



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of the reports submitted by States parties under article 44 of the Convention

Combined second, third and fourth periodic reports of States
parties due in 2009

Albania***

[19 December 2009]

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** Annexes can be consulted in the files of the Secretariat.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–12	5
II. General implementation measures (arts. 4; 42 and 44)	13–150	7
A. Follow-up measures to implement the recommendations of the Committee ..	13–70	7
B. Implementation and monitoring of national programmes	71–132	20
C. Allocation of budget and other resources	133–135	29
D. Statistical data	136	31
E. Problems encountered with the implementation of obligations under the Convention	137–150	31
III. Definition of the child (art. 1)	151–163	35
IV. General principles (arts. 2; 3; 6 and 12)	164–240	37
A. Follow-up measures to implement the recommendations of the Committee ..	164–217	37
B. Implementation of national programmes and their monitoring	218–240	45
V. Civil rights and freedoms (arts. 7; 8; 13–17 and 37 (a))	241–286	49
A. Follow-up measures to implement the recommendations of the Committee ..	241–262	49
B. Information on the legal, administrative, judicial and other measures to implement the rights contained in the Convention	263–286	54
VI. Family environment and alternative care (arts. 5; 9–11; 18 (paras. 1 and 2); 19–21; 25 and 27 (para. 4) and 39)	287–396	59
A. Follow-up measures to implement the recommendations of the Committee .	287–339	59
B. Implementation of national programmes and their monitoring	340–343	68
C. Information on the legal, administrative, judicial, and other measures to implement the rights under the Convention	344–396	69
VII. Basic health and well-being (arts. 6; 18 (para. 3); 23; 24; 26; and 27, paras. 1–3)	397–518	78
A. Follow-up measures to implement the recommendations of the Committee .	397–472	78
B. Implementation of national programmes and their monitoring	473–516	92
C. Allocation of budgets and other resources	517–518	102
VIII. Education, leisure and cultural activities (arts. 28; 29 and 31)	519–578	103
A. Follow-up measures to implement the recommendations of the Committee .	519–555	103
B. Implementation of national programmes and their monitoring	556–577	111
C. Allocation of budgets and other resources	578	114
IX. Special protection measures (arts. 22; 30; 32–36; 37 (b)–(d); 38; 39 and 40)	579–721	115
A. Follow-up measures to implement the recommendations of the Committee .	579–679	115
B. Established mechanisms for the implementation of rights contained in the Convention (arts. 22; 30; 32–36; 37 (b–d); 38; 39 and 40), and their monitoring	680–721	136

List of abbreviations

PA	People's Advocate (Ombudsman)
EU	European Union
CCR	Committee for Children's Rights
CPT	Committee for the Prevention of Torture, Council of Europe
GDP	General Directorate of Prisons
RED	Regional Education Directorate
GDSP	General Directorate of State Police
DPWPSQ	Directorate for Protection of Witnesses and People with Special Qualities
IEPV	Institutions for the Execution of Penal Verdicts
KNDF	Inter-ministerial Committee for Children's Rights
PC	Penal Code
CPP	Code of Penal Procedure
LSMS	Living Standards Measurement Survey 2002–2005
NMPT	National Mechanism for Prevention of Torture
MFA	Ministry of Foreign Affairs
MJ	Ministry of Justice
MI	Ministry of Interior
MH	Ministry of Health
MES	Ministry of Education and Science
MLSAEO	Ministry of Labor, Social Affairs, and Equal Opportunities
MTCYS	Ministry of Tourism, Culture, Youth, and Sports
MICS	Multi Indicator Country Survey
SAA	Stabilization and Association Agreement
SCR	Subsection for Children's Rights
NPO	Non-Profit Organization
NPISAA	Nation Plan for the Implementation of the SAA
RA	Republic of Albania
NCS	National Children's Strategy
NSDI	National Strategy for Development and Integration
TSC	Technical Secretariat for Children
SIDA	Swedish International Development Agency
DS	Disability Strategy
EO	Educational Offices

DCM	Decision of the Council of Ministers
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund

I. Introduction

1. The Assembly of the Republic of Albania ratified the Convention on the Rights of the Child by Law No.7531 dated 11 December 1991 “On the Ratification of the Convention on the Rights of the Child”. In accordance with article 44, paragraph 1 of the Convention, on 5 July 2004 Albania submitted to the Committee on the Rights of the Child the initial and first periodic report¹ which provided information on the legal, executive and other measures taken towards the implementation of the provisions of the Convention on the Rights of the Child in the period 1992–2000. As part of the consideration (review) process of the initial report, the Committee produced a list of items for which it requested supplemental data and updated information directly related to the implementation of the Convention.² Albania provided the requested information in December 2004.³ Following the consideration of the Report in January 2005, the Committee adopted the concluding observations on Albania.⁴

2. Based on article 44 of the Convention and recommendation No. 81 of the concluding observations of the Committee, Albania submits the combined second, third and fourth periodic report, which is drafted in accordance with the general guidelines of the Committee,⁵ regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 of the Convention and annex to these general guidelines.

3. This report contains information on the measures taken by Albania to implement the Convention in compliance with the obligations deriving from article 44, paragraph 1(b)(2) 1. The present document contains progress made by the country since the first report, 2001–2009, the changes effected in the legal and administrative framework to enable the implementation of the provisions of the Convention, and the measures taken to put into practice the concluding observations of the Committee.

4. For the purpose of providing detailed information as regards the implementation of the Convention and the concluding observations of the Committee, this report presents the legal changes (according to the specific fields) which were not contained in Albania’s first report.

5. Based on the Prime-Minister’s Order, No. 201, dated 5 December 2007 “Establishing the Working Groups to draft the National Reports necessitated by the implementation of the International Agreements, to which Albania is a party”, the Ministry of Foreign Affairs is charged with the task of drafting periodic national reports in cooperation with the relevant governmental institutions. These reports should reflect the current situation, progress made, and problems in the field of children’s rights. The second, third, and fourth periodic report on the implementation of the Convention, has been prepared by the Ministry of Foreign Affairs in cooperation with central and independent institutions with responsibilities in the fields covered by the Convention. In Accordance with the prime Minister’s Order, an Inter-Institutional Working Group was set up, which is comprised of representatives of the central institutions (MLSAEO, MJ, MI, MES, and MH), independent bodies (High Court, General Prosecution Office and People’s Advocate), and

¹ CRC/C/11/Add.27.

² CRC/C/Q/ALB/1.

³ CRC/RESP/77.

⁴ CRC/C/15/Add.249.

⁵ CRC/C/58/Rev.1.

other entities such as the General Directorate of State Police, the General Directorate of Prisons, the Adoptions Committee, etc.

6. The Council of Minister adopted the Second, third and fourth National periodic reports, regarding to the Convention of the Rights on Child, by the Decision (DCM) No 905, dated 26 August 2009.

General considerations

7. Albania continues to be committed to the continuous improvement of standards related to the protection and implementation of human rights and freedoms. A clear expression of this commitment is the ratification and signature of almost all international conventions on human rights, including the Convention on the Rights of the Child. In addition, Albania has signed the two Optional Protocols of the Convention: the Optional Protocol on the dale of children, child prostitution and child pornography (endorsed by Law No. 9834, on 22 November 2007); Optional Protocol on the involvement of children in armed conflict (endorsed by Law No. 9833, dated 21 December.2007).

8. Following ratification, based on the Constitution of the Republic of Albania, the Convention on the Rights of the Child became part of the domestic legislation. It serves as the basis for the institution of necessary measures for the implementation of the rights envisaged by the Convention. It also serves as the backbone for the general reformation of social policies with a view to creating a protective environment for children, including family care, institutions and the entire society.

9. The Constitution of the Republic of Albania, the ratified international instruments, the laws approved by parliament, and the legal decrees of the Council of Ministers guarantee adequate legal protection and special care for children. The legal framework for guaranteeing the basic human rights and freedoms of the individual have been improving over the time and relevant social policies have been enacted in an effort to meet international standards. However, one of the major objectives still remains the practical enforcement of human rights and freedoms, recommendations contained in the international documents, as well the obligations deriving from Albanian's SAA with the EU.

10. During the period covered by this report, Albania's priority has been to integrate in the Euro-Atlantic structures through efforts to meet standards including those in the field of human rights, in the political, social and economic life and steps to approximate domestic legislation with the *acquis*. On 31 January 2003, Albania officially opened its negotiations of the SAA with the EU. The Agreement was signed on 12 June 2006, thus becoming the strategic framework for the formulation of economic and social policies for the country. In order to enable the implementation of obligations derived under the SAA, the Albanian Government endorsed the National Strategy for Development and Integration. The Signature of the Agreement represents an important milestone in Albania's EU integration processes. It is also a challenge for the Albanian society, which has now to implement the commitments it has made under this Agreement, including those related to the protection and enforcement of human rights and freedoms.

11. The National Plan for the implementation of the SAA (endorsed by DCM No. 463, dated 5 July 2006, as amended by DCM No.577, dated 5 September 2007 and DCM No.1317, dated 1 October 2008) considers an important task the launch of legal and institutional reforms, including reform of the justice system to underwrite and enforce human rights and basic freedoms in accordance with international standards. This document defines the priorities of the Albanian Government as regards the enforcement of human right (including the rights of the child).

12. As a result of the reforms to meet international commitments, Albania joined NATO in April 2009. This is a further obligation towards implementation of reforms in all fields of life in accordance with international commitments and obligations.

II. General implementation measures (arts. 4, 42 and 44)

A. Follow-up: measures to implement the recommendations of the Committee

Legislation and its enforcement; justice reform and institutional building

Recommendation 7 (CRC/C/15/Add.249)

13. The Albanian legal framework in all fields, including the protection of children's rights, has been improved and constantly supplemented over the period 2000–2009. The promotion, provision, and protection of children's rights is one of the priorities of programmes and the pillars of the legislative and institutional analysis conducted over this period with a view to approximating the domestic approach with the principles and standards of the Convention.

14. In the month of May 2008, the MLSAEO has undertaken the initiative to formulate a framework law "Concerning the Protection of Children's Rights". The purpose of this law is the enactment and enforcement of existing policies with impact on children's rights. In addition, the framework law represents an effort to bring children's rights in line with international standards and to establish an effective monitoring system guaranteeing the implementation of such rights both at the central and local level. To draft the law, the government has established two working groups with representatives from the line ministries and the Parliament.

15. The Albanian Government is committed to implementing the justice reform as recommended and supported by its international partners in close collaboration with other constitutional institutions under the justice system and in observance of its obligations and duties deriving from the implementation of the SAA. Based on the NPISAA,⁶ reform of the justice system aims at improving efficiency through guaranteeing the independence of the judiciary and its accountability to society while providing adequate financial and human resources. This reform has as its ultimate objective to fulfil the requirements of a contemporary justice system through: (a) consolidation of the rule of law; (b) full guaranteeing of separation of powers and check and balance mechanisms for the purpose of enhancing independence of the judiciary through increasing and strengthening responsibility in the administration of justice; (c) improvement of the mechanisms and legal procedures to prevent and fight corruption as a measure to protect human rights; (d) providing transparency in the justice system and upgrading professionalism; (e) Laying the grounds for judicial cooperation and incorporation of the principles of freedom, security, and justice; (f) the full functioning of the legislative and institutional frameworks in accordance with the European judicial systems and the *acquis communautaire*; limitation of the immunity of judges and senior government officials for the purpose of creating a conducive environment to criminally proceed in the case of corruptive affairs; (g) the strengthening and the improvement of the penitentiary system, in accordance with international standards; (h) protection of victims and social re-integration of former

⁶ Approved by DCM No. 463 on 5 July 2006, amended by DCM No. 577, on 5 September 2007 and DCM No. 1317, on 1 October 2008.

convicts. Reform of the prosecution (as the representative of the State in penal proceedings) will be aimed at improving efficiency of the institution to carry out its duties in the fight against crime and corruption. The legislative initiatives necessitated by the implementation of the obligations under the NPISAA are aimed at revisiting the legal framework designed to regulate the structure and functioning of the justice system and the various entities forming part of the system. These legal initiatives are undertaken with the ultimate aim of improving the legal framework, enhancing compatibility, detailing and clearly establishing the jurisdiction of each entity.

16. As part of the justice reform, the Parliament approved Law No. 9877 dated 18 February 2008 “On the Organization of the Judiciary in the Republic of Albania”. The main purpose of the Law is to establish the independence of the judiciary towards the creation of conditions and standards for recruitment of judges, definition of disciplinary measures in the event of breach of ethical, moral, and professional standards, as well as promotion and career development of judges through continuous training in cooperation with the School of Magistrates.

17. The School of Magistrates, in cooperation with the MJ and the High Council of Justice, through training programmes, trains judges and prosecutors and upgrades their knowledge about the functioning of the justice system and the effective protection of human rights and basic freedoms.⁷ The School, in its initial training of junior candidates for judges and prosecutors, and through the advanced training for in service judges and prosecutors, focuses on various topics related to the enforcement and protection of human rights. Under the NPISAA, the School of Magistrates has carried out (a) training sessions in various fields of law for judges and prosecutors and more specifically in the field of human rights and juvenile justice; (b) training of court administrations; (c) Improvement of teaching methodology in the initial and continuous trainings provided by the School.

Coordination towards the effective implementation of the Convention

Recommendations 9 and 10

18. The National Children’s Strategy (NCS – approved by DCM No. 368, dated 31 May 2005) establishes the strategic objectives in the field of protection of the rights of the child through encouraging and strengthening cooperation and interaction among/between the responsible institutions at the central and local level, the civil society organizations, community based organizations, and social activists involved in the process. The central level institutions involved directly in the implementation of the National Children’s Strategy are: MH, MES, MLSAEO, MI, MJ, and MTCYS. Based on information received through administrative channels and data derived from various studies, these institutions prepare reports, which they submit to the Government in respect of the implementation of the rights of the child. The National Children’s Strategy places emphasis on the establishment of an institutional mechanism to monitor the implementation and effectiveness of national and regional policies towards the realization of children’s rights.

19. At the central level, Albania has established the highest monitoring entity called the Inter-Ministerial Committee on Children’s Rights, which is an advisory body to the Council of Ministers and ensures the incorporation of children’s perspectives in the national development policies. This Committee is headed by the Deputy Prime-Minister and is comprised of representatives of the line ministers and two members representing children’s rights NGOs. The activity of the Inter-Ministerial Committee is backstopped by the Technical Secretariat for Children, an entity of the MLSAEO. This Secretariat is charged

⁷ Detailed information on these trainings is provided in the comments on recommendation 20.

with the duty to monitor and assess the implementation of the objectives under the strategy. In addition, the mission of the Secretariat is to conduct evaluations and draft reports for purposes of public dissemination as well as for submission to decision makers at the central and local level as regards key issues related to children's rights.⁸

20. The establishment of institutional mechanisms to monitor the implementation of national and regional policies involved in children's rights has already been completed at the central level and efforts are being made to extend it to the regional level. In cooperation with the local level and the support of the donors, Units for Protection of Children's Rights have been established at some regions and municipalities. Currently, these units exist in four regions and eleven municipalities. A number of legal amendments/changes have been identified as necessary to create space for the establishment of children's structures as well as to ensure inter-institutional cooperation and establish modalities of cooperation between the local and central level, as well as among the public institutions and civil society organizations. Further improvements in legislation and in the institutional framework aim at addressing the requirements and standards of international instruments ratified by the Albanian government and at increasing the effectiveness of social policies. These issues will be addressed in the framework law on the rights of the children.

The role and the responsibilities of the local level

Recommendation 10

21. Although the implementation of the National Children's Strategy is considered to be a legal obligation of the central government, the decentralization of powers allocates duties related to children's rights to the local governments as well. These governments are gradually taking over and exercising responsibilities as regards children's rights. In cooperation with the local level and with the support of foreign donors units for protection of children's rights have been established in some regions and municipalities. The objective is to establish such units throughout the country in order to create a fully fledged mechanism. As of presently, these units are established in four regions (Elbasan, Vlorë, Kukës, Korçë) and eleven municipalities (Elbasan, Pogradec, Korçë, Fier, Gjirokastrë, Kukës, Kuçovë, Durrës, Sarandë, Peshkopi, Shkodër). The newly established units are approved by the Regional/Municipal Councils and are supported and trained by NGOs which are interested to implement their own projects based on a Memorandum of Co-operation signed by the chair of the region/municipality and the relevant NGOs. These units are supported by UNICEF, USAID and a number of international NGOs (*Terre des hommes*, Save the Children, World Vision, Partners for Children, and the Association of Mine Victims).

22. The Technical Secretariat for Children, in cooperation with NGOs supporting these units, is working towards the modelling and unification of the concepts and approaches of the Units for Protection of Children's Rights. Following an evaluation of the piloting phase, the aim is to extend the experience throughout the country. Presently, the Protocol of the work of these units at municipality level is under discussion and formulation. The Protocol is made up by chapters such as: (a) the duties of the Child Protection Officer at the municipality; the identification and management of cases; (b) assessment of the child's situation and definition of risk level; (c) formulation of the Individual Plan for Child Protection and its implementation. It is worth noting that the individual plan should be

⁸ Information on the duties of these institutions is given in the section "Mechanisms established to implement the rights contained in the Convention".

made a legal obligation in order to ensure the mechanisms for the coordination and monitoring of policies related to enforcement of children's rights.

23. The Unit for Children's Rights (UCR), has been established as part of the administrative architecture of the region and has the following duties: (a) To identify and coordinate referral of breach or abuse, maltreatment or neglect of children's rights at regional level; (b) To observe and assess the manner and extent of implementation of laws and policies related to the protection of children's rights at regional level; (c) To cooperate and exchange information with the Office of Statistics, the Regional Directorate of Primary Health Care, the Regional Educational Directorate, the Civil Registration Office, the Section of Economic Aid and Un-employment Benefit at the municipality/commune and any other institution of the local government or the civil society; (d) To report to the Regional Council on the progress of implementation of children's rights in the region.

24. The Unit for the Protection of Children (UPC) is established as part of the administrative structure of social services at the municipality based on a Memorandum of Understanding between the municipality and the implementing NGO. Under this Memorandum, the municipality and the NGO finance the UPC jointly for a transitional 3-year period. At the end of this period, the Unit will be financed and administered by the municipality alone. UPCs have the following functions: (a) identification and management of cases through the multi-disciplinary approach; (b) assessment and monitoring of children's situation with emphasis on children at risk, coordination of protection as well as referral of cases; (c) building community awareness.

25. The Officer for the Protection of Children cooperates with the social administrators as per administrative divisions in the municipality, the school psychologist, the family doctor, the anti-traffic police, the public order police, and the social workers at public and non-public service centres within the jurisdiction of the municipality. For every child identified to be at risk, the Officer for the Protection of Children establishes a multi-disciplinary team to address the specific needs of the child. The team assesses the situation, level of risk, and defines duties and tasks for each member of the team. The child and his family are continuously monitored by the officer until such time as the child is considered to be 'out of risk'. The structures for protection of children at the municipality serve also as drop-in centres where children and families may obtain information or be referred to other support services in accordance with their needs.

National Action Plan- review of the National Children's Strategy

Recommendation 12

26. In accordance with the recommendations of the Committee, in the year 2005, the Albanian Government approved the National Children's Strategy 2005–2010 and its relevant action plan based on the sectoral strategies of education, health and social protection. In addition, in the year 2005, the Albanian government approved the integrated system of strategic planning, which was followed by a two-year process for the formulation of sectoral and inter-sectoral strategies that served as the basis for the National Strategy for Development and Integration (NSDI) 2007–2013. NSDI serves as the mid-term vision for putting in place policies and plans to implement the sectoral and inter-sectoral strategies, as well as for allocating budgets to these policies in an effort to incorporate the objectives and measures included in the SAA and the NATO Membership Action Plan.

27. In this context, the review of the Action Plan of the Children's Strategy was dictated by the need to ensure its harmonization with the political and strategic programmes of the government, the NSDI and the SAA.

28. Although the National Children's Strategy is a five-year document, the analysis of achievements creates conditions for the revisiting of objectives and goals, as well as of implementation arrangements. Since the year 2006, the Technical Children's Secretariat has drafted several bi-annual reports and three annual reports, which analyze and assess progress towards meeting the objectives of the strategy and make recommendations for further improvements with strategy implementation. The periodic reports drafted by the Children's Secretariat aim at: (a) assessing the level of the implementation of the strategy through measurement and comparison of established indicators in order to obtain a realistic picture of the situation of children's rights at national level; (b) the identification of critical issues in strategy contents and its implementation for the purpose of providing recommendations for improvements in future children's rights policies; (c) proposing directions of the institutional and financial support provided to it by the central government, donors or the civil society. To discuss the improvement of the strategy and its action plan, the Technical Children's Secretariat in the month of March 2007 convened a round table of all the contact points in the line ministries and collaborating NGOs. A working group to review these documents was established during the year 2007.

29. In the first meeting of the Inter-Ministerial Committee on Children's Rights (July 2007), the work of the responsible institutions implementing policies related to the children's rights was discussed. In order to increase the effectiveness of social policies towards realizing the objectives under the NCS, the committee recommended: (a) review of the action plan for the purpose of establishing a monitoring and evaluating mechanism together with the definition of measureable indicators and relevant budget lines; (b) the allocation of necessary budgets to implement policies related to the implementation of the objectives of the NCS; (c) partnership expansion with civil society to build social solidarity for the protection of Children's Rights.

30. Over 2007–2008 a complete review of the Action Plan of the National Children's Strategy was conducted with a twofold focus: (a) The need to develop the basic indicators to measure and assess progress in the implementation of the action plan against the indicators contained in the NSDI; (b) Budgeting for policies enabling the implementation of children's rights in accordance with the Mid Term Budget Framework.

31. The completion of these two exercises made possible the inclusion of the National Action Plan for Children in the NSDI. In this manner, the rights of the children were institutionalized as part of the long-term strategic plans together with an obligation to fund their protection and enforcement. In more specific terms, the formulation of the new Action Plan was based on the sectoral strategies of health, education, social protection that were previously modified to be in line with the NSDI, the Mid-Term Budget Framework 2008–2010, the programmes of line Ministries and the Convention on the Rights of the Child. Cost estimation to fund policies on children's rights is based on unit cost contained of the PBA for 2008–2010. Where unit cost was missing, the allocated budget was weighted as per number of the children to population number. Projects conceived by donors and implemented jointly with the Albanian government have been indicative of cost for specific policies. The action plan together with cost estimates and with specific monitoring indicators will serve as the basic document in tracking the progress of the implementation of the NCS by the Technical Secretariat for Children.

32. In accordance with the objectives of the national Children's Strategy, efforts have been made to establish referral systems or management arrangements for abused, trafficked or battered children.⁹

Independent monitoring structures

Recommendation 14

33. The Sub-Section for Children's Rights (SSCR) at the People's Advocate was established in April 2004 based on an understanding agreement between "Save the Children" in Albania and the Office of the People's Advocate.¹⁰ The mandate of the SSCR is "to serve as an advocate, catalyst and monitoring entity of children's rights as prescribed in the Convention on the Rights of the Child".

34. The main task of the SSCR, which is part of the general section at the office of the People's Advocate, is to protect the rights of children in Albania in accordance with the Convention and other relevant national and international instruments. More specifically, the activity of the SSCR is focused on: (a) monitoring the actions of the public administration and other organizations, serving to the protection of children's rights; (b) review of complaints, claims, or denunciations related to violations of children's rights; (c) submission of recommendations to improve existing legislation on children's rights; (d) promotion of the rights of the children and building awareness of the public administration with regard to meeting their obligations towards children; (e) building awareness of the entire Albanian society on children's rights through cooperating with the media and the NGOs involved with children's rights.

35. The joint three-year project of the SSCR with 'Save the Children'. The organization 'Save the Children' applied to SIDA in 2004 to fund its proposal on capacity building and strengthening of the SSCR. This project was approved in January 2006 with three-year duration and a number of activities related to protection of children's rights, including awareness of the public opinion on the mission and role of the SSCR. The project provided capacity building and human resource training, technical assistance, infrastructure support, research, direct interventions in cases of children's rights abuses, promoting children's participation, etc. Among other activities, the most important of the project were the creation of a separate space dedicated to children at the Office of the People's Advocate in Tirana, the establishment of two regional centres for children in Shkodër and Korça, the strengthening of cooperation and coordination between State institutions and civil society, monitoring of the actual legislation, development of recommendations for change etc. The SSCR maintained three offices: one at the central Office of the people's Advocate and two regional offices on in Shkodra and one in Korça in the year 2005. The staff of the People's Advocate was increased with five lawyers, who were paid by Save the Children for 2006–2007. In the first half of the year 2008, only two lawyers were paid by the institution's budget, one in Korça, and one in Shkodra. Currently the offices are closed, due to lack of budget. The SSCR has shrunk and is active only at the central office in Tirana, with only one assistant commissioner dealing with children's problems.

36. During the year 2006, the SSCR worked mainly towards the establishment of regional offices, staffing the offices and promoting the activity of these entities at national and regional level. The main functions of the regional offices were: (a) receiving complaints about children's rights abuse; (b) monitoring the implementation of children's

⁹ Detailed information is provided below, in the comments on the articles and relevant recommendations.

¹⁰ Currently, this agreement has terminated.

rights in the regional public institutions; (c) establishing and strengthening cooperation with main regional actors for children's rights and the design of a system of mutual cooperation between/among local NGOs involved with these rights, as well as the promotion of children's rights in the respective region.

37. Results achieved by the project of "Save the Children" were: (a) strengthening and building capacities of the Office of the People's Advocate, in particular the SSCR in order to provide better protection to the rights of the children; (b) collection of information on international best practice on protection of children's rights; (c) study of the Albanian legislation and research leading to recommendations for improvement of legislation to the benefit of children; (d) formulation of conclusions and arguments in order to present arguments to the Albanian Parliament about the need to strengthen the capacities of State institutions dealing with the protection of children. The opening of regional offices facilitated the submission of complaints by citizens to the People's Advocate. Despite the short life of these offices, their two-year operation saw a substantial increase in complaints deposited in the regional offices of Korça and Shkodra.

38. Awareness campaigns on children's rights: The institution of the People's Advocate has developed an extensive awareness campaign on the dissemination of, and the need to implement children's rights, not only at the level of inter-institutional relations, but also in the electronic and written media. The activity of the SSCR was presented in the national and local media and articles were published in the daily newspapers. During the year 2007, two informational spots were broadcast to announce the creation of the SSCR. These spots were aired on the main national and local media. Thanks to these awareness-building efforts, there was an increase in the number of complaints and reports.

Review of complaints in the year 2005:

39. The SSCR reviewed 39 complaints or requests, of which ten received a positive solution.

In the year 2006, 46 complaints were reviewed relating to violation of children's rights, of which eight received a positive solution. Although there has been an increase in received complaints/requests, they have mainly been submitted by parents or relatives and only one complaint has been filed by the child himself. Complaints relate to various issues, but their focus has been mainly on the special treatment of the child, the right of the parent to be present during child interrogation, the poor condition of schools, non-registration of children by the civil registration offices, absence of psychologist/social worker during police interviews of children, children lost outside the territory of Albania, issues of refusal of financial benefits for care of disabled children, non-allocation of subsistence support for children after death of one parent, inadequate medical care for ill children, non-execution of judicial decisions related to children, etc.

The year 2007, too, saw a considerable increase in the number of complaints. Of the 136 complaints reviewed, 43 were positively solved. The third quarter of 2008 brought in 61 complaints, of which 20 were positively resolved and 4 are still under consideration. 2007 cases were of a broad range, but the main object of complaints in most of the cases was related to the need for special treatment of the child, improvement of school conditions and treatment of students by teachers, refusal of the economic aid by the municipality and unmet demands to receive the status of the orphaned child, the non-execution of judicial decisions related to child subsistence, the placement of orphaned children in residential care facilities, improvement of housing conditions, violation of children's rights by the administrations of foreign countries, non-registration of children, the non observance of legal procedures in cases of children who come into conflict with the law, etc. It is worth noting that there is a decline in the number of complaints related to abuse of children in the police stations.

In the year 2008, the Office of the People's Advocate, including the SSCR, reviewed a total of 96 cases. Of these 36 resulted to be outside the jurisdiction of the People's Advocate, 33 complaints or requests were considered unfounded, 7 are under consideration and 38 cases have received a positive resolution. Another 11 complaints concluded with recommendations or proposals, which were accepted by the public administration entities.

40. In March 2005, the People's Advocate sent to the President of the Republic, the Speaker of the Parliament, and to the Prime Minister's Office information about the recommendations made by the Committee on the Rights of the Child as well as the tasks facing the SSCR, also asking for assistance and support. As part of the awareness measures recommended by the Committee, at the Annual Conference convened by the PA in December 2005, an important emphasis had been placed on campaigns to promote the rights of the children and the role of the SSCR to achieve protection of the rights of the child. The conclusions and recommendations of this conference were sent to all the main institutions whose work affects the efforts and policies to improve the protection of children's rights in Albania. In addition, the People's Advocate has always dedicated special space to the protection of children's rights in all of the other related annual conferences, such as for e.g. "The Conference on the Rights of Disabled People" (year 2006).

41. The People's Advocate has submitted to the Assembly of the Republic of Albania the Special Report on the Rights of the Child in order to enhance understanding of the situation of children, the activities of his office in this field, and to increase awareness of legislators towards the need to create the necessary legal and institutional framework for the strengthening of child protection measures. This objective can be achieved through the amendment of the Law "On the People's Advocate" or through the creation of a special independent institution dedicated to child protection. The main objective of establishing a separate institution for the protection of children's rights in Albania, would be to upgrade the standards of children's protection and child related services through pressing for more attention in the national policies and strategies and more efforts on the implementation of the NCS, as well as the National Strategy to Combat Child Trafficking, and Protect Trafficked children.

Allocation of financial resources

Recommendation 16

42. In accordance with Law No. 9355 of 10 March 2005 "On the Economic Aid and Social Services", the poor families with little or no income (and children via the families) are eligible to benefit from the economic aid scheme. Based on this law, the poor families and individuals with little or no income are also eligible to benefit from the social protection programmes: (a) the Economic Aid Program: It is the main programme providing support to the poor families, including those with little or no income. According to this programme, the central government, based on requests from the local governments, distributes conditional lump grants to municipalities and communes to provide for the poor families. The local government units distribute these funds based on applications and requirements established by the central government with regard to eligibility to benefit from the economic aid (although the local government has the right to establish special criteria to support poor families from its own resources); (b) the Program of Disability Payment; (c) the Social Security Program. The first two programmes provide cash support. In the recent years, efforts have been made to improve criteria for selection of families in

order to make possible that aid reaches the poor families, through decreasing abusive benefits, thus leading to increases in the average monthly payment for family.¹¹

43. During the period 2007–2008, the government reviewed the Action Plan of the SCR in two directions: (a) the need to develop the basic indicators to measure and assess progress in the implementation of the action plan as per the indicators contained in the NSDI;)b) budgeting for policies enabling the implementation of children’s rights in accordance with the Mid Term Budget Framework. The completion of these two exercises made possible the inclusion of the National Action Plan for Children in the NSDI. In this manner, the rights of the children were institutionalized as part of the long-term strategic plans of the Government and their budgeting was ensured.

