



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

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Committee against Torture

**Third periodic report submitted by Albania under
article 19 of the Convention, due in 2016*, ****

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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.



List of abbreviations

PA	People's Advocate (the Ombudsman)
EU	European Union
CAT	Committee against Torture
GDSP	General Directorate of State Police
GDP	General Directorate of Prisons
DFLA	Directorate of Free Legal Aid
IEVP	Institutions of Execution of the Criminal Decisions
UN	United Nations
CoE	Council of Europe
CP	Criminal Code
CPP	Criminal Procedure Code
CPD	Commissioner on Protection from Discrimination
NCGE	National Council for Gender Equality
MESY	Ministry of Education, Sport and Youth
MEFE	Ministry for Europe and Foreign Affairs
MFE	Ministry of Finance and Economy
NMPT	National Mechanism for Prevention of Torture
CMRDV	Coordinated Mechanism of Referral for domestic violence cases
MHSP	Ministry of Health and Social Protection
NPO	Non-Profit Organization
CSO	Civil Society Organization
UNO	United Nation Organization
NRCAS	National Reception Center for Asylum Seekers.
RA	Republic of Albania
FO	Final Observations
TV	Trafficking Victims
PTV	Potential Trafficking Victims

I. Introduction

1. The Republic of Albania adhered to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹ by law no. 7727, dated 30.06.1993.
2. Based on article 19/1 of the Convention, Albania has submitted before the Committee of the Conventions (the CAT Committee) two periodical reports on the implementation the Convention's articles and the CAT Committee's has approved the Concluding observations and recommendations on Albania.
3. This Report is drafted in accordance with specific instructions (*guidelines*) on drafting periodic reports. The first part of the Report contains information on the measures undertaken for the implementation of the Convention's provisions, the main developments in the legal and institutional framework as per the areas. The second part contains information on the measures for the implementation of the concluding observations and recommendations of the CAT Committee.² The Report includes information mainly on the 2015–2020 period, but also information on the legal framework and measures as per the areas before this period as well to the function of full reporting on the issues covered by the Convention against Torture. In the appendixes that are part of the Report, additional information on its implementation is presented.
4. One of the fundamental human rights is the right to not submit to torture or inhuman and degrading treatment, which is sanctioned by the Constitution, the legal framework, the UN Convention against Torture, and article 3 of the European Convention on Human Rights (ECHR). Based on the obligations deriving from international Conventions, the Albanian state has the obligation and responsibility to create an efficient internal system for preventing such phenomena, guarantee criminal prosecution of torture cases or inhuman and degrading treatment, as well as judicial examination with impartiality and efficiency. Albania is committed to the implementation of obligations deriving from the European Convention for the Prevention of Torture.
5. In the framework of the monitoring of its implementation, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), during the reporting period, has held three visits to Albania, with the aim of evaluating the implementation of recommendations, the evaluation of the situation and conditions in the locations of arrests and penitentiary institutions (including psychiatric hospitals and social centers) and the treatment of arrested and sentenced persons, by presenting also reports on the findings and recommendations. Albanian institutions have presented comments and information on the CPT³ Committee's findings and recommendations.
6. The Constitution of the Republic of Albania, ratified international agreements that are part of the internal legal system, and the internal legal framework guarantee the implementation of human rights in practice. The Convention against Torture, which, following its ratification based on the Constitution of the Republic of Albania, has become part of the internal legislation, constitutes the basis on which the undertaking of measures for the elimination of any kind of torture, inhuman and degrading treatment is based on. The internal legal framework on human rights, the prison system, and other areas has constantly improved, in the spirit of the Convention against Torture and European standards.
7. Based on law no. 42/2016 on "International agreements in the Republic of Albania" (article 25/3), Ministries and competent institutions periodically inform the Ministry for Europe and Foreign Affairs (MEFA), in the framework of drafting national reports on the implementation of international agreements on human rights of which the Republic of Albania is a party. Based on point 4 of this article, the MEFA leads the process of drafting national reports for the implementation of agreements on human rights, which it then presents to the Council of Ministers for approval.

¹ Hereinafter, referred to as the Convention against Torture.

² CAT/C/ALB/CO/2.

³ Information on the CPT Committee's visits, reports, and responses from Albanian institutions are given in the page: <https://www.coe.int/en/web/cpt/albania>.

8. Based on the Prime Minister's Order no. 112, dated 5.3.2014 on "Establishing an inter-ministerial working group on drafting and participating in the examination of reports in the framework of international conventions on human rights", the MEFA coordinates the process of preparing international reports on the implementation of conventions on human rights. This Report was drafted as a result of coordination and inclusion of contributions from central institutions such as the Ministry of Justice, the Ministry of Interior, the Ministry of Health and Social Protection, the State Police General Directorate, and the General Directorate of Prisons. The Report includes contributions from independent institutions such as the General Prosecution, the People's Advocate, and the Commissioner for Protection from Discrimination.
9. The third periodic national report on the implementation of the Convention against Torture is approved by Decision of the Council of Ministers. no. 347, dated 16.06.2021.
10. In the appendixes, additional information is presented as part of this Report.

II. Information on the implementation of the Convention against Torture

Articles 1–16

Article 1: Definition of torture

11. The Constitution of the Republic of Albania (as amended) provides that "No one will be subjected to torture, cruel, inhuman or degrading punishment or treatment" (article 25).

12. The Criminal Code (as amended) defines torture in full accordance to article 1 of the Convention against Torture. The Criminal Code, article 86 "On Torture"⁴ provides that: "Intentional commission of actions, as a result of which a person was subjected to severe physical or mental suffering, by a person who exercises a public function or incited or approved by him, openly or in silence, with the purpose of:

- (a) Obtaining from him or from another person information or confessions;
- (b) Punishing him for an action committed or suspected to have been committed by him or another person;
- (c) Intimidating or pressuring him or another person;
- (d) Any other purpose based in any form of discrimination;
- (e) Any other inhuman or degrading action;
- (f) Shall be punished from four up to ten years imprisonment.

13. Moreover, the Criminal Procedure Code of the Republic of Albania (amended),⁵ with the aim of preventing any kind of torture or mistreatment towards accused persons provides that: "No one may be subjected to torture or humiliating punishment or treatment" (article 5/1).

14. In 2020, by law no. 81/2020 on "The rights and treatment of persons sentenced to imprisonment and detained"⁶ article 3 "Definitions" provides that: "Torture" is any act by which the convict is deliberately inflicted grave physical or mental pain or suffering, when this pain or suffering is caused by the personnel of the institution or another person, who acts in accordant with official duty or with his/her encouragement or approval, committed with the aim of one of the points provided for in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁴ Amended by law no. 9686, dated 26.2.2007; law no. 23/2012, dated 1.3.2012.

⁵ Approved by law no. 7905, dated 21.03.1995, amended.

⁶ Approved by the Parliament on 25.06.2020.

Article 2, paragraph 1: Effective legal, administrative, and judicial measures

15. The Constitution of the Republic of Albania and the Albanian legislation provide for a series of dispositions which guarantee that no one will be subjected to torture, cruel, inhuman, or degrading punishment and treatment, as well as in relation to the prevention of acts of torture or mistreatment. The definition of torture as a criminal act with a respective punishment by the Criminal Code of the Republic of Albania (with the respective amendments) constitutes a main measure for the prevention of acts of torture. Moreover, the Criminal Code defines torture or any other inhuman treatment, as well as cases when these acts have resulted in grave consequences, as a criminal act with a respective punishment (article 87).

16. The Criminal Procedure Code (amended) determines that: 1. A person's freedom may be limited by security measures only in the cases and manners determined by law. 2. No one shall be subjected to torture, degrading punishment or treatment. 3. Convicts shall be ensured human treatment and moral rehabilitation.

17. Article 248 of the Criminal Code sanctions: "Deliberate accomplishment or non-accomplishment of actions or failures to act, in violation to the law and constituting the failure of a person, who carries out public functions, to do his duties regularly, in cases when it has led to bringing him or other persons unjust material or non-material benefits or when it has brought damages to the legitimate interests of the state, citizens, and other legal entities, when it does not constitute another criminal offence, is punishable with imprisonment up to seven years."

18. Article 314 of the Criminal Code sanctions: "The use of violence by the person charged with the holding of investigations to force the citizen to make a statement, testify, or affirm his innocence or that of another person is punishable by three to ten years imprisonment". From an analysis of the objective and subjective elements of these criminal acts, the impression is that there can be uncertainties in the investigative and judgment bodies related to the judicial qualification of the act, including torture.

19. By analyzing the elements of these criminal acts, respectively "intent in committing actions or inactions, in violation of the law... by the person with public functions... who have damaged the lawful interests of citizens...", or "committing of actions or giving arbitrary orders by... officials of state or public function...", or "the use of violence by the person charged with the holding of investigations... forcing the citizen to make a statement, testify, or affirm his/her innocence or that of another...", provided for in the respective acts, may be elements of the objective and subjective side of the figure of the criminal act or Torture, or inhuman and degrading treatment (articles 86, 87 Criminal Code).

20. The Criminal Procedure Code of the Republic of Albania (amended) provides that the procedural criminal legislation has the duty to ensure a fair, equal, and regular legal proceeding, protect the personal freedoms and the lawful rights and interests of citizens. With the 2017⁷ amendments, the procedural provisions will determine the rules on the manner of exercising criminal prosecution, investigation, and judgment of criminal acts, as well as the execution of judicial rulings. These rules are mandatory for subjects of criminal proceeding, for state bodies, judicial persons, and citizens, as well as minor defendants (articles 1, 2). Article 11 of the Criminal Code provides that the Court is the body that realizes the administration of justice and that no one shall be declared guilty and be punished for committing a criminal act without a court ruling.

21. Law no. 108/2014 "On the State Police", amended, provides that the State Police has the mission to respect fundamental human rights and freedoms, the rights of persons deprived of freedom (accompanied and stopped/arrested) in police facilities, as well as the police's obligations to respect and guarantee them. The principles of the activity of the State Police, such as: lawfulness, non-discrimination, respect of fundamental human rights and freedoms, proportionality, operational independence, political impartiality, integrity, merit and professionalism, transparency, control, and accountability.

⁷ By law no. 35/2017, dated 30.3.2017.

22. Law no. 97/2016 “On the organization and functioning of the prosecution in the Republic of Albania” provides, among others, that:

- The Prosecution exercises criminal prosecution and represents the accuse at trial on behalf of the state, undertakes measures and supervises the execution of criminal rulings, leads and controls the activity of the Judicial Police, as well as fulfilling other duties determined by law (article 3);
- In exercising their duty, prosecutors submit to the Constitution, international agreements ratified by the Republic of Albania, and other laws in force; Prosecutors exercise their competencies in respect of principles of fair, equal, and regular legal proceeding and the protection of fundamental human rights and freedoms and the public interest (article 4);
- Prosecutors ensure fair, objective, and indiscriminate treatment to all persons, regardless of gender, race, religion, ethnicity, language, political, religious or philosophical convictions, gender identity, sexual orientation, economic situation, property, education, limited abilities, social origin, parental belonging, or other reasons (article 8).

23. Law no. 8328, dated 16.4.1998 “On rights and treatment of imprisoned or detained persons” (amended)⁸ which was in force until the entry in force of the new law no. 81/2020 has provided for the rights and treatment of detained or imprisoned persons, the competencies and duties of competent state bodies.⁹

24. The object of law no. 81/2020 “On the rights and treatment of persons sentenced to imprisonment and of the detained” is to determine the rights and treatment of the detained and of the sentenced to imprisonment, the organization of the prison system, the competencies and duties of competent state bodies. Article 5 “The respect of human rights” provides that convicts shall be treated with dignity and in respect of fundamental human rights in implementation of the legislation in force, as well as international acts. At any case, torture, inhuman, degrading or humiliating treatment against the convict is prohibited. Article 71 determines the use of force with the aim of torture, inhuman or degrading treatment or punishment.

25. Since 2008, based on law no. 8328, dated 16.4.1998, “On the rights and treatment of persons sentenced to imprisonment” (amended),¹⁰ the institution of the People’s Advocate exercises the functions of “The National Mechanism for the Prevention of torture, harsh, inhuman or humiliating treatment or punishment”.

26. Law no. 81/2020 “On the rights and treatment of persons sentenced to imprisonment and of the detained” provides for the competencies, warrantees, and forms of supervision for the national Mechanism for the prevention of torture, harsh, inhuman or humiliating treatment or punishment and its competencies (article 81).

27. Law no. 97/2016, dated 6.10.2016, “On the organization and functioning of the Prosecution of the Republic of Albania” (article 4) determines that “in the exercise of their duty, prosecutors shall submit to the Constitution, international agreements ratified by the republic of Albania, and other laws in force, as well as their competencies in respect of the principles of fair, equal, and regular legal proceeding and the protection of human rights, interests, and lawful human freedoms”.

