims. The Committee recommends in particular that the State party establish crisis-centre hotlines and

victim support centres equipped with medical, psychological and legal facilities, including shelters for battered spouses and children. In order to raise public awareness, it should disseminate information on those issues through the media.

11. The Committee is troubled by the explanation provided in paragraph 196 of the report. It is concerned about the low level of participation of women in public affairs, and that women continue to have a disproportionately low presence in the political and economic life of the State party, particularly in senior positions of public administration (arts. 2, 3 and 26).

The State party should take immediate steps to change public attitude towards the suitability of women for positions in public affairs and consider adopting a policy of positive action. The State party should take appropriate measures to ensure the effective participation of women in political, public and other sectors of the State party.

12. While welcoming the progress made by the State party in the fight against traditional “blood feuds” and situations where potential victims, including children, do not leave their homes, the Committee is concerned about these phenomena and the lack of detailed information provided about crimes related to customary law and traditional codes (arts. 6 and 7).

The State party should take firm measures to eradicate crimes committed under the guise of customary law and traditional codes. It should investigate such crimes and prosecute and punish all the perpetrators.

13. The Committee is concerned about allegations of arbitrary arrests and detention, the excessive use of force by law enforcement officials, ill-treatment of detainees in police custody and use of torture to extract confession from suspects. It regrets that acts of torture by law enforcement officials are considered as “arbitrary acts” only and treated accordingly. It is also concerned that despite several cases of investigations and punishment of those responsible for ill-treatment, many cases have not been investigated properly and compensation to victims has not been provided (art. 7).

The State party should take firm measures to eradicate all forms of ill-treatment by law enforcement officials and ensure prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment. It should prosecute perpetrators and ensure that they are punished in a manner proportionate to the seriousness of the crimes committed, and grant effective remedies including compensation to the victims.

14. The Committee is concerned about the high rate of infant mortality and of abortion and the apparent lack of family planning and social care in some parts of the State party (arts. 6, 24 and 26).

The State party should take steps to ensure that abortion is not used as a method of family planning and take appropriate measures to reduce infant mortality.

15. While the Committee acknowledges that Albania's role has decreased as a transit route for trafficking in human beings and welcomes the legal and practical measures taken by the State party to address and combat trafficking in women and children originating from the country, it remains concerned about this phenomenon, about reports on the involvement of police and government officials in acts of trafficking, and about the lack of effective witness and victim protection mechanisms (arts. 8, 24 and 26).

The State party should continue to reinforce international cooperation as well as practical measures to combat trafficking in human beings, prosecute and punish perpetrators and combat trafficking-related corruption. Protection should be provided to all witnesses and victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against those held responsible.

16. The Committee is concerned about inhumane conditions of detention, e.g. in police custody, about the number of persons on remand and conditions of detention, the condition of juvenile and female detainees as well as the lack of compensation for unlawful arrest or detention (arts. 9 and 10).

The State party is urged to improve the conditions of detention for those held on remand and for convicted persons. Individuals held in remand detention should be segregated from convicted persons. The State party should also provide the necessary measures for victims of unlawful arrest or detention to claim compensation. The State party is reminded that, under article 9, paragraph 3, it shall not be the general rule that suspected persons are detained while awaiting trial. The State party should develop an effective system of bail.

17. While noting the progress made in establishing registration centres, the Committee is concerned about the continuing high number of citizens who have migrated internally in recent years but were not registered at their new domicile and for this reason face problems of access to social welfare, education and other services (arts. 12 and 16).

The State party should take effective measures to ensure that all citizens are registered in order to facilitate and ensure their full access to social services.

18. The Committee has taken note of the efforts undertaken by Albania to strengthen the independence and efficiency of its judiciary. It remains concerned, however, about alleged cases of executive pressure on the judiciary and persistent problems of corruption, lack of access to counsel and legal aid, and undue delay of trials (art. 14).

The State party should guarantee the independence of the judiciary, take measures to eradicate all forms of interference with its independence, ensure prompt, thorough, independent and impartial investigations into all allegations of interference and prosecute and punish perpetrators. It should establish mechanisms to improve the capacity and efficiency of the judiciary, to allow access to justice to all without discrimination and ensure that unconvicted detainees are brought to trial as speedily as possible.

19. The Committee is concerned about instances of harassment and physical violence against journalists as well as about threats of defamation suits against them, and with the lack of information provided by the State party about those situations (art. 19).

The State party should fully guarantee and protect the right of freedom of opinion and expression of journalists and media representatives and introduce legal mechanisms and practical measures to that effect, and should prosecute and punish perpetrators of interference with those rights.

20. While noting the policies established by the State party, the Committee is still concerned with the abuses, exploitation, maltreatment and trafficking of children, inter alia child labour, as well as with the lack of information regarding that situation in the State party (arts. 23 and 24).

The State party should reinforce measures to combat abuse and exploitation of children, and establish public awareness raising campaigns regarding children's rights.

21. While noting measures undertaken to improve the living conditions of the Roma community, the Committee is concerned that the Roma community continues to suffer prejudice and discrimination, in particular with regard to access to health services, social assistance, education and employment which have a negative impact on the full enjoyment of their rights under the Covenant (arts. 2, 26 and 27).

The State party should take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant, by urgently implementing and reinforcing effective measures to address discrimination and the serious social situation of the Roma.

22. While noting the adoption of institutional measures to improve the rights of minorities, the Committee remains concerned that the practical enjoyment of the Covenant rights by members of ethnic and linguistic minorities is imperilled by a variety of factors and discriminatory practices (arts. 2, 26 and 27).

The State party is urged to ensure that all members of ethnic and linguistic minorities, whether or not they are recognized as national minorities, are effectively protected against discrimination and may enjoy their own culture and use their own language, have access to all social rights, participate in public affairs, and are provided with effective remedies against discrimination.

23. The Committee draws the attention of the State party to the guidelines of the Committee on the preparation of reports (CCPR/C/66/GUI/Rev.1). The second periodic report should be prepared in accordance with those guidelines, with particular attention paid to the implementation of the rights contained in the Covenant in practice. It should also indicate the measures taken to give effect to these concluding observations.

24. The State party should disseminate widely the Albanian-language version of its initial report as well as the present concluding observations.

25. In accordance with article 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, the relevant information on the assessment of the situation and the implementation of the Committee's recommendations in paragraphs 11, 13 and 16 above. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 November 2008, information on the other recommendations made and on the Covenant as a whole.