44. The planning of financial resources for social policies to protect excluded groups is based on the needs analysis, but is subject to limitations of the State budget. At the local level, financial resources for social policies remain limited, although decentralization remains a government priority. The law on decentralization does not clarify how local budgets will be allocated for social purposes. However, there is ample legal space to allow the local government to deliver public services and social benefits.

Prevention and elimination of corruption

Legal framework in the fight against corruption

45. Law No. 9275, of 16 September 2004 “On some additions and changes in the Penal Code” was designed to introduce legal provisions against corruption in the public administration, but also in the private sector, through coverage of both active and passive corruption committed by public officials, but also by private undertakers. The provisions contain a gradual escalation of sanctions up to imprisonment of subjects who commit such penal offences, based on the type of public office they hold, including the parallel punishment through the imposition of fines. The Law also contains supplemental punishments, such as the abrogation of the right to hold public office, etc. The Penal Code contains a number of provisions related to the penal offence of corruption, together with the respective penal sanctions (fining or imprisonment). According to the Penal Code, corruption means the promise or proposal to give directly or indirectly any type of illicit gain for oneself or others, to gain favours or make profits, or to refuse to meet obligations. The Penal Code contains specifically these provisions: (1) Article 164/a – Active corruption in the private sector. (2) Article 164/b – Passive corruption in the private sector. (3) Article 244 – Active corruption of individuals holding public office. (4) Article 245 – Active corruption of senior State officials or local elected leaders. (5) Article 245/1 – Illegal influencing on individuals holding public office. (6) Article 248 – Abuse of office. (7) Article 259 – Passive corruption of individuals holding public office. (8) Article 260 – Passive corruption of senior State officials or locally elected leaders. (9) Article 312 – (1) The need to develop the basic indicators to measure and assess progress in the implementation of the action plan against the indicators contained in the NSDI; (2) Budgeting for policies which enable the implementation of children’s rights in accordance with the Mid Term Budget Framework. The completion of these two exercises made possible the inclusion of the National Action Plan for Children in the NSDI. In this manner, the rights of the children were institutionalized as part of the long-term strategic plans – Active corruption of the witness, expert, or translator: (10) Article 319 – Active corruption

¹¹ Data on the number of families, the annual fund, and the amount of economic aid in years can be found in the annexes attached to this report.

of the judge, prosecutor, or other officials in the justice system. (11) Article 319/a – Passive corruption of the judge, prosecutor, or other justice officials.

46. Law No. 10005, dated 23 October 2008 “On an addition to Law ‘On Extra Contractual responsibility of the State Administration Entities’” contains a provision related to the responsibility of the State administration entities for damages caused to private physical or legal subjects in the case of commission of a corruptive act.

47. Law No. 10053, dated 29 December 2008 “On an addition to Law No. 7961, dated 12 July 1995 ‘Code of Labor’” provides for the nullification of acts issued to effect administrative measures or sanctions deriving from a corruptive act. This law completes the legal framework for the prevention and fight against corruption and fulfils the obligation of the Albanian State as a party to the Council of Europe Civil Law Convention on Corruption.

48. Albania has amended the law for the prevention of the conflict of interest. It has approved the law on cooperation and reward of citizens denouncing corruption, as well as the law on the penal responsibilities of legal persons, etc. The United Nations Convention against Corruption has also been ratified.

49. The Corruption Perceptions Index, according to Transparency International, has considerably improved from to 2.4 in 2005, to 2.6 in 2006, to 2.9 in 2007, and 3.4 in 2008. For the year 2007, Albania ranks 85 among 180 countries, whereas in the year 2005 it ranked 126 among 158 countries.

50. The Group of States Against Corruption (GRECO): Round 2 of the GRECO assessment focused on the identification, seizure and confiscation of the proceeds of corruption; prevention and detection of corruption in the public administration; prohibition of use of legal entities (for e.g., corporations) for corruption purposes, etc. Albania fully met 7 of the 13 GRECO recommendations in the Evaluation Report of December 2007. The country is currently working to meet the 2 unmet recommendations and the 4 partially met ones. Instructions on corruption typology and trainings for public employees have been put in place.

Instruments of the fight against corruption

51. The Inter-Sectoral Strategy for Prevention and Fight against Corruption and Transparent Government (2008–2013), as part of the NSDI (approved by DCM No. 1561 dated 3 October 2008) defines the objectives, measures, and time lines to be implemented by the institutions involved in the fight against corruption for the prevention and elimination of this phenomenon. The Integrated Action Plan for 2009 has already been approved.

The Inter-Ministerial Working Group is the responsible structure for the supervision and review of the strategy against corruption and the design of annual integrated action plans.

Task Force Anticorruption, led by the Prime-Minister, is the responsible institutional structure to fight corruption. The task force aims at alerting State institutions to react and act against corruptive and abusive practices.

The *National Center for Business Registration* is established in accordance with the principle of one stop shop to make possible the registration of new businesses in one single day.

Big businesses have been provided with the possibility to pay taxes online. This measure contributes to anti-corruption. The electronic procurement system has been

installed and the Procurement Ombudsman has become a guarantor of procurement processes.

52. In addition, measures have been taken to strengthen internal administrative and financial controls (Department of Anti-corruption at the Prime-Ministers Office, structures for prevention of economic crime at the MI, the Joint Investigation Unit at the General Prosecution).

53. The Government, through the 'State Matura' has reformed the evaluation system of high-school graduation and admission of students in higher education. It has put an end to corrupt practices related to university admissions, which used to have a negative impact on the education of the younger generation. The "Alter text" or the liberalization of text-book publishing has led to elimination of corruption in the subsidies of production and distribution of text-books.

54. Every institution has an office for public information, which provides information on procedures, decisions, acts, and services delivered by the administration. State institutions have made available to citizens toll free phone lines to denounce abusive and corruptive practices.

Data collection by INSTAT

Recommendation 18

55. For a long time, State institutions have been feeling the need for reliable and accurate statistics related to children. Statistical information is a very powerful tool for decision-making and policy formulation as well for awareness building on children's rights issues. In this context, the efforts to develop internal capacities to collect, produce, and analyze data for public dissemination purposes, as well as for research and policymaking, led to the creation of the Center for Social Research. With UNICEF support, the Center was established as part of the National Statistics Institute (INSTAT), which is the main responsible entity for production of statistics. The objective of the Center is related to the improvement of the quality of information about children, to support the production of data and main social indicators at national and local level for this group of the population, and to develop local capacities for research and surveys. The Center for social research has been very active in providing regular information to policymaking entities and responsible stakeholders with regard to the results of research and surveys, as well as the distribution of data. In the current year, a number of activities have been undertaken to transform the Center into a national observatory for the monitoring of the rights of children as an important institutional entity, which will make possible: (a) the establishment and the consolidation of the Children's Observatory, first at central level, and subsequently at the local level;(b) institutionalization of a monitoring system of poverty indicators among children.

Knowledge and training about the Convention

Recommendation 20

56. Training of judges and prosecutors. The School of Magistrate runs a continuous training programme for judges and prosecutors mainly on topics related to human rights.¹² These trainings have been offered by Albanian experts and Council of Europe Experts together. In addition, the training programme contains sessions on the Penal Code and The

¹² Detailed information on these trainings is provided in the annexes attached to this report.

Code of Penal Procedure, focusing on human rights in penal proceedings. Under the fifth cooperation programme of the European Commission, Council of Europe, and the Ministry of Justice, the School of Magistrates has provided trainings for court administrations. An important activity of the school of Magistrates is its engagement in publishing and legal studies. The school publishes its journal “Judicial Life” which appears every three months and contains various articles such as, interpretation of new laws commentaries of judicial practice, dissemination of international theories and legal practice, information of the school activities and its cooperation with the justice entities, etc.

Training of Police Structures.¹³

57. The Police Academy, for the first time in 2005, involved in its curricula special topics promoting knowledge of national and international standards in the field of children’s rights during police operations. These topics provide a concise picture of legal standards (according to the Penal Code and the Code of Penal Procedure) in the light of international documents, including the Convention on the Rights of the Child and other similar documents. In addition to special topics dedicated to children’s rights, special attention is paid to treatment of cases involving minors, such as witness interviews, victim protection, reaction to domestic violence, dealing with human trafficking, etc.

58. The General Directorate of State Police, in co-operation and partnership with UNICEF, has provided a series of trainings in the field of child protection. These trainings were part of a project dedicated to upgrade the capacities of State Police officers of high and medium hierarchy in relation to children’s rights, with priority on the rigorous implementation of detention and interrogation procedures, treatment in police stations, and awareness buildings of police forces to pay due attention to children. In partnership with UNDP, a number of training sessions for all police ranks throughout the Regional Police Directories were held during 2008 to increase Police capacities to implement the Law “On Measures against Domestic Violence”.

59. The GPD and non-profit organizations involved with children’s rights, such as “Terre des Hommes”, “Foundation for Conflict Resolution”, Together against the trafficking of children, etc., have also created partnerships to carry out awareness campaigns on protection of children’s rights. It is worth noting that police structures have been part of all awareness campaigns and projects to promote the protection of children.

60. The Center for Integrated Legal Services and Practice, has organized a series of trainings on “Adequate Child Investigation Techniques and Children’s Rights, according to the Convention on the Rights of the Child”. This centre, in cooperation with UNICEF, has also trained police officers on ‘systematic Contribution to Juvenile Justice’.

Training of Health Employees

61. The Health Ministry during 2005–2009, has provided regular training for medical staff with regard to implementing the provisions of the Convention as an obligation to ensuring good health for children and teenagers. These trainings have focused on child health, reproducing and sexual health, maternal health, etc.

62. Over this period, medical staff has also been trained on childcare and child development. The Center for Training of Health Personnel was established in 2008 with the purpose to provide periodic training to medical staff. In the context of training for prevention of child abuse, the health personnel and social workers offer cascade training to

¹³ Detailed information on trainings of police employees can be found in the annexes attached to this report.

Regional Public Health Directorates, related also to the implementation of the Convention on the Rights of the Child.

63. The Convention on the Rights of the Child has been distributed before the year 2000 in all health centres, including mother and child advisory services all over the country.

64. As part of the efforts to implement the Convention, the MH approved the Chart of the Rights of Hospitalized Children (by Order No. 115, dated 29 March 2006). The chart has been distributed and disseminated to all the paediatric and maternity hospitals in all 36 districts of the country. This chart lists the rights of every sick child in 13 points. Some of these rights are: the right to be cared by one of the parents or the legal custodian during hospitalization; the right of the parents and children to be informed of the disease and relevant treatment; the right of the parents and children to participate in decisions related to their medical treatment; protection from all types of unnecessary examinations and medications; the right to have a safe and adequately equipped environment, not just for his/her immediate needs but also for play, leisure, and educational activities in accordance with his/her age and health condition. The chart has been distributed in all childcare facilities and maternities, and steps have been taken to make the improvements required therein.

65. In the field of education,¹⁴ the Ministry of Education and Science has undertaken long term actions to increase awareness and knowledge of human rights among children and students at all levels of the pre-university education system. The Institute of Curricula and Training, as the responsible institution for the implementation of MES policies, in relation to curricula reformation and teacher training every year plans and designs materials to assist teachers with the teaching of children's rights. The Institute also holds training sessions for teachers on children's rights on cascade system. It should be pointed out that the school in general and curricula information in particular, has played an important part in educating stakeholders and the general public with knowledge of children's rights.

66. MES development policies have been supported by foreign donors and implemented through projects carried out by NGOs. For example, the Albanian Center for Human Rights in cooperation with MES, implemented a ten-year project to train teachers throughout Albania. In addition, the project produced teachers' and students' books on human rights. Mention should be made of the publications dedicated to kindergarten children, students of grades I–XII, as well as the production of teachers' books. Pilot schools were created in 37 Educational Directorates and Educational Offices. The project involved the Teacher Training Faculties in Elbasan and Shkodër, and helped introduce the study of human and children's rights in the curricula of these faculties.

67. In the period 2004–2008, an important project to raise awareness and increase knowledge of human and children's rights, has been founded by the Italian Government and implemented by UNESCO: "Promoting quality education on human rights and enhancing democratic education in Albania". This project built on achievements of previous projects, including those implemented by the Institution of Curricula and Training, as well as on the numerous publications to assist teachers. The most important results of this project were (a) training teachers all over the country; training local and national trainers; (b) creation of model schools for protection of human rights and democratic education; (c) design of six manuals for all levels of pre-university education.

68. In connection with recommendation 20, related to educating children with their rights, NCS contains objective 13, which states: "Introducing children's rights in the

¹⁴ Detailed information on trainings of employees of educational institutions can be found in the annexes attached to this report.

education system is a major priority”. Instruction No. 23, dated 23 August 2007 “On the implementation of plans, programmes and utilization of new text-books for the pre-university education in the academic year 2007–2008” has been distributed to all the Regional Educational Directorates and Educational Offices. This instruction, besides the necessary information related to the contents of the new curricula, pays special attention to issues related to dissemination and implementation of children’s rights in the school and outside the school territory. It also contains strong references to the strengthening of student participation in school decision-making, through the strengthening of student governments and the increase of extra-curricular activities with students. The instruction aims to lay the legal basis for the introduction of certain elements of the school autonomy, especially those related to the school boards, implementation of the school-based curricula, implementation of school grants, etc. These measures are designed to create the necessary premises for children’s rights, not only to be taught but also to be implemented. In order to ensure the actual implementation of this instruction, teachers and school principals have been trained by MES experts, the Institute of Curricula and Training specialists, as well as by directors and specialists of RED/EO. As regards school boards, about 2000 school principals and chairs of these boards have been trained on the responsibilities and manner of operation of these entities as related to protection of children’s rights.

69. In 37 towns, there are pilot schools on human rights, which are continuously supported with teaching materials and other teaching instruments. A UNESCO supported programme established in Tiranë four additional pilot schools in the field of human rights and democracy. Incorporation of human rights education in the compulsory education curricula entails that children’s rights are normally dealt with in subjects such as civic and social education, foreign language, Albanian language, history, geography, biology, arts, and physical education. The optional curricula, which amounts to 10 per cent of the teaching classes, is entirely managed by teachers, many of whom have chosen to develop activities related to children’s rights in order to prepare children to deal with their own needs. As part of the national programme to “Diminish the use of Violence by Teachers as a disciplinary measure”, the identification of 6 of the widely resorted types of violence in schools has been carried out. Save the Children and UNESCO have produced two books on the methods of positive disciplining of children in schools and trainings on these methods have been planned to take place.

70. The Institute of Curricula and Training in cooperation with UNESCO has designed two books called “Inter-cultural Education in Basic Education” and “Inter-cultural Education on Human Rights in Secondary Education”. These books are being used as the basis for training teachers through the TOT method (trainers of trainers) in every region.

B. Implementation and monitoring of national programmes

71. The NCS is the document setting the major actions of policies for children’s rights over 2005–2010. It defines the programmes towards attaining these objectives and the necessary financial and human resources. The strategy contains a detailed action plan assigning responsibilities of government entities and civil society organizations towards implementation of children’s rights. Both the strategy and the action plan contain integrated objectives towards enforcement of children’s rights. The objectives of the strategy fall under four main pillars: (a) child survival; (b) child protection; (c) child development; (d) child participation. Specifically, objectives under the NCS include: (a) establishing of structures and ensuring financial and human resources to implement obligations under the Convention and the NCS; (b) ensuring equal opportunities for all children, despite age, gender, ethnicity, disability, status at birth, etc; (c) installing processes to respect children’s rights to information, freedom of expression, and participation in issues affecting their families and their lives in the school and other institutions; (d) establishing institutions for

child protection from all types of violence, exploitation, and abuse; (e) ensuring children's right to live in the family environment; (f) improving the legal framework on adoptions; (g) improving health care for mothers and children; (h) establishing quality education system for all children; (i) reducing the number of working and street children and placing them under protection. The NCS and its action plan foresee organizational, structural, and conceptual measures including the creation of special entities to implement the tasks set by this important document.

Mechanisms established to implement the rights contained in the Convention and to monitor progress

72. The Council of Ministers has approved the creation of institutional mechanisms to supervise the implementation of the NCS and to report accordingly. These institutions are charged with assessing the manner of implementation of children's rights, especially through the benefits offered by the various social schemes (in education, health, and social securities). These institutions include:

73. *The Inter-Ministerial Committee on Children's Rights* (established on Order No. 24 of the Prime-Minister, dated 21 March 2007) is the highest authority charged with the monitoring of the attainment of objectives under the NCS. It has the following duties: (a) ensure inclusion of children's rights in governmental policies; (b) encourage contact points at the local level to implement the action plan of the NCS, and to periodically report to the Technical Secretariat for Children; (c) review proposals for draft-laws and draft-decisions related to the implementation of the NCS; (d) review important projects and programmes on the protection and promotion of children's rights.

74. *Technical Secretariat for Children (TSC)* (established upon Prime-Minister's Order No.162, dated 24 July 2006), at the MLSAEO has the duty:(a) to attend to the implementation of the NCS and its Action Plan; (b) to collect data, assess information and submit reports in regard to children's rights;(c) to coordinate with the Ministries, other central entities, regions, municipalities, communes, organizations and service operators, etc; (d) to prepare six month and annual progress reports on the implementation of the NCS. These reports are submitted for review to the Inter-Ministerial Committee on Children's Rights. The annual report is made available to the public in the national conference, which is set to take place on 1 June, the international Children's Day; (e) to coordinate the meetings of the Inter-Ministerial Committee;(f) to commission studies and analysis on children's situation.

Central level institutions

75. These institutions are directly involved in the implementation of the NCS are the MH, MES, MLSAEO, MI, MJ, and MTCYS. They issue reports on the implementation on children's rights, which are based on various studies.

Structures for the protection of children's rights at the local level.

76. The responsible structures for the implementation of the NCS at the local level are: RED/EO, Regional Social Service Directorates, Regional Directorates of Public Health, Regional Police Directorates, and the local government units (regions, municipalities and communes).

Independent structures for the protection of human rights

77. Albania established its Ombudsman (People's Advocate) in 2000 as an independent institution to oversee the implementation of human rights in Albania. In 2004, a Sub Section on the Children's Rights was established at this institution. The PA has been a

participant in the working group established to draft the NCS and its Action Plan. Its sub-section on children's rights has an important role in the implementation of these two documents, as the monitoring and oversight body of the enforcement of children's rights in accordance with the Convention.

Legal, administrative, judicial and other measures related to the implementation of the rights contained in the Convention

78. The Republic of Albania is a party to a number of international instruments:

- The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (ratified by Law No. 8624, dated 15 June 2000)
- Convention No. 182 on the Worst Forms of Child Labour and Recommendation No. 190, "The worst types of child labour" (ratified by Law No. 8774, dated 23 May 2001)
- "The European Social Chart, with amendments" (ratified by Law No. 8960, dated 24 October 2002)
- European Convention on the Compensation of Victims of Violent Crimes, Strasbourg, 24 November 1983, (ratified by Law No. 9265, dated 29 July 2004)

79. In clarification of article 18 of this Convention, the Republic of Albania reserved its right to state that in accordance with the Albanian legislation the term "dependant person" means "minor children, spouse, and parents unable to work, who used to be completely or partially the responsibility of the deceased individual, as well as persons who lived with the deceased family and derived their sustenance from his/her work".

"Agreement between the Council of Ministers of the Republic of Albania and the Government of the United Kingdom of Great Britain and Northern Ireland on Readmission and its Protocol", (ratified by Law No. 9350, dated 3 March 2005)

The purpose of this Agreement is to prevent and fight illegal crossings of the border for migration reasons, as well as to facilitate re-admission and transit of deported persons, whose entrance and stay in the territories of the said countries is illegal.

- European Convention on Contact concerning Children, (ratified by Law No. 9359, date 24 March 2005). The Hague Convention on the Civil Aspects of International Abduction of Children" (adhered to by Law No. 9446, dated 24 November 2005).
- The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (adhered to by Law No. 9443, dated 16 November 2005).
- "The Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece for Protection and Assistance of Trafficked Children", (ratified by Law No. 9544, dated 29 May 2006). This agreement aims at encouraging cooperation to combat child trafficking and any other type of child exploitation.
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" adhered by Law No. 9834, dated 22 November 2007).
- Optional Protocol of the Convention on the Rights of the Child on the involvement of children in armed conflict", (adhered by Law No. 9833, dated 22 November 2007).

- “Agreement between the Republic of Albania and Iceland on re-admission of persons with unauthorized stay” (ratified by Law No. 10 015, dated 6 November 2008).

Based on this agreement, the Republic of Albania commits itself to re-admitting minor children, and unmarried persons despite the place of birth or nationality provided they do not possess a permit of independent stay in Iceland.

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, (ratified by Law No. 10071, dated 9 February 2009)

80. In addition, the rights of the child are treated in a number of other international acts that refer to the protection of human rights and freedoms in general:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified by Law No. 8137, dated 31 July 1996)
- Council of Europe Convention on Action against Trafficking in Human (ratified by Law No. 9642, dated 20 November 2006)

Albanian legislation¹⁵

81. The Constitution of the Republic of Albania, approved by Law No. 8417, dated 21 October 1998, contains special provisions to protect the rights of children and young people. As part of human rights and basic freedoms, the Constitution grants to children personal freedoms and rights (protection of life), but also political, economic, social and cultural rights. In accordance with its constitutional obligations and available means, the State should ensure the fulfilment of children’s needs for wellbeing, adequate upbringing, education, employment, intellectual development, etc. As part of its obligation to guarantee the economic, social and cultural rights, the State has the obligation to provide procedural facilities in judicial proceedings involving children as well as to protect children from violence, maltreatment, exploitation and labour, particularly while still under the minimum legal employment age and in jobs that can harm their health and morale or that may risk their life and/or normal development (as provided by article 54 of the Constitution). The following constitutional provisions by the term “anyone/any person” refer also to children, and the protection of their rights and freedoms should represent a major political and social commitment in comparison with other age cohorts of the population.

82. Article 25 of the Constitution expressly states that nobody may be subjected to torture, punishment and/or cruel, inhumane and degrading treatment. The constitutional provisions guarantee a set of individual rights (including children’s rights during penal proceedings).

83. The Family Code approved by Law No. 9062, dated 8 May 2003 treats in a detailed and extensive manner the rights of children. This Code incorporates the general provisions of international conventions and instruments in the field of children’s rights, especially the provisions of the Convention. The Family Code pays special attention to treatment and care for minors, parental responsibility, parental administration of gains coming from minor’s labour, permissibility of child work, and care for working children. The code also defines institutional obligations of the State to children outside parental care and the manner in which these obligations are fulfilled.

84. The Penal Code of the Republic of Albania (approved by Law No. 7895, dated 27 January 1995) with respective amendments made particularly during 2000–2008, provides

¹⁵ The legislative acts are listed in chronological order.

for new penal offences committed against children/minors and increases the severity of punishment against individuals declared guilty by final court decision for penal offences against children.

85. The Code of Penal Procedure (approved by Law No. 7905, dated 21 March 1995), amended by Law No.8813, dated 13 June 2002 and aw No. 9276, dated 16 September 2004, provides for adjudication of minors by special sections established at regional courts as prescribed by presidential decree.

86. The Civil Code of the Republic of Albania (approved by Law No. 7850, dated 29 July 1994, with amendments) provides for the legal protection of children and the recognition of their rights.

87. The Code of Labor of the Republic of Albania (approved by Law No.7961, of 12 July 1995, amended by Law No. 9125, of 29 July 2003) contains a special chapter on the protection of minors, deliberating on the minimum working age, working hours, appropriate and inappropriate jobs, medical examinations, etc.

88. Law No. 8432, dated 14 December 1998 “On Asylum in the Republic of Albania”¹⁶ states that the Republic of Albania recognizes the right to asylum and temporary protection of all foreigners in need of international protection, whether refugees or individuals seeking asylum in accordance with the provisions of this Law and the international conventions to which Albania is a party. In addition, this Law defines the criteria and procedures for asylum award and revoking in the Republic of Albania, as well as the rights and obligations of refugees and individuals placed under temporary protection.

89. Law No. 8528, dated 23 September 1999 “On promoting and protecting Breastfeeding” aims at protecting the right of the child to breastfeeding. Through special measures, the law encourages breastfeeding as an irreplaceable element with direct impact on the survival and full development of the newborn.

90. Law No. 8872, dated 29 March 2002 “On Professional Education and Training in the Republic of Albania” guarantees the constitutional right to education and lifelong learning, professional training, and upgrading of job qualifications.

91. Law No. 8876, dated 4 April 2002 “On Reproductive Health” provides that reproductive health services include: (a) care before, during, and after birth; (b) care for upbringing and development of children 0–6 years; and (c) care for teenagers’ health.

92. Law No. 9098, dated 3 March 2003 “On the Integration and Family Reunion of Persons with Asylum in the Republic of Albania” establishes procedures for the enjoyment of the right to education, employment, health and social securities, housing, and family reunion of individuals with asylum in the Republic of Albania.

93. Law No. 9047, dated 10 July 2003 “On Military Service in the Republic of Albania”, amended by Law No. 9999, dated 25 September 2008, establishes the rules for military service in the Republic of Albania, the rights, obligations, responsibilities of the citizens, State entities, and private subjects with regard to mobilization and military service.

94. Law No. 9205, dated 15 March 2004 “On Protection of Witnesses and Collaborators of Justice” defines measures, manner, and procedures for the protection of witnesses and collaborators of justice, as well as the organization, functioning, powers, and relations between entities empowered to propose, review, approve, and implement special protection measures, including cases when the protected individual is a minor.

¹⁶ This Law has been changed by Law No. 10060, dated 26 January.2009.

95. Law No. 9355, dated 10 March 2005 “On Social Aid and Services” provides measures to grant social aid and services to individuals and groups in need due to disability and limited economic, physical, psychological, and social opportunities, including children.

96. Law No. 9381, dated 28 April 2005 “On Compensation for Unjust Imprisonment” states, among other things, that the right to submit claims for reparations due to unjust imprisonment, including home arrest, when the individual is a minor is exercised by his/her legal custodian.

97. Law No. 9398, dated 12 May 2005 “On some Additions and Changes to Law No. 8454, dated 4 February 1999 ‘On the People’s Advocate’” (changed by Law No. 8600, dated 10 April 2000) increases and strengthens the powers of the PA to protect basic human rights and freedoms in the Republic of Albania. Law No. 9398, dated 12 May 2005 expressly states that in cases when the PA initiates procedures on his own initiative, and the custodian or legal representative of the minor does not take action, the consent of the damaged minor is not mandatory.

98. Law No. 9518, dated 18 April 2006 “For Protection of Minors from use of Alcohol” aims at preventing health hazards from alcohol consumption by minors. The law provides measures to prohibit use of alcohol by minors.

99. Law No. 9669, dated 18 December 2006 “On Measures against Domestic Violence” prescribes legal measures against violence and creates a new mechanism, and also sanctions the coordination of responsible institutions for the protection, support, rehabilitation of victims through alleviation of consequences and prevention of domestic violence, in particular to prevent child maltreatment and abuse.

100. Law No. 9695, dated 19 March 2007 “On Adoption Procedures and the Albanian Adoption Committee”¹⁷ establishes adequate conditions for implementation of the right of the child to be brought up in the family environment. The law defines criteria for adoption and the organization and functioning of the Albanian Adoption Committee in order to seek an alternative family with the same rights and obligations with those of the biological parents, for children deprived of the family environment.

101. Law No. 9749, dated 4 June 2007 “On State Police” defines measures taken by State police to guarantee protection of citizens. These measures foresee that when public order and security are upset by commissions of individuals less than 14 years of age, the police officer in addition to steps to detain the minor is under the obligation to notify the parent or the caretaker. In addition, controls of minors by police should be made in the presence of the parent or the caretaker. The law also provides that police forces have the obligation to accompany minors to the juvenile rehabilitation facilities and/or carry out other transfers of the minor.

102. Law No. 9888, dated 10 March 2008 “On some additions and changes to Law No. 8328, dated 16 April 1998 ‘On the Rights and Treatment of Imprisoned Individuals’” (with amendments) prohibits the placement of children in the same space with adults, or the placement of minor females with minor males in the same room. In addition, the changes to this law provide that minors should be placed in separate rooms or sections, and given special treatment. Minor girls are cared for and supervised only by female personnel.

103. Law No. 9952, dated 14 July 2008 “On Prevention and Control of HIV/AIDS” establishes the rules for prevention and control of HIV/AIDS, the care, treatment, and

¹⁷ This Law has repealed Law No. 7650, dated 17 December 1992 “On Adoption of Minors from Foreigners and some changes in the Family Code”.

support of infected individuals. Article 3 of this law defines parental abandonment of the minor child infected with HIV/AIDS, abandonment of the infected child by the legal custodian or caretaker.

104. Law No. 10024, dated 27 November 2008 “On some Additions and Changes to Law No. 8331, dated 21 April 1998 ‘On Execution of Penal Judgment’” establishes the mechanism for the enforcement of alternative punishments, and relations between this entity with the State institutions and the court. New changes in Law No. 8331, dated 21 April 1998 are not specific to children, but establish provisions related to the Probation Service and alternative measures to be overseen by this service. These provisions take special note of protection of children’s rights when they come to breach the law and the need to ensure their re-integration into society.

105. Law No. 10039, dated 22 December 2008 “On Legal Aid” establishes conditions, types, manner, and procedure of legal aid by the State to guarantee the protection of human rights and freedoms, and other lawful interests of the individual. The law provides for free legal aid to minors who break the law.

106. Law No. 10060, dated 26 January 2009 “On some Changes and Additions to Law No. 8432, dated 14 December 1998 ‘On Asylum in the Republic of Albania’”, in its definitions, makes mention of the term “Unaccompanied minors”.¹⁸

107. Law No. 10139, dated 11 May 2009 “On Public Health” has as its main purpose the protection of public health and promotion of a healthy lifestyle for the population. The law contains provisions to protect the health of children.