28. Law no. 44/2012 “On mental health”, amended, aims to protect and promote mental health, prevent disorders related to it, guaranteeing rights, and improving the quality of life for persons with mental health disorders by determining the procedures and conditions for the protection of mental health, through ensuring health care, ensuring a proper social

⁸ Amended by law no. 8758, dated 26.3.2001; Amended by law no. 9071, dated 22.5.2003 (Amended by law no. 9888, dated 10.3.2008; amended by law no. 10 087, dated 26.2.2009; amended by law no. 40/2014.

⁹ Detailed information on the provisions of this law is given in the second Report on the implementation of the Convention against Torture.

¹⁰ This law was repealed by law no. 81/2020 “On the rights and treatment of persons sentenced to imprisonment and of the detained”.

environment for person with mental health disorders, and through preventive policies for the protection of mental health.

Article 2, paragraph 2: Legal, administrative and judicial measures for the prevention of torture in any circumstance

29. The Constitution (article 17) provides for limitations of rights and freedoms only by law to the public interest or to the protection of the rights of others. The limitation shall be in proportion to the state that has caused it. These limitations shall not violate the essence of rights and freedoms and shall not surpass the limitations provided for in the European Convention on Human Rights. Article 26 of it prohibits the performance of forced labor, except in cases of execution of a court ruling, performance of military service, a service deriving from state of war, state of emergency, or a natural disaster that threatens people's lives or health.

30. The Criminal Code (article 75) defines as criminal acts also "acts carried out by various persons in times of war, such as murder, mistreatment, or expulsion for enslaved labor, as well as for any other kind of inhuman exploitation to the damage of the civil population or an invaded territory, murder or mistreatment of prisoners of war, murder of hostages, destruction of private or public property, destruction of cities, communes, villages when not dictated by military need" with a maximum punishment of no less than 15 years or life in prison.

31. Law on State Police provides that officials, in accordance with responsibilities determined in this law, shall perform the following actions:

- They must avoid in all cases risk to citizens or themselves;
- In the cases when Police officials evaluate that there is need to undertake additional measures or that help is needed, they must immediately notify responsible administrative authorities and advise them on the potential measures.

32. Law no. 81/2020 "On the rights and treatments of persons sentenced to imprisonment and of the detained" provides for dispositions on justified different treatment of the prisoner, which must be justified and result necessary due to the risk presented by the prisoner and aim at fulfilling the rehabilitating function of the sentence (article 7). The rights of the prisoners, as per this law, may be limited to the necessary minimum and only to the fulfilment of a lawful goal in the cases and according to the criteria provided in this law (article 8).

33. According to article 9 of the Penal Code "The limitation of rights in block", the rights of prisoners can be temporarily limited in block, by order of the Minister of Justice, to the minimum necessary, in fulfilment of a lawful goal and only in special cases: a) state of emergency, declared by law; b) urgent situation; c) state of war; d) state of emergency, in accordance with legislation on civil emergencies; e) potential risks to life and health of the prisoners; f) armed attacks from outside the institution or referral of information for the performance of potential attacks.

Article 2, paragraph 3: Measures for the prevention of torture when an order by a high-level official or public authority is used to justify torture

34. The Criminal Code (amended) determines also the sanctions taken against persons charged with the implementation of the law when they perform actions or inactions in violation of the law. The Criminal Code contains provisions which define as offence or criminal act (with the respective sanctions) the performance of actions or the issuance of arbitrary orders which affect the citizens' freedom, by officials who exercise a state or public function, the failure to take measures to suspend the unlawful state (articles 250, 251 of the Criminal Code).

35. According article 248, "The deliberate performance or lack thereof of actions or inactions in violation of the law, which constitutes failure to fulfil duty, by the person who exercises public functions, when they have brought him or other persons unjust material or immaterial benefits or have damaged the lawful interests of the state, citizens and other judicial persons, if it does not constitute another criminal act, is punishable by imprisonment of up to seven years."

36. According article 253, “The performance due to duty and in its exercise, on the side of the official with a state function or in public service, of discrimination on the basis of origin, sex, sexual orientation or gender identity, health condition, religious or political conviction, union activity or due to affiliation to a specific ethnicity, nation, race, or religion, which consists in the creation of unjust privileges or refusal of a rights or benefit which derives from the law, is punishable by fine or up to five years in prison.”

37. Criminal act of “enforced disappearance” (article 109/c), the Criminal Code provides that the Superior who:

(a) Is aware that dependents places under his/her authority and effective control performing or will perform enforced disappearance, or does not takes into consideration data and information that clearly show this fact;

(b) Exercises his responsibility and effective control on activities the forced disappearance is related to;

(c) Has not taken all the necessary and reasonable measures in his/her competency to hinder or punish the person who gives authorization, support for, and approval of the forced disappearance, or to refer the case to competent criminal prosecution bodies, is punishable by three to seven years in prison.

38. Law no. 108/2014 “On the State Police” (article 86) determines the obligation of the police official to only implement orders based on the law:

(a) The Police official must execute all orders issued by a person who has a higher function or grade;

(b) The police official, if he/she has reason to suspect that the order issued is unlawful, he/she shall immediately inform his/her superior and, when possible, presents a written request for the order to be given in writing. At any case, when there is a verbal or written request for the issuance of the order in writing, the superior is obligated to proceed as per the written request;

(c) In the cases when the failure to implement the order until it is issued in writing, according to point 2 of this law, risks the life of another person, the police official must implement the order;

(d) When, even after the implementation of procedures determined in this article, the police official continues to have reason to suspect the order is unlawful, he/she will perform the following actions:

- Oppose the order, with the exception of cases provided for in point 3 of this article;
- Immediately notify the police official who is directly at a higher function than the superior who issued the order, as well as of the measures taken by him/her in implementation of this article.

39. Law no. 97/2016, dated 6.10.2016, “On the organization and functioning of the Prosecution Office in the Republic of Albania” determines that orders and instructions of the highest prosecutor are issued in writing and are mandatory for the lower-rank prosecution. This determination makes possible the elimination of cases for the issuance of arbitrary verbal orders by officials with a public or state function.

Article 3: Prohibition of expulsion, return or extradition

40. The Constitution provides for the protection and treatment of foreigners and guaranteeing their rights, as well as the principle of not returning a person to another country where he/she will be subjected to torture. The fundamental rights and freedoms and the obligations of Albanian citizens are also applicable to foreigners and stateless persons, with the exception of cases when their exercise is specifically related to Albanian citizenship (article 16).

41. Law no. 108/2013 “On aliens” (amended by law no. 74/2016, dated 14.7.2016 and law no. 13/2020) regulates the order of enters, stay, circulation, and employment of foreigners in the Republic of Albania, as well as their exit from its territory. Subject to this

law are foreigners who enter or aim to enter the Republic of Albania, with the aim of stay, transit, employment, work, or readmission. This law guarantees the rights and obligations of foreigners who work and live in Albania.

42. The law determines as “foreigner” any person, in possession of citizenship or lack thereof, who, according to the Albanian legislation, is not an Albanian citizen. This law provided that: “expulsion” is the implementation of the obligation of return for a foreigner, subject of an expulsion order, the person declared non-grata, as well as the expulsion of a foreigners by the authorities determined in this law; detailed provisions related to cases, the criteria for the expulsion of foreigners, the expulsion order, responsible authorities, and the rights of complaint against the expulsion order. Until the completion of the complaint procedure, the foreigner is held in conditions of alternative supervision measures or at a closed center, pending immediate expulsion, in accordance to the order issued for this goal.

43. Law no. 121/2014 “On asylum in the RoA”, which has been in force until the entry into force of the new law on asylum, on February 2021,¹¹ provided for the obligation to not return and expulse from its territory persons who have benefited or requested the rights to asylum or temporary protection, as well as the case when it is reasonable to believe that the asylum seeker may be at risk of being subjected to torture or inhuman and degrading treatment or any other kind of treatment provided for in international tractates/conventions the Republic of Albania is a signatory of.

44. Law no. 10/2021 “On asylum in the RoA” has been aligned to international standards and the EU legislation on the proper treatment and management of refugees and emigrants who enter the Albanian territory, as well as on their integration. The law guarantees that persons who request asylum shall have access to the asylum procedure, regulates the conditions for the processing of their requests, and offers additional warranty for the treatment of sensitive categories among asylum seekers – such as unaccompanied minors. The law includes an accelerated procedure for the quick evaluation of asylum requests, when the conditions are fulfilled. The law provides that “Asylum” is the international form of protection that the Republic of Albania gives to refugees and persons under additional protection.

45. This law is implemented on all foreign citizens and stateless persons, who have declared the intention to present a request for international protection in the territory of the Republic of Albania, so long as they are permitted to stay in Albanian territory as seekers of international protection, as well as for their family members. The law (article 3) provides that “non-refoulement” is the obligation to prohibit the expulsion or to return foreign citizens or stateless persons in any manner to the borders of territories where their life or freedom is threatened due to race, faith, nationality, affiliation to a certain social group, or political conviction.

Article 4: Provision of torture (Criminal Code)

46. Article 87 of the Criminal Code “Torture with grave consequences” provide that: “When torture, or any other inhuman act, has caused mutilation, disfiguration, or permanent damage to the health of the person or his/her death, is punishable by up to twenty years in prison.”

47. The Criminal Code determines as a criminal act the use of violence by the person charged with conducting investigation to force the citizen to make statements, testify, or affirm his/her culpability or that of another person and provides for punishment by three to ten years in prison (article 314).

48. In the Criminal Code of the Republic of Albania (amended), another aggravating circumstance has been added to article 50 “aggravating circumstances”, with this specific content: “committing the act urged by motives related to gender, race, religion, nationality, language, political, religious, or social conviction”, a circumstance that aggravates the punishment for the criminal acts determined by Criminal Code.

¹¹ Law no. 10/2021 “On asylum in the Republic of Albania”, approved by the Assembly on 1.02.2021.

Article 5: Jurisdiction

49. The scope of the Albanian criminal law is provided for in articles 5, 6, 7, 7/a, 8, and 9 of the Criminal Code. The Criminal Code provides that Albania has universal jurisdiction for the criminal act of torture. Article 7/a “The criminal law of the RoA is applicable also to foreign citizens who are in the territory of the RoA and have not been extradited, who, outside the territory of the Republic of Albania, have committed torture. The criminal law is applicable also to foreigners who, outside of the territory of the RoA, have committed any of the criminal acts, for which special laws or international agreements Albania is a state party of determine the applicability of Albanian criminal law.”

50. Based on the Criminal Procedure Code (amended), the criminal jurisdiction is exercised by criminal courts according to rules determines in the Code.

Article 6: Legal measures until criminal or extradition proceedings

51. Albanian legislation provides for a series of legal measures to put a person under custody or to ensure his/her presence. For persons who have committed acts of torture, efforts to exercise torture, co-operation or participation in torture, pending the start of the criminal proceeding, or extradition procedures, the same legal procedures (provided for by the legislation in force and the Criminal Code) of custody and treatment applicable to all persons detained or deprived of freedom shall be implemented.

52. Based on the Criminal Procedures Code (CPC), the procedural provisions determine the rules of the manner of conducting criminal proceeding, investigation, and trial of criminal acts, as well as execution of court rulings. These rules are mandatory for subjects of criminal proceeding, state bodies, judicial persons, and citizens (article 2). The CPC clearly provides for cases of limitation of freedom of the person with security measures, specifically when: a) important causes exist to risk the obtainment or veracity of evidence; b) when the defendant has departed or the risk of his/her departure exists; c) when, due to circumstances of the fact and personality of the defendant there is risk that he/she may commit grave crimes or identical to the one he/she is being prosecuted for.

53. Based on the law of the Criminal Procedures Code (amended), the freedom of the person may be limited by security measures only in cases and manners determined by law (article 5). The CPC provides that security measures are imposed by request of the prosecutor, who presents the reasons to the competent court. In regards to extradition, the CPC (amended) provides the necessary rules and procedure to be followed by the relevant bodies (the Judicial Police, Prosecution, Court, Ministry of Justice). Based on this Code, the prosecutor, the person concerned and his defense, who can make a complaint to the appeals court, on the ruling issued by the court on the binding measures and sequestrations.

54. Law no. 108/2014 “On the State Police” determines that the police official has the duty, in accordance with this law and the legislation in force, to take all necessary measures to prevent the escape of a person in cases of escorting, detention, or arrest by the Police. (article 89).

55. Article 109 provides for cases of escorting to the police where, among others, it is provided: when there is reasonable suspicion that the person has committed a criminal act; to prevent that another criminal act is committed; when the person has left after a criminal act has been committed; for the identification of the person on whom investigation is being conducted, according to the conditions determined in the Criminal Procedure Code. The escorted person shall not be treated with the same conditions as the person detained or arrested and, at any case, the accompaniment shall last until the case is cleared, but no longer than 10 hours. This law provides for the obligation of the police to submit and administer the data on the escorted persons manually and electronically and, at the end of the accompaniment, to draft the records of the actions carried out with the accompanied person and to issue a copy of these records to the accompanied person, when he/she is set free.

Article 6/3: Legal guarantees of the arrested person

56. Law no. 108/2013 “On foreigners”, amended, provides for the cases and treatment of subjects who are subject to expulsion from the territory of the Republic of Albania. Article

126 determines that, by request of the foreigner, or when this is determined by a bilateral agreement, the diplomatic or consular mission of the state of the foreigner detained at a center is notified through the Ministry of Foreign Affairs of their detention, as well as of the extension of the detention period. In case the foreigner has sought asylum or enjoys the refugee status or another protection by the Republic of Albania, this information shall not be made known to the consular or diplomatic representative of their country.

57. Article 127 of this law provides for the rights of the foreigner detained in a closed center, specifically a foreigner who stays at a closed center, according to provisions of this chapter, is notified in the language he/she understands of any action carried out by the competent authorities for his/her detention at the center, as well as enjoying the right to humane treatment. According to article 127/3, the foreigner enjoys the right to inform the consular representative of his/her detention. The foreigner enjoys the right to complaint at the district court against the violation of his/her fundamental rights at the center. In case if readmission, the foreigner shall be informed of the rights and obligations he/she has based on the Albanian legislation, in the language he/she understands (article 127/5).

Article 7: Criminal prosecution against the person accused of having committed the criminal act of torture, competent authorities in case of non-extradition

58. Based on the Constitution of the Republic of Albania, extradition is only allowed when specifically provided for in international agreements the Republic of Albania is a signatory of and only by court ruling.

59. The Criminal Procedures Code (amended) provides for the rules to be followed regarding fair, equal, and regular proceeding, to protect personal rights and freedoms and lawful interests of citizens. This Code provides for the bodies that exercise criminal prosecution and their functions:

- The court is the body that exercises the administration of justice;
- The prosecutor exercises criminal prosecution and represents the accuse at court on behalf of the state, leads and controls preliminary investigations and the activity of the judicial police, as well as personally conducting any investigative action deemed necessary, takes measures for the execution of criminal rulings, supervises their execution, as well as exercising judicial co-operation functions with foreign authorities, according to rules determined in this Code;
- The judicial police is informed of criminal acts, avoids further consequences, searches for their authors, conducts investigations that serve the implementation of criminal law.

60. The CPC, amended by law no. 35/2017, dated 30.3.2017, provides for:

- The rights of the victim of the criminal act: During criminal proceeding, the victim has the rights provided for by this Code. Public bodies must guarantee that victims of criminal acts are treated with respect to their human dignity and are protected by repeated damage, during the exercise of the rights provided for by this Code;
- The procedural provisions on the ruled for the manner of exercising criminal prosecution, investigation, and judgment of criminal acts, as well as execution of judicial rulings. These rules are mandatory to subjects of criminal proceeding, state bodies, judicial persons, and citizens;
- The defendant is presumed innocent until his culpability is proven by final court ruling. Any suspicion is deemed in favor of the defendant;
- The court shall issue a culpability ruling when the defendant is found guilty beyond any reasonable doubt of the criminal fact attributed him/her;
- The quality of defendant shall be received by the person who is attributed a criminal act by the notification act, in which sufficient data for calling him/her a defendant is provided. This act shall be notified to the defendant and his/her defense. If, once the person has been called a defendant, new evidence arises that change or complete the charges presented, the prosecutor shall make a decision, which shall be notified to the

defendant. The quality of defendant shall be maintained at any state or level of the process until the dismissal, innocence, or sentence ruling has been made final. The quality of defendant shall be reobtained if the dismissal ruling is repealed or if there is a ruling on reviewing the process (article 34).

Article 7/3: Measures on the investigation of persons who commit acts of torture, and during criminal proceeding

61. Based on article 27 of the Constitution, “No one can be deprived of their freedom, except in cases and as per the procedures provided for by law”, the provision is made, among others, for the limitation of the freedom of the person when there is reasonable suspicion that he/she has committed a criminal act or to avoid he/she commits the criminal act or his/her departure after committing it. The person must be sent within 48 hours before a judge, who shall rule on his/her detention or release no later than 48 hours from the moment of reception of documents to be examined. The detained has the right to complain against the judge’s ruling. In all other cases, the person who has been deprived of his/her freedom in an extra-judiciary manner may address at any time the judge who rules within 48 hours on the legality of this measure (article 28/4). Any person who has been deprived of his/her freedom has the right to humane treatment and respect of his/her dignity (article 28/5).

62. According to article 28, the person who has been deprived of his/her freedom has the right to be informed immediately in the language he/she understands of the causes of this measures, as well as of the charges pressed on him/her, and this person must be notified that he/she has no obligation to make any statement and that he/she has the right to immediately communicate with his/her lawyer, as well as to be given the opportunity to apply his/her rights.

63. Law no. 108/2014 “On the State Police” (article 109/3) provides for the rights of accompanied persons, such as: notification in the language they understand of the causes of accompaniment; notification that they have no obligation to make any statement, the right to be held in appropriate environments, the right to notify a family member or other person, the right to immediately communicate with a trusted person and their lawyer. The right to address the court for complaints/requests that they may have regarding the escorting at any time.

Article 8: Extradition

64. The Criminal Procedure Code (amended), provides that: Relations with foreign authorities in the criminal area are regulated by international agreements, accepted by the Albanian state, the generally accepted principles and norms of international law, as well as provisions of this Code (article 10).

65. The CPC (article 488) provides that “The submission of a foreign citizen for execution of an imprisonment ruling or another act that verifies his/her prosecution for a criminal act, can only happen through extradition”. The Criminal Code provides for the conditions that must be fulfilled regarding the “extradition request” (article 489). Article 490 Of the CPC¹² provides for the “conditions of extradition”. Extradition is permitted on condition that the extradited shall not be prosecuted, punished, or submitted to another state for a criminal act that has happened before the extradition request and that is different from the one extradition is issued for.

66. Article 491¹³ provides for the refusal of the extradition request, including cases when there is reason to think that the wanted person shall be subjected to persecution or discrimination due to race, religion, sex, citizenship, language, political conviction, personal or social situation, or to harsh, inhuman or humiliating punishment or treatment, or to actions that constitute violation of a fundamental human right. The CPC provides dispositions on: The prosecutor’s actions; Binding measures and sequestrations; Temporary implementation of binding measures; Arrest by judicial police; Examination of the extradition request (article 492–497).

¹² Amended by law no. 99, dated 31.7.2014.

¹³ Amended by law no. 35/2017, dated 30.3.2017.

67. In case Albania refuses an extradition request because the person is an Albanian citizen, the request shall be treated as a notification of a criminal act having been committed by an Albanian citizen abroad and, based on article 6 and 7/a of the Criminal Code, the relevant authorities are obliged to register the criminal act against the person and take all necessary measures, in accordance with internal legislation and international agreements Albania is a signatory of, to ensure his/her presence. Criminal proceeding is mandatory, and the prosecutor has the right to rule on the start or lack thereof of the criminal proceeding, depending on the gravity of the criminal act.

Article 9: Judicial aid

68. Communication procedures between Albania and other countries in the field of mutual judicial aid in criminal matters are regulated by international agreements ratified and by the CPC of the Republic of Albania. Judicial aid in the criminal area is regulated by:

- The Council of Europe's "Convention on Mutual Assistance in Criminal Matters", its additional protocols;
- The European Convention on the Transfer of Proceedings in Criminal Matters;
- Additional Protocol to the European Agreement on the Transmission of Applications for Legal Aid.

69. The Criminal Procedure Code provides that relations with foreign authorities in the criminal area are regulated by international agreements, accepted by the Albanian state, the generally accepted principles and norms of international law, as well as provisions of this Code. Moreover, articles 505–508 of CPC provides for the letters of requests from abroad.

70. Law no. 10193, dated 3.12.2009 "On jurisdictional relations with foreign authorities in criminal matters", amended by law no. 100/2013" has as its object the determination of complementary procedural rules in the area of jurisdictional relations with foreign authorities in criminal matters.

Article 10: Measures taken for the information, treatment of the law-enforcing personnel on preventing torture¹⁴

71. Continuous training has been held for the law-enforcing personnel on respecting and guaranteeing their fundamental rights; standard rules, procedures regarding detention, security, and treatment of arrested/detained persons in the environments of security chambers of the State Police.

72. The State Police personnel, who is responsible for the security treatment of the detained and arrested until the moment the "arrest in prison" issued by the court bodies, shall be selected on the basis of professional criteria. The police structure personnel has the duty to be acquainted with and implement all legal and sublegal acts that sanction the fundamental rights and freedoms of persons who have been deprived of their freedom, continuous training and control. Continuous training are organized to increase implementation of rights. Every year, the General Directorate of the State Police drafts programs of trainings with police officials according to their levels and grades.

73. The standards procedures on the "Treatment and security of arrested/detained persons in State Police environments, recognition and resolution of their requests/complaints" (approved by order no. 440/3, dated 27.04.2017) have been approved. In implementation of the law on the State Police, the "Regulation of the State Police Personnel" has been approved, aiming, among others, at the determination of ruled and procedures regarding the training of State Police personnel.

74. Since 2016, the prison system implements a platform for the motivation of staff in the exercise of their functional duties (approved by order no.19, dated 02.06.2016 of General Director of Prisons), to the function of ethical and correct behavior during the exercise of functional duties, especially by security officials.

¹⁴ Detailed information is further given on the implementation of specific recommendations.

75. Regarding the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), the General Directorate of Prisons has periodically trained the security, civil, and medical staff on this manual and the respective formats of case documentation. The approved program of training for officials of the basic security level includes a module on the concepts and prevention of torture by the prison system administration. Administrative instructions have been approved for the psycho-social and health service and security in the penitentiary institutions.

Article 11: Interrogation, investigation, protection, and treatment of arrested or detained persons

76. The Criminal Procedure Code¹⁵ (article 34/a on the rights of the defendant) provides that:

- The person under investigation or the defendant has the right to: a) be notified at the shortest time possible, in the language he/she understands, of the criminal act he/she is being investigated for, as well as the causes for the charges; b) use the language he/she speaks or understands or use sign language, as well as be assisted by a translator and interpreter if he/she has limited abilities in speech and hearing; c) remain silent, freely present his/her defense, as well as not answer certain questions; d) defend himself/herself or be assisted by defense chosen by him/her; e) have defense ensured by the state, if defended is mandatory or if he/she does not have the financial means for defense, in accordance with the provisions of this Code and the legislation in force for judicial aid; f) meet privately and communicate with the defense representing him/her; g) be acquainted to the case's materials, in accordance with the provisions of this Code; h) present evidence that serve his/her defense; i) ask questions of the witnesses, experts, and other defendants during trial; j) exercise other rights provided for by this Code;
- The rights and warranties provided to the defendant shall also be applicable to the person under investigation and the person who is attributed criminal offenses, with the exception of cases when this Code provides otherwise.

77. The CPC (as amended) provides for the rights of the arrested or detained person (article 34/b). Arrested or detained person has the right: a) to meet his defense; b) to be acquainted with the acts, necessary evidence, and reasons for his/her arrest or detention; c) to request that a member of his/her family or another relative be immediately notified of his/her arrest. In case the arrested or detained is a foreign citizen, he/she has the right to request that the consular or diplomatic representative of his/her country be notified or, if he/she is a stateless person or refugee, he/she has the right to request that an international organization be notified; d) to receive necessary health care. The proceeding body immediately notifies the arrested or detained person of the rights provided for, by giving him/her, upon signature, the bill of rights in writing.

78. Law no.81/2020 on the rights and treatment of persons sentenced to imprisonment and of the detained, the article provides for: the prisoners to be treated with dignity by respecting the fundamental rights in implementation of the legislation in force, as well as international acts binding to the Republic of Albania. In any case, torture, inhuman, degrading treatment against prisoners are prohibited. Prisoners shall be treated in a fair, impartial, and non-discriminatory manner for any cause provided for by the legislation in force on protection from discrimination.

Article 12: Investigation of an action when there is credible reason of torture

79. The amended CPC provides for the respect of procedural norms. Procedural provisions determine the rules of the manner of conducting criminal prosecution, investigation, and judgment of criminal acts, as well as execution of court ruling. These rules are mandatory to criminal procedure subjects, state bodies, judicial persons, and citizens. The CPC provides dispositions on: preliminary investigation; procedure conditions; activity by

¹⁵ Added by law no. 35/2017, dated 30.3.2017.

initiative of the judicial police; the prosecutor's activity; evidences; deadlines of completion of investigations.