108. Law No. 10129, dated 11 May 2009 “On Civil Registry”¹⁹ defines the meaning and elements of the civil status of the Albanian citizens and individuals without citizenship, and establishes the manner of organization and functioning of the services of civil registry in the Republic of Albania. This law establishes in a full and detailed manner the right to be registered at the time of birth, which gives rise to other connected rights such as the right to education, health care, etc.

109. Decree No. 5351, dated 11 June 2007 of the President of the Republic of Albania “On the establishment of Special Penal Sections for Adjudication of Minors at Regional Courts”, which implements article 13/4 of the Code of Penal Procedure stating that adjudication of minors should take place in special sections to be established at regional courts.

Secondary legislation (By-laws)²⁰

110. Decision of the Council of Ministers (DCM) No. 205, dated 9 May 2002, “On some changes to DCM No. 384, dated 20 May 1996 “On Protection of Working Minors” defines working conditions for children under 18, and establishes criteria for child work, maximum working hours, lawful working conditions, and paid vacation.

111. DCM No. 327, dated 14 May 2003 “On placement of the Pre-Detention System Under the subordination of the Ministry of Justice” states that the pre-detention system, its premises and facilities pass from Police Stations, under the Ministry of Internal Affairs to the administration of the General Directorate of Prisons, under the Ministry of Justice (including pre-detention sections for minors).

¹⁸ This provision is elaborated in the comments related to Session II, Article 1, “Definition of Child”.

¹⁹ This Law has entered into force on 27 June 2009.

²⁰ Secondary legislation is listed according to chronological order.

112. DCM No. 633, dated 18 September 2003 “On approval of the Strategy for Improving the Living Conditions of the Roma Minority” establishes the main policy directions for the improvement of the living conditions of the Roma minority, reduction of Roma poverty, Roma inclusion in public life, conservation and development of their ethnic identity, including among children.

113. DCM No. 171, dated 11 February 2005 “On approval of the National Strategy against Child Trafficking and Protection of Trafficked Children and an addition to DCM No. 8, dated 5 January 2002 ‘On the establishment of the State Committee for the Fight against Human Trafficking’” establishes the main directions of the fight against child trafficking based on the coordination and interaction of governmental institutions and entities, international and local organizations, and the civil society in general.

114. DCM No. 368, dated 31 May 2005 “On approval of the National Children’s Strategy” defines the strategic objectives in the field of protecting children from all forms of violence, abuse, and discrimination, based on the cooperation and interaction with other relevant actors at the central and local level, with civil society organizations, and with the active participation of communities and individuals.

115. DCM No. 564, dated 12 August 2005 “On the Licensing of Social Service Providers” enables NGOs to obtain licenses for provision of services to groups in need.

116. DCM No. 659, dated 17 October 2005 defines standards for services in Residential Child Care Institutions.

117. DCM No. 463, dated 5 July 2006 “On approval of the National Plan for the Implementation of the SAA” (with amendments) contains a special clause on teacher training.

118. DCM No. 913, dated 19 December 2007 “On approval of the National Strategy on Gender Equality and domestic Violence, 2007–2010, and its Action Plan” establishes objectives for governmental entities charged with the implementation of gender equality and dealing with domestic violence.

119. DCM No. 786, dated 4 June 2008, “On approval of the Regulations of Discipline among State Police” establishes the obligations and behaviour standards for police employees on duty, including treatment of minors.

120. DCM No. 80, dated 28 January 2008 “On approval of the Sectoral Strategy of Social Protection and its Action Plan” provides for concrete measures to be taken to protect the rights of children, mainly orphaned children.

121. DCM No. 1083, dated 23 July 2008 “On approval of the National Strategy of the Fight against Human Trafficking 2008–2010 and its supplemental document “National Strategy for the Fight against Child Trafficking and the Protection of Trafficked Children” establishes the measures for cooperation and interaction among the various actors, their roles and responsibilities, in order to harmonize efforts against this phenomenon.

122. DCM No. 1104, dated 30 July 2008 “On some Additions to DCM No. 80, dated 28 January 2008 ‘On approval of the Sectoral Strategy of Social Protection and its Action Plan’” provides for the protection of orphaned children through establishing criteria for custodian families.

123. DCM No. 302, dated 25 March 2009 “On approval of the regulation ‘On Organization and Functioning of the Probation Services and the Definition of Standards and Procedures for oversight of Alternative Punishments’” defines rules for the organization and functioning of the entity of probation and the role of this service in every stage of the penal proceedings.

124. DCM No. 303, dated 25 March 2009 “On approval of the General Regulation of Prisons” defines the manner of the realization of the rights and obligations of incarcerated persons (whether pre-detained or sentenced), organization of their daily life, the manner and criteria for the execution of imprisonment sentences, regulation of prison labour, reward of prison work, etc.

125. Prime-Minister’s Order No. 203, dated 19 December 2005 “On the Establishment of the Anti-Traffic Unit at the National Anti-Traffic Coordinator’s Office” states that the Anti-Traffic Unit designs measures and concrete instructions for the effective fight against trafficking.

126. Prime-Minister’s Order No. 139, dated 19 June 2006 “On the establishment of Regional Committees against Human Trafficking” states that these committees have the duty to contribute in the identification, prevention, and reduction of trafficking.

127. Order No. 4763, dated 8 June 2009 of the Minister of Justice “On approval of the Internal Regulation of the Albanian Adoption Committee” defines rules for the functioning and internal operation of the Committee in order to ensure the normal progress of adoption procedures.

128. A number of new laws are currently being drafted to protect children’s rights, specifically: (a) draft-law “On Protection of Children’s Rights” will become an integral law in this field and will incorporate principles, institutions, and concrete measures to protect children and enforce their rights. This draft-law is expected to be a transposition of the Convention on the Rights of the Child into one single law. (b) draft-law “On Measures against Child Abuse”, which is an initiative of the civil society.

129. In addition, secondary laws are being drafted to improve childcare arrangements. The initiative for these secondary laws comes from the civil society. The procedures for the approval of the draft-law “On Measures against Child Abuse”, as well as the bylaws on minor’s custody will be followed up by the relevant State entities during the year 2009.

Objectives, time-lines, and the impact of these measures

Country background

130. With a population of 3.1²¹ million, Albania is one of the countries with the youngest population in Europe (average age is 32.2 years, and number of children aged 0–19 is 1,091,509²²). Since 1991, Albania has been going through a rapid and profound transition. Macroeconomic reforms have contributed to a relatively stable economic growth, reduction of poverty, and inflation control at 3–6 per cent.²³ Annual economic growth is estimated at about 6 per cent since the year 1998, whereas poverty has been reduced by about 7 per cent in the last 3 years. Average annual income has increased from \$1,390 in 2002, to \$2,930 in 2006.²⁴ However, Albania continues to be one of the countries with the lowest per capita income in Europe. Post 1990 emigration has led to a population decrease of 3 per cent.²⁵ In addition, massive movements of the population from the rural to the urban areas have produced negative impacts on households in general, and children in particular, mainly due to a fall-out with social safety nets. One of the most striking effects of emigration and immigration is the increase of divorce rates (22 per cent) and the increase of domestic

²¹ INSTAT, Statistical Yearbook, 2007

²² INSTAT, Evaluation, source: World Development Indicators.

²³ Central Bank of Albania, Annual Reports 2004–2007.

²⁴ World Bank Evaluation, source: <http://devdata.worldbank.org>.

²⁵ UNICEF&IBF, Impact of Emigration and Remittances on Children, Study, 2006.

violence. A UNICEF study in 2006–2007 showed that 44 per cent of girls wish to migrate to escape domestic violence, while 32 per cent wish to migrate for a better life. It should be noted that emigration and remittances by emigrants have contributed to the improvement of the living standards and poverty reduction. Economic and social studies, and analysis show that inequities in regional development entail inequalities in the living standards. Social and economic developments in the various parts of the country determine the conditions for the upbringing, development, and the education of children.

Assessment of progress of the institutionalization of children's rights.

131. Governmental reforms to institutionalize children's rights in Albania, as expressed in the NCS and its Action Plan, are following the annual plan of the Inter-Ministerial Committee and the Technical Secretariat for Children (TSC). Over 2007–2008, governmental institutions have improved their capacities to formulate policies on children's rights, monitor their implementation, and report on their progress. TSC has been focused on the establishment of the network of contact points in the line ministries and in the civil society organizations involved in children's rights, as well as strengthening cooperation with these actors. The establishment and strengthening of the TSC has enabled: (a) the monitoring of the implementation of the NCS and its Action Plan; (b) review of the NCS and its Action Plan in accordance with government priorities; (c) collection of information on the implementation of sectoral policies; (d) monitoring of national and local policies on children's rights; (e) inter-sectoral coordination to implement children's policies; (f) submission of reports to the Inter-Ministerial Committee on the implementation of policies and the enforcement of children's rights; and (g) follow up the implementation of the recommendations of the Inter-Ministerial Committee on issues related to review/adoption of policies impacting children's rights.

132. At regional and local level, institutional capacities have increased in respect of coordinating, monitoring, and reporting on the implementation of policies ensuring the realization of children's rights. The establishment of children's units at regional level (at Regional Councils) in Kukës, Vlorë, Elbasan and Korçë, and at local level (Tiranë and Durrës) made possible: (a) the monitoring of the manner of implementation of laws and policies related to the protection of children's rights at regional level; (b) the identification of violations, abuses or negligence of children's rights; (c) the collection of continuous and periodic information on indicators of measuring children's rights at regional level; (d) the strengthening of inter institutional cooperation between such entities as the Office of Statistics, Regional Directorate of Primary Health Care, Regional Educational Directorate, Civil Registry Office, Office of Social Aid and Services at the municipalities and communes, and every other institution at local level for the purpose of understanding and identifying legal and institutional issues related to children's rights; and (e) the periodic reporting to the chair of the Regional or Municipality Council about the most critical issues related to children's rights.

C. Allocation of budget and other resources

133. Direct estimation of public expenditures to realize children's rights is a difficult exercise since line ministries do not always budget their policies according to the different age groups. However, cooperation with the Ministry of Finance in 2008 created conditions to estimate overall public expenditures for children, both at central and local level.

134. The following tables present overall public expenditures for children at central and local level according to special sectors.

Table 1
Public expenditures for children according to the central budget, 2006–2008

Years	Central budget			Total (000 leks)
	Total (000 leks)	Children's share (000 leks)	Ratio (% to total)	
2006	183 400 198	39 046 563	21.29%	22 706
2007	196 171 594	42 736 365	21.79%	22 273
2008	239 200 429	51 964 942	21.72%	22 294

Source: Ministry of Finance, 2006–2008.

Table 2
Public expenditures for children according to local budgets, 2006–2008

Children's share (000 leks)	Local budget		Local + central budget	
	Ratio (% to total)	Total (000 leks)	Children's share (000 leks)	Ratio (% to total)
3 958	17.43%	183 422 904	39 050 521	21.29%
4 042	18.15%	196 193 867	42 740 407	21.78%
8 783	39.40%	239 222 723	51 973 726	21.73%

Source: Ministry of Finance, 2006–2008.

Table 3
Portion of public expenditures used for children in relation to the country's population, 2006–2008

Year	Total population	No. of children (age group 0–18 years)	No. children/ No. population (%)	Central + local budget		
				Total (000 leks)	Children's share (000 leks)	Ratio (% to total)
<i>a</i>	<i>b</i>	<i>c</i>	<i>d = (c/b) %</i>	<i>e</i>	<i>f</i>	<i>g = (f/e) %</i>
2006	3 149 147	1 060 284	33.67%	183 422 904	39 050 521	21.29%
2007	3 162 030	1 039 547	32.88%	196 193 867	42 740 407	21.78%
2008	3 170 048	1 016 610	32.07%	239 222 723	51 973 726	21.73%

Source: Ministry of Finance, 2006–2008.

Table 4
Proportion of budget spent on children in relation to the GDP, 2006–2008

Year	Nominal GDP (000 leks)	Budget for children (000 leks)	Ratio (% to GDP)
<i>a</i>	<i>e</i>	<i>f</i>	<i>g = (f/e) %</i>
2006	899 700 000	39 050 521	4.34%
2007	979 000 000	42 740 407	4.37%
2008	1 078 000 000	51 973 726	4.82%

Source: Ministry of Finance, 2006–2008.

135. Data show that public expenditures have increased both in absolute terms and as percentage to the GDP. This document makes a first attempt to estimate public expenditures for children. In the coming years, efforts will be made to obtain specific indicators, which will allow for the calculation of actual budgets spent on children's needs and the assessment of effectiveness of spent resources.

Table 5

Funds allocated for economic aid to households during 2002–2008

<i>Year</i>	<i>Earmarked funds (billion leks)</i>
2002	4.4
2003	4.0
2004	4.0
2005	3.2
2006	2.8
2007	2.6
2008	3.4

Source: Derived from administrative data of MLSAEO.

Table 6

Budget allocated to child care institutions and child development centres (2005–2008)
000/leks

<i>Budget in years</i>	<i>Year 2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Public child care institutions	27 531	36 920	27 200	30 700
Child development centers	52 358	53 280	53 500	62 400

D. Statistical data

136. Statistical data for Part I: General implementation measures have been presented in the annexes attached to the present report.

E. Problems encountered with the implementation of obligations under the Convention**Problems encountered during the implementation of the NCS²⁶**

137. Strategy implementation requires participatory processes involving coordination and harmonization of stakeholders in the process. The TSC and the responsible specialists note a number of critical problems with the implementation of the Action Plan of the NCS. The implementation report for 2006–2007 contains some of these problems, identified by the TSC, the line ministries, and the civil society. Specifically: (a) the Action Plan does not contain qualitative and quantitative indicators to provide for measurable progress with the implementation of the measures contained therein; (b) the Strategy defines 2010 as the deadline for the full implementation of most of the measures, and does not establish intermediate stages towards full realization; (c) the lack of such cornerstones render

²⁶ According to the report on the implementation of the objectives of the children's strategy 2007–2008.

difficult the process of drafting progress reports and conducting realistic analysis of progress achieved; (d) overall, the measures do not reflect the expected impact on children's life; (e) some of the entities charged with certain duties have neither the competence, nor the budgets to implement them.

The role of independent institutions in the protection of human rights

138. Law No. 9398, dated 12 May 2005 "On some Changes to Law No. 8454, dated 4 February 1999 'On the People's Advocate'" (arts. 13 and 19/1) grants this institution powers to protect children's rights. PA carries out this responsibility by reviewing individual complaints or by investigating on his own initiative disclosed abuses without being constrained to obtain consent of the damaged party. This institution has powers related to inspection and investigation, as well as to make relevant recommendation.

139. Also, article 19/1 defines government and public administration entities, where the People's Advocate or individuals authorized by him have the right to unlimited access. Such institutions include prisons, detention facilities, military stations, psychiatric hospitals, nursing homes, and childcare centres.

140. Established at the General Section of the PA, the Sub-Section for Children's Rights has the duty to protect children's rights in Albania in accordance with the Convention and other international and national legal instruments. The activity of the Sub-Section is focused on: (a) oversight of the activity of the public administration and of other entities serving children in the territory of Albania, for the purpose of protecting their rights; (b) review of complaints, requests, or denunciations related to violations of children's rights; (c) recommendations to improve existing legislation on children's rights; (d) promotion of children's rights and best practice of the public administration's dispensing of its duties to children; (e) awareness of the Albanian society on obligations to children's rights, primarily through partnerships with the media, and with the NGOs active in the field of children's rights.

141. Main functions of the Regional Offices of the Sub-Section included: (a) receiving complaints on children's rights violations; (b) monitoring the implementation of children's rights in the public institutions of the region; (c) establishing and strengthening cooperation with the main regional actors on children's rights, and establishing mutual cooperation with the local NGOs involved with children's rights; (d) promoting children's rights in their region.

142. The creation of the Sub-Section and its Regional Offices facilitated the filing of complaints by citizens. Special attention was paid to improving staff capacities in two main directions: dispensing of day-to-day responsibilities, and building capacities to deal with specific aspects of children's rights.

Financial and human resources allocated in international programmes for children

143. As part of UNICEF assistance:

- 1,000,000 USD spent on education system (over 2006–2008) with focus on improving access and quality education for marginalized students
- 1,800,000 USD spent on children's protection
- 500,000 USD spent on creation and strengthening of monitoring and reporting structures related to implementation of children's rights

144. In the field of social services the project "Provision of Social Services at Community Level" was aimed at establishing community services for groups in need, such as children, women, elderly, disabled people, etc. This project was financed with: 10 million USD loan

money from the World Bank; 2.5 million USD grant money from DFID; 2.5 million USD from the Albanian government. The project ended in March 2008, and its impact on the communities was evaluated. The project established 43 day-care centres for children, youth, disabled people, girls and women in need, and elderly. New services covered 8 regions (of the total 12), and 3 municipalities, accounting for 2/3 of the country's territory. The number of community services for children established under the project is 20, and the number of beneficiary children is 3012, together with 7405 women and their families. Following the closure of the project, the local government units, supported by NGOs, have taken over these services to guarantee their sustainability. Given that the local government units may initially be unable to finance these services, MLSAEO has issued a special instruction to the effect of supporting the new policies, including community services.

Cooperation with Terre Des Hommes

145. Starting from 2001, up to the present days, the Foundation Terre des Hommes is implementing the project TACT (Transnational Action against Child Trafficking) in Albania. The project has been supported by donors such as USAID, UNICEF, Austrian Development Agency, Hellenic Aid, the Norwegian Ministry of Foreign Affairs and Oak Foundation, SIDA etc.

TACT II – total fund: 2.5 million USD, June 2003–May 2006

- Expenses for direct support to trafficked children, or children at risk of being trafficked and their families: 2003 – 60,542 USD; 2004 – 115,197 USD; 2005 – 144,105 USD.

TACT III – total fund: 3.3 million USD, June 2006–September 2009

- Main directions of TACT III: (1) Direct intervention on the streets and in the communities in Albania and Greece to identify trafficked children, or children at risk of being trafficked; (2) Improving the capacities at local and central level in relation to child trafficking; (3) Strengthening Roma and Egyptian communities to fight child trafficking in their communities; (4) Advisory services to improve governmental policies concerning child protection.
- Expenses for direct support to children trafficked or at risk of being trafficked and their families have been as follows: 2006 – 68,264 USD; 2007 – 105,547 USD; 2008 – 82,719 USD.

ILO/IPEK cooperation

146. Since 2002, ILO/IPEK has supported the MLSAEO through a number of projects described below:

(1) Project “Increasing Capacities of the MLSAEO in the Fight against Child Labor in Albania”.

- ILO/IPEC contribution: 18,285 USD
- MLSAEO contribution: 14,000 USD (in kind)

(2) Project “Increasing Capacities of Labor Inspectors to fight the Worst Forms of Child Labor”.

- ILO/IPEC contribution: 22,700 USD
- MLSAEO contribution: 17,000 USD (in kind)

(3) Project “On Reviewing National Legislation on Child Labor in order to Harmonize it with International Standards”.

- ILO/IPEC contribution: 3,500 USD
- UNICEF: 2,000 USD

(4) Project “National Policies on the Fight against Child Labor and Elimination of the worst Forms of Child Labor”.

- ILO/IPEC contribution: 20,000 USD
- MLSAEO contribution: 23,355 USD

(5) April 2005–February 2007, first phase of project “Monitoring System of Child Labor”.

The project aims to institutionalize the monitoring of child labor, identification, review, and monitoring of achievements and obstacles in the fight against hazardous and exploitation practices of child labor; strengthening capacities at the central and local level; Community based piloting in three regions: Tiranë, Korçë and Berat; Design of best practice.

- ILO/IPEC contribution: 61,855 USD
- MLSAEO contribution: 59,000 USD (in kind)

(6) February–December 2009, second phase of project “Monitoring System of Child Labor”.

- ILO/IPEC contribution: 6,746,200 Leks
- MLSAEO contribution: 1,127,000 Leks (in kind)

147. In the field of education, to implement the objectives under the National Strategy for Development of Pre-University Education 2004–2015 (approved by DCM No. 538, dated 12 August 2004), MES is being supported by the project “Equity and Quality in Education”, funded by the Albanian Government, the World Bank, the European Bank of Investments, and the Council of Europe Development Bank. The project has a 4 year duration (2006–2010) and a budget of 75 million USD.

148. To implement its educational policies in pre-university education, MES has cooperation agreements with UNICEF, Save the Children, Terre des Home, etc. These agreements focus on educating children with human rights; strengthening human resources and teacher training; promoting student participation through student governments; consolidating psychological services at school level as an innovative initiative in Albania’s schooling system; support for MES policies to extend early childhood institutions throughout the country and provide educational alternatives in the rural areas; etc.

149. In accordance with decentralization of powers, the Regional Educational Directorates and the Educational Offices implement projects jointly with local and foreign NGOs, to strengthen the implementation of MES policies as well as local level policies in the field of education.

Measures taken in accordance with article 44, paragraph 6 of the Convention, related to the publication of reports under the Convention and the final observations of the Committee

150. The official web-site of the MFA (www.mfa.gov.al) features the Convention, Albania’s first report and the final observations of the Committee on this report. MFA has distributed the final observations to the relevant institutions, which have an obligation to

take measures towards the implementation of respective recommendations. In accordance with article 44, paragraph 6 of the Convention, prior to the submission to the Committee for Children's Rights, the periodic report has been made available to the institutions participating in its formulation, as well as to UNICEF and the NGOs involved in children's rights. In addition to disseminating the report, this measure aims at obtaining input and comments on its contents.

III. Definition of the child (art. 1)

Definition of "child" according to the Albanian legislation, and review of legislation to ensure that all children under 18 receive protection as prescribed by the Convention

Recommendation 22

151. In connection with the implementation of article 1 of the Convention, "Definition of the child", the Albanian legislation states that 'child' is considered every human being with live birth, until the age of 18, at which age he/she is considered to gain full legal maturity to take action. Provisions of the Albanian legislation specify (according to respective fields) that children under 18 are eligible for protection under the Convention.²⁷ Also, in relation to recommendation 22 of the Committee, Albanian legislation has been constantly improved and supplemented to ensure the necessary protection for children under 18.

152. The Family Code of the Republic of Albania (approved by Law No. 9062, dated 8 May 2003), article 7, defines the lawful age of marriage: (1) Marriage may be concluded between a man and a woman who are 18 years or older. (2) The court having jurisdiction on the location where the marriage is to be concluded may, for sufficient reasons, allow marriage prior to this age. According to article 70 of the Family Code, when a minor marries pursuant to article 7, paragraph 2, the marital property regime of the legal community is applied until he/she reaches the age of 18, after which time he/she can request a change of the marital property regime. Article 197 of the Code states that parents are obligated to provide support for their children, when they do not have sufficient means to live. A minor can require support from his parents even when he/she has assets, if the income from these assets or from his/her employment are insufficient to cover his/her needs. The child support obligation continues as long as an adult child is in high school or graduate studies, up until the age of twenty-five.

153. Article 232 of the Family Code provides that a parent represents his/her minor child, who has not reached the age of 14, in all legal actions with the exception of those that, according to the law, can be performed by the minor him/herself. A minor who has reached the age of 14 may perform all legal actions personally, subject to the preliminary approval of the parents, with the exception of those actions that, according to the law, can be performed by the minor him/herself. The assets/wealth of a minor, less than 14 years of age, are administered by the parents for the benefit of the child, while the wealth of a minor, who has reached the age of 14, is administered by the minor him/herself, subject to the preliminary approval of the parents. Provisions of the Family Code related to adoption of children specify that if adoptees have reached the age of 10, their opinion may be considered, and if they are 12, their consent is required.

154. The Family Code, when dealing with the matter of guardianship over children, provides that a minor may be placed under guardianship and in the special care of the State when his/her parents are unable to exercise their parental rights. Article 264 of the Code

²⁷ These provisions have been elaborated in the first report.

provides that among other people, the minor who has attained 14 years has the right to petition the court for his/her guardianship. Article 306 of the Code defines cases when guardianship is terminated, two of which are: (1) the minor reaches the age of maturity; (2) is emancipated by virtue of marriage. The Family Code provides for guardianship over persons that are declared fully or partially incompetent (art. 311) by stating that when a minor who has reached the age 14 and is under parental responsibility has been declared incompetent, he/she is not appointed a guardian, but continues to remain under the care of the parents, in the same manner as a minor who has not reached the age of 14.

155. The Civil Code of the Republic of Albania defines “the capacity to act”, according to which an individual who has attained 18 years of age is entitled to take action to win rights or take over civil obligations. Incapacity to act is defined by the Code as the inability of the minor age 14–18 to take care of his/her affairs, due to psychic disorders, mental handicaps, etc. The minor afflicted with these incapacities may be deprived of his/her right to take action by court decision. These actions can be taken by his/her legal representative. Also, in the case of minors who have not attained 14 years, taking action without the consent of parent/s or his/her legal representative, entails the possibility that his/her legal actions may be nullified. The party having materialized the minor’s legal steps has the obligation to indemnify the minor for damages incurred due to nullification of his/her legal action. For minors under 14 years of age, the Civil Code recognizes the parents’ home as the child’s legal place of residence. When parents reside in different places, children under 14 years have the same legal residence as that of the parent who they live with. Persons deprived of their capacity to act, and children in guardianship have the same legal residence as that of their legal representative.

156. Articles 371 and 373 of the Civil Code provide that heirs unable to work are those who at the time of death of the person leaving the inheritance have not attained 16 years of age, or 18 if they are continuing studies. All individuals who have attained 18 years of age, and women under this age but married, have the right to make a testament. Minors who have not attained 14 years and individuals who are entirely incapable to act are not accountable for damages they cause. Parents, custodians, and those who have been entrusted to care for, or supervise individuals unable to take action, are accountable for damages caused by unlawful acts of children under 14, individuals in their custody, and those they have accepted to supervise and provide shelter for, except when there is solid proof that they have been unable to prevent damage. The minor who has attained 14 years, should be held accountable for his unlawful acts and damages caused. Parents or custodians have the responsibility to pay for damages when minors do not make an income from their own labour, or do not own property, except when they can prove that they were unable to prevent the damage. When minors suffer disabilities due to employment, when they attain 16 years, instead of accepting disability benefits, they have the right to claim payment for their loss of ability to work in an amount comparable to the average salary of an adult worker in the same working place. Upon attaining 18 years, they have the right to claim the average salary of an adult worker in the same category that they would/should have been promoted to, had their injury not taken place.

157. The Code of Civil Procedure (approved by Law No.8116, dated 29 March 1996 – as amended), provides among other things the right of a minor who has attained 16 years to petition the court in relation to procedures on his/her custody.

158. In accordance with the Family Code, the Code of Civil Procedure provides for the procedural steps of custody. The court, before proceeding to grant custody, should also seek the opinion of the minor when he/she has attained 10 years. Custody is terminated when the minor attains 18 years, or when the minor female marries before this date.

159. The Penal Code of the Republic of Albania states that individuals who have attained 14 years at the time of committing a crime are bound by penal responsibility. While the age for being held responsible for penal contraventions is 16 years (art. 12).

160. Changes to the Penal Code during 2000–2008 have introduced new penal offences carried out against minors, along with severe punishments against individuals declared guilty of penal offences committed against minors.

161. Law No. 9125, dated 29 July 2003 “On some Changes and Additions to Law No. 7961, dated 12 July 1995 “The Code of Labor of the Republic of Albania” (as amended) establishes the minimum working age. This provision prohibits employment of minors less than 16 years, except when minors aged 14–16 are employed during summer vacations in easy jobs that do not damage their health and development. Minors 14–16 years of age may receive career counselling and vocational training. It is also provided that minors 16–18 may be employed in easy jobs harmless to their health and development (art. 99/1).

162. Legislation on Armed Forces expressly states the non-involvement of minors under 18 years. This is in accordance with the provision of the Convention not to involve children under 18 in the armed forces.

163. The amendments of 2009 to the Law “On Asylum in the Republic of Albania”, under definitions contains the term “unaccompanied minors”. In the context of this law, unaccompanied minors are foreign citizens or individuals without citizenship under the age of 18, who enter the territory of the Republic of Albania unaccompanied by an adult who is responsible for them according to custom or law, and for as long as they are not effectively under the care of such an adult. The term also refers to minors who are left unaccompanied following entry into the territory of the Republic of Albania.

IV. General principles (arts. 2; 3; 6 and 12)

A. Follow-up measures to implement the recommendations of the Committee

Non-discrimination (art. 2)

Measures taken to develop and implement policies towards elimination of the various forms of discrimination

Recommendations 24 and 25

164. The Constitution of the Republic of Albania guarantees equality before the law and non-discrimination based on race, gender, ethnicity, and language. In addition, Albanian legislation contains special provisions related to discrimination in various fields. Certain groups are in need of special care due to their status, or because of being vulnerable and weak. To address vulnerability and social exclusion, the government has designed national inter-sectoral policies for children, Roma, and disabled people. Albania is committed to implementing national policies and action plans to enhance social protection, reduce poverty, fight against trafficking, combat domestic violence, etc.

165. The Penal Code is based on the constitutional principles of the rule of law. The main task of the penal legislation is “to protect human dignity, human rights and fundamental freedoms; co-existence and harmony between Albanians and minorities, as well as religious coexistence of the various congregations” (art. 1/b). Law No. 9686, dated 26 February 2007 “On some Additions and Changes to the Penal Code of the Republic of Albania” (as amended) contains an ‘aggravating circumstance’ namely: “commission of the offence

based on motives related to gender, race, religion, nationality, language, political beliefs, or social status". Such motives receive harsher punishment. The Penal Code (art. 119/a) makes a penal offence of the distribution of racist or xenophobic materials through the internet. It states specifically: (a) "Public disclosure or purposeful distribution to the public through computer systems of materials with racist or xenophobic content is a penal contravention, and is punishable by fine or imprisonment up to 2 years." (b) "Intentional public insult of to an individual through the computer system, because of ethnicity, nationality, race or religion is a penal contravention and is punished by fine or imprisonment up to 2 years."

166. The Law "On the Pre-University Education System in Albania" (with amendments) guarantees the right to education to all citizens, despite social status, nationality, language, gender, religion, race, political convictions, health condition or economic status. MES pays special attention to elimination of all forms of discrimination in the pre-university system. To implement its educational policies, MES relies on the National Strategy on Pre-university Education, which makes a priority objective of "Guaranteeing full access to all levels of education, free of any forms of discrimination based on colour, ethnicity, disability or religion".