Article 13: The right to complaint

80. The Criminal Procedure Code provides disposition on complaints' cases and means of complaint. The right of complaint belongs only to those the clearly recognized for by the law. When the law does not distinguish between the parties, this right belongs to any of them. The Code provides for:

- The prosecutor complaining at a higher court, according to cases provided for by this Code;
- Accusing victim complaining personally or through his/her representative, for both criminal and civil effects;
- The defendant complaining, personally or through his/her defense. The defendant's custodian may make any complaint that belongs to the defendant.

81. Law no. 81/2020 "On the rights and treatment of those sentenced to imprisonment and of the detained", (article 6/4) provides that, in case of exercise of violence, the authorities of the institution of execution of criminal rulings shall start an independent investigation by competent structures and bodies charged with it by law, in respect of the principled of privacy, protection, and personal safety. Article 10 provides for the right of complaint and requests. Prisoners, individually or as a group, have the right to present requests and complaints regarding the implementation of domestic legislation.

82. Standard rules and procedures of treatment of detained and arrested persons in police environments include the recognition and treatment of requests/complaints of persons accompanied, detained, and arrested at State Police environments.

Article 14: Compensation of the victim of an act of torture

83. During criminal proceeding, the victim has the rights provided for by the CPC (article 9/a). The rights of the victim of a criminal act, with the addition of law no.35/2017, dated 30.3.2017). Public bodies must guarantee that victims of a criminal act are treated with respect for their human dignity and are protected from repeated damage, during the exercise of rights provided for by this Code.

84. The amendments to the Criminal Procedure Code (amended by law no.35/2017, dated 30.3.2017) considerably improve the rights and position of victims of criminal acts, by also including specific provision for victims of human trafficking. More specifically, the obligation of participation as a party at trial for victims of a criminal act has been introduced, guaranteeing their access to the criminal process, with new articles having been added, specifically for victims of trafficking, among which the provision as special figures for underage victims, sexually abused victims, or subject of trafficking, specifically articles 58, 58/a, 58b, 59, 60, 61.

85. Article 58, CPC 1. The victim of a criminal act has the right: a) to request criminal prosecution for the culprit; b) to benefit health care, psychological assistance, counselling, and other services offered by authorities, organizations, or institutions responsible for assisting victims of criminal offenses; c) to communicate in his/her language and to be assisted by a translator, sin language interpreter, or communication facilitator for persons with limited capacities in speech and hearing; d) to select defense and, when applicable, to benefit free judicial aid, according to the legislation in force; e) to request at any time information on the state of the proceeding, as well as be acquainted with acts and evidence, without violating the principle of investigative secrecy; f) to request obtainment of evidence, as well as present other request before the proceeding body; g) to request compensation and be accepted as a civil plaintiff in the criminal process.

86. Law no. 97/2016 "On the organization and functioning of the Prosecution in the Republic of Albania" improves victims' access to information through establishing a coordinator for relations to the public in each prosecution office, responsible for informing victims. This law (article 68) provides for the prosecution's obligation to guarantee the

necessary services for the treatment of subjects who enjoy special status, in accordance to the criminal procedure and, for this, every prosecution office must have at least one coordinator graduated in psychology, sociology.

87. Law no. 81/2020 “On the rights and treatment of those sentenced to imprisonment and of the detained” provides for the prevention of violence and the treatment of the victim (article 6). 1. A prisoner who has experienced physical, psychological or sexual violence, before or during his/her stay at the institution, shall immediately be provided protective measures, support, and legal counselling, with the aim of his/her rehabilitation. 2. The personnel of institutions of execution of criminal rulings shall pay special attention to the protection of the highest interest of minors in accordance with conditioned and rules provided for by the Criminal Justice Code for Minors. 3. The personnel of institutions of execution of criminal rulings shall pay special attention to protecting the dignity, physical, social, professional, health, and psychological needs of women prisoners.

Article 15: Prohibition of use of statement taken through torture as an element of evidence in a process

88. The amended¹⁶ CPC provides for: The general rules for obtainment of evidence; type of evidence; means of searching for evidence. Article 149-Meaning of evidence- 1. Evidence is the notification with circumstances related to the criminal act, which are obtained through the sources provided for by the criminal procedural law, in accordance with rules determined by it and that serve to verify whether a criminal act has been committed or not, the consequences derived from it, the defendant’s culpability or innocence and his/her level of responsibility. 2. When an evidence not regulated by law is requested, the court may take measures if the evidence is valid to verify facts and does not violate the person’s freedom of will. The court shall rule on the obtainment of evidence after hearing the parties on the manner of its obtainment. Article 150 provides as objects of evidence facts related to the charges, the defendant’s culpability, the issuance of security measures, the sentence and civil responsibility, as well as facts that the implementation of procedural norms depends on.

89. Article 151 – Evidence: 1. During preliminary investigation, evidence is obtained by the body that does the proceeding, according to the rules determined in this Code. 2. At trial, the evidence is obtained by request of the parties. The court rules immediately, by excluding evidence prohibited by law and that which is clearly unnecessary. 3. Evidence obtained in violation of prohibitions provided for by the law shall not be used. The non-admissibility of evidence is also raised in principle at any state and level of the proceeding.

Article 16: Prevention of other actions that constitute cruel, inhuman degrading treatment or punishment, which are not acts of torture

90. As has been highlighted above, the Criminal Code (amended) provides for a series of criminal acts (including elements or use of inhuman and humiliating acts, resulting in damage to health and life) and their respective punishment.

91. The Criminal Code, by law no. 144/2013, dated 2.5.2013, provides for “Forced disappearance” as a criminal act (109/c):

- Forced disappearance, through arrest, imprisonment, kidnapping, or any other form of depriving a person of his/her freedom by public officials or other person who act by their authorization, support, or approval, accompanied by unacceptance of the fact of freedom deprivation or by concealment of the person’s fate or the location he/she is at, by denying him/her the necessary protection, as per the law, constitutes a criminal act and is punishable by imprisonment of up to fifteen years;
- The illegal seizure of children who are subjected to forced disappearance, or of children who father, mother, or legal representative has been subjected to forced disappearance, or of children born during the forced disappearance period, constitutes a criminal act and is punishable by imprisonment of five to ten years;

¹⁶ Amended and added to by law no. 35/2017, dated 30.3.2017.

- If this act is committed against children, pregnant women, or persons who, for various reasons, cannot defend themselves, or is accompanied by grave physical suffering, is committed in co-operation, against several persons or more than once, it is punishable by imprisonment of up to twenty years;
- If this act has caused the death of the person, it is punishable by imprisonment of no less than thirty years or by life imprisonment.

92. Continuous amendments and additions to the Criminal Code¹⁷ provide for domestic violence as a criminal act with the respective sanctions (article 130/a),¹⁸ as well as criminalization of psychological violence, protection of persons in current or former intimate relationships with the author of the criminal act. Moreover, the law provides for the aggravation of sentences for certain figures of this criminal act.

93. According article 8 “Protection from discrimination, torture, inhuman and humiliating treatment”, of Law no. 44/2012 “On mental health”, amended, persons with mental health disorders are ensured effective protection from discrimination and from any form that encourages discrimination, based on this law and on the legislation in force, in this are, as well as for no person with mental health disorders to be subjected to torture, cruel, inhuman or humiliating punishment or treatment. Moreover, all aspects related to “deprivation of freedom” for a person with mental disorders are treated in detail in this law (provisions related to treatment and involuntary hospitalization, as well as physical limitation) and sublegal acts issued in its implementation (Order no. 586, dated 30.10.2013 “On the approval of standards of physical limitation in bedded specialized mental health services”, as well as forms of involuntary treatment approved by Order no. 268, dated 23.04.2013). In cases of involuntary treatment or hospitalization of persons with mental health disorders, the Albanian legislation in this are offers additional legal protection by providing evaluation and decision-making for these procedures by the competent court.

94. Law no. 44/2012 “On mental health”, amended, provides for the external monitoring of the mental health service, by the People’s Advocate, through the National Mechanism for the Prevention of Torture, Inhuman and Degrading Treatment. This body, through periodical inspections, observes the rights and standards offered to person with mental health disorders in environments of bedded specialized mental health service, as well as representing recommendations to respective bodies, with the aim of improving the patients’ treatment and conditions and ensuring full respect of human rights in mental health care institutions.

95. Recent additions and amendments to the law on mental health, approved by Law no. 20/2021 “On some additions and amendments to Law no. 44/2012 “On mental health”, amended, offers additional legal protection to persons with mental health disorders, referring to findings and recommendations of the Council of Europe’s Committee for the Prevention of Torture (CPT) treated in the country’s latest report published in September 2019. The latest amendments have ensured the differentiation of the concept and procedures of treatment from hospitalization, be that voluntary or involuntary. The latest amendments also ensure that adult persons with mental health disorders, lacking the capacity to act, shall benefit from the implementation of procedures of involuntary treatment of civil nature, with the same rights as persons with full capacity to act, regardless of consent/approval on the part of their legal custodian.”

¹⁷ In 2012, 2013, and 2020.

¹⁸ Detailed information is provided further on.

III. Measures on the implementation of observations and recommendations of the Committee Against Torture (CAT Committee)

Reply to paragraph 8 of the concluding observations (CAT/C/ALB/CO/2)

96. As has been highlighted in article 1, above, the Criminal Code and the legal framework provides for dispositions on torture, inhuman and degrading treatments. During the reporting period, there have been no cases investigated or tried for the criminal act of “Torture” provided for by article 86, 87 of Criminal Code. From statistical data, for the criminal act of “Torture” provided for article 86 of the Criminal Code no criminal proceedings have been registered. On cases of identification of mistreatments by law-enforcement official, there have been no cases of mistreatment or exercise of violence found by the General Directorate of Prisons.

Reply to paragraph 9 of the concluding observations

97. Based on article 122 of the Constitution, every international agreement ratified constitutes part of the internal judicial system once published in the Official Gazette of the Republic of Albania. Article 116 of the Constitution, which determines the hierarchy of normative acts in force in the territory of the Republic of Albania, places ratified international agreements after the Constitution and above domestic legislation. In this manner, in case of conflict between a law and an international agreement, the later always has priority.

Reply to paragraph 10 of the concluding observations

98. With the approval of law no. 9094, dated 03.07.2003 “On the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)”, the obligation derived to create a national structure for the prevention of torture, whose function was trusted to the People’s Advocate.

99. The institution of the People’s Advocate, based on the Constitution of the Republic of Albania and law no. 8454, dated 04.02.1999 “On the People’s Advocate”, amended, exercises the supervision of the implementation of standards provided for by various international instruments, which focus on the protection and respect of human rights. In implementation of this law, the members of the National Mechanism, as persons authorized by the People’s Advocate, “have the right to enter at any time, with no limitation and without preliminary authorization, but by informing the titular of the institution, in all institutions of public administration, prisons, places where the police or prosecution hold accompanied, detained, or arrested persons (detainees), in state departments or institutions, psychiatric hospitals, retirement homes, orphanages, as well as any other place on which there is evidence to evaluate that there is a chance of violation of human rights and freedoms.

100. Law no. 81/2020 “On the rights and treatment of those sentenced to imprisonment and of the detained”, as well as law no. 8328, dated 16.4.1998, “On the rights and treatment of those sentenced to imprisonment and of the detained”, amended, provides for: the establishment and functioning of the national Mechanism for the prevention of torture, cruel, inhuman and humiliating treatment or punishment (the national Mechanism); established in accordance with the legislation on the People’s Advocate.

101. Article 82: National Mechanism, during the exercise of its duty, is guaranteed: a) the provision of information on the number of individuals who have been deprived of their freedom in facilities of freedom deprivation, as well as their number and location; b) the provision of all information on the treatment of these individuals, as well as the conditions of their detention; c) access to all documentation that is kept and administered by the institution in accordance with the functions conducted by it, as per the legislation in force; d) free entrance in all facilities and environments where the individual is deprived of his/her

freedom, without any preliminary notification; e) conduction of private interviews, with no witnesses, with individuals who have been deprived of their freedom, personally or with an interpreter when necessary, as well as with any other individual who may provide the necessary information; f) the free selection of places it seeks to visit and individual it seeks to interview.

102. Article 83: Supervision of the National Mechanism is conducted through: a) admission of requests or complaints by prisoners, or by their legal representatives and organization that exercise this right, once preliminary consent has been given by the prisoner; b) obtainment of the prisoner's information, complaints, or requests, or by individuals who have the status of visitor, or by state bodies, or non-profit organizations, which have controlled or visited the institution in accordance to the competence recognized them by the law, as well as by the prisoner's defense; c) search for information by the institution's personnel; d) verification of documents, objects, equipment, or environments that are related to the prisoner, within and outside of the institution. 2. For the conduction of the supervision process, the national mechanism can also obtain specialist of respective areas. In any case and, regardless of any findings and irregularities during the verification, the specialists of this mechanism shall keep records, which shall be signed by the director of the institutions or his/her commissioned dependent, with the right to reflect the observations.

103. According to law no. 44/2012, dated 08.05.2012 "On mental health", article 31, "The People's Advocate, through the National Mechanism, observes regularly, through periodical inspections, the respect of rights and standards offered to persons with mental health disorders in the environments of mental health service, as well as presenting recommendation to the respective bodies, with the aim of improving the treatment and conditions of patients and ensuring human rights in mental health care institutions.

104. The People's Advocate as the National Mechanism for the Prevention of Torture, during its activity throughout the years, carry out visits on the place of abuse, without preliminary approval from respective authorities to hold the visit, with the exception of two cases illustrated below. During the reporting period, a series of inspections, controls, and monitoring visits have been held in all institutions where the individual is deprived of his/her freedom (penitentiary institutions, police commissariats, psychiatric hospitals, military basis with security chambers, centers for the treatment of foreign citizens, asylum seekers, and victims of trafficking) in the entire territory of Albania.

Reply to paragraphs 12 and 12 (d) of the concluding observations

105. The Albanian Assembly has approved by law no. 155/2014 "On some additions and amendments to law no. 8454, dated 4.2.1999, "On the People's Advocate", amended". One of the initiatives was the establishment of the National mechanism for the prevention of torture, cruel, inhuman or humiliating treatment or punishment, as a separate section of the Office of the People's Advocate. The Albanian Assembly has approved ruling no. 49/2017 "On the establishment of the mechanism for the systematic monitoring of follow-up and implementation of the recommendations of independent constitutional institutions and those established by law, which also includes suggestions from the People's Advocate.

106. The institution of the People's Advocate has unconditional access to conduct monitoring in the prison system, as well as access to documentation at any time without the need of preliminary notification or confirmation. One of the priorities of the General Prison Directorate (GPD) is the strengthening of co-operation with the People's Advocate, by implementing the recommendations, as well as by updating the action plan for the prison system. As part of the process for the management of statistics for co-operation with the People's Advocate, a database is administered by the GPD on the monitoring visits conducted by the People's Advocate, the number and percentage of recommendations issues, and the results of their treatment.

Reply to paragraph 13 (a) of the concluding observations

107. With the amendments made in 2017 to the Criminal Procedure Code (articles 34/a, 34/b, 38), provision is made for the immediate notification of arrested or detained persons of the rights provided for by this Code, giving them, upon signature, the “bill of rights” in writing, which the person has the right to keep.

108. The State Police issued a written form with the rights of arrested/detained persons: “Statement of rights”, which, besides being made known to the persons since the first moments of his/her arrest/detention, is given him/her to sign, with the date and time of recognition showing. This statement is signed by the arrested/detained person in two copies, with one copy given to the person to keep and the other to be administered by the personnel in charge of the security chambers. The statement of rights for the arrested/detained has been produced in several languages and has been distributed to all local police structures to be used by them in regards to arrested/detained persons in the language they understand.¹⁹ Part of the procedures and rules for the treatment and safety of persons arrested/detained in State Police facilities, (approved by order no. 925, dated 18.07.2019 of the General Director of the State police) is the obligation of the police personnel to recognize/issue information to the arrested/detained on their rights.

Reply to paragraph 13 (b) of the concluding observations

109. The State Police has continually taken measures to respect and guarantee the rights of the detained/arrested:

- Respect and guarantee in practice the right to have and be defended by a defense lawyer since the first moments of freedom deprivation; for this, judicial police services take measures for the notification/provision of legal defense selected by the arrested/detained and, for those who do not have the financial means, a defense lawyer is provided, mainly determined by the prosecutor, according to Criminal Procedure Code;
- Giving detained/arrested persons a copy of the written form/statement with the rights recognized by the law for these persons at this phase;
- The defense lawyer is guaranteed the right to be in contact with his/her client at any time and without the presence of other persons;
- The name list of defense lawyers and their contact numbers is posted on the security chamber facilities;
- The judicial police implements regularly the notification of a family member of the detained/arrested person in regards to the measure taken and the current location of the person;
- The police medical personnel has the obligation to conduct medical visits with the arrested/detained immediately after these measures have been taken and no later than 12 hours from the arrest/detention, which are reflected in the medical document/medical file;
- The rules of holding medical visits have been determined in the standard procedure “On the treatment and safety of persons arrested/detained in State Police facilities, treatment, and resolution of their requests and complaints”, approved by order no. 925, dated 18.07.2019, of the General Directorate of the State Police.

Reply to paragraph 13 (c) of the concluding observations

110. Following the arrest/detention, the judicial police makes the referral of procedural materials to the prosecution body within 24 hours of the arrest/detention and then, within 48

¹⁹ The declaration of rights in English, French, Italian, German, Slovenian, Serbian, Greek, Romanian, and Roma.

hours of the arrest/detention, the prosecutor present the request at court for examination, evaluation, and issuance of the security measure on the arrested/detained person. The court, within 48 hours of the presentation of the prosecutor's request, holds the court session for the evaluation and issuance of the personal security measure.

Reply to paragraph 14 of the concluding observations

111. Law no. 47/2018 "On some additions and changes to the law no. 9669, dated 18.12.2006" On measures against violence in family relations", strengthened the protection and procedural measures for a more effective response to domestic violence and protection of victims. This is achieved through the Order for Precautionary Measures of Emergency Protection, preceded by the case risk assessment. For the first time, the law protects women and girls in intimate relationships, without having formal ties to the perpetrator, such as marriage or cohabitation. The law was amended in October 2020, specifying the measures for removing the perpetrator from the residence and his returning when the term of Protection Orders and Emergency Protection Orders (PO/EPO) expires, the specific rehabilitation programs for the perpetrator, the PO/EPO register etc.

112. Amendments and additions to the Criminal Code include for domestic violence as a criminal offense duly sanctioned (Article 130 /a):²⁰

- Battering and any other act of violence against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law, or in an intimate relationship or former intimate relationship to the perpetrator of the criminal offence, resulting in violation of his or her physical, psycho-social and economic integrity, shall be punished by imprisonment of up to three years;
- A serious death threat or serious injury, against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law or in an intimate relationship or former intimate relationship to the perpetrator of the criminal offence, resulting in violation of his or her physical, psycho-social and economic integrity, shall be punished by imprisonment of up to four years;
- Intentional injury committed against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law or in an intimate relationship or former intimate relationship to the perpetrator of the criminal offence, resulting in a temporary disability for work for more than nine days, shall be punished by imprisonment of up to five years;
- The same offences which are committed repeatedly or in the presence of minors, shall be punishable by one to five years of imprisonment.

113. In 2013, Article 102 "Sexual assault by use of force with mature/adult women" was amended: Article 102: Engagement in sexual activity by use of force with adult females or between spouses or cohabitants, without the consent of either of them, shall be punishable by three to ten years imprisonment. When the engagement in sexual activity is done by use of force and with accomplices, more than once, or when the victim had serious health consequences; this is punishable by imprisonment from five to fifteen years. When the act has caused the death or suicide of the victim, it is punished with imprisonment for a term from ten to twenty years.

114. The prosecution office has consistently aimed to provide access and support to victims, especially those of sexual violence, trafficking or domestic violence. In January 2016, in the General Prosecutor's Office it was established the Victim Assistance Office, as foreseen by Law No. 97/2016 "On the organization and functioning of the Prosecutor's Office in the Republic of Albania". This law (Article 68) provides that the prosecution office shall ensure the necessary services for the treatment of subjects that enjoy special status, according to the code of criminal procedure. Therefore, in each prosecution office there

²⁰ Detailed information is provided further on the document.

should be at least one coordinator graduated in psychology, sociology or other special subject areas.

115. Currently, under this law, in all prosecution offices of the courts of first instance of general jurisdiction and in the General Prosecutor's Office, there are victim coordinators, who were trained immediately after taking office. On the other hand, as provided by legal provisions, on since October 2019, the General Prosecutor approved the general instruction, no. 5/2018 which aims to ensure a unified understanding and application of the provisions of the Criminal Procedure Code regarding the victims of criminal offenses and also set training policies for the prosecution office. The instruction includes annexes which are the unified formats to be used for the implementation of the instruction and work of the prosecutors. A leaflet including information for victims of crime was also prepared, which was distributed to the first instance prosecutors' offices and it was also published on the website of the General Prosecutor's Office.

116. Law no. 47, dated 23.07.2018,²¹ "On some additions and amendments in the law no.9669, dated 18.12.2006 "On the measures against violence in family relations", amended, aims to:

- Prevention and reduction of cases of domestic violence;
- Enhancing protection measures provided by law concerning emergency protection order and protection order, especially with regard to enhancing the protection measures for minors;
- Increasing free qualified legal aid;
- Setting clear procedural deadlines for filing a request for a Protection Order (PO) and Emergency Protection Orders (EPO), as well as those for appeals against court decisions;
- Clearly define the institutions and officials responsible to provide services for such cases;
- Explicitly state the obligation of public institutions to provide free of charge, any expertise for cases of domestic violence;
- Increasing the involvement of perpetrators in specific rehabilitation services with a special focus on perpetrators who abuse with alcohol, drugs or have mental health disorders, clearly stated in court decisions on protection orders.

117. Bylaws:

- Instruction no. 816, dated 27.11.2018 of the Minister of Health and Social Protection "On the approval of service provision standards and the functioning of Crisis Management Centers for sexual violence cases";
- The document of service standards for 'Crisis Management Centers for Sexual Violence Cases' focusing on integrated one-stop emergency service, 24/7 and short-term (24 hours to 72 hours), for victims / survivors / victims of sexual violence as well as for other members of their families. This document was prepared in order to have these centers operate as efficiently as possible;
- Joint Instruction of the Minister of Health and Social Protection and the Minister of Interior no. 912, dated 27.12.2018 "On the procedures and the format of the order for precautionary measures of emergency protection";
- Joint Instruction of the Minister of Health and Social Protection and the Minister of Interior No. 866, dated 20.12.2018 "On the procedures and format for risk assessment for cases of domestic violence".

118. The Coordination Mechanism for Referral and Treatment of Domestic Violence provide integrated services approach for survivors of violence and provide protection and support to them at the local level and the outreach of services to victims of domestic violence

²¹ Enacted on 18.08.2018.

and the establishment of new specific services. Under the coordination of Ministry of Health and Social Protection, supported by UNDP, there were established and function 57 Coordination Mechanisms for Referral and Treatment of Cases of Domestic Violence, out of 61 municipalities of the country. The capacity building of Local Coordinators against domestic violence and multidisciplinary technical teams has continued.

119. The government supports a specialized national shelter, as well as three specialized shelters run by NGOs. Centers handling victims of trafficking provide services for Victims of Trafficking and Potential Victims of Trafficking VT / PVT, foreign or domestic, children, men or women. These shelters have trained staff to ensure the safety of victims. The National Reception Centre for Victims and Potential Victims of Trafficking offers a wide range of assistance, such as food, health care, legal, psychological, rehabilitation, and vocational programs. It is a 24 hours service under a high security structure. Social protection is provided jointly by public and non-governmental institutions which cover a wider range of needs and balance each other's capacities.

120. The first center for crisis management for cases of sexual violence – LILIUM (December 2018) offers a socio-health model, where a multidisciplinary team of forensic doctors, gynecologists, pediatricians, psychiatrists, clinical psychologists, social workers, police officers, prosecutors, lawyers and nurses, provide specialized service 24 hours a day, 7 days a week. About 58 victims of sexual violence have received services since its opening. Emergency shelters have been set up in some municipalities of the country. Awareness campaigns against violence against women have been organized. The National Counselling Line for Women and Girls 116-117 has been operational since 2017.

Free legal aid

121. Law no. 111/2017, "On legal aid guaranteed by the state", entered into force on 1st of June 2018 and its objective is to create a consolidated legal system, regarding the provision of free legal aid to all individuals in the justice system, and ensuring equal access to justice and delivery of professionally competent, high quality, efficient and effective legal aid services.

122. According to law no. 111/2017, the beneficiaries of access to justice are victims of domestic violence, victims of sexual abuse, victims of trafficking in human beings, juvenile victims and juveniles in conflict with the law at any stage of criminal proceedings, and other categories of beneficiaries foreseen by article 11 of Law no. 111/2017, dated 14.12.2017 "On legal aid guaranteed by the state". This law has strengthened access to justice by granting legal aid to all categories of following beneficiaries:

- Victims of domestic violence;
- Sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
- Minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
- Children living in social care institutions;
- Children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian;
- Persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness;
- Persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health;
- Persons undergoing voluntary treatment in mental health service institutions for serious mental diseases;
- Persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding;

- Persons with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian;
- Persons who are beneficiaries of social protection programs;
- Persons to whom the right has been infringed through an action or inaction that constitutes discrimination on the basis of the decision of the competent organ, according to the legislation in force for protection from discrimination.