167. Legislation in the field of health is also expressly based on the principle of non-discrimination. Health services for children at the primary level, offer services without any kind of discrimination or bias. The Code of Ethics and Medical Deontology of the year 2002 provides that the doctor should offer medical help to all, without distinction of age, sex, race, nationality, religion, political conviction, economic situation or social status, in full respect for the dignity of each individual. This Code states that in exercising his profession, the doctor should be particularly committed to the care of children.

168. Also, in this context, MES has designed special programmes for the Roma population, the rural families, particularly in the north-eastern part of the country, with a view to disease prevention, adequate upbringing, early childhood development, vaccination, care for pregnant women, health awareness of households, etc.

169. Law No. 9952, dated 14 July 2008 "On Prevention of HIV/AIDS in the Republic of Albania" prohibits stigmatization and discrimination of an individual with HIV/AIDS. The law states that public and private educational institutions are not allowed to refuse people with HIV/AIDS, nor are they allowed to expel them.

170. Law No. 8291, dated 25 February 1998 "On Police Code of Ethics", foresees the responsibilities of police forces should they carry out unlawful acts, as well as the manner of filing complaints against police discrimination.

171. Law No. 9749, dated 4 June 2007 "On State Police" guarantees protection and respect for human rights by members of the State Police on duty. These responsibilities reflect domestic and international law.

172. The law prohibits the obtaining of personal information solely on grounds such as ethnicity, gender, race, language, religion, political convictions, religious or philosophical beliefs, economic, social or educational status, sexual orientation, or parental origin.

173. Law No. 9888, dated 10 March 2008 "On some Additions and Changes to Law No. 8328, dated 16 April 1998 'On the Rights and Treatment of Imprisoned Individuals'"²⁸ is aimed at protecting and respecting the rights of imprisoned and pre-detained individuals, as prescribed by international law. The Internal Regulation of Prisons states the obligation of

²⁸ The amendments to the Law "On the Rights and Treatment of Imprisoned Persons" have been drafted in cooperation with the EURALIUS Mission (European Assistance Mission for the Albanian Justice System) and UNICEF.

the prison administration to enable the human treatment and education of the prisoners through effective means of administration, free from discrimination on grounds of race, colour, sex, language, religion, political thought, national or social origin, economic situation, etc.

174. The new Law No. 9959, dated 17 July 2008 “On Foreigners”²⁹ relies on the principle of reciprocity, non-discrimination, and no less favourable treatment than Albanian citizens. The subjects of this law are foreigners who have entered or intend to enter the Republic of Albania for purposes of stay, transit, employment, study, and readmission. This Law is designed to guarantee the rights and obligations of foreigners working and living in Albania.

175. Law No. 8092 dated 21 March 1996 “On Mental Health” is the main instrument ensuring adequate care and treatment of individuals with mental disorders. The law guarantees their protection, non-discrimination, and promotion of mental health in the general population. The Regulation of the Mental Health Services (approved by Order of the Minister of Health No. 118, dated 15 May 2007) states that mental health services should be offered to all persons with mental disorders, without distinction of gender, race, religion, ethnicity, age, and language. These services should also be guaranteed in any circumstance and at any moment of activity in full respect for their rights.

176. Law No. 9355, dated 10 March 2005 “On Economic Aid and Social Services”³⁰ states that the scheme of economic aid and social services relies on the principle of non-discrimination. The law defines criteria and manner of benefiting economic aid and social services by individuals and groups in need that cannot meet their basic needs and cannot accomplish the development of their capacities and the protection of their integrity, due to limited capacity connected with physical, psychological, and mental abilities, as well as limited social and economical opportunities.

177. One of the objectives of the NCS is the provision of equal opportunities for all children, despite gender, race, ethnicity, age, health conditions, birth status, physical and mental disabilities, etc, as well as the enforcement of their right to social protection.

178. An important principle of the Sectoral Strategy of Social Protection (2007–2013) is the principle of non-discrimination. This strategy states that social protection should be offered to every person in need, irrespective of gender, origin, religion, age, disability, etc, and is designed to prevent and combat discrimination in the distribution of services.

179. DCM No. 1104, dated 30 July 2008 “On some Additions to DCM No. 80, dated 28 January 2008, on approval of the Sectoral Strategy of Social Protection and the Action Plan for its implementation” specifically states that applicants for custody should not manifest discriminatory approaches to disabled persons or people of other ethnicities.

180. One of the basic principles of the National Strategy “On Disabled Persons” is the principle of equality and non-discrimination, which guarantees among other things non-discrimination in all fields of social life.

181. The National Strategy “On Improving the Living Conditions of the Roma Minority” defines as its primary objective the elimination of all forms of discrimination against this minority, as a means to improve their living conditions and reduce differences with the other part of the population.

²⁹ This law has repealed Law No. 8492, date 27.05.1999 “On Foreigners” and has entered into force on 1 December 2008.

³⁰ This law has repealed Law No. 7710, dated 18 May 1993 “On Social Aid and Care”.

182. MES continues to maintain education with non-discrimination as one of its main priorities. In cooperation with UNICEF and other organizations, MES has undertaken awareness campaigns to integrate Roma children in schools. It has established community centres to enliven the life of the Roma minority through the holding of round tables and discussions on ways of improving their lives and upbringing their children in full awareness of the importance of schooling.

183. In 2007, for the first time ever, the Center for Human Development with co-funding from UNICEF and Save the Children, and with MES support, realized the study "The Educational Situation of Roma Children in Albania". The findings and recommendations of the study have helped MES to design an action plan for educating Roma children. Based on the National Strategy for Disabled Persons, MES has taken a series of measures to make special education a component part of the public education system, in order to enable the fullest possible development of individuals with special physical, mental, or sensory needs:

184. Cultural and entertaining activities for children should pay special attention to guaranteeing non-discrimination of children.

185. The Albanian Human Rights Group, on behalf of civil society, has taken the initiative to draft a non-discrimination law.

Best interests of the child (art. 3)

Understanding and including the principle of the best interest of the child in legal provisions, judicial and administrative decisions, projects, programmes, and services

Recommendation 27

186. The Code of Penal Procedure,³¹ states among other things that the proceeding entity may take action or formulate statements involving the presence of the minor, without the presence of parent/s or other individuals that may be requested by the child, only when such procedure is in the best interest of the child, but in any case the child's lawyer should be present.

187. The Family Code, in the section on general provisions, places emphasis on the principle of respect for the best interest of the child especially by parents, public authorities and the courts which should be guided in their actions by this interest (art. 2).

188. The Family Code grants special powers to the prosecutor to protect the best interest of the child, specifically: The Prosecutor has the right to file suit to request invalidity of marriage when entered into by an individual who has not attained the lawfully established age. The prosecutor can ask the court to change decisions on parental rights. In cases of consensual divorces, parental arrangement approved by the judge, may be challenged by the prosecutor should there be important reasons. The prosecutor has the right to object to child recognition, should civil registrar data prove the falsity of declared motherhood or fatherhood. The Prosecutor can file suit with the courts to change the arrangement of parental responsibility and ask that such responsibility be fulfilled by one or both spouses. The prosecutor has the right to file legal suit requesting abrogation of parental responsibility when the parent abuses his parental responsibility or demonstrates serious irresponsibility, thus seriously damaging child development. The prosecutor has the right to intervene in the adoption process by filing a complaint with the appeals court. Hereby, the prosecutor has the right to request the court to assign custody of the child. Until such time

³¹ The Code of Penal Procedure, amended by Law No. 8813, date 13.06.2002 and Law No. 9276, date 16 September 2004.

as custody takes place, the Prosecutor may approach the court to assign a temporary caretaker, or take other urgent measures that may be necessary to protect the child or administer his/her property. The prosecutor has the right to request the court to replace the caretaker when the current caretaker abuses his rights, is negligent of his duties or risks the interests of the child, as well as when the caretaker requests to be freed from such responsibility for various reasons.

189. The nature of the prosecutor's work is such that through the verification of complaints, requests or reports from citizens, submitted orally or in written form, through the investigation of penal cases especially those involving minors, through the contacts with governmental and social entities dealing with education or the fight against criminality, is faced with issues related to families or issues which connect to penal offences, against which measures should be taken. Therefore, whenever the prosecutor notes that parental or custody responsibilities are problematic and these situations have contributed to the minor's involvement in criminal offences, it would be desirable to grant the prosecutor the right to request change of parental responsibility or custodianship. The same can be proposed with regard to other competences, in order to prevent mistaken solutions to problems involving the overall family, particularly solutions which do not serve the normal upbringing and best interest of the child.

190. Article 234 of the Family Code, provides that in cases dictated by the best interest of the child, steps can be taken to alienate the immovable property of the minor until he/she attains 18 years. This can be achieved through mortgaging or other actions which exceed the limits of normal administration of the minor's property, only when dictated by the best interest of the child, and only if and when warranted by the court with jurisdiction over the minor's dwelling place.

191. The Family Code provides for cases when abandonment is not declared, i.e., when a family member requests responsibility to bring up the child and the court finds this request in the best interest of the child. Should the court, in the best interest of the child declare him/her abandoned, in the same decision it should assign guardianship to (1) a caretaker who takes over responsibility for the upbringing and education of the child; (2) a social care institutions; or (3) a certain individual.

192. The Family Code provides for cases when the various interests of the minors conflict with one another, in which cases the court may assign an additional caretaker or several caretakers. The Family Code states that the special caretaker assigned by the court has the responsibility to represent the minor in instances of the minor's interest coming into conflict with the interest of the existing caretaker.

193. Law No. 9205, dated 15 March 2004 "On the Protection of Witnesses and Collaborators of Justice" provides for measures, manner, and procedure of protection of witnesses and collaborators of justice, as well as the organization, functioning, competences, and relations between the entities charged with proposing, assessing, approving, and implementing special protection measures. The law provides that, when the protected individual is a minor, the consent and signature of the agreement on behalf of the child is done by the parent or the caretaker in accordance with the principle of the best interest of the child, and his/her capacity to act as prescribed in the relevant legal provisions.

194. Law No. 9695, dated 19 March 2007 "On Adoption Procedures and the Albanian Adoption Committee" provides for legal rules aimed at making sure that adoptions are in the best interest of children and are authorized in full respect of their basic rights.

195. With respect to recommendation 27 and the implementation of the best interest of the child, it should be pointed out that in the field of education, the Constitution and the legal framework guarantee respect for the best interest of child.

196. The most important initiative taken by MES recently is the piloting of the psychological service in the schools, decreed by Order No. 170 and Instruction No. 18, dated 21 April 2008 “On the Functioning of the Psychological Service in Pre-University Education”. Actually, the service covers mainly schools in the urban areas, and is gradually being extended in the bigger schools of the rural areas. Students, teachers, and parents are appreciating this newly introduced service. The role of the school psychologist is to identify children with learning difficulties, and to interact with teachers, principals, and parents to help them progress.

197. Law No. 9669, dated 18 December 2006 “On Measures against Domestic Violence” provides a series of protection measures for victims of domestic violence, including children. In this case, the law foresees among other things, the immediate placement of the minor in temporary shelters, while keeping in mind the best interest of the child.

198. DCM No. 913, dated 19 December 2007 “On approval of the National Strategy on Gender Equality and Domestic Violence, 2007–2010, and its Action Plan” contains objectives and concrete measures for the implementation of the Law “On Gender Equality and Domestic Violence”, which will be fulfilled in view of the best interest of the child.

199. Cultural activities for children are organized while keeping in mind the best interest of the child.

Measures connected with blood feuds and other practices harmful to children

Recommendation 29

200. In 2001, changes were made to the Penal Code. Following Article 83, “Serious threat for vengeance or blood feud”, Article 83/a has been added, which states that: “Serious threat for vengeance or blood feud to an individual or minor, forcing him to go into confinement, is punished by fine or with imprisonment up to 3 years”.

201. Law No. 9389, dated 4 May 2005 “On the Creation and Functioning of the Coordinating Council in the Fight against Blood Feuds” aims to organize and better coordinate the measures and efforts of the governmental entities and other social, religious, and scientific institutions. The law also aims to define a long-term strategy for the prevention and elimination of the phenomenon of blood feud in Albania. Based on this law, a Coordinating Council has been established under the President of the Republic, and consisting of the Deputy Prime-Minister, the Minister of Interior, the Minister of Justice, the Minister of Education and Science, the General Prosecutor, the Deputy Chair of the High Council of Justice, and the People’s Advocate.

202. In addition, MLSAEO has entered into cooperation with the local governments and the civil society to reduce the phenomenon of blood feud. Efforts have been made to include families affected by blood feud in the social assistance schemes in accordance with Law No. 9355, dated 10 March 2005 “On Social Aid and Services”. MLSAEO is committed to: (a) taking legal steps to supplement Law No. 9389, dated 4 May 2005 on the inclusion of this ministry in the Coordinating Council; (b) improvement of programmes in the field of employment, migration, and social services to alleviate the economic hardships of families in blood feuds; (c) formulation of by-laws to implement Law No. 9355, dated 10 March 2005, including special provisions to support confined families with increased financial resources, social services in the family, or other benefits from social programmes.

203. MES has also taken initiatives to provide for the education of confined children to the maximum extent possible.

Respect for the views of the child (art. 12)

Respect for children's views and their participation in matters related to them within the family, the school and other institutions, in administrative and legal procedures, etc.

Recommendation 31

204. The Family Code states that in cases when the parent who last exercised parental responsibility does not assign a caretaker for his/her child, before assigning one, the court should ask the opinion of the minor if he/she has attained 10 years of age. The Family Code also states that when making an adoption decision the court should consider the opinion of the minor when he/she has attained 10 years.

205. In implementation of article 31, in issues that have to do with children's life in school, the NCS establishes such objectives as the increase of child participation and respect for children's views in family, school, and community life as well as involvement of children in decision-making at school level.

206. In the field of education, children's participation has an important role since learning, as an activity, provides the child with the capacities to develop his/her potential, to get to know him/herself, to acquire creativity, tolerance and co-existence skills for living in a democratic society. Increasing the participation of children in decision-making at school level is being gradually institutionalized through the establishment and functioning of student governments.

207. School governing provisions have been constantly improved, and emphasis has been placed on the Student Government as an instrument to enable children to participate in decision-making related to curricular as well as extracurricular processes at school level. Governing provisions of pre-university education approved in the year 2002, regulate among other things the relations of parents and children with the teachers and school administration, the rights and obligations of students, teachers and parents, etc.

208. Chapter VIII of the Governing Provisions, point 1 states: "Students' Government is the student's independent structure in the school. It represents the opinion of students on issues related to the school, the teaching process and their education. The Students' Governments serve as a vehicle for the active participation of students on the various democratic processes at the school and the community" Students' Governments are established on school basis with the participation of all the students of the school. It is an optional issue left to the free initiative of the school in accordance with the concrete possibilities at school level. The leading bodies should represent the students. The main governing body is the Senate, which is made up of senators. Principles of election and the competences of the governing bodies are defined by regulations approved by a majority of secret, equal, and general vote. The Students' Government may present to the school principal or the Teachers' Council requests that have to do with all school problems, in particular those that have to do with the realization of the basic rights of children such as, (a) the right to receive information on the teaching programmes, their content, manner of realization, and their requirements; (b) the right to public assessment of their learning progress and behaviour standards; (c) the right to organized life in school, by balancing learning with other forms of self development; (d) the right to organize cultural, educational, sports, entertaining, and amusement activities in agreement with the school management and in full awareness of the need to respect the annual plan of work in the school; (e) the right to publish the school gazette; (f) the right to elect, in cooperation with the school management, the teacher who will be assigned the role of the coordinating teacher of the Students' Government; (g) to right to be free from discrimination and maltreatment in the school, etc.

209. Another structure is the School Board, which is comprised of representatives of parents elected by the Council of School Parents, representatives of the teaching staff, and one–two students. The Class Council deals with teaching issues, educational activities, school progress, medical and social issues related to classroom life, etc. The participation of two to three students elected by the student government in the Discipline Council, an advisory board serving to the school principal in dealing with review of breach of discipline by the students, is an additional expression of the freedom of association by the children.

210. During 2004–2008, the number of schools with student governments has increased. This has led to an increase of students in decision-making. The number of programmes preparing children to participate in decision-making in issues affecting them has increased, and so has the quality of these programmes. Efforts are being made to include in the curricula topics that deal not just with the right of children to participate, but also educate them to be good students and citizens. Currently MES and Save the Children are running a programme to strengthen Student Governments.

211. In the context of efforts to strengthen Student Governments, MES and Save the Children Albania are still running the project dedicated to this purpose.

212. Training programmes with teachers, school principals, and representatives of student governments are going on. The Institute of Curricula and Training has developed a number of trainings with school principals in connection with making use of “Manual for School Principal and its usage”. Special place in this manual is given to the functioning of student governments and the conditions to be created in the schools for their smooth operation.

213. Children have received knowledge on various issues, including the techniques of association and communication as well as gender equality issues, and have become important players in decision-making at school level. School principals consult with members of the Student Governments to discuss school regulations, use of uniform, support to children in need, and design of extracurricular activities. During 2007, more than 15,000 children have benefited from activities organized by student governments.

214. Based on this experience, MES has issued instructions for schools, among other things, to designate a person to monitor the Student Government. This person is usually very active in collecting questionnaires on school violence and attracting student voice in the process of curricula design, anticorruption, etc. 100 members of student governments have received training on active participation. Another positive example of children’s participation is their participation in the Municipality Council of Tiranë. 16 children, presidents of Student Governments in the 9-year public and private schools in Tiranë, participated in the Children’s Senate. The Senate aims at giving voice to children’s views and their opinions in relation to the decisions taken by the Municipality on children.

215. Children should be given the opportunity not just to express their opinions, but also to be aware of the treatment they receive, and the extent to which their opinions are being considered. This is the only way to test that their participation is real. For both children and adults, children participation is part of the difficult process of getting to know and respecting one another, therefore it should not be merely a formality. Children’s expression of views should entail the responsibility of adults to listen to and learn from them, to understand their thoughts, and to take measures that respect their desires.

Establishing toll-free lines

Recommendation 33

216. In the Annual Children’s Conference organized on 1 June 2009, on the occasion of the International Children’s Day, the Minister of Labor, Social Affairs, and Equal Opportunities launched the national toll-free number for children, through which children’s

needs from the entire country would come to the attention of professional. The establishment of this line is an initiative of UNICEF and the Children's Human Rights Centre of Albania (CRCA). The national children's line offers psychosocial counselling to children, and refers children's problems to relevant governmental structures, to CPUs and the municipalities and to the various NGOs dealing with children's issues. Another purpose of the line is to listen to children's complaints that otherwise have no channel of expression.

217. The national children's line uses the pan-European number 116, which has been made available by the Authority of Postal and Electronic Communications. Line 116 has the same properties as the number used by police or medical urgencies. The line will offer free service for children, 24 hours a day, seven days a week. The national children's line is a UNICEF initiative and will be financed by UNICEF Office in Albania for the years 2008–2010.

B. Implementation of national programmes and their monitoring

Information on legal, administrative, judicial, and other measures related to the implementation of the rights contained in the Convention

Best interests of the child (art. 3)

218. Matters connected to the creation of a protective environment for children have been gradually included in governmental priorities during the last ten years. Because of the low level of economic and social aid, and transitional phenomena, children are faced with a number of critical phenomena that negate or abuse their rights. Efforts are being made to protect children, and integrate excluded children to the maximum extent possible. As part of the NSDI, Albania has drafted a Strategy on Social Inclusion, through which efforts are made to harmonize and coordinate the policies designed to realize children's inclusion in society. The realization of children's rights is detailed into a number of steps in the NCS,³² the ultimate objective of which is to guarantee equal opportunities for all children.

219. In relation to article 3, paragraph 2 of the Convention, the Family Code (art. 235) deals with the right of parents to use proceeds from children's property, which they are entrusted to administrate, for purposes of their upbringing, education and development. They may use such proceeds to fulfil the basic needs of the family when they do not possess their own means to do so. The remaining proceeds are returned to the child's title. The Family Code connects the right to use child's wealth with the right of legal administration on such wealth. This right is exercised jointly by the parents, or by the parent who is entrusted with the administration of the child's property. This right of the parent ends: (1) when the child attains maturity; (2) when there is ground to terminate parental responsibility or legal administration; (3) when all reasons related to usufruct cease to exist. Also, such rights do not extend on wealth created by child labour, or on property donated to the child, or inherited by the child, whenever the parents are expressly forbidden to use this property.

220. The Family Code states that minors are placed in custody and entitled to special protection when their parents are unable to exercise their parental responsibility. The family Code states that the custodian of the minor designated by the court, has these duties: (1) to care for the minor; (2) to represent the minor in all legal actions; (3) to administer the minor's property in accordance with the Code's provisions. The duties of the minor placed in custody are: (1) to respect and obey the caretaker; (2) not to leave the home or the foster

³² These objectives are further elaborated in comments on respective articles.

home without the permission of the caretaker. Should the minor leave without permission, the caretaker has the right to look for the minor and to file suit with the court for his/her return.

221. The Family Code envisages even the cases when the court designates a special caretaker: (1) conflict of interest between the minor and the parents, as well as legal proceedings are designed to take place between the minor and parent/s; (2) conflict of interest among minor siblings under the same caretaker, or when legal proceedings involving them are designed to take place; (3) disease or other causes, or the designated caretaker is restrained to take special action or to grant consent on the implementation of a certain step. In the above mentioned cases, a special caretaker is designated by the court on request of (1) the parent; (2) the caretaker; (3) the minor's relatives; (4) the minor who has attained 14 years; (5) interested individuals.

222. The Sectoral Strategy on Social Protection 2007–2013 is part of the NSDI and an important component part of the Inter-Sectoral Strategy on Social Inclusion, which contains the policies for poverty reduction and fight against social exclusion. This strategy states that certain groups, including children, should enjoy special protection in accordance with their rights and needs. Children have the right to protection from violence, exploitation, abuse and negligence, no matter where they happen to be.

223. With regard to article 3/3, reform of the social protection system undertaken by the MLSAEO aims to improve the quality of services offered by social care institutions by placing the focus on the needs of the child. In this context, there have been approved and are being implemented: (1) Standards for children's care in the residential centres (DCM No. 659, dated 17 October 2005); (2) Standards for care of disabled people in the residential and day care centres, approved by DCM No. 822, dated 6 December 2006; (3) Standards for social care services in residential centres and for individuals trafficked or at risk of being trafficked (DCM No. 195, date 11 April 2007).

224. These standards have influenced the change of the paradigm of child care, by aiming to protect children's rights through ensuring their upbringing in a safe family environment that respects their individuality and stimulates their development and integration in society.

225. Based on standards of social care for children in the residential institutions, the Inspectorate of Social Services carries out periodic inspections in the public and non-public residential centres. The reports of these inspections reveal that public and non-public facilities alike have made progress towards the implementation of such standards by improving indicators in all of their aspects.

226. In the context of the UNICEF project "Support to the Implementation of Standards in the Children's Care Institutions", during May–October 2007, the State Social Service organized the training of personnel in the residential and development centres to improve understanding of, and implementation of care standards. Trainings taking place in various parts of the country benefited about 150 managers and specialists in these institutions. The focus of these trainings was on the: (a) comparison of standards against the actual situation – the priorities and advantages of these standards; (b) drafting of procedures, forms, charts, and plans related to every specific indicator of standards – individual care plan for every child, plan of moving out of residential structures, complaint and appeals procedures, etc.

227. The approval of relevant bylaws creates conditions for employing social workers and psychologist in institutions of care, treatment, and education of children, such as schools, courts, police stations, prisons, hospitals, community centres, etc. Educational Directorates have been supported with the necessary salary budgets as psychologists and social workers have started their practices in the educational institutions.

228. The reform in the primary health care, which started in December 2006, aim at improving the performance of primary health care, including childcare, with priority emphasis on access and quality services for mother and child. This will be attained through: (a) design of a package of basic primary care to be offered free to the entire population. Part of the package is the prevention, treatment, and promotional services for children. Service for children in the primary care level is free of charge. The package clearly defines the types of services for children, their purpose, type of management for usual child disease, prevention care, awareness building, capacities of the health personnel involved with children, referral system, community services, standards to be met by the system in accordance with instructions for clinical practice designed by the university departments of family and paediatric medicine, the equipment and medications in the centres, as well as unified medical documentation; (b) establishment of a monitoring system over medical services, and review of medical units serving children in the primary care level; (c) preparation of instructions, regulations, unified standards on mother and child health; (d) training of personnel involved in childcare to improve their knowledge and skills.

The right of the child to life, survival, and development (art. 6)

229. Albanian legislation contains a number of provisions guaranteeing the right of the child to life and development.

230. Article 3 of the family Code, expressly states that “Parents have the right and obligation to care for the upbringing, development, wellbeing, education and formation of children born of marriage or out of wedlock”. Other articles deal with the equality of rights and obligations for children born of marriage and outside marriage. For a full and harmonious development of his/her personality, every child has the right to grow up in a family environment, in an atmosphere of joy and understanding.

231. The Penal Code rests on the principle of equality before the law, the administration of fair justice in assigning guilt and punishment, as well as on the principle of humanisms (art. 1/c). The Penal Code considers the commission of penal offences involving children to be an aggravating circumstance. The Code contains a number of provisions that prescribe penal offences and respective punishments aimed at protecting the life of the individual, including that of the child. Specifically, the following offences have been foreseen: Murder (arts. 76–83, 85); Threat (art. 84); Torture (arts. 86 and 87); Injury (art. 88/b); Serious intentional injury (art. 88, 88/a); Non-serious intentional injury (art. 89); Other intentional damages (art. 90); Serious injury due to carelessness (art. 91); Non-serious injury due to carelessness; (art. 92); Withholding help (art. 97); Induced suicide (art. 99); Sexual relations (arts. 100–107); Obscene acts (art. 108); Abduction (art. 109, 109/a); Trafficking (art. 110/1 and Article 114/b, for minors 128/b); Violation of Home (art. 112); Exploitation of prostitution (art. 114); Insult (art. 119); Slander (art. 120); Abandonment (art. 124); Maltreatment of the minor (art. 124/b); Withholding living means (art. 125); Unlawful taking of the child (art. 127).

232. The legal framework in the field of education states that the Albanian citizens enjoy equal rights to be educated at all levels of education foreseen by the law.

233. MES has made the development of Albanian education according to European educational standards a fundamental long-term objective of its educational strategy. Specific objectives of the education system continue to be: increase of enrolments in compulsory and secondary education, mainly in the vocational education in the poor and remote areas of the country; improvement of the teaching quality; expansion of the vocational education and adoption to the labour market; increase of education effectiveness and efficiency of the education system. The main measures of the NSDI to improve the quality and quantity indicators of education are: (a) encouraging community participation,

(b) improving access and equity, (c) improving quality, (d) improving management capacities; (e) improving expenditure management.

234. NCS, as a policy document in line with the strategic objectives of the NSDI on education, aims at improving the effectiveness of public administration and the financial efficiency of the education system, in order to guarantee quality education for all children.

235. Legislation in the field of health lies on the principles of equality and justice. The Strategy of the Ministry of Health aims to redistribute, rehabilitate existing health care centres, and cover the entire country with health centres and ambulances according to European standards. Health care units offer post birth care for mother and child, including counselling on breastfeeding, nutrition, and family planning. With a view to improving care for pregnant women, all primary health care units have been equipped with the complete set of protocols for pregnancy care. Protocols on care of mother and child during and after birth are being prepared. These protocols aim to provide quality care during the critical perinatal period, spanning from the 26th week of the pregnancy, until seven days after birth, to guarantee infants a healthy introduction to life by reducing maternal perinatal disease and mortality through promoting safe motherhood. Family planning is a cost effective intervention to improve the health situation of mother and child, and to decrease morbidity and mortality rates.

236. According to the last MICS study 2005, infant mortality is estimated to be 18 per 1000 live births, and mortality for children under 5 years is 19 per 1000 live births. Based on administrative data from MH, there is a declining tendency of infant mortality from 17.5 per cent in 2002 to 11 per cent in 2008. MH continuously monitors the rate of infant mortality. This monitoring has revealed that the phenomenon is closely linked with mother's educational level, and economic status of the family, which are both considered as strong indicators of the future wellbeing of the child.

237. Cultural projects for children and cultural events are designed and implemented by keeping in mind the right of the child to cultural development.

238. The Sectoral Strategy on Social Protection 2007–2013 states that an enabling environment is necessary to ensure the survival and maximum development of individuals in aspects of physical, mental, spiritual, moral, psychological, and social development, in accordance with human dignity. This Strategy is based on respect for individual rights, and states that every individual in need has the right to equally benefit from social aid and services.

Respect for the views of the child (art. 12)

239. The Family Code defines the obligation of State bodies, mainly judicial structures, to offer children the opportunity to be heard in any procedure involving them, in accordance with their age and the capacity to understand, especially when their involvement is necessary to protect their rights. The children's right to be heard is described in the special provisions warranting their approval and consent. In cases when the minor requests a hearing session, his/her request cannot be refused, except for substantial reasons with a very well reasoned decision. The minor can be heard in person, through his lawyer, or another person designated by him/her. In every procedure involving the minor, the presence of the psychologist is mandatory to assess his/her statements in accordance with his/her mental development and social situation. Article 157/b/c of the Family Code provides that the judge, when deliberating on parental responsibility or to place the child in the care of a third party, should take into account the opinion and feelings expressed by the minor, while assessing his age and development and drawing on the expertise of the psychologist or employees of social services at the municipality level taking care of the

child. Also, the Family Code provides that minors who have attained 10 years should be heard in court deliberations in the presence of a psychologist.

240. In relation to adoption, the Family Code provides that children who have attained 10 years have the right to be heard in the presence of the psychologist, whereas children who have reached 12 years of age have the right to grant their consent.

V. Civil rights and freedoms (arts. 7; 8; 13–17; 37 (a))

A. Follow-up measures to implement the recommendations of the Committee

Birth registration (art. 7)

Registration of children, facilitation of late registrations with special emphasis on marginalized and vulnerable groups

Recommendation 35

241. Law No. 9929, dated 9 June 2008 “On some Changes and Additions” to Law No. 8950, dated 10 October 2002 “On Civil Registry” grants citizens facilities in connection with registration of children: (1) making birth registration in the case of delayed registrations an administrative, from the judicial act as it used to be, which created delays in children’s registration; (2) On the basis of this law all the public and private health facilities, as entities proving birth, are obligated to report to the civil registration offices, with jurisdiction over the parents place of residence, within 7 days of the birth of the child. In the event they fail to comply with this duty, these entities are fined. In the former law, the fine was levied on the parent/s and not on the institution; (3) For citizens registering births within the territory of Albania within 60 days and within 90 days in the case of births outside Albania, the law provides a reward of 5 000 leks; (4) Until 15 September 2008, for every birth registered, despite the year of birth, citizens were rewarded with 5 000 leks. This facilitation measure was accompanied with an awareness campaign and positive results were recorded in birth registrations.

242. Based on Law No.10129, dated 11 May 2009 “On the Civil Registration Offices”,³³ the Albanian citizens have been granted facilities in the registration of children, specifically: (a) removal of the judicial procedure which was applied in the case of late registrations (45 days for births in Albania and 90 days for births outside Albania). This coercive measure was incorporated in the old Law No. 8950, dated 10 October 2002 “On the Civil Registry” and was deemed to create obstacles to registration of children; (b) also, the law states that all public and private birth entities are under the obligation to notify the civil registration offices with jurisdiction over parents’ residential address within seven days from the birth of the child taking place in their institution. Should they fail to comply, fines are levied on these institutions. In this manner, coercive measures are no longer applied on the citizen as it used to be in the previous law, but on the birth institutions; (d) the new law provides for a reward of 5 000 leks for all citizens who register the birth of their child (within 60 days in Albania and within 90 days outside Albania). This facilitation measure was accompanied with an awareness campaign and had positive effects on registration of delayed births.

³³ This law has repealed Law No. 8950, dated 10 October 2002 “On the Civil Registry” and amendments.

243. Based on the law on civil registration, foreign citizens and individuals without citizenship with temporary/permanent residence in the Republic of Albania, as well as foreign citizens who are granted asylum in the Republic of Albania, have the right to carry out civil registration in the offices covering the territory in which the child is born. The concerned individual has the right to appear before the civil registrar with the respective documentation to record the birth. The individual completes the declaration form containing all the elements of civil status, including citizenship, which in accordance with Law No. 8442, dated 21 January 1999 “On some Changes on the Law ‘On Albanian Citizenship’” can also be the Albanian one, should parents so desire. In the case of children born outside the territory of the Republic of Albania, for Albanian citizens with permanent residence in Albania, registration of the child takes place in the Diplomatic Representation Offices or in the Albanian Consulates abroad. When this is impossible, registration can take place even in the registration offices of the respective country.

244. In connection with recommendation 35, as regards access of unregistered children to school, thanks to the removal of the coercive measures, the registration of Roma children who were not previously registered in the civil registration offices is being facilitated. To lift barriers to school enrolment for unregistered pre-school and school age Roma children, the Minister of Education and Science issued Instruction No. 6 dated 29 March 2003 “On Enrolling Roma children without Birth Certificates”. This measure has facilitated the registration of Roma children in schools and kindergartens. The implementation of the MES instruction No. 34, dated 8 December 2004 “Concerning the Implementation of the Project ‘Second Chance’” has increased the participation of children from marginalized groups in the education system. On a country scale, there are over 30 such classes with more than 500 students. Cooperation with various organizations in the fight against Roma poverty through enrolling Roma children in school, the establishment of community centres as in the case of the Social Center for Roma Children in the region of Kuçovë, the opening of special schools for Roma children in many regions of the country, rehabilitation of schools with predominantly Roma children, and other measures have created the necessary conditions to increase Roma access in education and other spheres of life.

Freedom of expression (art. 13)

Recommendation 37

245. As has been evidenced even in the first report, the Constitution guarantees freedom of information, expression, press, as well as freedom of radio television. The Constitution, in the social and cultural part, states the right of all (including children) to be informed on their surroundings and the protection of the right to education, freedom of artistic creation and scientific research. Albanian legislation, as per the respective fields, guarantees the expression of children’s thoughts, their right to exchange information and participate in the social and cultural life. Specifically, the Law “On Public and Private Radio and Television” in general guarantees the freedom of information and expression for children, too. The Law “On the Right to Information and Official Documents” guarantees the right of children to access government information and documents, although this rights is not expressly stated, and well as the right of children to participate in community life and express their thoughts openly.

Access to information (art. 17)

Recommendation 39

246. The activity of electronic media, which includes production and transmission over the territory of the Republic of Albania, is regulated by Law No. 8419, dated 30 September 1998 “On Public and Private Radio and Television in the Republic of Albania” and by law

No. 9742, dated 28 May 2007 “On Digital Transmissions in the Republic of Albania”. Law No. 8410, dated 30 September 1998, states that radio television activity respects primarily the rights, interests, and the moral and legal requirements ensuring child protection. Articles 36, 38, 43 of this law, place emphasis on respect for dignity, protection of moral and mental health of children and teenagers, prohibition of transmission of pornographic materials, and the implementation of the Code of Ethics through the transmission of certain programmes in certain time bands. The law also provides for the protection of minors in the field of publicity. The meeting of domestic legal obligations and those deriving from international law is a primary objective of the activity of the National Council of Radio and Television (NCRT). Given that TV is the most outreaching medium of public communication, and since “media risk” is always present due to its strong influence particularly on children, the programmes affecting minors have been at the centre of the attention of the NCRT.

247. With regard to the implementation of the Code of Ethics, a number of radio and television operators have been monitored in order to intercept cases that may inflict children, not only due to the negligence, but also due to lack of responsibility with regard to law implementation and observance of ethical and moral norms. In recent years, as a result of the increase of the number of nationally and locally licensed operators, the programme structure has been improved; awareness on the need for quality of programmes for children, adolescents, and young people has also increased. This is demonstrated not just in the requirements to be fulfilled in order to obtain a license, but also in the compliance with the legal requirements during transmission of the programmes. The range and diversity of children’s programmes has improved thanks to the inclusion of educational programmes that convey educational messages, values, and principles for this category of the population. The public TV channel has produced quality programmes for children, which resulted in the increase of the number of young viewers. The national private televisions target the age group of 12–18 through music programmes and entertaining editions, which employ contests and races. However, the NCRT monitoring has revealed cases of abuse including in the news editions, children’s programmes, other programmes, and even in the advertisements. Specifically the NCRT has identified: cases of children being interviewed without parents’ consent, interviews with children and young people under emotional stress, abuse of child privacy and dignity, disclosure of children’s identity in families with social problems, use of children as a pressure means or for sensational scoops, maltreatment and abuse of disabled children and individuals, abandoned, sick, trafficked, abused children; children who are filmed against their will and in an undesirable manner and use of vulgar vocabulary which harms the linguistic formation and mental health of children. In all of these cases, television should complement family and school education and avoid such negative effects as cutting off children from society, incurring of psychological consequences, hindering child integration and his/her psycho-physical development; difficulties in solving problems and/or the creation of new problems/conflicts.

248. The tendency of some of the private TV channels to use television as a business rather than as a tool to educate young people leads to a shortage of genuine educational, cultural, scientific and entertaining programmes. In view of the situation in this field, the NCRT has taken steps to increase the responsiveness of radio television operators and increase the sensitivity of the public opinion. For this purpose, round tables and seminars on television ethics and public communication, in particular as regards child treatment and protection, have been held. These activities have been attended by representatives of the Council of Ethics, reporters, leaders of electronic media, representatives of the written press, the public opinion, etc. Discussion focused on the improvement of legislation to better protect children from inadequate and harmful information, best practice in this field, the upgrading of professional capacities of reporters covering issues of this population group, etc. NCRT has submitted proposals to improve the new draft law on electronic media and has approved a regulation on the use of warning signs to protect the children’s

moral and ethical norms. Based on the relevant legislation, in 2004–2008, NCRT has licensed 24 televisions of which 22 are local analogue; one is a national channel and one a satellite television. In the national and local broadcasts, an important place is taken by the various programmes for children. In one of the digital networks alone, there are three channels dedicated to children’s programmes.³⁴

Torture and other cruel, inhuman and degrading treatments and punishments (art. 37(a))

Recommendation 41

249. The Constitution of the Republic of Albania and the Albanian legislation, contain a number of provisions that guarantee that no one will be subjected to torture, punishment or other cruel, inhuman and degrading treatment, as well as additional provisions to prevent torture and maltreatment. Definition of torture in the Penal Code of the Republic of Albania (with amendments) as a penal offence represents a major steps in preventing acts of torture. The Penal Code in article 86, as amended by Law No. 9686, dated 26 February 2007 defines torture in accordance with the definition given in the article of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. More specifically, the Penal Code states: “Intentional commissions through which severe physical or mental suffering is caused to an individual by another individual in public office or through the latter’s encouragement, or his express or silent consent, to: (a) extract information or statements; (b) punish him/her for acts committed, or suspected acts; (c) intimidate him or put him under pressure; d) achieve any objective based on any form of discrimination; (e) carry out any other inhumane or degrading action, is a penal offence and punishable with imprisonment from 4 to 10 years. Also, article 87 of the Penal Code makes torture and any other cruel act incurring serious consequences a penal offence and prescribes respective punishments.

250. Based on article 7/a of the Penal Code, paragraph “d”, added by Law No. 9686, dated 26 February 2007, Albania applies universal jurisdiction in respect to the penal offence of torture. Article 7/a, states: “The penal law of the Republic of Albania is applicable to foreign citizens in the territory of Albania who have committed torture outside its territory, and for whom extradition has been refused. The Penal Code of the Republic of Albania is also applicable to foreign citizens who carry out any penal offences outside of the territory of Albania, for which special laws or international agreements to which Albania is a party, establish applicability of the Albanian penal legislation.” This means that irrespective of the territory where the act has been committed or the individual committing it, whether citizen or foreigner, Albania has jurisdiction to adjudicate this individual charged with the penal offence of torture.

251. The Penal Code considers the physical or psychological abuse of the minor by the person entrusted with his/her care as a penal offence.

252. Law No. 9749, dated 4 June 2007 “On the State Police”, states that State Police has as its mission the protection of public order and security, in accordance with the law and in respect of human rights and freedoms. The purpose of this law is the definition of the duties and responsibilities of the State Police in order to ensure a democratic and professional police service. Based on article 4, police responsibilities are: (a) to protect the life of citizens, their security and property; (b) to prevent, discover and investigate, in accordance with the Penal Code and the Code of Penal Procedure, the penal offences and their authors; (c) to control and oversee the State boundaries of the Republic of Albania; (d) to protect

³⁴ Annexes attached to this report contain detailed data on licensed television broadcasters.

individuals from potential risks; (e) to carry out other duties in accordance with this law, other laws as well as secondary laws prescribing police duties.

253. The law states that police search of minors should take place in the presence of a parent or caretaker. Also, police officers accompany minors to police facilities, to the warranting institution, or to the detention or incarceration facilities. Among the protection measures that the police employees should take for minors out of family supervision, or those who have left parent or caretaker, is to return them to the parent or the caretaker or accompany them to a foster institution.

254. Law No. 8328 dated 16 April 1998 “On the Rights and Treatment of Imprisoned Individuals” (with respective amendments) foresees the prohibition of the use of force against the prisoners, unless it is necessary to stop violent actions, attempts to escape, and the suppression of resistance, even when passive, to orders issued. In addition, the law prohibits the use of coercive and forceful means comparable to weapons, as well as narcotic substances in the meaning given by the Penal Code and those having torture and hypnotic effects.

255. Law No. 9888, dated 10 March 2008 “On some Additions and Changes to Law No. 8328, dated 16 April 1998 ‘On the Rights and Treatment of Imprisoned Individuals’” is designed to protect and ensure respect for the rights of imprisoned individuals and pre-detainees in accordance with international acts. With the recent changes in the law, “On the Rights and Treatment of Imprisoned Individuals” references to isolation of pre-detainees and prisoners as a form of punishment have been removed.

256. A positive development is the involvement of the People’s Advocate in cooperation with the superior State institutions to ensure the implementation of the obligations of the country to the provisions of the Convention against Torture and its Optional Protocol, which calls on the States parties to create the Independent National Mechanisms for Prevention of Torture. Law No. 9888, dated 10 March 2008 (art. 36), approves several provisions in the Law No. 8328, dated 16 April 1998 “On the Rights and Treatment of Imprisoned Individuals” (arts. 74/1, 74/2, 74/3), which establish the competences of the National Mechanism for the Prevention of Torture and Other Treatments or Punishments which are cruel, inhuman or degrading, and the safeguards enabling the exercise of such powers and supervision measures, specifically: *Article 74/1, National Mechanism for Prevention of Torture and cruel, inhuman and degrading treatment and punishment (NMPT) and its competencies*. The People’s Advocate, through this Mechanism, which serves as a special entity under its authority, monitors the implementation of this law designed to protect the rights of detainees. NMPT has the following duties: (a) to regularly monitor the treatment of individuals in incarceration facilities for the purpose of protecting them from torture and inhuman, cruel, and degrading treatment; (b) to present recommendations to the relevant bodies to improve treatment and conditions for incarcerated people and prevent torture and inhuman cruel and degrading treatment. *Article 74/2, Guarantees to NMPT activity*. In its activity NMPT is guaranteed: (a) access to information on the number of incarcerated individuals and the location where they serve time; (b) access to information on the treatment of these individuals and the causes of their incarceration; (c) the right to freely enter the facilities of detention and incarceration; (d) the right to conduct interviews privately with incarcerated individuals and when necessary with the assistance of a translator, as well as with any other person who may provide relevant information; (e) free choice of places to visit and individuals to interview. *Article 74/3, Types of oversight*. NMPT realizes its oversight through: (a) reception of complaints and requests by incarcerated or detained people, orally or in writing; (b) Reception of complains directly from incarcerated people or from individuals visiting them as well as governmental entities or NGO’s monitoring the institution in accordance with the law; NMPT can also obtain relevant information from the lawyers of incarcerated people; (c)

requests for information from the administrations of the institutions; (d) verification of documents, objects, equipment, or location of the pre-detained or incarcerated people both within and outside the institution. To realize its monitoring function, NMPT can hire specialists in the relevant fields. In any case, should violations or breaches be noted, NMPT specialists write a memo, which should be signed by the managers of the institutions who have the right to comment on the findings.

257. In the General Regulation of Prisons, it is stated that “Prison personnel should not carry out unlawful actions, punishment or inhuman and degrading treatment against the incarcerated individuals”.

258. The pre-detention regulation states that “Use of any form of violence, inhuman, cruel or degrading treatment is prohibited in the pre-detention facilities”. This Regulation requires that “Treatment of pre-detainees should be unbiased and free from discrimination, in accordance with national and international human rights standards and without distinction on the grounds of colour, race, sex, ethnicity, religion, gender and age. The use of any form of violence, cruel, inhuman, or degrading treatment is prohibited in any pre-detention or detention facility. Prohibition applies also to threat, affront or any other verbal or psychological violence that may create the impression of risking the life or fair trial of the pre-detained individuals or his family. Regulation of Prison Police Discipline defines that officers of Prison Police should not be involved in brutal acts and behaviour, or any other action that might damage the mental and psychological health of the prisoners.

259. The NCS contains the objective “Protection of Children from Abuse and Violence”, which is based on the study of violence on children in the family, the school, and the institutions, as well as on an analysis of the juvenile justice system.

260. A study of 2006 by the Centre for Human Development showed that 26 per cent of all children experience physical violence while at school. In most cases, violence comes from another student. However, there are cases when teachers use force against students.³⁵

261. As regards violence in the institutions, the study showed that physical violence in residential care institutions is higher than violence against children in the family or the school. About 50 per cent of children in residential centres have suffered physical violence.³⁶ However, the study does not specify where the violence comes from: the staff or other children.

262. The civil society has launched the initiative to draft the law “On Measures against Child Abuse” which will be taken through the relevant procedural steps in the months to come.

B. Information on the legal, administrative, judicial and other measures to implement the rights contained in the Convention

Article 7

263. In terms of nationality, the Law “On Civil Status” with relevant amendments provides for all cases of determination of nationality: (a) the child takes the nationality of the parents which should be the same as the one documented in the National Registry of Civil Status. This nationality cannot be changed, except when, as provided by law, the parents’ nationality is proved to be inaccurate, or when the court issues a final decision to change fatherhood or motherhood of the child; (b) when parents have different nationalities,

³⁵ Human Development Centre/UNICEF. Violence against Children in Albania. Tiranë. 2006.

³⁶ Ibid.

the child should be given the nationality of one of the parents as agreed between them. In the event of a dispute, or death of one of the parents, the civil registration service temporarily, gives the child the nationality of the father. Nationality of the child in the National Registry of Civil Status is noted in accordance with the will of both parents or when the child attains maturity, he/she can choose the nationality of one of the parents; (c) in the case of children born out of wedlock, with unknown paternity, the children assume the nationality of their mothers. This nationality may change, should paternity be confirmed; (d) children born in Albania of unknown parents are presumed to be Albanian nationals. When one or both parents are identified, or when the child attains maturity, his nationality may be defined as prescribed in letter “b” of this article; (e) the adopted child takes the nationality of his/her adopted parents as prescribed in letter “b” of this Article, but when the child attains maturity, he/she has the right to regain his former nationality or to change it according to the nationality of his biological parents; (f) children born out of artificial fertilization of a married woman, may take the nationality of one of the spouses, according to the criteria set out in letter “b”.

264. Civil registration legislation is unified for the entire population living within the territory of the Republic of Albania. In terms of determining the nationality of children belonging to national minorities, the legislation provides for determining the nationality of the child based on the free will of parents, and the free will of children when they attain maturity.

265. Based on Law No. 9029, dated 13 March 2003 “On some Additions to Law No. 8950, dated 10 October 2002 ‘On the Civil Registry’”, nationality/ethnicity may be recorded in the Civil Registration and in all documents issued by Civil Registration offices for the purpose of internal identification of citizens. The law states that nationality may be changed only by a reasoned court decision.

266. As regards determination of nationality of children from various ethnicities, article 58 of Law No. 10129, dated 11 May 2009 “On Civil Registration Offices” states that nationality is defined at the moment of birth registration, according to the free will of the parents. The child may change his/her nationality when he/she attains maturity.

267. The Civil Registration employees are under the obligation to record the name given to the child by his parents except when the name is inappropriate. Refusal of registration of the requested name can be challenged in court. When parents do not agree, the civil registrar assigns a temporary name, until the conflict is resolved in court. The General Director of Civil Registration Offices, when coming across an inappropriate name, has the right to seek a court injunction to change it. In cases when the child’s parents are dead or physically/mentally disabled, or their address cannot be found, the name of the child is assigned by a family member, other relatives, and in their absence, by the civil registration employee. With regard to abandoned children, the name and surname is given by the civil registration officer, with the approval of the Mayor of the local government unit. These children are recorded in the civil registration offices covering the territory in which their foster home is located.

268. As evidenced in the first report, the law on Albanian citizenship states that gaining and regaining of Albanian nationality, and renunciation of this nationality from minors, can only be made with the approval of parents. Any change in the citizenship of minors aged 14 to 18 years, is made by taking the consent of the child. This law also provides for cases when the child may take the citizenship of both parents³⁷ specifically: (a) The child may gain Albanian citizenship by the right of birth when both parents at the time of the child’s

³⁷ These provisions are not expressly addressed in the first report.

birth happen to be Albanian nationals; When one of the parents at the time of birth of the child, is an Albanian citizen and the child is born in the territory of the Republic of Albania; When a child is born outside the territory of the Republic of Albania and one of the parents is an Albanian citizen, while the other parent is of unknown citizenship or stateless. When a child is born outside the territory of the Republic of Albania and one of the parents is an Albanian citizen, while the other parent has another citizenship, but both parents agree that the child receives Albanian citizenship; (b) A child born or found within the territory of the Republic of Albania may take Albanian citizenship if he/she is born of unknown parents and consequently the child would remain without citizenship. If the child's parents become known before the child reaches the age of 14 and they are of foreign citizenship, the Albanian citizenship may be renounced at the request of the legally recognized parents, provided that the child does not remain without citizenship as a consequence of this action; (c) A child born within the territory of the Republic of Albania by parents of foreign nationality, who reside legally in the territory of the Republic of Albania, may take Albanian citizenship, with the consent of both parents; (d) Anyone born with one parent having Albanian citizenship, gains Albanian citizenship automatically; (e) For minors, the Albanian citizenship may come to an end, when at least one parent abandons the Albanian citizenship. In this case, consent of both parents is sought.

269. The Family Code in the sections dealing with issues of maternity and paternity, states that recognition of maternity or paternity of a child born outside marriage cannot be waived (art. 167). Also, it states that maternity and paternity of the child born out of wedlock may be established by voluntary recognition or by judicial decision. For parents, this incurs the same rights and obligation retroactively as in the case of children born from marriage.

270. In connection with the surname of the child born out of wedlock, the Code provides that a child born out of wedlock takes the surname of the parent who's maternity or paternity is decided in advance. Should maternity and paternity be established at the same time, parents decide in agreement whose surname the child will be given. In case of a dispute, the child gains the father's surname.

271. Recognition of a child cannot be followed by a subsequent recognition, different from the previous one, unless the previous one is not challenged in court. The Court decision determining maternity or paternity applies from the day of the birth of the child. In article 175 of the Code, it is expressly stated that maternity of the child is established by the act of birth. When the act of birth notes that the child is born of unknown parents, the mother may recognize the child. The minor mother, too, may recognize her child. Recognition may take place before the civil registrar or by written will.

272. Recognition effected in this way may not be revoked even if made by will. Article 181 of the Family Code provides that the father of the child born out of wedlock, who has attained maturity, may recognize the child as his. Paternity of a child born outside marriage can be proven by court decision, should the court prove that at the time of the child's inception, the father cohabited with the child's mother, or had sexual intercourse with her out of her free will or forcefully, promised marriage to the child's mother, etc. In addition, paternity may be established in civil or criminal suits, when in such proceedings it follows directly or indirectly that the subject is the father of the child born out of wedlock, and when it is known publicly that he has recognized the child as his own.

273. The Family Code contains a separate provision concerning the right of the child to be with the biological family, and the manner of determination of fatherhood, namely: "Should a petition be filed requesting recognition of fatherhood while an adoption procedure is in the process, this procedure is suspended until the court has passed a final verdict with regard to the paternity claim" (art. 256).

274. As regards fatherhood, motherhood and surname of the adoptive child, the Family Code provides that the adopted child takes the surname of the adopted parent, and in case of adoption by two spouses, the child takes their common surname. Where adoptive spouses have different surnames, they decide in agreement on the surname of the child. In case of a dispute between spouses, the child takes the surname of the father. At the request of the adopted parent/s, the court may change the name of the adopted child. The adopted child's father and mother names become those of his adopted parents.

Preservation of identity (art. 8)

275. With regard to article 8 of the Convention on the safeguards of preserving the identity of children, the Law on "Civil Registration Offices", defines the procedure for providing information and documentation on minors to third parties. This procedure guarantees the protection of personal data and avoids misuse of such data.

276. The Family Code also provides for the principle of preserving confidentiality and respecting the privacy of minors and biological and adoptive parents in the adoption procedure. When the child attains maturity, he/she has the right to become acquainted with his/her history and, whenever possible, receive information on his/her biological parents.

277. The law on civil registration (art. 57) defines the cases in which change of name can take place, as well as cases of name inappropriateness. The General Directorate of Civil Registration formulates a list of inappropriate names. The list, also, includes names declared inappropriate by judicial decision. This list should be made available to all civil registration offices.

278. Law No. 9695, dated 19 March 2007 "On Adoption Procedures and the Albanian Adoption Committee" provides for the protection of personal data contained in adoption documentation, in accordance with the requirements of Law "On Protection of Personal Data".

279. Law No. 9887, dated 10 March 2008 "On Protection of Personal Data", defines the rules for protection and lawful processing of personal data, and sets the administrative sanctions in cases of illegal processing of personal data (establishing the fines that may be levied by the Commissioner for the Protection of Personal Data).

Protection of privacy (art. 16)

280. Children benefit from protection of privacy and other personal rights and freedoms granted by the Constitution of the Republic of Albania, which makes no distinctions with regard to the enjoyment of these rights by individuals. The Constitution (art. 35) stipulates that nobody may be forced, except when required by law, to disclose information relating to himself/herself. The collection, use, and disclosure of information about the individual are only done with his/her consent, except when otherwise provided by law.

281. Albania has adhered as a party with full rights and obligations to a number of international instruments, which provide that any individual is entitled to respect for his private and family life, as well as to the right to inviolability of his/her home and correspondence (children included).

282. The Family Code provides, among other things, for procedures in judicial proceedings in connection with parental responsibility, custody, adoption and other procedures, in which the disclosure of personal data of the child is allowable only in the best interest of the child, and in full respect for his/her fundamental rights.

283. In accordance with the provisions of Law No. 9887, dated 10 March 2008 "On Protection of Personal Data", the focus of which is to define and guarantee respect for the rules of protecting and lawful processing of personal data, in order to guarantee human

rights and fundamental freedoms, in particular the right to privacy. Specifically, Article 7 of this law prohibits the processing (collection, recording, storage, ... abuse, use) of sensitive data, which in the context of this law are those that reveal the racial or ethnic origin, political opinions, membership in associations, religious or philosophical beliefs, criminal penalties, as well as health and sexual life of the individual. Cases allowing for the use of sensitive data are listed in the second paragraph of this Article and some of them include: (a) the subject has given his/her consent; this consent may be revoked at any time which makes the further processing unlawful; (b) the disclosure of data is in the vital interest of this subject or any other person, and the subject is physically or mentally incapable of granting his consent; (c) disclosure is authorized by the authority responsible for an important public interest; (d) disclosure is dictated by the fact that data are made openly public by the subject; or the disclosure is necessary to exercise or protect a lawful right; ... etc. Article 39 provides for administrative sanctions applicable in cases of processing data in violation to the provisions of this law. Specifically, the letter a) of paragraph 1 of this article states that “the processing of personal data in violation to Chapter II “Processing of personal data” (including the processing of sensitive data) is punishable by a fine of 10 000 up to 30 000 leks. In the case of unlawful processing by legal persons, the fine is doubled. In accordance with this Article, the Commissioner decides on fines whenever a violation of this obligation is established. In these conditions, in accordance with Albanian legislation and relevant international laws, in observance of the principle of respect for private and family life of the individuals, as well as based on the best interest of the child, it can be confirmed that legally, but also institutionally, the child is guaranteed the right to his private life.

Access to information (art. 17)

284. The NCS contains the objective of ensuring adequate information for children based on the analysis of media coverage of children’s rights and the manner in which they are covered. Nowadays, children are being overwhelmed by the media. They are exposed too much, especially to television. Under these circumstances, it is necessary to protect the physical, emotional, and psychological development of the children and their moral interests and rights from pornography, sex, violence, use of degrading vocabulary, vulgarization of mother tongue and use of sarcasm directed against human dignity.

285. Studies show that violence in the media has negative effects on children. It causes: (a) increase of anti-social and aggressive behaviour; (b) decrease of children’s sensitivity to violence and the sufferings of other people; (c) increase of anxiety that they may be themselves victimized in this violent world; (d) foster the desire to consider violence as part of recreational activities and real life; (e) Acceptance of violence as a means to solve conflicts. In the field of electronic media, the State ensures the protection of children from physical or mental violence through the law that regulates radio and television activity.

286. The Law “On Public and Private Radio and Television in the Republic of Albania” provides general recommendations concerning the protection of minors. Despite the existence of a number of entertaining and adequate programmes for children, television in general does not appear to be complimentary to the education that children receive in school and in the family. There are few choices for cultural, entertaining, and scientific programmes for children. According to a study³⁸ monitoring the daily press (the major daily newspapers) for the period of July–December 2007, it results that there is a greater variety of themes relevant to children as compared to the 2006 monitoring. The study noted that

³⁸ Albanian Media Institute and Save the Children “Media reports on Children’s Issues: Monitoring of” six daily newspapers over July–December 2007.

positive efforts were made to address important issues such as education, school infrastructure, health problems, diseases that affect children (common flu, HIV, thalassemia, mental health, etc), blood feud and confined children, exploited and abused children, orphans and poor children, problems of juvenile crime, etc. Although positive themes are covered less frequently, the media does, however, provide examples of positive practice. Identification of minors in the media, even though seemingly harmless, in many cases does not take into account the best interests of the child. Children are identified with initials or other indirect information. The selected topics demonstrate the reporters' inclination to provide assistance and protection to children. Media coverage of children issues has been more frequent and more varied.

VI. Family environment and alternative care (arts. 5; 9–11; 18 (paras 1 and 2); 19–21; 25; 27 (para. 4) and 39)

A. Follow-up Measures to implement the recommendations of the Committee

Family reunion (art. 10)

Recommendation 43

287. Law No. 9098, dated 3 July 2003 “On Family Integration and Reunion of Persons who have been Granted Asylum in the Republic of Albania” provides among other things, the procedures for family reunion of persons who have been granted asylum in the Republic of Albania. Article 26 of this law provides that persons who have been given asylum in the Republic of Albania have the right to request family reunion with spouses, unmarried children under 18, or any other person dependent on them. Also, unaccompanied children who have been given asylum in the Republic of Albania, have the right to seek family reunion with parents, sisters, brothers, stepfather, stepmother, or any other members of the family who lawfully reside with them, or who are minors and unmarried. When first line relatives cannot be located, the unaccompanied child has the right to seek family reunion with his legal caretaker or any other relative, not of the first line. In cases when applications for family reunions involve unaccompanied minors, a decision should be made no later than 20 days from the date of the application.

288. Law No.10006, dated 26 January 2009 “On some Additions and Changes to Law No. 8432, dated 14 December 1998 ‘On Asylum in the Republic of Albania’”, contains a provision on family reunion establishing the obligation to grant protection to the children of persons who have been granted asylum.

Children deprived of their family environment (art. 20)

Recommendation 44

289. Law No. 9355, dated 10 March 2005 “On Social Aid and Services” defines measures to provide assistance and social services to individuals and groups in need due to limited economic opportunities and their limited, physical, psychological and social skills, including children. This law states that beneficiaries of economic assistance and social services schemes are also children, young people up to 25 years of age, and orphans over 25, who are unemployed and not in foster institutions or under guardianship. The law sets the criteria for the functioning and organization of residential institutions for children and young people. Social and medical services are provided by specialized staff in re-integration and rehabilitation centres, in day care centres, or in the family for individuals

who are not able to live normally, due to temporary or permanent damage of physical, psychological, mental, and sensory abilities.

290. Law No. 9355 dated 10 March 2005 “On Social Aid and Services” expanded the target beneficiaries to all groups in need, and created the necessary conditions for the decentralization and capacity building of local government units, as well as for civil society participation in the provision of social care services.

291. With the approval of the abovementioned law and DCM No. 564, dated 12 August 2005 “On the Licensing of Providers of Social Services”, the licensing of NGOs involved in providing social services to vulnerable groups, children included started in 2006. MLSAEO is the responsible authority for their licensing. Social operators are initially licensed for a period of two years, during which they are inspected periodically by the State Social Service, which has the authority to check if NGOs comply with the standards of the service for which they are licensed. At the end of this period, based on the assessment of SSS, the social service operator may apply for license renewal.