123. Law No.121/2016 “On Social Services”, provides specialized services for all categories such as minors in conflict with the law, persons with disabilities, women and girls abused, abused or trafficked and all categories in need of such services. It provides for equal services to both parties as potential (assumed) and officially recognized victims. Both the potential victims/victims of trafficking have access to social care services. Regarding free legal aid, legal definitions for persons granted free legal aid are those persons who are part of social protection programs or meet the conditions to be included, as well as cases of victims of domestic violence or victims of trafficking in human beings.

124. The Law “On some changes and additions to the law no. 10221, dated 04.02.2010” On protection from discrimination”, provides an increase of multiple discrimination, cross-sectoral discrimination, hate speech, segregation, sexual harassment, etc.

Children rights

125. Law no. 37/2017 “Code of Criminal Justice for Juveniles” (approved on 30th of March 2017 entered into force on 1 January 2018). The purpose of this Code is to guarantee a criminal justice framework for minors, to promote the reintegration of minors in conflict with criminal law, to protect the rights of the minor victims and/or witnesses of criminal offenses, and to prevent re-victimization and secondary victimization of a child who has previously been a victim of a criminal offense. The law includes special legal provisions regarding the criminal liability of juveniles, procedural rules related to the investigation, criminal prosecution, trial, enforcement of a criminal conviction, rehabilitation or any other measure involving a minor in conflict with the law, a minor victim and/or witnesses of criminal offenses, as well as rules for young people aged 18 to 21.

126. In order to enforce the Code, there were adopted the following documents:

- Juvenile Justice Strategy 2018–2028 and its Action Plan was approved by the Council of Ministers by decision no. 541, dated 19.09.2018;
- The package of bylaws to enforce the “Code of Criminal Justice for Juveniles” is finalized and approved and their implementation has started;
- There were adopted 6 Decisions of Council of Ministers, orders, instructions and a draft decision, thus guaranteeing the protection of the minors’ rights.

127. Law no. 18/2017 “On the rights and protection of the child” clearly defines what child protection means, explaining what are the “protection measures” that employees can apply in cases of children who are in a precarious circumstance due to violence, abuse, neglect or exploitation. For the first time, this provides for the protection of children in street situations within the context of protection guaranteed to working and exploited children, addressing various forms of violence against children such as bullying, school violence, domestic violence, sexual abuse, economic exploitation and children in street situations, safety of children in the digital environment, unaccompanied children or victims of trafficking, etc.

128. Law no. 18/2017 “On the rights and protection of the child”, article 6 envisages that child protection structures shall take immediate measures for the case assessment of the child, under the age of criminal responsibility, by engaging the needs assessment and referral unit and the multi-disciplinary group in preparing the Individual Protection Plan, which contains one of the protection measures set out in this law, as well as other services and interventions that are necessary for the child’s reintegration. DCM no. 635, dated 26.10.2018 “On the activities of the child protection structures of the children under the age of criminal responsibility, who is under suspect of having committed a criminal offence”, provides child

protection structures on the treatment of the child, who is under the age of criminal responsibility and is suspected to have committed a criminal offence.

129. Law no. 18/2017 provides for institutions, structures and mechanisms dealing with the rights of children by individuals, families and the state and the system of protection of children from violence, abuse, exploitation and neglect, including local level. This law explains the protection measures that child protection staff shall apply in cases when they find children who are in a precarious situation due to violence, abuse, neglect or exploitation. The law provides as a protection measure the specialized supervision of the child in the family environment. Specialized supervision in the family environment is established as a protection measure for the child, who can be treated and protected within the family, being monitored based on a set plan by the child protection structures.

130. Additionally, the law provides for special protection for certain categories of children, more specifically, those abused, raped, neglected, economically exploited children and children who are accused of having committed criminal offenses but are under the age of criminal responsibility.

131. National Agenda for the Rights of the Child 2017–2020 aimed at improving governance in order to promote, respect and guarantee the rights of children, in order to strengthen the legal and institutional framework, including independent monitoring mechanisms, improving the monitoring of children’s rights and effective child protection system.

Reply to paragraph 15 of the concluding observations

132. Albanian criminal legislation criminalizes trafficking in persons. The amendments of 2017 to the “Criminal Procedure Code”, aim at achieving the best standards set by international instruments. They have significantly improved the rights and position of victims of crime, including special provisions for victims of trafficking in human beings.

133. The criminal procedure law has undergone significant changes regarding the subject-matter competence of the investigation and the trial of these offenses as well as guaranteeing a more active and important role of the victim in the criminal process. Under the new legal changes, the first instance prosecutors’ offices of general jurisdiction are competent for the investigation of these offenses, whereas the district courts are competent to try these cases. In cases when these offences are committed by a structured criminal group or criminal organization, according to the provisions of the Criminal Code and the Criminal Procedures Code (Article 75 / a), the Special Prosecution Office against Corruption and Organized Crime is competent to investigate them and the trial is within the competence of the Court against Corruption and Organized Crime.

134. Prosecution Office pays special attention to the rights of the victim of trafficking, by providing adequate conditions for the interviewing of the victim of trafficking, ensuring the presence of the social worker or psychologist, accommodation of the victim in reception centers where they receive accommodation, food and other free services, etc.

135. In our practice, victims of trafficking have not been punished for crimes they have committed as a result of trafficking (forgery of documents, prostitution, etc.), because these offences were committed due to being victims of trafficking. On the other hand, they have the right to be supported by the prosecution office in order to be included in the witness protection program, if they feel threatened.

136. Regarding prevention and combat against the phenomenon of trafficking in persons, anti-trafficking actions are focused on improving the legal framework, revitalizing and strengthening national structures; identifying, referring and protecting victims of trafficking at central and local level; control of domestic trafficking, mainly of children and women; improving standards of victim identification and protection; prevention and awareness raising activities for the public and that of the staff working with the provision of assistance services.

137. Law no. 70/2017 “On some additions and amendments to law no. 10192, dated 3.12.2009” On the preventing and striking against organized crime and trafficking through preventive measures against assets “, applies to the assets which are owned fully or partially, directly or indirectly by persons who are suspects of having committed crimes defined by the articles of the Criminal Code on “Trafficking in adults” and “Trafficking in minors”. This law stipulates the establishment of a special fund to prevent organized crime. The special fund is earmarked for social purposes, including the rehabilitation and integration of victims of trafficking (article 37/2-c). Article 37/3-b provides that also NGOs benefit from this fund, including shelters.

138. Measures against trafficking in human beings:

- The Strategy for Combating Trafficking in Persons and its Action Plan 2014–2017, approved by DCM No.814, dated 26.11.2014;
- The Action Plan for Socio-Economic Reintegration of Women and Girls Victims/Potential Victims (DCM no. 115, dated 17.02.2016);
- National Action Plan for Combating Trafficking in Persons 2018–2020, adopted by DCM no.770, dated 26.12.2018.

139. The planned activities were aimed at:

- Improving the functioning of a comprehensive system by strengthening the mechanism for the identification, protection and reintegration of victims of trafficking;
- Raise public awareness and information regarding national legislation and international anti-trafficking conventions, on all forms of trafficking in persons (domestic trafficking, children and adults forced labor, begging by children, children in street situations).

140. Standard Operating Procedures for the Protection of the Victims and Potential Victims of Trafficking (SOP), approved by DCM. 499, dated 29.08.2018. The SOPs is the fundamental document for the identification, referral, protection and assistance of victims/potential victims of trafficking. The purpose is to protect, including the timely and due identification of victims/potential victims of trafficking, adults or minors, Albanians, aliens or stateless persons, from all types of exploitation, domestic or international trafficking, connected or not to organized crime:

- Efficient functioning of the “National Referral Mechanism”, and the local referral mechanism at district, municipality and administrative unit level (through local coordination groups by taking preventive measures and identifying trafficked persons) in compliance with the standards and SOPs;
- Database on the victims/potential victims of trafficking regarding recording, tracking and monitoring of cases;
- Increase the capacities and professional skills of police officers working in the local anti-trafficking structures, through ongoing training, especially on the implementation of “Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking in Human Beings”, as well as on the proactive investigation techniques;
- Regarding cases involving children – victims/potential victims of trafficking identified as high and immediate risk, there are established two national centers which provide emergency service until the decision of the cross-sector technical group is taken whether the child will be placed in alternative care or will return to the family.

Reply to paragraph 16 of the concluding observations

141. The Criminal Procedure Code (amended) includes detailed provisions on: procedures, deadlines for completion of investigations: conditions of criminal proceedings; court process; charges; conviction; sentencing.

142. Law no. 8328, dated 16.04.1998, “On the rights of inmates and pre-trial detainees” (amended by law no. 40/2014), included provisions on the treatment of pre-trial detainees and inmates while respecting their fundamental rights and freedoms. The law aimed at rehabilitation of the pre-trial detainees and inmates in order to reintegrate them back into family, social and economic life. The treatment of detainees and inmates is done by providing appropriate facilities and tools, also matching to their personality features.

143. Law no. 81/2020 “On the rights and treatment of inmates and pre-trial detainees” guarantees the settings for the dignified treatment of pre-trial detainees and inmates, respect for their fundamental rights and freedoms and the prevention of cruel, inhuman and degrading treatment or behavior.

144. This law (Article 89-rights of the pre-trial detainees) provides: 1. Persons detained, located in detention facilities or detention sections, enjoy the rights set forth in this law. 2. Detainees are allowed to immediately inform the family of their arrest and whereabouts. They are provided with all the necessary conditions to meet with family members. Foreign detainees are allowed to inform the consular or diplomatic mission of their country.

145. Law (Article 90-Legal Aid) provides: 1. In any case the detainees are informed about the right to receive legal aid provided by state, if defense is mandatory or when they do not have the financial means to hire a lawyer. 2. Premises where detainees are held should provide the opportunity for them to meet privately and communicate with defense lawyer and to have sufficient time and facilities to prepare their defense throughout the trial. 3. Juvenile detainees are guaranteed legal and psychological assistance, and exercise all rights provided for them by the Criminal Procedure Code and the Juvenile Criminal Justice Code.

146. The State Police has taken measures and guarantees the right of detained/arrested persons to receive information on their rights and in particular on the fulfilment of the right to be defended by a lawyer, such as by:

- Posting in the premises of police directorates/commissariats/stations posters of the rights of detained/arrested persons, which also include the right to be defended by a lawyer;
- Providing to detained/arrested persons a copy of the statement which includes the rights recognized by law to these persons at this stage;
- Posting in the police premises, escort rooms and in the security rooms the lists of names of defense lawyers who operate in the jurisdiction covered by the police unit, as well as their contact numbers;
- Verbal communication with these persons by the judicial police regarding the rights they enjoy.

147. Also, administrative acts have been issued (orders, letters, and notices) by the General Director of the State Police, or directors of departments of the General Directorate of State Police, where local police structures and police personnel are requested to take measures for recognition and observance of the rights of detainees/arrested persons, according to the requirements of the Criminal Procedure Code.

148. Through the request and complaint mechanism, the prison administration provides the opportunity to inmates and detainees to address their complaints regarding their rights and treatment in the prison system, while maintaining confidentiality in all cases. Protocol of the request and complaint mechanism contains the relevant formats for making a complaint (or request) to the competent bodies, including the format to be used if a complaint is addressed to the People’s Advocate. The use of these formats is not mandatory, but a guide for the detainee on how he/she can file a complaint, the bodies/institutions where he/she can address it, and the official deadlines.

Reply to paragraph 17 of the concluding observations

149. Law no. 108/2014 “On State Police (Article 16/25): “Escort” is the transfer of a citizen to the police premises, to health institutions, to rehabilitation centers, to the guardian or

responsible person, to the ordering institution or to other institutions with or without his will, according to the definitions of articles 109 and 122, point 1, of this law. There are provided cases when the person is escorted, the time of being kept under custody, the rights that this category of persons have during their custody in the police premises (and not only) as well as the obligations for the police personnel are foreseen, such as:

- The treatment of the escorted persons should be done in different conditions and not the same as the detained/arrested persons;
- In any case, the escorting should last until the matter is clarified, but not more than 10 hours;
- The escort has the right to be informed immediately in the language he understands, of the reasons for the police escorting;
- Inform the escort that he has no obligation to make any statement;
- The escort has the right to communicate immediately with a trusted person and lawyer;
- The escorted persons have the right to approach the court at any time;
- The police officer records the actions performed with the escorted person. The report is signed at the end of each sheet by the police officer who performed the actions and the escorted person. A copy of report is made available to the escorted person.

150. During the period of custody of the persons up to 10 hours, the judicial police/the police crime specialists and their assistants carry out police and procedural actions to verify and clarify the circumstances of the case/reason for which the person was escorted and at the end of it is decided whether the person will be arrested/detained or prosecuted at large. The time kept under as an escort for the detained/arrested persons is calculated at the time of detention/arrest and therefore in the relevant report as time of detention/arrest is considered the time of escort (actual time when deprived of liberty) and not the time when the report of arrest/detention is compiled.