292. By the end of 2008, 89 operators were licensed and re-licensed. The licensing process will involve all entities providing social services for categories in need. In this way, for the first time ever, institutional relations were established between the government and civil society organizations active in this field.

293. Decentralization of powers and responsibilities to local governments aims to create a system of services, where the individual is assisted and supported in the environment where he lives, while respecting his/her personality, values, skills, his/her personal properties, preferences, and resources. Placement in foster care institutions often creates distance between the child, the family and the social environment, thus impairing his/her development and abilities to grow independently and to participate in social life. Policies for children’s de-institutionalization require not only the creation of new alternative services, but also the promotion of alternative forms of services within the residential care facilities for children, such as day care services at home, counselling, vocational training for children, and services for mothers and children in the community.

294. The main objectives for social services as defined in the sectoral strategy for social protection are: (a) decentralization which includes the transition of all residential care units under local government administration, (b) increasing the variety of community services and coverage of all groups with basic services in all the regions of the country; (c) extend community services by the year 2013 in municipalities that actually have no such services, (d) piloting of custody services (2008–2010 in two municipalities: Tiranë and Shkodër) and extension of this service until 2013 in other local entities, in accordance with the needs and available budgets and opportunities; (e) de-institutionalization, consolidation of the model of “home-family services” for children and disabled persons, extension of these services to other social groups (including youth); (f) implementation of service standards and increase of the quality of services for children, disabled people, elderly; (g) periodic inspection of all residential and day-care services provided by public and private operators; (h) licensing of new providers and periodic re-licensing of all NGOs providing services for clients; (i) periodic inspection of all residential and day care services provided by public and private operators.

295. Through in-site monitoring, it follows that 13 NGOs are licensed by MLSAEO to provide residential services of the type of home-family for children, and other types of alternative services for small groups of children (3–6 children) up to 15 years of age. Alternative services are offered in public and non-public residential centres.

296. Support services for children over 15 are fewer in number and are mainly offered in the form of apartments for young people, and assistance to acquire accommodation in boarding facilities and schools with semi-independent services.

Adoption (art. 21)

Recommendation 47

297. The Family Code (arts. 240–262) states that adoption is permitted only in the best interest of the child and provided it respects his/her basic rights. Formulation of the Family Code took account of the provisions of the Convention on the Rights of the Child, and those of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (ratified by Law No. 8624, dated 15 June 2000).

298. Law No. 9695, dated 19 March 2007 “On Adoption Procedures and the Albanian Adoption Committee”, which repealed Law No. 7650, dated 17 December 1992 “On Adoptions of Minors by Foreign Nationals and some Changes in the Family Code” establishes the adoption procedures and the manner of organization and functioning, as well as duties of the Albanian Adoption Committee, in accordance with the obligations contained in the Hague Convention.

299. In respect of these obligations, and in the context of the legal provisions contained in the Family Code and Law No. 9695, dated 19 March 2007, the Albanian Adoption Committee has been established. This entity operates under the oversight of the Ministry of Justice, but at the same time represents the central and independent authority in the field of adoptions in the Republic of Albania (art. 5 of Law No. 9695).

300. Competent authorities with powers to authorize adoptions in Albania are the Albanian Adoption Committee and the courts. Realization of adoption, in accordance with adoption legislation, passes through two stages: (a) the administrative procedure; (b) the court proceedings.

Administrative procedure

301. The responsible authority for the implementation of administrative procedure is the Albanian Adoption Committee. The Committee reviews requests submitted directly to it, as well as through agencies with which this Committee has entered into agreements for adoption of Albanian children by foreign nationals. Children who are suitable for adoption are part of the lists of the Committee. Under established procedures, Albanian and foreign applicants, residing in Albania for 2 years, must meet a set of criteria to be eligible candidates for adoption. Following attendance of certain courses, completion of documentation, and a psycho-social examination of applicants, the Committee deliberates on the need of the child for a substitute family that will take charge of the child on a continuous basis, respect his/her rights, and handle problems that the child may have. Once applicants have gone through all these stages, and prove to meet basic conditions in social, educational, and cultural aspects, and are capable of normal upbringing and education of the child, they may be regarded as suitable candidates for adoption. Intra-country adoptions are not subject to review by other public authorities or private organizations, but are decided directly by the Albanian Committee of adoptions, although the law does not prohibit the creation of such structures. In the case of inter-country adoptions, the Committee ensures information about adoptive parents through the competent public authorities, or the private organizations with which it has entered into cooperation agreements. Following consent by the Committee, the case goes before the court for the continuation of judicial proceedings.

Judicial Procedure

302. This procedure aims to protect the child’s interest. In the adoption procedure as a whole, the court has a very important role to give effect to adoptions. It examines the documents submitted by the Committee and the manner in which the Committee has

proceeded. To protect the interests of the child, the Family Code provides for cases of intervention in the adoption process. This right is given to any person who has a lawful interest to protect the minors, as well as to prosecutors, who have the right to bring complaints against the court decision.

303. Requirements of the Albanian legislation are in accordance with the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (art. 4(b) of this Convention). Under the Hague Convention and in accordance with the Albanian legislation on adoptions, the Committee has the responsibility to take account of the main criteria which requires that the child is fit for adoption and adoption is in the best interest of the child. The Family Code provides that in order for the child to be given for adoption, he/she should be declared abandoned by the court, due to his parents' evident lack of interest in child, i.e. out of their free will they failed to keep contact with the child and/or have committed serious failures in the exercise of their parental responsibility.

304. The Family Code also provides that consent of biological parents to adoption may be given before the court. Considering the importance of the biological family in the upbringing of the child, the Family Code also provides for the right of the biological parents to withdraw their consent within three months. To enable the upbringing of the child with his/her biological parents, the Family Code accords to the courts a very important role. In accordance with this role, the Court must verify that all efforts have been made to return the child to the biological parents before taking a decision to give the child to the adoptive parents. Adoption takes effect once the court decision becomes final. An adopted child enjoys all the rights enjoyed by other children from their parents. Albanian legislation provides that adoption is irrevocable; however, the child has the right to become acquainted with his/her history and receive information about his/her biological parents when he/she attains maturity.

305. The main purpose of adoption is to offer the child permanent placement with a family. Only when this arrangement is not possible in his country of origin, the inter-country adoption becomes an option. As an instrument for protecting the child's rights, intra-country adoption takes precedence over inter-country adoption. This principle finds expression in the Albanian legislation on adoption which states that: inter-country adoption is allowed only after the child has stayed for 6 months in the agenda of the Albanian Adoption Committee and during this period, all possibilities have been exhausted to enable an intra-country adoption (art. 257 of the FC). In compliance with the applicable legal framework, intra-country adoption has precedence over inter-country adoption as a means to ensure the best interests of the child. Under this principle, the Albanian Adoption Committee guarantees that the inter-country adoption happens only after it has proven impossible to find a family for the minor in Albania and after the Committee has asserted that inter-country adoption corresponds to the best interest of the child and guarantees respect for his/her human rights. Currently, the Albanian Adoption Committee (the only authority operating in the field of adoption) in collaboration with the child care institutions (public and private), with intermediary agencies (mainly foreign agencies; so far no agency has been licensed for local mediation because no such demand has been filed), and courts in all judicial districts (family sections) decides on intra and inter-country adoptions.

306. Law No. 9695, dated 19 March 2007 "On Adoption Procedures and the Albanian Adoption Committee", article 23 "Adoption priorities" states: 1. The Executive Secretariat proposes a suitable foster family for the child whose name is up on its adoption list. If this is not possible, and when the child's name has been on the Committee's list for 6 months, the adoptive candidate may also be a foreign family. 2. In exceptional cases, when waiting for the six months to expire may be harmful to the child's health, in the best interest of the child, the Committee may consent to adoption before this period, in which case it has to provide a justification for this waiver.

307. In case of inter-country adoptions, the Albanian child enjoys the same rights as in his/her country of origin, because the Albanian Adoption Committee currently has cooperation agreements with mediating agencies whose countries have ratified the Hague Convention. The Family Code also prohibits inter-country adoptions when: (a) adoption is not recognized in the place where the adopted parents reside; (b) it concludes that adoption may have serious consequences for the minor; (c) the minor may not enjoy the same rights as in Albania in the State where the adoptive parents reside.

308. In the context of Law No. 9695, dated 19 March 2007 “On Adoption Procedures and the Albanian Adoption Committee”, mediation agencies in the field of adoptions are local or foreign non-profit organizations licensed or approved by the competent authorities on adoption, which in the same manner as the Albanian Adoption Committee with which they cooperate, are obligated to operate in accordance with the Family Code and the Hague Convention.

309. The Albanian Adoption Committee oversees the activity of intermediary agencies with regard to their membership, manner of operation and financial situation. Foreign intermediary agencies are controlled by the competent authorities of their countries. The Albanian Adoptions Committee, before signing agreements with intermediary agencies, received confirmation from the relevant competent authorities that they have the legal status of a non-governmental organization, in order not to make inappropriate gains through adoptions. The Albanian Adoption Committee, in the agreements with intermediary agencies, determines the period and the number of post adoption reports that they should submit to the Committee about the state of affairs of children adopted abroad. Also, the fact that all States with which the Committee cooperates have ratified the Hague Convention ensures that adoptions of Albanian children are under the supervision of the competent authorities of these countries. The Albanian Adoption Committee has bilateral agreements in the field of inter-country adoptions with three agencies in Italy, two agencies in the USA, one agency in France, one agency in Spain, one agency in Canada, one agency in Malta, as well as with the Central Adoption Authorities of certain countries which have ratified the Hague Convention. These agencies are licensed to operate in the field of adoptions from their respective Central Authorities, which supervise the activity of such entities. In this way, the procedures to adopt Albanian children are overseen by the respective competent bodies, and are also under the supervision of the Central Authorities. The Committee has only established cooperation with intermediary agencies whose countries have ratified the Hague Convention.

310. All children given up for adoption by the Albanian Adoptions Committee were declared abandoned by court decision. The documentation prepared by the institution in which the child is placed contains very little information on the biological family. In most cases, they are children abandoned by mothers at the time of birth, and even the mother’s identity is in most cases false.

311. Foreign adoptive families are all cleared initially by the agencies they approached and subsequently by the relevant central authorities which have decreed them as “Fit for adoption of a foreign child”.

312. Law No. 9695, dated 19 March 2007 “On Adoption Procedures and the Albanian Adoption Committee” envisages the termination of businesses of intermediary agencies in the field of adoptions. One case of termination relates to revocation of license or permit due to violation of the requirements of this law (art. 35).

313. The Albanian Adoptions Committee, through its support services, takes steps to conduct a thorough study of the minor’s life, his psychological, social, spiritual, medical, and cultural particularities and whenever possible even a study of the child’s family of

origin. The steps taken by the Committee aim at identifying the most suitable family for the child, to make sure that his/her best interests are protected.

314. To increase the quality of the services provided by the Albanian Adoption Committee, the Minister of Justice issued Order No. 4763, dated 8 June 2009: "On approval of Internal Regulation of the Albanian Adoptions Committee" which contains the rules governing the internal organization and operation of this entity in accordance with applicable legal requirements, but also with the most recent developments in this field.

Abuse and neglect (art. 19) -surveys on domestic violence, harassment and abuse

Recommendation 49

315. In relation to recommendation 49/a, in recent years a large number of studies have indicated the relatively high acceptance of violence against children in the family, school, or in residential institutions. Studies generally use different methodologies in determining the levels of violence against children, but they come to a common denominator when they ascertain that the environment where children grow up is a violent one.

316. According to the study on domestic violence conducted by INSTAT & UNICEF (MICS 2005), 49 per cent of all children 2–14 years and 59 per cent of children of the poorest families have experienced various forms of psychological and physical violence at home. Children show that often the mothers are the ones who use violence, but fathers use the most serious physical violence.³⁹ Mother's level of education is an important factor, as it turns out that 51 per cent of mothers with a low level of education use violence more frequently compared with 44 per cent of mothers with secondary or higher education.⁴⁰ Although families predominantly respond that violence against children should be used only when necessary, in real life physical and psychological violence against children are the main ways to discipline children at home.⁴¹

317. MLSAEO in cooperation with the Center of Gender Alliance for Development (an NGO) completed the study "Domestic Violence – the current situation", which analyses the situation of domestic violence in Albania.⁴² This study was conducted by a group of experts with experience and qualification in this field, who relied on 2000–2005 data collected from organizations and institutions involved in provision of services to help victims of domestic violence. Also, data on prevalence of domestic violence for 2005 were obtained from the Ministry of Interior. This study preceded the drafting of the National Strategy and Action Plan against Domestic Violence.

318. A 2000–2005 study carried out by the Counseling Center for Women and Girls in Tiranë, arrived at important conclusions in relation to the widespread forms of violence: (a) emotional violence is the form of domestic violence encountered more often; (b) economic violence is more frequent in the urban areas; (c) physical violence is more widely reported in the rural areas; (d) sexual violence is less reported; (e) most vulnerable to violence are women with disabilities, migrant women, women belonging to the Roma minority, and rural women; (f) the age groups experiencing more violence are 18–23 and 37–45 years.

319. In the framework of the joint project between MLSAEO and UNDP: "Domestic Violence – Not just a Household Issues", INSTAT through a group of experts has conducted a study on the level of domestic violence at national level. This is the first study

³⁹ Human Development Centre/UNICEF. Violence against Children in Albania. Tiranë. 2006.

⁴⁰ INSTAT&UNICEF, MICS 2005.

⁴¹ Human Development Centre/UNICEF. Violence against Children in Albania. Tiranë. 2006.

⁴² Data of this study on domestic violence are contained in the annexes to this report.

following the entry into force of Law No. 9669 “On Measures Against Domestic Violence”. As of today, the surveys and interviews have been complete and the tables with data collected on domestic violence have been constructed. The findings of the study are expected to become available soon.⁴³

Prevention and fight against domestic violence, harassment and abuse

Recommendation 49 (b)

320. Law No. 9669, dated 18 December 2006 “On Measures Against Domestic Violence”⁴⁴ is intended to prevent and reduce domestic violence in all its forms through appropriate legal measures ensuring protection of family members who suffer from domestic violence, with special attention to children, the elderly, and disabled persons. In the context of this law, ‘violence is considered any commission or omission by a person against another person incurring violation of individual integrity in relation to physical, moral, psychological, sexual, social and economic aspects’. This law of an administrative and civil nature establishes a coordinated network of governmental institutions in order to respond in time to instances of domestic violence, and introduces such measures as the issuance of “protection order” and “immediate protection order”.

321. Domestic violence reduction policy. On MLSAEO initiative, in 2006–2007, as part of a national comprehensive effort, the National Strategy on Gender Equality and Domestic Violence (2007–2010) was drafted (approved by DCM No. 913, dated 19 December 2007). The strategy aims at introducing issues of domestic violence in public policy and designing concrete action plans to minimize the phenomenon of domestic violence. Priorities of this document in accordance with the relevant areas include raising awareness to the phenomenon, addressing needs for legal and administrative protection, as well as provision of assistance to individuals affected by domestic violence. In respect of domestic violence, this strategy focuses on several key sectors for preventing, combating, and providing support to victims of domestic violence. Continuously, MLSAEO has conducted awareness campaigns under the Council of Europe Campaign to Combat Violence against Women. This ministry, with UNDP support, has launched the poster “Violence against women destroys – Together for a family and society without violence”. The poster is posted and distributing all across the country. Also, awareness and educational campaigns have been launched in the media (Radio-Tirana), and articles and stories appear regularly in the daily press. Part of the campaign against domestic violence in 2007, were a series of activities organized in cooperation with civil society, as well as an awareness campaign about the dissemination of the Law “On Measures Against Domestic Violence” (in the 12 prefectures of the country).

322. The role of school psychologists in protection, prevention, and response to violence, abuse, exploitation, negligence, etc., of children is especially important to identify the problem. With regard to problem solution, the role of the psychologist is being reassessed in the context of the functioning of other services in the community. Child protection is a multidimensional phenomenon requiring a multidisciplinary approach. In addition to the school, other entities need to coordinate their efforts at the local level such as the psychological, health, police, social and other services. In the pre-university education system, psychological services are provided to all students, in particular those with economic and social problems.

⁴³ MLSAEO Report “Annual achievements in the field of Gender Quality and Fight Against Domestic Violence, January–December 2008.

⁴⁴ This Law entered into force on 1 June 2007.

Setting up an adjudication system on domestic violence, and child abuse within the family*Recommendation 49 (c)*

323. A series of Penal Code provisions delineate and address domestic violence. This Code particularly foresees: penal offenses against the freedom of the individual; penal offences against morality and dignity; penal offenses against children, marriage, and family; sexual crimes. The Code provides for aggravating circumstances when the victim is a minor. In addition, aggravating circumstances are considered the consequences that may have come from committing a criminal act. Continuous changes to the Penal Code have not only established provisions to protect children and women from abuse, sexual abuse, trafficking, prostitution, pornography, obscene acts, but have also consistently provided for significant improvement in measures of punishment against perpetrators of penal offences.

324. The Family Code provides for emergency measures by the court in cases of domestic violence, at the request of the other spouse, when one of the spouses does not substantially meet his/her obligations to, and jeopardizes the interests of the family. Article 62, “Measures against violence”, states that ‘the spouse who suffers violence has the right to address the court with the request for the eviction of the spouse using violence as an emergency measure’.

325. The Code of Penal Procedure (art. 6) provides for free legal aid for the defendant who cannot afford to hire a lawyer. The Ministry of Justice is working to draft the bylaws, which enable the implementation of free legal aid for victims of domestic violence. In Albania, free legal aid for certain subjects is provided by a number of NGOs.

326. The Law “On Measures Against Domestic Violence” states that the court may decide to issue a “protection order” in cases when there is sufficient ground to believe that the perpetrator (against whom the order is issued) may perform an act of domestic violence, and when the issuance of the order is necessary to protect the victim/s. The court may issue an “immediate protection order” in cases when there is sufficient ground to believe that the perpetrator has committed, or threatened to commit an act of domestic violence, or when he/she poses a direct and immediate threat, and the order of immediate protection is necessary to protect the safety, health, and welfare of the victim or other members of the victim’s family.

327. Orders particularly related to protecting a child from violence include: (a) removing the perpetrator from the apartment for a certain period of time as specified in the court order; (b) placing the victim, children or other family members, who exercise no violence in temporary shelters, taking into account the best interests of the child; (c) temporarily depriving the perpetrator of his/her parental rights (not in the case of immediate protection orders); (d) requesting or ordering, depending on the case, the intervention of public or private social services, or domestic mediation entities/organizations which are involved in the support and accommodation of victims of domestic violence.

328. In cases when domestic violence is directed against the child, petitions for protection order may be submitted by (a) the other parent or custodian of the child; (b) the child’s legal representative; (c) the child’s relatives; (d) representatives of the Office of Social Services at the municipality or the commune; or (e) protection and rehabilitation services for victims of domestic violence accredited or licensed by the MLSAEO. The prosecutor and police members have the authority to petition for an immediate protection order.

Provision of support services, such as psychological recovery and social reintegration

Recommendation 49 (d)

329. In connection with recommendation 49/d, the Law “On Measures Against Domestic Violence” (art. 10), provides, among other things, for protection measures for victims of domestic violence, which are implemented through: (1) enrolment of the victim of domestic violence in rehabilitation programmes, (2) ordering the defendant to participate in rehabilitation programmes; if the defendant is ordered to attend a rehabilitation programme, the providers of the programmes are required to report to the court every week whether the perpetrator attends or not. If the defendant does not participate, on petition from the subjects provided for in article 13 of this law, the court summons the defendant and enforces the relevant provisions of the Penal Code in respect to obstructing the execution of court injunctions.

330. Measures taken for integration and rehabilitation of victims of domestic violence. For purposes of integrating victims of violence in everyday life, in implementation of Law No. 7995 dated 20 September 1995 “On Promotion of Employment”, DCM No. 632 dated 18 September 2003 “On Promoting Employment of Female Job Seekers” provides financial incentives to employers who employ women, especially from such categories as Roma, over 35 years, divorced and/or women with social problems, including violated and disabled women.

331. Order No. 394, dated 23 February 2004 of the Minister of Labor and Social Affairs “On Fees for Vocational Training” states that for the categories of ‘Roma community trafficked and violated girls and women’, attendance of courses offered by the Public Vocational Training Centers is free of charge. These courses are designed to train and enhance the professional skills of the above-mentioned groups, in order to take advantage of the opportunities in the labour market. MES, with Circular No. 8373, dated 26 November 2006 “On Measures to Improve Civic Education in schools towards Preventing Violence”, has established the necessary measures against violence in school and in the family, in particular where it affects girls. To implement this Circular and the recommendations of the UNICEF study “Violence against Children in Albania”, a plan of activities at the national level was designed, part of which was the national initiative to say “Stop to violence against children in the school”.

332. Services for victims of domestic violence are mainly provided by NGOs, but they are insufficient and not spread throughout the territory of Albania. Under the United Nations Programme for Albania ONE UN, the MLSAEO, with donor support, will establish national shelters for victims of domestic violence. This is the first governmental initiative to provide this type of service, which will be followed by other initiatives, aimed at meeting the standards for such shelters (for about 7500 residents). The reconstruction project has been completed and will soon be operational, thanks to the cooperation of other entities under the MLSAEO and the local government structures.

Corporal punishment

Recommendation 51

333. In order to prevent abuse of minors, the Assembly of the Republic of Albania has approved Law No. 9859 dated 21 January 2008 “On some Additions and Changes to Law No. 7895, dated 27 January 1995 ‘Penal Code of the Republic of Albania’”. Article 124/b “Maltreatment of minors” specifically states: “Physical or psychological abuse of the minor by the person who has the obligation to care for him/her, is punished by imprisonment from three months to two years.

334. Forcing a minor to work, to provide income, to beg, or to perform actions that harm his/her development is punishable by imprisonment of up to four years and with a fine from fifty thousand to one million leks. When such work causes serious health damage or death of the minor, it is punished by imprisonment from ten to 20 years”.

335. In connection with recommendation 51, in view of increasing the understanding of governmental entities about the need to prevent domestic violence, in 2008 training programmes were conducted with the participation of police, health care, and social services employees. In particular, the Directorate of Equal Opportunities at the MLSAEO, in cooperation with UNDP, UNFPA, and OSCE, has been very active in improving the capacities of personnel involved with the provision of social services. As a result, about 720 employees of the various institutions have received supplemental training on dealing with the victims of domestic violence. Such training programmes will also continue in the future.

336. During 2008, with the financial support of UNDP, about 984 employees from institutions directly responsible for implementing the Law “On Measures Against Domestic Violence” were trained.⁴⁵ Such employees include: (a) health-care workers, doctors, nurses, midwives, (b) police officers; (c) judges and prosecutors.

337. In order to increase the institutional capacity of police officers to protect the rights of children, in particular those related to the rigorous application of accompanying procedures, interrogation, treatment in the police premises, as well as to increase their understanding to handle such issues with due attention, the General Police Directorate jointly with the Minor’s Legal Clinic, organized two training sessions for the police officers in the Regional Police Directorates in the month of September 2008.

338. As a result of protection offered by law, and also as a result of awareness campaigns conducted by the Albanian government, the Albanian Parliament, and civil society the last years have seen a growing number of people who suffer domestic violence that seek police protection.

339. In addition, many of the TV stations like TVSH, Vizion-Plus, and Top-Chanel have echoed efforts and achievements in the fight against domestic violence and protection of victims.

B. Implementation of national programmes and their monitoring

Mechanisms established to implement the rights under the Convention (arts. 5; 9–11; 18 (paras 1 and 2); 19–21; 25; 27 (para. 4) and 39) and to monitor its implementation

340. The Law “On Measures Against Domestic Violence” provides legal protection to family members who suffer from domestic violence. A number of secondary bylaws ensure the upgrading of responsibilities of entities charged with prevention of domestic violence, specifically.

341. MLSAEO is the main responsible entity for the implementation and monitoring of the law on domestic violence. As a follow up to the Prime-Minister’s Order No. 202, dated 5 December 2007 “On Establishing Structures to Implement Measures Against Domestic Violence at the MLSAEO”, under the Directorate of Equal Opportunities, the MLSAEO established the Sector of Domestic Violence. This sector’s mission is the formulation and development of policies to prevent and reduce domestic violence in particular, and gender violence in general. The responsibilities of this sector are: (a) to formulate strategies and policies for the prevention and protection of victims of domestic violence; (b) to collect,

⁴⁵ UNDP project “Domestic Violence – Not just a Family Problem”.

process, and analyse statistical information on domestic violence as a necessary input to relevant policies; (c) to programme measures towards the improvement of capacities of all actors at central and local level, charged with reduction of domestic violence; (d) to create a database of NGOs active in this field and to work with them; (e) to enact social programmes and measures for reduction of domestic violence.

342. The Ministry of Interior is one of the responsible authorities for the establishment of special sectors to prevent and fight against violence, to protect victims of domestic violence (art. 7/1/a of the Law “On Measures Against Domestic Violence”). Under the MI, the General Directorate of State Police (GDSP) has been committed to implement these responsibilities. In July 2007, this directorate started to establish special structures at central and regional level, specifically to implement these responsibilities. At the central level, at the Department for Crime Investigation, the GDSP established the Sector for Protection of Minors and Domestic Violence. Sections for Protection of Minors and Domestic Violence have been established at regional level. Among the main objectives of these structures is to implement Law No. 9669, dated 18 December 2006 “On Measures Against Domestic Violence”. In addition to preventing and fighting domestic violence, these structures also have the duty to collect systematic information in connection with this phenomenon. The General Directorate of State Police, even prior to the enactment of this law and based on recommendation from international partners, had instructed its local structures to document domestic violence reports and to take measures to prevent and fight it.

343. The Ministry of Health has started preparations and concrete interventions to prevent the immediate and long-term consequences of domestic violence, in particular against women, girls, and children. Priority attention has been paid to prevention of damages and diseases incurred from abuse and physical battering of these categories. All public health directorates have been instructed to establish multi-disciplinary teams comprised of doctors (Reproductive Health Inspector), nurses (Head of Nursing Services), social workers, or psychologist whenever available. These teams have the duty to manage cases under the Law “On Measures Against Domestic Violence” and to implement the regulations and bylaws issued by the Ministry of Health in this respect. Currently, the Ministry is establishing the Psycho-Social Service to assist victims of domestic violence.

C. Information on the legal, administrative, judicial, and other measures to implement the rights under the Convention

Separation from parents (art. 9)

344. The Family Code states that “the State and society should offer families the necessary support to sustain their children, to prevent their abandonment and abuse, as well as to preserve the family” (art. 3).

345. According to the Code, the parent who is not taking care of his/her child’s upbringing and education, has the right to oversee these processes and to be informed of, and consulted about the important decisions connected with his child’s life. He/she should contribute financially, in accordance with his/her resources, as well as in relation to the resources of the other parent. The right of visit and residence, as delineated by the court, may not be refused, except for reasons damaging the interests of the child.

346. Article 156 of the Family Code states that the court decides on the manner of exercising parental responsibility. Also, the court decides to place the child in the custody of a third party, based on the request of one of the parents, child’s relatives, or the prosecutor should there be evidence of the abusive exercise of parental responsibility. The parent who is not entrusted with the child’s upbringing is entitled to oversee his/her child’s upbringing and education and to be consulted about important decisions related his/her

child's life. He/she should contribute financially, in accordance with his/her resources, as well as in relation to the resources of the other parent. The right of visit and residence, as delineated by the court, may not be refused, except for reasons damaging the interests of the child.

347. The Code also defines the cases of removing parental responsibility, which are: (1) the parent abuses parental responsibility; (2) he/she has demonstrated serious irresponsibility in exercising parental responsibility; or (3) his/her actions have a detrimental effect on the child's development and education. In these cases, with the request of the other parent, the child's relatives, or the prosecutor parental responsibility may be removed. The court has authority to remove parental responsibility by calling the parent, as the defendant, to appear before the court. The court decides to extend its decision on all, or some of the children born before removal of parental responsibility.

348. The Family Code provides for child custody. Specifically articles 263–267, 271–275, 278, 299, 306 provide that minor children are placed in custody and enjoy special protection by the State when their parents are unable to exercise parental responsibility in the following circumstances: (1) both parents are deceased; (2) both parents are unknown; (3) both parents are declared to be lost; (4) both parents have been deprived of parental responsibility; (5) both parents have been deprived of the capacity to act; or (6) any other reason deemed appropriate by the court. The competent court to place minors in custody is the one with jurisdiction over the place of residence or place of child's location.

349. Article 264 of the Family Code states that the right to petition to the court in relation to child custody is acknowledged to: (1) relatives of the minor; (2) anyone who has knowledge of the child having lost his parents or the child being born from unknown parents; (3) the minor who has attained 14 years of age; (4) the prosecutor; (5) the notary public who learns of the custody from opening up of a testament. The court assigns as custodian the person: (1) entrusted by the parent; (2) having last exercised parental responsibility; (3) assigned by testament, or notary statement; or (4) assigned by the court itself where none of the above meet the criteria contained in the Family Code. The Family Code also provides that in order to give the child an enabling family environment, adequate living conditions, physical protection, and emotional support, the court may place the child in an alternative family of foster family. The identification of foster families is the responsibility of social services at the municipality/commune where the child resides. The foster family to receive and care for the child finalizes this action with the signature of a declaration. Among other things, the Code provides that the number of children in one foster family should be limited, with priority given to children who are brothers and sisters. Article 267 of the Family Code provides that when the parent who has last exercised parental responsibility does not assign a caretaker, the court should give priority to predecessors, relatives, foster families, and in the last resort, public or private foster homes. In any case, the court should seek advice from the social services of the municipality or commune, which are familiar with the family context and the conditions for upbringing the child. The court assigns custody following careful examination of the future custodian, foster family, or foster institution based also on the opinion of a psychologist who should be present during court deliberations.

350. The Code grants authority to the court to place the child in a public or private foster institution, in cases when the child has no relatives known to him/her or capable of taking care of the child. The head of the institution delegates the right to exercise custody responsibilities to one of the employees. In this case, the head of the institution sends to the court, within 10 days, the relevant document which is deposited in the judicial file and recorded in the foster register. Article 299 of the Family Code delineates the responsibilities of the custodian and the special custodian, which are: (1) to administer the property of the

minor with the same care that a good parent does; (2) to indemnify the minor for damages caused due to neglect of his duties or quitting his duty without grant.

351. Article 306 of the Code provides for termination of custody, which may happen when the minor: (1) attains maturity; (2) dies; (3) is emancipated by marriage.

Parental responsibility (art 18)

352. In a special chapter, the Family Code delineates the rights and obligations incurred by marriage on the two spouses who have the obligation to sustain, educate, and care for their children in respect of their capacities, natural talents and desires.

353. As regards marriage dissolution, the Code states that children should enjoy the same rights from their parents, except when the Code provides differently. The Family Code sets the obligation for the court to seek advice from a psychologist or social worker prior to making a temporary or final decision on the manner of exercising parental responsibility, the right of visit, or leaving the child in the care of one of the parents. Furthermore, the Code obligates the psychologist or social worker to obtain adequate information on the material and moral situation of the family, the actual living conditions, and with whom of the parents the child would be best cared for, prior to giving advice to the court. The court decides on the manner of exercising parental responsibility or placing the child in the custody of a third party on request of one of the parents, child's relatives, or the prosecutor, should there be evidence of serious abuse of parental responsibility.

354. Articles 215–239 of the Family Code extensively delineate on parental responsibility, which should be exercised jointly by both parents in the case of children born of marriage, or children born out of wedlock, should both parents recognize them.

355. In compliance with these articles, parental responsibility encompasses the entirety of rights and obligations aimed at ensuring the emotional, social and material wellbeing of the child, including the responsibility to take care of the child, maintain personal contact with him, providing him/her with normal upbringing conditions, education, legal representation and administration of child's property, etc. The child is under parental responsibility until he/she attains maturity. In addition, with regard to exercising the right of parental responsibility, the parents may petition the court to return their minor child to them when abducted by a third party. In special circumstances related to serious conditions, which may harm the best interest of the child, the court may decide not to return the child. When the child has attained 10 years of age, his/her opinion should be sought. The parents of a child may lose parental responsibility through a penal decision punishing them as authors or co-authors in a penal offence against their child, or as collaborators in a penal offence committed by their child, or when condemned for abandonment of the family for as long as they do not fulfil their responsibilities to their family. The Family Code also provides for cases of inability to exercise parental responsibility: (1) when parents of the child are deceased; (2) parents are unable to act; (3) they are absent, or for other grave reasons.

356. In the above-mentioned cases, the child may be entrusted to a family member, a person assigned custody of the child, a foster family, or a foster institution. In these cases, the opinion of social services' employees should be sought, in accordance with provisions on custody. If one of the parents is unable to exercise parental responsibility, or when one of the parents is dead, the Family Code provides for parental responsibility to be exercised by the other parent.

357. In the case of a child born out of wedlock, the Code states that the parent who acknowledges the child as his/hers is the one who exercises parental responsibility. If the child is recognized by both parents, parental responsibility is exercised jointly.

358. Also, the Code provides that upon the request of the father, mother, or the prosecutor, the court may change the conditions of exercising parental responsibility and decide that such responsibility be exercised by one or both parents. In these cases, the court decides on the parent that the child will be living with. The court grants the other parent the right to visit and oversee the child's development.

359. The Code contains special provisions with regard to parental responsibility and child property. The child's parents have the right to administer and use the child's property. In respect of administration of the child's property, the Family Code states that both parents jointly may administer their child's property, provided that they have joint parental responsibility. In other cases, the child's property is administered by the mother or father under the court's supervision (in accordance with articles 234 and 235).

Abuse and neglect (art. 19)

360. Domestic violence, as defined in the context of Law No. 9669 dated 18 December 2006 "On Measures against Domestic Violence", appears as a penal offence in the penal legislation of the Republic of Albania, provided for specifically by the Penal Code.

361. The Law "On Measures against Domestic Violence" (art. 10), provides a set of protective measures for victims of domestic violence, which are made available in the following ways: (1) by ordering immediately the indicted/violator not to use, or not to threaten to use violence against the plaintiff/victim or other members of the victim's family, as defined in Section 3, or as referred to in the order; (2) by ordering immediately the indicted/violator not to harm, harass, contact, or communicate directly, or indirectly with the victim or the victim's family members as defined in article 3 or as referred to in the order; (3) by immediately removing the indicted/violator from the home/apartment for a period of time set by the court, and not to allow him/her to return without court authorization, (4) by immediately stopping the indicted/violator to come close to victim or the victim's family members beyond a certain distance as defined in article 3, paragraph 3, or as referred to in the respective order; (5) by banning immediately the indicted/violator to approach the house, work place, the home of the family of origin, or the residence of the future couple, or the residence of other people, in particular children's school, or the places most visited by the victim, except for work reasons; (6) by immediately placing the victim/minor in temporary shelter, in any case paying special attention to the best interest of the child; (7) by restricting or prohibiting the indicted/violator to meet with the victim's child, except under appropriate circumstances; (8) by forbidding the indicted/violator to enter or stay in the victim's temporary or permanent location, or in any part of it, regardless of property or possession rights that the violator may have; (9) by ordering a person authorized by the court (a police member or an bailiff officer) to accompany the victim, or the indicted to the victim's apartment and to supervise removal of personal property; the law enforcement authorities shall be ordered to confiscate any weapon that may be encountered during apartment search, or issue a court injunction to the violator to hand over any of his weapons; (10) by ordering the indicted/violator to allow the victim to have access to the apartment which they used; or any part of it; (11) by ordering the indicted/violator to pay the rent of the temporary or permanent residence of the victim, and cover the victim's subsistence costs as well as that of their children, or other family members depending on the violator; (12) for as long as the protective order shall be effective, joint property shall be conducted in accordance with the Family Code; (13) by giving to the victim temporary custody of the children and temporarily lifting parental responsibility of the violator; (14) by requesting the intervention of, or placing victims in the care of social services, public or private residential facilities or organizations dedicated to supporting and hosting individuals who suffer from domestic violence; (15) by ordering the indicted/violator to make periodic payments in favour of persons who lived with him, and who as a result of moving to shelters, remain without any living means. To secure payment, the court may order the

violator's employer to pay directly to the beneficiaries. Such a decision by the court becomes an executive title.

362. In 2008, police structures handled 377 cases which requested 'The issuance of the Immediate Protection Order/Protection Order'. In almost all cases, victims were guaranteed the necessary protection. This process is most effectively implemented by the Regional Police Directorates of Tiranë and Durrës, where there has been a greater number of reported cases. These two regions have the greatest number of reports, due to the large number of inhabitants, but also due to the higher awareness levels among the local communities, thanks to the numerous education campaigns on domestic violence.

363. Abandonment of the child. The Family Code provides for cases when the district court may declare the child as abandoned, specifically: (1) when the minor is entrusted to a public or private foster institution or to the guardian, and the parents have shown no interest in him/her for more than a year preceding the moment of petitioning the court to declare the child as abandoned; (2) when the minor has been placed from the birth in a foster institution, the one year period is limited to three months. The Code clarifies that parents are considered to have chosen voluntarily to be disinterested in their child, when they have not maintained the warm relationship that is necessary for the child's upbringing and have demonstrated serious negligence in the exercise of parental responsibility. In these cases, the court requires the person submitting the request to explain whether efforts have been made to find the biological parents of the child and return the child to his/her biological family, if this is possible. Article 251 of the Code provides that the request for declaration of abandonment is made by: (1) the head of the institution where the child resides; or (2) the person who has been assigned to care for the child. The request is sent to the court that has jurisdiction over the institution or the residence of the person who takes care of the minor. Any person with a legitimate interest to protect the child may intervene in the trial (including the prosecutor). They also have the right to appeal against the court decision.

364. Article 124 of the Penal Code that considers the abandonment of the child as a penal offence, states specifically: "The abandonment of the child less than 16 years of age from the parent or the person with responsibility to care for him/her is punishable by fine or imprisonment up to three years. When the offence has caused serious damage to the health, or death of the child it is punishable by imprisonment from 3–10 years."

365. 311. Law No. 9952 dated 14 July 2008 "On Prevention and Control of HIV/AIDS" provides, among other things, the measures to support persons living with HIV/AIDS. Article 9 of this law prohibits the commission of these acts: (1) abandonment by parents of the child infected with HIV; (2) abandonment by the legal guardian of the child infected with HIV.

366. Secondary legislation concerning domestic violence. In 2008, to implement the law concerning domestic violence, the State Police structures prepared and approved the following bylaws: (1) Order No. 379, dated 3 March 2008, "On Measures to be taken by State Police to Prevent and Reduce Domestic Violence. (2) Order No. 981, dated 31 October 2008 of the Director General of Police "On Measures to be taken by the State Police to Prevent and Reduce Domestic Violence, to treat Victims of domestic violence". (3) Manual of the Criminal Investigation Department and the Department of Public Order and Security "On Standard Procedures to be implemented by State Police members when taking Measures to Prevent Violence, and to Protect and care for Victims of Domestic Violence". These documents are made available to local police structures, and measures have been taken to ensure their implementation. Upon order of the Minister of Interior, statistical forms to collect data on domestic violence have been prepared. These statistical forms are forwarded periodically to the MLSAEO as the main authority in charge of enforcing Law No. 9669 dated 18 December 2006 "On Measures Against Domestic Violence".

367. In addition to establishing special police structures at central and local level for the protection of minors from domestic violence, the victims of domestic violence (mainly women and children) are guaranteed the protection foreseen by this law.

368. The Ministry of Health has approved: (a) The Order of the Minister of Health, No.13, dated 23 January 2008 “On provision of Medical Reports for persons who have been submitted to Domestic Violence”. (b) The Order of the Minister of Health No. 14, dated 23 January 2008 “On the Identification of cases of Domestic Violence and entry of records in the patients’ register and personal file”. (c) The order of the Minister of Health No. 15 dated 24 January 2008 “On Medical Treatment in Public Health Institutions of persons injured by Domestic Violence”, which is designed to provide medical and psychological services to individuals suffering from domestic violence.

369. To implement the abovementioned law, the MH has designed: (a) protocols for screening cases of domestic violence; (b) individual clinical cards for victims of domestic violence; (c) special modular report for patients who have been submitted to domestic violence; (d) Patient Consensus Form to undergo examination/counselling/medical treatment (for patients who suffer domestic violence); (e) national register to record cases of domestic violence. This set of materials has been distributed to all public health institutions (University Hospital Center Mother Teresa, maternity hospitals in Tiranë, the Public Health Directorates and Hospital Directorates at regional level). Special teams dealing with domestic violence are set up at all regions, consisting of doctors, nurses, and social workers or psychologist (if there is one on the organigram). MH in collaboration with UNICEF, UNFPA and the National Association of Social Workers provided training over 2007–2008 to about 500 health workers (family doctor, paediatrician, obstetrician-gynaecologist and nurses) in relation to gender based violence. The first reports of domestic violence were filed, and in 2008, there were about 95 such reports by people who sought care in the public health institutions (hospitals and health centres). The authorities are considering the possibility of providing psychosocial services in health centres, as a necessary support measure to victims of domestic violence.

370. In November 2008, the Cooperation Agreement among the authorities responsible for enforcement of Law No. 9669, dated 18 December 2006 “On Measures against Domestic Violence” was approved. The signature of this agreement marked the establishment of the mechanism for coordination and interaction of all actions taken by institutions with a role in the implementation of this law.

371. An important step towards the implementation of this law is the provision of ongoing training programmes for employees who deal with specific cases of domestic violence.

372. The Directorate for Policies of Equal Opportunities at the MLSAEO, in cooperation with international organizations such as UNDP, UNFPA and OSCE, has held a cycle of training programmes for police officers, health care workers, and social service workers. The purpose of such trainings, benefitting about 720 employees from various institutions, has been the strengthening of the capacities of structures charged with protection and provision of support services for victims of domestic violence. During the year 2008, the training of officials from the police, health care, social services, and other structures related to domestic violence prevention was carried out. Such trainings will continue in the future, too.

373. Training of police structures dealing with domestic violence. In preparation for the adoption of the new law on domestic violence, efforts were made, mainly by foreign donors to train law enforcement structures. Specifically, Women’s Legal Rights Initiative/USAID conducted 3 workshops/meetings in the years 2005 and 2006 with professionals from various fields that would need to respond to domestic violence. In November 2006, the

Center ‘Human Rights in Democracy’ launched the implementation of the project ‘Training Police members on Domestic Violence’. This project was implemented in all police stations in the Region of Tiranë (six police stations in Tiranë and Kavajë) and its implementation timeline coincided with the approval of the Law “On Measures against Domestic Violence”.

374. In 2007, the School of Magistrates in cooperation with OSCE and the Council of Europe, developed a training cycle “On the new Legislative Developments in the field of Domestic Violence, the Role of Judges, Prosecutors and Police”. These courses trained judges, prosecutors, and police officers in view of the need to establish teams for protection of victims of domestic violence.

375. In September 2007, the OSCE Presence in Albania provided for police officers of different levels a training of trainers (TOT) programme on “The Role of Police in Domestic Violence cases”. OSCE Presence in Albania, in 2007, prepared and published the manual “How to seek protection from domestic violence”. This document has been made available to police structures, in order to explain the ways of seeking protection by and providing protection to victims of domestic violence.

376. The Training Department at the General Directorate of State Police approved the holding of a training cycle with the local police structures on the role of police in handling domestic violence. This training programme was implemented during June – October 2008. In partnership with UNDP, in 2008, training activities were held with police structures at all levels, in all District Police Departments, where 690 police officers were trained. Considering the positive impact of awareness campaigns about this phenomenon, personnel structures of State Police are continuously involved in all the activities that the State and the civil society entities hold for this purpose.

377. The Ministry of Health, in collaboration with the National Association of Social Workers, is training health care workers (doctors, and nurses of the primary and hospital levels) on gender-based violence and sexual abuse. Attention is being paid to the abuse and violence used against girls and children. During the first phase were trained 160 health personnel in the regions of Tiranë, Vlorë, Shkodër, Peshkopi and Pogradec. The second phase of training will cover the regions of Tiranë, Durrës, Elbasan, Fier, Korçë and Kukës. During this phase, about 400 health workers will be trained on gender-based violence.

Children deprived of their family environment (art. 20)

378. The Family Code stipulates that should the court come to the conclusion that the child must temporarily be entrusted to a third person or to a foster family, in doing so, it should rely on the opinion of the social service authorities covering the child’s place of residence.

379. The Strategy on Custody Service (foster care) for children in need (approved by DCM No. 1104, dated 30 July 2008) provides for custody as an alternative service. These services are decentralized to the local level and rely on the establishment of community services. In this approach, the child is supported and assisted within a family environment which guarantees a higher quality of services and the enjoyment of basic rights under the Convention on the Rights of the Child. The strategy document sets the stages for implementation of the custody service: improvement of legislation, capacity building of executing structures, advertising campaigns, selection of foster families, assessment of child situation, monitoring of child development, etc.

380. Beneficiaries of the Custody Service: children in difficulty: (a) children abandoned by the biological parents at birth; (b) children who are, or may be at risk of physical, emotional and sexual abuse, neglect, and exploitation by the individuals charged with their

care; (c) children whose parents are unable to exercise parental responsibility; (d) children who are placed in institutions; (e) children whose parent/s are sentenced to imprisonment.

381. Foster care will initially be piloted in the two largest cities of Albania, in Tiranë and Shkodër, during 2009–2010. The pilot phase is expected to benefit 80 children in need who will be placed in foster families: 40 children in Tiranë, 10 disabled children in Tiranë; 30 children in Shkodër.

382. It will train 24 experts in Tiranë and 12 experts in Shkodër. Participants in the training will comprise: employees of the public administration, municipalities/communes; employees from the regional administration offices of Social Security Services; experts from NGOs providing social services; independent lawyers to assess the legal regime of the cases; multidisciplinary custody teams that will assess cases at the Sections of Economic Assistance and Social Services at the municipality/commune level. Following evaluation of the pilot, a decision will be made to extend the service across the country.

383. Currently, work has begun to improve the legal framework regulating the provision of new services. The bill amending the Law “On Social Aid and Services” states that under article 15 are added items 3, 4 and 5 which aim to provide financial support to children to be placed in custody: “The procedure of placing children in foster families is organized and overseen by local governments, which set up their multi-disciplinary committees to conduct a preliminary assessment of cases. Organization and operation of the multi-disciplinary committee is decreed in the regulations adopted by the local government. Criteria, documentation, procedures and funding allocated to foster families are determined by the Council of Ministers. The Minister of Labor, Social Affairs and Equal Opportunities has the authority to issue guidance on procedures and implementation of service standards”.

384. Currently, the following documents have been drafted and will be submitted for discussion to the Council of Ministers: (a) Draft Decision on the documentation of, and amount of money to be allocated to foster families. This draft decision establishes the criteria for evaluation of foster families, the procedures of selecting foster families, child assessment, amount of money to be received for this service, etc. (b) Draft Decision on the Standards of Custody Service.

385. Service standards are intended to provide custody and improve the situation and enhance development opportunities for children and young people outside family care. The draft consists of 23 standards that are organized under three divisions: Children and young people, foster parents, institutions and structures involved in foster services.

386. In September 2009, with UNICEF support, the training of foster families and State structures in Tiranë and Shkodër is expected to begin. The training manual has been prepared by the Bethany Association.

387. Budget for the piloting phase in Tiranë and Shkodër regions is estimated at 10 million leks per year. The subsequent expansion of the service will require additional costs. Cost for each person placed in foster care is estimated at USD 3/day or 50 per cent higher than the poverty line.

Adoption (art. 21)

388. Provisions of the Albanian legislation, in support of the Albanian Adoptions Committee, are intended to enable an effective adoption process in the best interest of the child. In this way, the legal and institutional framework ensures children deprived of their family environment with an alternative family, which has the same rights and obligations as the biological one. Adoption of the new Family Code in 2003 created the necessity of amendments to the Law No. 7650, dated 19 December 1992 “On Adoption of minors by Foreign Nationals and some changes in the Family Code”. The new Law No. 9695, dated

19 March 2007 “On Adoption Procedures and the Albanian Adoption Committee” created many advantages in terms of adoption procedures, since it represents an effort to improve and redress the issues faced in the implementation of the previous law. This law establishes adoption procedures in accordance with the best interest of the child. It also provides details the required documents and their contents. The law entitles the Albanian Adoptions Committee to select and license the mediating agency in the field of adoption. The approval of the law provides the basis for inter-institutional relations, designs clear procedures for realization of adoption by the competent authorities, and creates a monitoring and oversight system to keep track of the situation of children and protect them from phenomena that may risk their future.

389. Currently, in accordance with the Hague Convention, the Albanian Adoption Committee conducts adoption proceedings, which have proven to be effective, expeditious, and transparent. In relation to civil and criminal sanctions provided for in the Albanian legislation in the field of adoptions, in reference to the Hague Convention, the Family Code provides for cases when individuals cannot adopt children: (1) when they are deprived from parental responsibility by the court; (2) when they suffer from mental diseases or are mentally handicapped; (3) when they suffer from diseases, which may jeopardize the health and lives of adopted children; and (4) when they do not provide the necessary personal guarantees to carry out the responsibilities in connection with the child’s upbringing and education.

390. Under the Code, the consent of the child’s parents is sought in adoption deliberations. The consent of one of the parents is sufficient when the other parent: (a) is dead, (b) is unable to express his will, or (c) has been stripped of parental responsibility.

391. The court decides on the child’s adoption when: (a) both parents of the child are deceased; (b) parents are deprived of the ability to act; or (c) parents are unknown. When the adoptive individual is married, the consent of the spouse should be taken. When the adopted child has attained 10 years, his opinion is sought and when the child has come to be 12 years, his consent is required.

392. The Family Code provides for relations that may be created between the adoptive parent and his relatives on one side and the adopted child and his siblings on the other side. The relations are characterized by rights and obligations similar to those among related persons. The rights and duties between the adopted child and the siblings of the adoptive parent, on the one hand, and his relatives, on the other side, cease to exist. Also, when one of the parents of the adopted child is the spouse of the adoptive parent, the adoptive parent does not disengage the relation with the parent and his gender.

393. Law No. 9086, dated 19 June 2003 “On some Changes and Additions to the Penal Code” contains one added provision (art. 124/a) “Asking for or accepting rewards for adoption procedures”, which expressly provides that “asking, offering, giving or accepting bonuses and other benefits in order to perform, or not to perform an action related to the adoption process, is punishable by imprisonment up to 7 years and a fine of 300 thousand to 3 million leks”.

394. In connection to the implementation of Article 21, difficulties have arisen due to lack of psycho-social structures at the regional level, which would cooperate with the Albanian Adoptions Committee to select applicants and to provide information on the adopted children.

Covering child costs (art. 27, para. 4)

395. In connection with “child’s subsistence costs”, the Code provides that parents have the obligation to support their children. Also, the Code provides that parents are not

discharged from liability to sustain their children, even when parental responsibility is removed.

396. Article 154 of the Family Code states that marriage dissolution does not affect the rights and obligations that parents have to their children, except in cases provided for by this Code. In Article 197 of the Family Code, it is stated that parents have the obligation to sustain their children when they do not have sufficient means to live. A child may ask his parents to support him even when the child possesses property, but income from property and the child's work do not cover his/her needs. The obligation to support the child applies even when young adult children attend secondary or higher education, up to the age of 25. Article 161 states that the court in its decision to dissolve marriage, should also delineate the obligation to sustain the former spouse, in accordance with provisions on subsistence obligation prescribed in this Code.

VII. Basic health and well-being (arts. 6; 18 para. 3; 23; 24; 26 and 27, paras. 1–3)

A. Follow-up measures to implement recommendations of the Committee

Disabled children (art. 23)

Recommendation 53(a)

397. The Constitution and the Albanian legislation guarantee the rights and fundamental freedoms of disabled persons. The legal framework for improving the social and economic status of disabled people, designed to provide the guarantees for equal opportunities for disabled persons, is improving gradually. Law No. 8092, dated 21 March 1996 "On Mental Health" aims at protecting mentally disabled persons.

398. Law No. 9355 dated 10 March 2005 "On Social Aid and Services" prescribes measures to provide assistance and social services to individuals and groups in need, due to lack of skills or limited economic, physical, psychological, and social opportunities, including children. Persons with disabilities are supported by: (a) programme for the payment of disabled persons; (b) programme for provision of social services to individuals in need.

399. The National Strategy for Disabled Persons (approved by DCM in January 2005) has as an objective to create the basis for improving the lives of disabled persons in the field of social care, health, education, culture, sports, employment, information, transport, representation and participation in public life. This strategy aims to generate a significant improvement in the status and quality of life of persons with disabilities in the Republic of Albania, in accordance with United Nations Standards on Equalization of Opportunities. One of the principles of the Strategy for Disabled People is the early identification and treatment, which involves a number of measures to avoid to the maximum extent possible the risk of disabilities and/or chronic diseases in all age groups and in the all aspects of life. This principle includes the prevention of disability during early childhood, through measures such as immunization, etc, and also emphasizes the fact that the earlier a disorder is identified in childhood, the better and faster the prevention of disability, or its successful treatment. The principle of rehabilitation is the core of the intervention, which provides disabled people with the means and ways for independent living. It has to do with measures taken to prevent, avoid, or compensate for a certain disability. In order to prevent its deterioration, the State should respond to the need for long-term care and support to enable a normal life for disabled people. These principles are designed to provide assistance to any person with any form of disability.

400. The Action Plan for the Implementation of the Strategy for Disabled People is a useful instrument to plan for, and monitor the implementation of the Strategy continuously. The concrete measures in this plan cover: (a) prevention of disabilities at an early age, through early diagnosis and treatment of emotional and behavioural disorders of children 0–6 years old (screening);(b) provision and delivery of health services and social care in the relevant public institutions and private service entities for disabilities, in accordance with age and needs for rehabilitation and integration;(c) the devolving of services to local government units, in accordance with the law on organization and functioning of local governments, social policies, and disability needs;(d) providing education possibilities for all disabled children, with emphasis on mainstream education;(e) improvement and modernization of the educational learning process in the schools for special needs;(f) establishment and gradual extension of integrated schools and kindergartens; (g) establishment and gradual extension of psycho-pedagogical and psychosocial services in the integrated schools and kindergartens; (h) provide support to disabled people to participate in cultural and sports activities and facilitate their participation in various activities, in general.

401. Under the social care programmes of the MLSAEO, financed from the State budget, disabled children receive cash payments and treatment in six development residential centre in Tiranë, Durrës, Korçë, Berat, Vlorë and Shkodër, as well as in two day-care centres in Korça and Lezha. In the context of decentralization, five residential and two day-care centres for disabled persons have been transferred to the local governments. The Durrës Development Center is not transferred, as it will remain a national centre.

402. On approval of DCM No. 618 dated 7 September 2006 “On the determination of Criteria, Documentation and amount of Payment for Disabled Persons”, disabled people receive greater payments and so do those who take care of disabled individuals.

403. In December 2007, the Ministry of Health, Ministry of Labor, Social Affairs and Equal Opportunities, in collaboration with the Directorate of Social Insurance and the University Hospital Center Mother Teresa (all departments according to nosologies), reviewed the list of diseases underlying disability that is used by the Medical Committee for Assessing Working Ability. The updated list includes certain childhood diseases to provide disabled children with additional benefits from social protection schemes, and better meet their needs for payments and services.

404. Under the project financed by the World Bank, “The Distribution of Social Services at the Community”, since 2006, 11 new services for disabled people in the form of community services have been established. In 2007, nine services for disabled people were established and began operating: (1) Audio Library for the Blind, Durrës; (2) Multifunctional centre, Elbasan; (3) Day care centre for development and integration of disabled people in the towns of Prrenjas and Librazhd ; (4) Center for Palliative Care Services in the town of Gjirokastra; Community Center for Disabled Children in Tiranë; (5) centre for psychosocial services for people in need, “Do not suffer in silence” in Tiranë; (6) Day-care centre for disabled people “The Common House” in Tiranë; (7) Social center for disabled people in need, Shkodër; (8) Center of social support, in the town of Puka. On completion of this project, these centres will be administered by local governments. Currently, work is going on to facilitate the transfer and sustainability of these new services.

405. In 2007, the regulations on assessing disabilities were improved, and currently include some of the childhood diseases and diseases of persons with damage or loss of upper and lower extremities, which previously did not qualify for disability payments. These changes in the regulations have encompassed more children and disabled persons who need support from the social schemes, which contributes to better meeting their needs for cash and services.

406. MLSAEO collaborates with donors and NGOs for the establishment of community services for disabled children. In Shkodër, for example, the Ministry is cooperating with the Association of “Project Hope”, which has established 6 family-home type of facilities for 54 disabled children, who were taken by the Development Center in Shkodër and the Foster Homes. Pursuant to an agreement with the Swiss Cooperation, the project “Lira” in Berat has established a day care centre, a workshop, and provides for protected apartments to promote independent life.

407. Within the framework of the financial and technical cooperation between the Albanian government and Germany, a project to support children with disabilities was implemented in 2007. This project was designed to improve the concepts of treatment and care services for children with physical and/or mental disabilities, in accordance with European standards. In view of the positive assessment expressed by the donor, there is a strong possibility that the project may continue in the future, too.

Disabled children (art. 23)

Recommendation 53 (b)

408. In connection with recommendation 53/b, on education of disabled children, one of the objectives in the National Strategy for Disabled People is the provision of adequate education for disabled people. This objective aims: (a) to make sure that no child is deprived of his right to education due to disability; (b) to support the development of efficient communication, in order to create opportunities for introduction of the sign language as well as communication technologies and other supportive means of communication; (c) to enable teachers and other educators to understand the special needs of disabled students; (d) to make sure that disabled students, their families, teachers, and educators are well provided for in order to address the needs of disabled children; (e) to improve the quality of education for disabled children; (f) to create an enabling and inclusive education in order to mainstream the education of disabled children.

409. An issue of critical importance remains the creation of optimum teaching and learning conditions for disabled children, with emphasis on mainstream education. The Law “On Pre-University Education” provides for the establishment of special schools or classes, as well as for the training of teaching staff to teach disabled people. In line with this objective, the University of Vlorë created a special programme for teachers dealing with disabled children. Disabled children may attend normal schools, or special classes within normal schools, or special public schools.

410. The special needs institutions at national level meet 80 per cent of the needs for this type of education, whereas the regions accommodate 2 per cent of special education needs. Education of children with special needs in the public institutions is free of charge. The government has the obligation to provide the necessary conditions for the gradual integration of disabled children in mainstream schools.

411. To cover the needs of children with hearing and site disabilities, there are two national institutions which cover 80–90 per cent of the cases. Other specialized institutions for these disabilities cover less than 2 per cent of the needs. The two national schools, located in Tiranë, also offer dormitory services. Attendance of these institutions is entirely free and includes accommodation, meals, clothing, books, and relevant teaching and learning materials. In addition to special schools and day-care centres, disabled children may attend normal classes. In accordance with the strategy for disabled children, specifically to implement the objective of mainstreaming special needs, recently, pilot schools and kindergartens have been established based on the principle of inclusive education. These pilots are financed by Save the Children, and, in cooperation with MES, are implemented in 6 regions: Tiranë, Gramsh, Berat, Gjirokastër, Vlorë, and Korçë. The

best practice collected by these pilots is a reference point for extending the experience in other schools of the country.

412. In the current academic year, there have been 21 kindergartens and 25 schools offering integrated services for disabled children in Tiranë, Elbasan, and Berat. Also, it has been an objective to improve the quality of special schools and to turn them into resource centres for training teachers of the 9-year system, in order for them to be able to deal with disabled children. Based on the positive results of this project, MES and Save the Children in cooperation with the Albanian Foundation for Disability Rights have extended the initiative of mainstreaming disabled children, in 10 kindergartens and 12 schools (Shkodër, Vlorë, Gjirokastrë, and Korçë).

413. Starting from 2006, MES has undertaken a number of measures to implement the two main objectives of the strategy for disabled people: (a) gradual extension of mainstream education; (b) improving special schools and turning them into resource centres to train mainstream teachers.

414. In the training programmes offered by MES, an important place is given to the new methodologies and familiarization with the new programmes introduced in pre-university education. The new methodologies serve to upgrade skills for individualized work with certain students, including disabled children. MES has designed standards for the new schools to be constructed, which should provide the adequate facilities for disabled students. Even schools undergoing reconstruction shall be adapted to improve access of disabled children in accordance with the newly introduced standards.

415. Based on the concrete abilities of every child, MES has decreed the admission of disabled children in artistic and professional schools without competition. Presently, about 18 disabled students study music. Based on existing legislation, MES offers scholarships for students identified by MLSAEO. MES has removed tuition fees in higher education for blind, paraplegic, and tetraplegic students. In cooperation with other institutions, MES has made efforts to increase awareness of teachers and principals to accept disabled children in normal classes. However, schools lack the necessary infrastructure, and teachers lack the skills to deal with such students.