Reply to paragraph 18 of the concluding observations

151. The law “On aliens” (amended by law no. 74/2016, dated 14.7.2016 and law no. 13/2020) sets the category of persons who cannot be expelled when there are reasonable grounds to suspect that the alien, in the country of origin or in another country, will be sentenced to death, subjected to torture, inhuman or degrading treatment or punishment for discriminatory reasons. Also unaccompanied minor, if family reunification or proper health care is not guaranteed by the country of origin, another country or other institutions (Article 113). Exceptionally, a foreigner may be deported, even if the conditions mentioned in Article 113 are met, if his/her stay endangers public order and security, as well as poses a threat to national security, according to the provisions of the law.

152. Law no. 10/2021 “On asylum in the Republic of Albania” (article 11) related to “non-refoulement” provides that: 1. The applicant, refugee, the person having subsidiary protection and temporary protection is not expelled, returned or deported out Albanian territory:

(a) To a country where his/her life is threatened due to race, religion, nationality, membership to a particular social group, or his/her political opinion;

(b) To a country where there are grounds to believe that the applicant may be at risk of being subjected to torture, inhuman and degrading punishment or any other treatment set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court, or in international agreements/conventions in which the Republic of Albania is a party;

(c) A country where there are grounds to believe that the applicant may be at risk of being subjected to forced disappearance;

(d) To his or her country of origin if the foreigner has been granted one of the forms of protection in accordance with the provisions of this law;

(e) To a third country, which may return or send the person to one of the countries defined in paragraphs (a), (b), and (c) herein.

Reply to paragraph 19 of the concluding observations

153. Article 126 of Law no. No.108/2013 “On aliens”, amended by Law No. 74/2016, sets the diplomatic guarantees for foreigners: informing the diplomatic mission: upon the request of the foreigner, or when determined by a bilateral agreement, the diplomatic mission or consular post of the detained foreigner is informed through the Ministry of Foreign Affairs, on his/her detention, as well as for the detention period.

Reply to paragraph 20 of the concluding observations

154. Article 115 of Law no. 108.2014 “On State Police”, as amended, sets out the right of any person escorted, detained or arrested by the police and any other citizen to file a request/complaint orally or in writing to the heads of the police or other state institutions concerning the conduct/attitude and actions of the police, as well as the obligation of the police to record, handle, resolve and respond to the complainant/applicant. There are sanctioned:

- The right to file a complaint/request from the escorted, detained/arrested persons at the police premises as well as any other citizen whose rights have been infringed by the actions and attitudes of the police;
- Manners of making verbal and written complaints;
- The institutions where the complaints/requests are addressed: police managers and other state institutions;
- The right of the escorted persons to approach the court at any time;
- The obligation of the police to record and manage the submitted complaints/requests;
- Deadlines for handling the complaint/requests and responding to Recommendation the complainants: if the complaint is addressed to the police officers of the commissariat where the escort or detainee is, the response should be given immediately but not later than 5 days.

155. Standard operating procedure for the treatment and security of the arrested/detained persons in police premises and the settlement of their complaints/requests was drafted and implemented. An integral part of the standard operating procedure for the treatment of the arrested/detained persons are the rules for identification, treatment and settlement of requests/complaints made by escorted, detained and arrested persons (order no. 440/3, dated 27.04.2017 “For the approval of the standard working procedure: “Treatment and security of persons arrested/detained in the premises of the State Police, identification and settlement of their request/ complaints”).

156. The register for recording, handling and resolving the complaint/requests of persons deprived of liberty in the premises of the State Police, which is administered by all police units. For requests/complaints addressed to the police managers of the police unit where the escort, detainee or arrested person is kept under custody, the response is provided immediately, but not later than 5 working days from the day of their submission.

157. There have been produced and posted in the premises of the police directorates, commissariats, escort rooms and those of detention/arrest (corridors and within the cells):

- Posters which include the rights of the persons kept under custody. They are posted in the visible areas of the rooms and other premises of the local police unit;
- The phone contact numbers of the General Directorate of Internal Affairs and Complaints Service, the organization “The European Institute of Tirana”, which the detained/arrested persons may call free of charge to make complaints/requests

concerning the attitude and treatment of the police staff in these premises and report cases of ill-treatment;

- The contact and the name list of the defence lawyers who work in the jurisdiction covered by the police unit.

158. In order to investigate and manage of cases of complaints of abuse, ill-treatment committed by police officers against persons deprived of liberty (escorted, detained and arrested) and other persons, in the headquarters of the Albanian State Police has been established the Directorate of Professional Standards. This structure, directly subordinate to the General Director of State Police, has as its scope the inspection and control of the activity of all central and local structures of the State Police; management and handling of all complaints made by citizens for abuses, ill-treatment and violation of the rights of citizens and persons deprived of liberty in police premises; initiation of administrative/disciplinary investigation for responsible police officers who do not fulfil their duties according to laws, bylaws and standard police operating procedures and do not respect fundamental human rights and freedoms. This directorate has been carrying out controls focusing on the treatment of escorted, detained and arrested persons in the premises of the State Police and the measures taken to respect and guarantee the rights of this category of persons. At the end of the disciplinary investigative process, it imposes disciplinary measures pursuant to the requirements and provisions of the Regulation of the Albanian State Police approved by DCM no. 750 dated 16.09.2015.

159. Internal Affairs and Complaints Service initiates administrative or criminal investigations based on organic law no. 70/2014, the Criminal Code and the Criminal Procedure Code as well as the Code of Administrative Procedures. In cases when violations of a criminal nature are identified, i.e., there are suspicions that the i.e., officer has committed a criminal offense, the case is referred to the prosecutor's office, who in turn starts the criminal prosecution of the officer in question. In cases when violations of an administrative nature are identified, the findings of this investigation are addressed to the competent structures of the State Police, to initiate a disciplinary investigation and impose a disciplinary punishment.

160. The Internal Affairs and Complaints Service initiates administrative or criminal investigations, based on organic law no. 70/2014, the Criminal Code and the Criminal Procedure Code as well as the Code of Administrative Procedures, after receiving complaints, denunciations from citizens on unethical behavior of police officers.

Reply to paragraph 21 of the concluding observations

161. The State Police have consistently taken measures to prevent torture, ill-treatment, which may be caused by police personnel during operations carried out with escorted, detained/ arrested persons in police premises, as well as the performance of legal tasks and responsibilities only based on the law by respecting human rights. For this purpose, there have been drafted and disseminated orders, letters, notices, internal instructions, documents, issued by the General Director of the State Police to central, local structures of the State Police, as following:

- Notice no. 972, dated 05.02.2014 "On the strict implementation of laws, bylaws and standard operating procedures related to arrest/detention, physical control and treatment of arrested/detained persons";
- Notice no. 1947, dated 12.03.2014 "On the fulfilment of duties and responsibilities in full compliance with laws, bylaws and standard operating procedures, respecting and guaranteeing the rights of persons deprived of their liberty";
- Notice no. 4577/1, dated 10.09.2014 "On escorting and respecting the rights of escorted persons in the premises of the State Police";
- Internal Instruction on the Law no. 108/2014 and application of articles 109,112 of the Law on escorting and treatment of the escorted persons, registration in the respective registers;

- Notice no. 4963, dated 05.08.2015 “To perform police duties and responsibilities only in accordance with the law while respecting human rights”;
- Notice no. 2687, dated 10.06.2016, “On the fulfilment of the legal obligations and responsibilities of the police, for receiving and managing the denouncements made by the citizens and the treatment of the escorted people”;
- Notice no. 4678/1, dated 08.08.2016 “For a better understanding and application of the rules and security measures for detainees treated in health care institutions and for the use of force during arrests”;
- Order Letter no. 784, dated 18.08.2016 “On prevention of serious events that may be committed by persons suffering from mental health disorders”;
- Notice no. 3931, dated 19.05.2017 “On the elimination, prevention of ill-treatment / corporal violence against persons deprived of their liberty and bringing to justice the responsible police officers”;
- Notice no. (May 2018) “On the implementation of standard rules and procedures for electronic registration and administration of the data on escorted, detained/arrested persons”;
- Notice no. 4353, date 30.05.2018 “On respecting the rights of persons during escort, interviewing and their treatment in police premises”;
- Notice no. 7213/1, 26.09.2018 “On the implementation of standard rules and procedures on the escort and treatment of escorts in police premises”;
- Notice no. 3582, dated 02.05. 2019 “On the implementation of standard rules and procedures for the treatment and security of escorted and arrested/detained persons, in the premises of local police units”;
- Notice no. 5669/2, dated 15.08.2019 “On respecting the human rights during the use of force in the fulfilment of duties and legal responsibilities by the State Police”;
- Order Letter no. 5126, dated 15.08.2019 “On respecting the rights of national communities / minorities, prevent and eliminate discriminatory behavior that infringes their dignity”;
- Order Letter no. 6104/3, dated 02.09.2019 “On the recognition of the report and the follow up of the recommendations issued by CPT Committee on respect and the guarantee of the rights of persons deprived of their liberty, in the premises of the State Police”;
- Order Letter no. 278/1, dated 15.01.2020 “On the correct implementation of the law and also respecting the human rights, in particular regarding the rights of children, during police and procedural actions performed by State Police officers”;
- Notice no. 1449/2, dated 02.03.2020 “On the implementation of standard rules and procedures for securing and treating detainees /arrested and escorts in the premises of police units.

162. The General Prosecutor’s Office, as an independent body, treats and follows with priority the cases of allegations of torture and ill-treatment by police officers or the commission of arbitrary actions by other law enforcement agencies.

163. With regard to prevention of ill-treatment in prisons, by Order of the General Director of Prisons from May 2019, it was approved the platform for the general inspection of the Prisons. Through this platform, the institutions and the inspectors are instructed to carry out comprehensive inspections, as well as having as primary goal the evaluation of the fulfilment of the standards of rights and treatment of prisoners, planning and realization of security and rehabilitation objectives, human resources management, staff training and motivation.

164. Investigations of ill-treatment by prison staff are carried out by internal inspection mechanisms, the Prisons’ Internal Control Service in (BICS), a structure subordinate to the Minister of Justice, which conducts investigations. In addition to internal inspection mechanisms where investigations into ill-treatment by prison staff, allegations of ill-

treatment by prison staff are verified by the Ombudsman through the National Mechanism against Torture, as well as by civil society organizations. Alleged cases of ill-treatment by the prison administration are addressed to the Prosecution Office, which decides whether to initiate further investigations to verify the case. For the period 2014–July 2020, 8091 complaints/reports were received and managed by the employees, which fall within the scope of the Internal Affairs and Complaints Service, where the cases of reporting/complaints for ill-treatment/violence during escort or detention/arrest in rooms of detention in the premises of the State Police structures make up for only 1.6% of the total (127 complaints).

165. The Prison System is continuously monitored not only by the highest level of institutions but also by independent institutions, such as:

- Committee for the Prevention of Torture (CPT);
- People’s Advocate (Ombudsman);
- Albanian Helsinki Committee.

166. In each of the reports issued by these institutions there is recorded the progress made in the prison system in terms of implementation of legal requirements for the rights and treatment of prisoners:

- Providing quick access to all institutions scheduled to be visited by the CPT Committee, including institutions that were not notified in advance;
- Access to conduct private interviews with persons deprived of their liberty;
- Access to all required information.

167. The People’s Advocate, conducts periodic inspections in the prisons and it submits the reports and the conclusions. It may also carry out remote inspections by seeking and receiving data or on-site visits for specific cases (based on complaints addressed to them) or for issues as a whole (such as analyzing cases of deaths in prisons, etc.). Inspections and verifications are also carried out by the Commissioner against Discrimination.

168. There have been no cases of ill-treatment in the prison system. The Committee for the Prevention of Torture, during its visit to Albania in 2018, reported that no charges were brought against prison staff for committing torture or violence, and that prison staff had made significant efforts to minimize violence between convicts.

Reply to paragraph 22 of the concluding observations

169. All persons detained and arrested as for provisions of Criminal Procedure Code, are held and treated in the security cells of the local units of the police and they are known by the community, attorneys, civil society organizations that defend human rights, General Prosecutor and prosecutors’ offices by the courts of all instances of the judiciary, Ministry of Justice etc. Treatment of the detained/arrested persons in the premises of the police happens until the court decides on the security measure for the person and after the security measure is decided the person is set free or is transferred in the facilities of the Institutions for the Execution of Criminal Decisions, of the Ministry of Justice.

170. Law no. 81/2020 “On the rights and treatment of the convicted prisoners and the pre-trial detainees” explicitly foresees the Institutions for the execution of criminal decisions:

- Institutions for the execution of criminal decisions based on the category of the subjects are as follows: a) institutions for the adult convicted; b) institutions for the juvenile convicted; c) institutions for women; d) pre-trial detention institutions; e) institutions of the health care for prisoners;
- Health care institutions for the persons for whom the court has decided the implementation of the obligatory health measures;
- Institutions for execution of criminal decisions or sanctions within them, in regard to the level of security are categorized as follows: a) institutions of high security; b) institutions of medium security; c) institutions of minimum security; d) open

institutions 5. Exclusively, the establishment, classification and closing of the institutions for the execution of criminal decisions with imprisonment or other special sanctions in these institutions are ordered by the minister of Justice.

171. With the Order no.380, dated 19.07.2019 of the Minister of Justice the Internal Regulations of the Special Regime of High Security of the Institutions for the Execution of Criminal Decisions is approved.

Reply to paragraph 23 of the concluding observations

172. Trainings for the personnel of the police have been organized on rules and standard procedures of treatment of the detained/arrested persons in the premises of facilities of State Police such as: protection by a lawyer; providing of medical service; introducing them to their rights; notification of the family members for their arrest/detention and their location; food treatment; conditions and standards of the environment where these category of persons are held and treated; the right to make a request-complaint for the treatment and conduct of the police toward them, etc. According to the annual training programs in the State Police, specialized trainings are being organized in the Academy of Security with the grassroots and managerial staff of the Directorates of Local Police.

173. “Manual of the rules and standard procedures for treatment and security of the persons arrested and detained in the police units” approved with the order no. 763, dated 27.09.2011, of the Director of the State Police. After reviewing and reformatting, with the order no. 440/3, date 27.04.2017 of General Director of State Police the standard procedure is approved: “Treatment and securing of arrested/detained persons in the premises of State Police, evidencing and resolving their request/complaint”. “Technical rules on escorting to the police” is approved (with order no. 308, dated 31.03.2016).

174. Annual programs of Trainings of State Police, are provided for police officers of the local structures and specialized training for the grassroots level of officers, managerial ones, service of general patrol, service of traffic police, assistant specialists of the police in the community, personnel of the structures for crimes, on human rights and fundamental freedoms and in particular of respecting the individuals during their escorting, detaining, arresting and treatment in the premises of State Police. Specialized trainings were provided related the rights of the people deprived of freedom in the premises of State Police and for the application of the manual no. 763, dated 27.09.2011”.

175. Trainings comprise knowledges of the international acts, Constitution, Criminal Procedure Code, law no. 108/2014 “For State Police”, other laws, Manual “On treatment and security of the detained/arrested in the security rooms of police”; “Rules and standard procedures for entry and administration of the data or persons escorted, detained/arrested in ADAM system; “Legal definitions for escorting, cases of escorting, treatment of the escorted and the definitions on the standard working procedure:

- Training with all police personnel of the local and central structures on the requirements of the Regulation of State Police and Code of Ethic of Police.

176. Cooperation with the People’s Advocate: People’s Advocate conduct monitoring inspections annually. From the structures of the State Police and of the local directorate police the reports of the monitoring are received, administrated and analyzed. Responses have been prepared and sent to the People’s Advocate regarding the recommendations provided after the inspections. Meetings have been organized between People’s Advocate and the high level leaders of State Police for strengthening of cooperation, fulfillment of obligations from State Police by respecting the human rights and freedoms, the implementation of the recommendation of People’s Advocate, treatment of complaints for violation of their rights from police etc. Workshops and roundtable discussions are organized by People’s Advocate on standards of health service provision for the detained/arrested in the premises of the police, and monitoring visits conducted in the structures of State Police.

Reply to paragraph 23 of the concluding observations

177. During 2014–2020, important reforms have taken place in penitentiary system, which are finalized with the approval of the new law on treatment of pre-trial detainees and the inmates in 2020 and with the Action Plan 2019–2022. Training of the personnel of the prisons and of pre-trial detention personnel remains one of the priorities of the General Directorate of Prisons. Curriculums, manuals and standard procedures comprise information and knowledge related to professional conduct, prevention of ill-treatment and of violence, respecting of the rights of the persons in conflict with the law and human dignity.

178. Projects have taken place in the prisons system during this period:

- Twinning Projects;
- Implementation of the Horizontal Facility Instrument (Second phase);
- Prevention of radicalization and violent extremism;
- Increasing the capacities of the staff that works with minors etc.

179. Projects as well as the trainings organized from the Training Center of GDP and trainings organized in cooperation with the Academy of Security, have improved the personnel's capacities and the services toward persons under care.

180. Every year continual trainings are organized. In 2019, 2042 staff were trained, (45% of the general number) from which, 361 are staff of the middle level of multi-disciplinary services; 1516 are grassroots staff and 27 are managerial staff and 138 are from multi-disciplinary teams. As well, the personnel that works with the minors have received training in the framework of the Juvenile Justice Code.

181. Training of the personnel of the system of prisons, in particular the initial training of recruitment in the system of prisons. The initial training is improved in respect to curriculum, with the support of the projects of the Council of Europe in the framework of the program "Horizontal Support for Western Balkans and Turkey", phase I and II.

182. Cooperation with the Academy of Security, for the initial training of new personnel, by also providing accommodation for them in the facilities of the Academy. Topics of initial training are related to issues of the rights of the prisoners, prevention of violence, management of incidents, treatment of vulnerable groups etc. Beside the initial training, there is the training on duty provided that addresses the needs of the personnel evaluated during the execution of their duty.

183. In the Action Plan for the system of prisons for the period 2020–2022, it is planned that the center of trainings will be strengthen through:

- Review of the initial curriculum and of the training in duty in regards to the Code of Ethic, health and first aid elements, use of the means of force and physical constraints, aspects of management, crises management, substance abuse and awareness raising on drugs etc.;
- Training programs for special needs of imprisoned women and management of prisons for women;
- Training programs for the personnel of the prisons with high risk/violent.

184. The personnel of the prisons and pre-trial detention are trained in regards to violence and torture reporting and conducting of further investigations. During the reception period, the prison personnel in charge for health and pre-trial detention personnel conducts a general check-up and if there are signs of use of violence, an immediate report is filed for the director of the institution and the prosecutor. General Directorate of Prisons has organized several training sessions in regards to Istanbul Protocol in cooperation with partners and non-governmental organizations that operate in the area of human rights.

185. General Directorate of Prisons has periodically trained the personnel of security, civil ones and health personnel on this manual and the relevant forms of case documentation. The approved training program for the personnel of the basic level of security includes a module

on the concepts and prevention of torture from the administration of the system of prison. GDP has cooperated with Albanian Rehabilitation Center of Trauma and Torture on the implementation of the program on prevention of torture and violence in the system of prisons.

186. Cooperation with Albanian Rehabilitation Center of Trauma and Torture consists of advocating for the improvement of the practices in regards to humane treatment of the persons in conflict with the law, capacity building or the multi-disciplinary personnel of the middle level management of the prison system, in regards to the application of the Protocol of Istanbul; training workshops on the procedures of effective documentation of the cases of ill-treatment, pursuant to Protocol of Istanbul and regulation of the Committee for Prevention of Torture, as well as experience exchanging with the countries of the region through study visits.

Reply to paragraph 23 (b) of the concluding observations

187. Legislation on justice reform has provided an obligatory character of the continual development of the prosecutors and officers of judicial police. In law no. 96/2016 “On status of judges and prosecutors in the Republic of Albania” it is foreseen that the magistrate has the right and obligation to participate in the programs of continual development, to propose training topics and cooperate with the Prosecutorial Council, related training programs. Continuing development is organized by the school of Magistrates or from every training provider institution in a local and international level known from the Prosecutorial Council.

188. Judicial police officers have the obligation to participate in the continual training, as foreseen in the article 28, of law no. 25/2019 “On organization and functioning of Judicial Police”. Relating capacity building, a significant support for the institution of the Prosecutor Office is provided by the international projects/missions such as: EURALIUS, PAMECA, OPDAT, etc.

189. School of Magistrates has organized continual periodical trainings with judges and prosecutors and candidates for magistrates on: criminal process; Criminal Procedure Code; the Victim and criminal process; human trafficking; domestic violence and gender based violence.²²

Reply to paragraph 25 of the concluding observations

190. With the law no. 144, dated 02.05.2013, amendments are made in the Criminal Code by making a distinction between murder for revenge and blood feud murder:

- Article 78 “Premeditated murder”: “Pre-meditated murder is punished to imprisonment from fifteen to twenty five years. Murder committed for interests or revenge shall be punished to not less than 20 years or life imprisonment”;
- Article 78/a Murder due to blood feud: “Murder committed due blood feud shall be punishable to not less than 30 years or life imprisonment”.

191. From 2012, Action Plan “On prevention, exposing, documenting and punishment of the criminal activity conducted with the motives of revenge or blood feud” is drafted with the purpose of managing, controlling and coordinating the activity of the subordinate structures for prevention and attacking of the criminal offense committed for revenge or blood feud.

192. Objectives of Action Plan:

- Attacking the phenomena of blood feud and revenge by cooperating closely with the local authorities and non-profit organizations for solving of conflicts through reconciliation;
- Strengthening the cooperation with prosecutorial body for the fast investigation of these criminal offenses, and perpetrators to justice;

²² Detailed information on the training is provided in the following appendixes.

- Organization of measures for blood feud in particular as a strong preventing measure for continual of blood feud;
- Strengthening the cooperation with education directorates and schools for the education of the new generation with the spirit of tolerance and prevention of crime;
- Statistical data administered by the structures of the State Police, for the criminal offense “Blood feud murder”, foreseen by article 78/a, of Criminal Code:

<i>Year</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Number of cases	7	3	4	0	1	1	1	0	1

193. From the structures of the State Police during the period 2013–2020, awareness meetings are organized continually for the phenomena of blood feud, with the participation of representatives of the local authorities and different NPO.

194. From General Directorate of the State Police, a database is created for registering of all families affected by Phenomena of blood feud as well as Standard Procedures of Work have been drafted “On evidencing and registering on the database the persons involved in criminal offenses with the motive of blood feud”. Referring to the data administered by the structures of the State Police, it results that in our country there are 75 families with 159 persons confined (self-deprived of freedom), from which 25 are children. Out of these number, 15 families with 56 persons have left the country.

Reply to paragraph 26 of the concluding observations

195. Pursuant to DCM no. 463, dated 6.5.2009, “On determining the color, the uniform, the signs, in the objects of the prison police” measures have been taken for equipment of the uniforms of all police officers of Prison Police, including the staff of the interfering groups, with the distinctive identifying signs.

196. Personnel serving in prisons, in the internal residences of the inmates but also in the external, even when escorting outside the prison, are equipped with a distinctive uniform, symbols and the name of personnel. General Directorate of Prisons, has approved the procedure for using force, which is followed by the reporting of the case through a standard form to the Director of the Institution.

197. Beside standardization of the use of force only as the last mean and when necessary and indispensable, and to the minimum needed, the standards of the use of the measure of isolation, is reflected in the new Law on the rights of the prisoners and pre-trial detainees. (year 2020).

198. Committee for Prevention of Torture, in their visit in 2018 in Albania reported that no allegations of recent physical ill-treatment of inmates by staff in any of the prisons visited and the staff have made considerable efforts to minimize the violence among inmates.

Reply to paragraph 27 of the concluding observations

199. As evidenced above with the information on article 14, the amendments of the Code of Criminal Proceeding of 2017 (amended by law no. 35/2017,) improve the rights and the position of the victim of the criminal offenses 85. In article 61 it is foreseen the civil lawsuit in criminal proceeding. The person who has suffered injury by the criminal offence or his/her heirs may file a civil lawsuit in the criminal proceedings against the defendant or the person liable to pay damages (defendant), claiming the restitution of the property and reimbursement of the injury.

Reply to paragraph 28 of the concluding observations

200. Ministry of Internal Affairs, has administrated statistical data for domestic violence based on the order of the Minister of Internal Affairs no. 251, dated 15.02.2008, “On compilation of the statistics of criminality”, which determines drafting of the statistical specific forms on domestic violence. Comprising of domestic violence in the statistical forms of data (article 130/a of Criminal Code) was done with the order no. 1531 dated 24.10.2014 “On Compilation of the statistics of Criminality”, of General Director of State Police, where form no. 16, on domestic data was amended and article 130/a was included.

201. From 2014 in the municipalities, an online digital system for registering the cases of domestic violence is being implemented (Ministry of Health and Social Protection in cooperation with UNDP). Local coordinators for violence in every municipality collect data for the evidenced and treated cases from the Referral Mechanism in the local level. MHSP has trained and continues to build capacities of the local coordinators for this purpose. This system comprises data for the violator and follows up cases of domestic violence.

202. The system registers every violence case and monitors the process. Data gathered on domestic violence and gender-based violence become part of the public transparency in national level. The data are used for training of the professionals and awareness raise on the situation with the aim of addressing the relevant policies. They are published at a national level and through different publication of INSTAT or Open Data Albania, statistical yearbook of the Ministry of Justice etc. These data are accessible according to the rules of privacy for the protection of personal data of the victim, guaranteed from Law no. 119/2014 “On the right of information in”.