416. In cooperation with Save the Children and the Albanian Disability Rights Foundation, MES has launched the piloting of mainstream schools and kindergartens (enrolling disabled children in normal classes) in Tiranë, Librazhd, Berat, Korçë, Vlorë, and Gjirokastrë.

Professional and financial resources and community-based rehabilitation programmes

Recommendation 53 (c)

417. Economic support for disabled people has been increasing. However, until now, services aimed at the rehabilitation of persons with disabilities have been insufficient and short-term in character. It should be noted that funds allocated to disability have been modest. NGOs have tried to provide some kinds of rehabilitation services, as well as to introduce new types of services. Despite efforts made, the services available are fragmented and not integrated.

418. Continuous capacity building in the field of disability is the key point in the Disability Strategy. Knowledge of Albanian civil servants on the disability legislation is fragmentary. On the other hand, even among NGOs dedicated to disability, there is lack of knowledge of the Albanian disability legislation and the rights of persons with disabilities.

419. The Albanian Government is committed to disability issues and it is making efforts to incorporate the disability rights in its sectoral policies. To achieve this goal, it is necessary to provide extensive training programmes and exchange of experiences from best practice countries. There is a need of receiving consultancy from experts in countries with advanced experience in the field of disability policies. The National Disabilities Strategy defines the need for training of caretakers of disabled persons in order to increase the quality of their service. Projects involved in the short-term Action Plan of this strategy include the training of lawyers, judges, and prosecutors on the legal aspects of disability.

420. In Albania there is a legal framework regarding disabilities, which regulates the commissioning of services and payments, as well as the rights and obligations of parties. However, analysis of the current situation has shown that legislation is fragmentary, which entails poor understanding of central and local level employees as well as disabled people themselves.

421. Identification of disability in early childhood enables rehabilitation and rapid integration of children in social life. The National Center for Child Upbringing, Development, and Rehabilitation (under the subordination of MH), through its multidisciplinary staff consisting of paediatricians, specialized educators, psychologists, psychiatrist and physiotherapists, identifies and treats disability in early childhood. Following the initial testing of the children, these professionals establish individualized plans for working with each child. This centre conducts intermittent training of personnel employed by child counselling facilities.

422. The National Center for Child Upbringing, Development, and Rehabilitation has the duty to diagnose and treat children with development problems from 0 to 6 years. The Center is responsible for designing and implementing training programmes for medical and educational personnel employed by the health institutions for children at country level. In cooperation with the Department of Paediatrics at the Faculty of Medicine, the Center works to ensure conditions for realizing the educational practices of students of medicine, psychology, social work, and nursing faculties. This centre offers advisory services from a multidisciplinary team of doctors, social workers, psychiatrists, psychologists, speech therapists, physiotherapists, development educators, nurses, etc. According to this centre, in 2008 are assessed and treated a total of 3016 children with development problems from all over the country. Data from this centre show that the number of cases grows every year with about 36 per cent. As part of its activities with children, the centre also works with parents and guardians of children to provide advice on nutrition, child development, etc. According to reports from this centre, some of the most commonly encountered problems relate to poor socio-economic conditions of the families where these children grow, the low level of education of parents, the lack of information on the social role in the development of children, the lack of information on the rights of children with disabilities, conflicts in the family environments, violence and abuse, immigration, etc. Part of the duties of the Center include the referral of cases to alternative services in the day-care centres, community mental health centres, and other centres providing disability services. Likewise, this centre follows and refers cases that are submitted to the Medical Commission for Assessing Working Ability. During the period 2005–2008, this Center has designed and delivered training programmes on child upbringing and education for counselling staff in 12 districts of the country. In Tiranë, there are two mental health centres which treat children with disabilities and mental health problems.

423. Persons with disabilities have the right to be informed on the rights and privileges to which they are entitled. Governmental and non-governmental institutions must create synergy and coordinate measures to increase public awareness through providing information which summarizes in a understandable language the rights, disability payments, re-imburements, and services.

Health and health services (art. 24)

Distribution of resources, training programmes for health personnel and infrastructure investments in the health system

Recommendation 55 (a)

424. Health care is provided through a vast network of primary health-care centres, polyclinics and hospitals for outpatient specialized case in 36 districts of the country. Public health services and promotion of health education are offered in the context of primary health, and are supported and supervised by the Institute of Public Health (IPH). In the primary care system, service for children starts in the rural areas where ambulances employ mid-level qualified staff, such as nurses and midwives. These ambulances provide basic health services in prevention and treatment of diseases of the rural population, including children. The package of these services, which was revised in January of 2009, included care for mothers and children. The ambulances provide regular care for women during pregnancy, child birth at the birth home (if there is one at these ambulances), care after birth, vaccinations, first aid emergency and referral services, home visits, health promotion and health education for these categories, etc. In the context of improving the quality of health services, MH and the Health Care Insurance Institute, as of January 2007 began the extension of the health insurance scheme in primary health service.

425. For the first time ever, health centres have been established which serve the local populations through teams of specialized doctors contracted by the health insurance system. These teams offer a package of well-defined health services. The goal of these health centres is to provide quality health services to all the population in the area covered by the centre. In accordance DCM No. 857, dated 20 December 2006, care for mothers and children, and health education and promotion should be a part of this package. The aim of this reform is to achieve effective and quality health services for patients in the primary care system. The Health Security Institute has concluded contracts with 418 health centres nationwide, covering all primary health-care service.

426. Health centres are located at the municipal level. They usually employ a family physician, sometimes even a paediatrician, as well as a nurse/midwife who attend to the development of children 0–14 years. In addition, they are responsible for children's vaccination, counselling of family members on healthy upbringing of children and treatment of children who get sick. In towns, primary services specializing on children are offered by child counselling centres, which are responsible for the upbringing and development of children 0–6 years old. Also, in towns there are the neighbourhood polyclinics which attend to the sick children up to the age of 14.

427. According to the MH's guidelines, preventive healthcare services for children, such as the Child Counseling Centers in towns, and health centres and ambulances in villages, carry out mandatory home visits to regularly check on the children's health condition. During the first year of life, 2 visits per month are mandated, one visit every month during 12–24 months, one visit every six months at the age of 2–6 years. Since 2008, in these services for children, in all the 12 regions of the country, multidisciplinary teams have been established, comprising in addition to the doctors, also social workers and psychologists. After the age of 6, school doctors should look after children's health. However, the service is not well distributed and regulated all over the country. In 2009, in the context of bilateral cooperation with the Spanish Government, a national project will be launched countrywide; namely the project "On the Reformation of Maternal and Child Services", which will include the restructuring of school services.

428. At the secondary level, regional hospitals have special wards of general paediatric and maternity care units. Currently, the number of paediatric hospitals is 23 with an

altogether capacity of 703 beds. Reform of hospital care system, launched in January 2009, plans to include secondary health care in the Health Security scheme, which is seen as a measure to improve the quality of service in regional hospitals. Specialized hospital health care services for children are currently offered by the University Paediatrics Hospital at the University Hospital Center “Mother Teresa” in Tiranë. Care for the newborn is incorporated in the neonatological hospital service (children 0–28 days) spread in 28 districts of the country, as part of the obstetric secondary and tertiary health care services.

429. Currently, the Ministry of Health has a strategy on the redistribution and rehabilitation of the existing health centres, in order to cover the country with ambulances and medical facilities in accordance with standards established by the World Bank and the WHO. With the grants provided by the Ministry of Health to the local governments, about 100 ambulances are constructed and rehabilitated every year.

430. In order to provide financial incentives to medical personnel, the government has taken measures to increase the salaries of nurses and doctors (DCM No. 229, dated 19 April 2006 and DCM No. 228 dated 19 April 2006). Based on these decisions, the salaries of medical personnel in the primary care system increased by two times over the period 2005–2008.

431. The Ministry of Health policies and strategies aimed at improving mother and child health and the quality of their life. These measures have led to reduction of mother and child mortality rates. The main interventions to guarantee a better health for children include: (a) improvement and integration of entities dedicated to mother and child care in all three levels of the system; (b) improvement of the quality of mother and child care through the unification of standard protocols in all three levels; (c) improvement of the scientific and technical knowledge of the medical personnel through the provision of continuous training; (d) enhancing and strengthening of the legal framework on mother and child health protection; (e) increasing awareness and knowledge of the society and mass media.

432. Training of health-care personnel. About 600 doctors and 500 nurses of the north-eastern part of the country (Kukës, Dibër, Mat, Bulqizë, Burrel, Has, Tropojë) were trained over 2004–2008 in connection with the integrated management of child food diseases. Also, the entire personnel of child counselling centres in all 36 districts and in all maternity sections have been trained on breastfeeding. The Ministry of Health, in cooperation with UNICEF, UNFPA and the National Association of Social Workers, trained in 2007–2008 about 500 medical personnel (family doctors, paediatricians, gynaecologists, obstetricians, and nurses) on issues related to gender violence. The National Center for Child Upbringing and Development has delivered training to the personnel of child counselling centres in all 12 regions of the country. A number of promotional events on mother and child health have also been organized: (1) awareness activities on child breastfeeding and child nutrition; (2) awareness activities on road safety with teaching staff in schools, since accidents involving children up to 14 years account for 13 per cent of all road accidents. These activities aimed at appealing for increased attention to children’s safety; (3) seminars with media reporters to handle child suicide; (4) workshops with the media on various public health issues such as smoking, drugs, alcohol, mental health, STDs, etc; (5) talk shows, articles, and other awareness efforts related to mother and child health; (6) Leaflets on breastfeeding and use of iodized salt have been widely distributed in the schools and local communities; (7) contests among elementary school students on the benefits of iodized salt; (8) during 2008, trainings were organized with biology teachers of the areas mostly affected by iodine deficiency such as Elbasan and Pogradec; (9) various education activities at community level held by USAID, UNICEF, UNFPA, the American Red Cross, the Albanian Red Cross, the Peace Corps, Albanian CARITAS, and other NGOs active in the field of health care. Such activities were mainly about the advantages of breastfeeding, care before and after birth,

family planning, etc; (10) training of teacher trainers in all 36 regions, on issues related to mother and child care. However, it should be noted that not all communes and municipalities are covered, in particular the rural ones; (11) since 2008, the Reproductive Health Journal appears every three months, and covers issues such as mother and child care, teenage problems, pregnancy, child development, etc; (12) Training of teacher trainers in five regions of the country (Shkodër, Berat, Korçë, Lezhë, Dibër) in cooperation with USAID, focusing on child nutrition, child development, and family planning. The training of health personnel, such as doctors and nurses, has continued according to the national programmes of the Ministry of Health, designed jointly with relevant United Nations agencies.

433. As regard recommendation 55(b) related to malnutrition, several studies⁴⁶ have shown that Albanian children still have problems of malnutrition, although the situation of under-nutrition has improved. These studies show that under-nutrition, despite the slight improvement, continues to affect rural families and the big urban families with irregular income. The poor access to quality health care, the high level of poverty in the remote areas, and the big households⁴⁷ are evidence that under-nutrition continues to be a big challenge in the rural areas, in particular in north and north-eastern Albania.

434. One of the objectives of the NCS is “improvement of child nutrition”. This section of the Strategy analyses the situation in two major directions: (1) *Breastfeeding* is considered to be one of the main indicators of child health and normal upbringing. The rate of exclusive breastfeeding has been increasing in comparison to the period 2004–2005, but remains unsatisfactory. To promote breastfeeding in the health institutions, the authorities continue to promote the initiative of “Baby Friendly Hospitals”⁴⁸. Over 2004–2008, a number of maternities in the districts of Korçë, Elbasan, Shkodër, Dibër, Kukës, Tropojë, Krujë, Vlorë, and Lushnjë were assessed to become baby friendly hospitals. (2) *Complementary nutrition*: The introduction of other nutrition in addition to breast milk may be a critical change in the health of the child.⁴⁹ UNICEF studies have shown that introduction of complementary nutrition for babies after 6 months is at satisfactory rates. However, efforts should be made to educate and advise mothers on healthy nutrition for their babies.

435. In order to improve the situation of public nutrition, babies in particular, the IPF has produced and distributed informational and educational materials about schools children’s nutrition, and has established dietary norms for students in dormitories.

436. Food safety is a necessity to protect public health. In this context, Albania has designed a National Action Plan on Food and Nutrition for 2003–2008. This document was designed to protect public health and decrease food related diseases, which contributes to the social and economic development and the decrease of health service costs. Currently, Albania is drafting a new National Action Plan on Food and Nutrition, for the period 2009–2014.

437. Law No. 9863 dated 28 January 2008 “On Food” is designed to establish the basis for a higher level of safety of human health and consumer’s interests, by setting safety

⁴⁶ Multi Indicator Cluster Survey (MICS) of 2005 by UNICEF and INSTAT; Living Standards Measurement Survey (LSMS) of 2002 by INSTAT; Results of the Poverty Assessment Survey for 2007 by UNICEF.

⁴⁷ Conditions of children and youth at the regional level in Albania, UNICEF Innocenti Research Center, 2004.

⁴⁸ WHO and UNICEF initiative.

⁴⁹ WHO and UNICEF recommend breastfeeding and timely and safe introduction of solid food not later than 6 months.

standards. Food safety includes the range of measures to reduce risk in the entire food production chain, from the primary producer to the consumer. Based on this law, the National Food Authority has been created at the Ministry of Agriculture, Food, and Consumer Protection.

438. Law No. 9902 dated 17 April 2008 “On Consumer Protection” is designed to notify consumers about goods and services which do not comply with safety standards.

439. The Inter-Sectoral Strategy on Consumer Protection and Market Surveillance for 2007–2013 focuses on the following strategic priorities: (a) to empower Albanian consumers (informed choice and trust in efficient protection); (b) to protect the economic interest of consumers as regards safety, choice, quality, price, variety, availability, etc; (c) to ensure market surveillance and transparency; (d) to protect consumers from risks and threats which they cannot handle and resolve individually.

440. The Ministry of Health, based on WHO and FAO recommendations, has designed the national dietary instructions with recommendations on healthy eating and special recommendation for babies’ and children’s nutrition.

441. The training of biology teachers of certain schools started in 2007 to provide for the dissemination of the five keys to food security. Efforts are made to extend these training programmes to other schools in the country. In addition, nutritional programmes are being designed as part of the extra-curricular subjects, complementing health education in schools.

442. The Ministry of Health, in cooperation with the Municipality of Tiranë, reviewed in 2006 the standard manual of feeding children in kindergartens and nurseries. In addition, in cooperation with UNICEF, the Ministry of Health has designed nursery standards, including nutrition standards for children in nurseries.

443. In cooperation with UNICEF and the Ministry of Health, the Ministry of Agriculture, Food, and Consumer Protection started in 2009 to design a strategy on Reduction of Child Malnutrition and its action plan to improve the health situation of infants and young children in Albania, with particular focus on groups in need.

444. In Albania, there is a lack of national data on deficiency of vitamins and minerals like Vitamin A, iron, etc. As part of the National Demographic and Health Survey, Albania will conduct for the first time an assessment of anaemia in Albanian families, as well as an assessment of nutrition through the indicators of weight and height in 9000 households.⁵⁰ The MH protocols for children 0–6 years recommend providing Vitamin A to children suffering from malnutrition, rickets or recurrent infections, whereas Vitamin D is compulsory for all children 0–3 years.

Iodine deficiency

445. In 1993, a study by WHO assessed Albania to be a country with severe iodine deficiency (63 per cent of children). Consequently the Ministry of Health, in cooperation with UNICEF and WHO, launched a long-term strategy consisting of: (a) universal iodizing of all salt for human and animal consumption; (b) continuous monitoring of iodine deficiency in the population; (c) developing and implementing a communication strategy to educate the public on the importance of iodized salt; to increase awareness among professionals from various fields to convey to the population messages of the importance of using iodized salt. As part of the short-term measures foreseen in the National Strategy on Prevention of Iodine Deficiency Disorders (IDD), the MH and IPH, with UNICEF support,

⁵⁰ The information gathered by this study will be made public in November 2009.

conducted the study “Knowledge, Attitudes, and IDD Behavior”.⁵¹ The purpose of the study was to assess the level of knowledge, attitudes, and behaviour related to IDD among females of reproductive age, in order to enact adequate programmes to inform, educate, and communicate, as well as to create a database (baseline) for monitoring and assessments to be taken in the future. The study showed a lack of knowledge about disorders caused by iodine deficiency in reproductive females. Young women are considered to be important players in improving iodized salt consumption in their families. Law No. 9942, dated 26 June 2008 “On Prevention of IDD in Humans” aims to eliminate the consequences of iodine deficiency in humans, in particular women during pregnancy and breastfeeding through the strategy of universal iodization of salt for human and animal consumption. MH is drafting bylaws to enforce this Law. Since 2007, the MH protocols recommend providing iodine tablets to children 0–3 years.

Teenagers’ health- health policies for teenagers, health education in schools, counselling on teenager issues

Recommendation 57(a) and (b)

446. Law No. 8876, dated 4 April 2002 “On Reproductive Health” provides for reproductive health services, specifically: (a) counselling, information, education, and family planning; (b) education in relation to pre-natal care, safe birth, and post-natal care, in particular breastfeeding; (c) services and education for children and teenagers; (d) prevention and treatment of STDs, HIV/AIDS, infections of the reproductive system, etc; (e) safe abortion and management of abortion complications; (f) information, education, and counselling on sexuality and reproductive health; (g) referral services on family planning, pregnancy complications, abortion, STDs, including HIV/AIDS, etc.

447. Studies have shown a considerable lack of information on sexual and reproductive health, especially among youth in the rural areas. They also have shown risk behaviors by young people, which contribute to poor indicators of sexual and reproductive health among this category.

448. MH, in cooperation with UNICEF and the Public Health Directorates, has launched the implementation of youth friendly services. These services are part of the primary health care system, and provide a range of services such as counselling, prevention, testing and diagnosing, treatment of STDs including HIV/AIDS, family planning, risk behaviours, etc. The youth friendly centres have multidisciplinary health teams. The first centre was established in Vlorë, and subsequent centres have been established in 4 other regions. This model has been supported by MH, MES, MTCYS. The National Plan of the Youth Strategy provides for 12 additional centres to be established within the next 5 years.

449. UNFPA, in cooperation with MH, MES, and MTCYS, is working on the programme for a healthy youth in the following directions: (a) strengthening existing capacities providing youth services (training of health personnel, psycho-social workers in schools, etc) with the purpose of strengthening youth friendly services (the basic manual used in these trainings is the WHO package);(b) peer education, curricula design for secondary schools; (c) counselling on sexual and reproductive health of young people starting from the rights based approach; (d) inputting to strategies and policies aiming to protect and empower young people.

450. MH’s main interventions towards the improvement of youth health over 2009–2015 are: (1) training of staff providing information about reproductive and sexual health, for the

⁵¹ Detailed information on this study is provided in the annexes attached to this report.

purpose of giving young people correct, accurate, and continuous information; (2) building community and household awareness on the importance of educating children on sexual and reproductive health from an early age; (3) designing strategies, policies, and interventions using contraceptive methods, including emergency contraception. These measures encompass improvement of school curricula, training of medical personnel, launching of media campaigns, and increased access to emergency contraception; (4) implementing peer education strategies as an effective way of improving young people's reproductive health; (5) educating young people to not engage in sexual relations until they have attained full maturity and encouraging single partner relations; (6) design strategies substantiated by scientific facts, in order to effect changes, practices, and attitudes in relation to contraceptive use among young people; (7) increased focus by family planning centres towards youth friendly services, in particular teenagers; (8) review of school curricula with stakeholder participation (policymakers, experts, teachers, and beneficiaries); (9) design media campaigns to change attitudes in relation to young people's reproductive and sexual health; (10) train teachers on reproductive health and family planning, based on methods of behavioural change; (11) training health personnel on young people's reproductive and sexual health, based on behavioural change methods.

451. Law No. 9952 dated 14 July 2008 "On Prevention of HIV/AIDS in the Republic of Albania" states that prevention and control of HIV/AIDS is State policy in Albania. This Law provides the rules for prevention, control, care, treatment, and support of people infected by HIV/AIDS.

452. Law No. 9518, dated 18 April 2006 "On Protection of Minors from Use of Alcohol" is designed to prevent health consequences caused by alcohol consumption from minors.

453. Law No. 9636, dated 6 November 2006 "On Health Protection from Tobacco Products" is designed to protect public health from use of tobacco products and exposure to their smoke. This law delineates a number of restrictions for individuals less than 18 years.

454. Since 1994, health education, including family life and sexual education, has been made a part of the curricula of 9-year schools.

455. In the context of the new educational reform in the pre-university education (grades I–XII), the curricula was changed to make room for health education. In the elementary system, the subject of biology is taught together with health education. In secondary education too, health education is an important component part of the curricula. In addition to receiving cross curricular attention through such subjects as biology, citizenship, and psychology, health education issues are dealt with as a separate chapter under the subject of "Life Skills". In this subject, students receive intensive knowledge for healthy lifestyles. Currently, the portion of decentralized curricula, which can be decided on a school basis, provides the necessary space to deal with everyday life topics. As a result, schools can now engage in various projects related to drugs, either independently or in cooperation with other organizations active in this field. A positive development is the design of standards for health education in the pre-university system. These standards are expected to serve as a framework for the design of health care curricula as a means to achieve the desired results in educating students in the pre-university system.

456. Youth friendly services: Since 2004, UNICEF, in cooperation with MH and the Public Health Directorates in the regions, is implementing the programme of establishing youth friendly services. These services are offered in centres that form integral parts of the primary health care system, and offer the following services: counselling, prevention, testing, diagnosing, treatment of STI including HIV/AIDS, family planning, parenting, risk behaviours, and mental health. The centres employ multidisciplinary health teams. Currently, five centres have been made operational. These centres are located in Tiranë, Vlorë,

Shkodër, Elbasan. The national plan of the youth strategy plans to open 12 additional centres all over the country in the next five years.

457. The programme “For a healthy life for youth”: UNFPA in cooperation with MH, MES, and MTCYS, from 2004 and ongoing, is working in certain directions to ensure a healthy life for young people. The programme conducts the following activities: (a) capacity building of staff involved in youth services (health personnel and psycho-social workers in schools) in order to introduce and make operational the youth family services (the WHO package is used as the basis for the trainers); (b) peer education; (c) curricula design for secondary education; (d) counselling on sexual and reproductive health of young people from the rights based perspective; and (e) inputting to the formulation of strategies and policies for young people.

Teenagers’ health-study of cases and causes of suicide

Recommendation 57(c)

458. Mental and behavioural disorders are encountered often during teenage years. In Albania, demographic movements have been accompanied by difficulties to integrate in the new environment. Consequently, teenagers are faced with social isolation, which contributes to behavioural disorders.

459. The study “Assessment of Risk Behavior among High-schoolers” (IPH 2005) showed that 17 per cent of young people between 15 and 19 years had responded that they had experienced sleep problems, and that 33 per cent had bad dreams. At least 14 per cent responded that they felt lonely, and 31 per cent to 50 per cent responded that they were nervous or tense. In the same study, it is stated that 23 per cent of the young people in the sample responded that they had felt hopeless for two sequential weeks. The phenomenon is more widespread among females, which is reflected in the gender difference of suicidal thoughts (8.4 per cent of females as against 5.5 per cent of males). More than 1 out of 10 females, between 15 and 19 years, in Tiranë admit they had seriously thought of committing suicide. These figures testify to the negative effects of rapid urbanization on young people’s mental health.

Teenagers’ health-access to information on reproductive health and family planning

Recommendation 57(d)

460. Family planning. Currently, family planning services in Albania are offered in the public and private health system: the health centres and the ambulances in the public health system, with family planning centres being involved in the regional maternities forming part of the public system. Such services are also offered by private clinics, as well as by NGOs involved with women’s health. The family planning services offered by the Ministry of Health are distributed in all three levels of health care. The public sector offers family planning in 430 facilities: maternity homes, policlinics, health centers, and in some village ambulances.

461. At the primary level, family planning centres are integrated with maternal counselling centres. These centres are supplied with a variety of contraceptives and employ qualified personnel to provide advice on use of contraceptives and information and counselling on family planning. In the health centres in the communes and villages, the health personnel has been trained in family planning and offers information and counselling on various contraceptive and family planning methods. Reported data show that the number of public centres offering family planning services is constantly growing. At the second level, family planning is offered in all the maternities and hospitals of the country. At the

tertiary level, family planning is offered by women's centres established at the obstetric and gynaecological university hospitals No. 1 and 2 in Tiranë.

462. Facilities offering family planning adhere to the following principles: Informed choice; Respect for client's rights; Offering a range of family planning methods; Integration with services of mother and child care. With regard to public facilities offering family planning services, the Ministry of Health has taken the following measures: (a) training of health personnel with family planning methods; (b) supply of these centres with informational materials for the population and health personnel; (c) provision of the necessary quantities of contraceptives; (d) integrating the centres with the national information system for the logistic management of contraceptive use; (e) counselling as an important element of this service. In the year 2003, the Ministry of Health approved the National Strategy for Provision of Contraceptives. The Strategy has two main objectives: (a) ensure quality contraceptives through long-term supplies; (b) allocating national budgets to purchase contraceptives in order to ensure self-reliance. In the context of this strategy, the Ministry of Health has adjusted its policies and budgets to be able to purchase the necessary contraceptive quantities. Since 2005, the Ministry of Health allocates its own resources to procure a portion of annual needs of the public centres for contraceptives. Full independence will be achieved in 2010 when the entire quantity for contraceptives will be purchased by State budget. Abortion is only carried out at hospital level, and in some private clinics licensed by the Ministry of Health and only by adequately qualified obstetricians and gynaecologists.

463. The Strategy of the Ministry of Health aims to improve the quality of health care services in order to provide safe abortion. This strategy is designed to: adapt adoption conditions to every woman's social and individual needs; improve operations in order to provide appropriate counselling and information to help women make an informed choice; use the recommended modern medical technologies; expand family planning services after abortion, including emergency contraception, to help the woman to prevent unwanted pregnancy, space births and eliminate repeated abortions; integrate abortion services with other reproductive health services such as screening, diagnosis of sexually transmitted infections, counselling on violence and services for adolescents.

464. UNFPA Country Programme: ALB2R201 "Support for Family Planning and Reproductive Health in Albania". In collaboration with UNFPA since 1993, the MH is implementing 5-year cooperation programmes. Currently, the programme for the period 2006–2010 is being implemented. The main objectives of this programme are: (a) support the MH to create the package of primary health care services, including standards of monitoring and supervision, as well as health indicators and data; (b) support to improve performance by supporting the training of human resources and assessing the performance of entities in order to provide a wider range of quality reproductive health and family planning services to respond to the uncovered needs (Management Information Logistics System on contraceptives, abortion surveillance, surveillance of sexually transmitted infections, surveillance of congenital deformities); (c) support for continuous training on reproductive health specialist doctors, specializing nurses, as well as the nurses and family doctors at the municipalities; (d) improve the reproductive health component in the curricula of medical schools, especially with regard to the categories mentioned above; (e) develop protocols of prenatal and postnatal care; and (f) promote and strengthen partnerships between governmental institutions, NGOs and funding agencies to ensure coordination in the field of reproductive health, through thematic working groups under the National Committee for Reproductive Health and other inter-ministerial bodies. All processes will be accompanied by awareness campaigns, including production and distribution of materials, posters, leaflets, etc.

Standards of living (art. 27, paras. 1–3)

Improvement of living standards for children and provision of material assistance through the enactment of support schemes

Recommendation 59

465. In respect of article 27, paragraphs 1–3, *Standard of Living*, in an effort to implement recommendation 59 on provision of economic aid and support programmes in accordance with article 27 of the Convention, in accordance with Law No. 9355 dated 10 March 2005 “On Economic Aid and Social Services”, the target of economic aid are: (a) families without income or insufficient income; (b) parents with more than two children born simultaneously when they fall in the category of families in need. The ceiling of economic aid has been set at 2.5 times the level of basic unemployment benefit per beneficiary household. Eligibility of economic assistance is based on family structure: (a) the head of household receives 95 per cent of the baseline unemployment benefit; (b) the elderly and disabled people receive 95 per cent of the basic unemployment benefit; (c) family members under working age, children, receive 25 per cent of the household payment; and (d) family members of working age receive 20 per cent of the payment of the household head. Low income families are eligible for partial payment.

466. The Sectoral Strategy on Social Protection is based on the priorities of the fight against poverty, improving the quality of life of groups in need, and empowering these groups to be mainstreamed in the country/local developments.

467. Reformation of the scheme of economic assistance and other cash payments is based on the identification of the needs of poor families and on the basis of indicators of absolute poverty, with the purpose of ensuring the best coverage of needs for decent living standards for household, persons with disabilities, and other beneficiaries. In the field of social services, reform focuses on the establishment of community-based services to better address the needs of beneficiaries to support and assist the individual, family, group, or community to be self sufficient, independent, and participate in society as equal members. The purpose of the Sectoral Strategy on Social Protection is to provide a clear policy for reforming the payment system and social services, not only for groups in need, but also for the whole society. The main objectives of cash payments are: (a) per capita poverty reduction to 10 per cent of the population until 2013, in accordance with the results of the LSMS;⁵² (b) improved targeting of beneficiaries from the economic assistance scheme and better coverage of needs of poor families in accordance with the absolute poverty line as defined by the LSMS (c) increased levels of the average economic aid amount; (d) conditioned economic aid benefits with community work; (e) improved management of electricity subsidies; (f) improved assessment of disabilities; and (g) scaling payments for disabled persons in accordance with their situation and social conditions.

468. The Sectoral Strategy on Social protection is also designed to achieve these strategic goals which correspond to respective strategic priorities: (a) alleviation of poverty; (b) reducing absolute per capita poverty to 10 per cent by 2013, in accordance with the LSMS; (c) increase of budget allocations for the economic aid programme; (d) increase coverage of poor families by economic aid programmes as indicated by the LSMS; (e) reduce the number of poor families not receiving economic aid; (f) increasing the average amount of assistance payment; (g) extension of the conditioning of economic aid with community work in a larger number of municipalities and communes; (h) reforming the system of social services; and (i) provision of support to groups at risk of social exclusion.

⁵² Living Standard Measurement Survey.

469. The Inter Sectoral Social Inclusion Strategy 2007–2013 (approved by DCM No. 218, dated 3 February 2008) is intended to reduce poverty and social exclusion for both individuals and families, as well as to create opportunities for their integration by providing a system of interventions and services to improve their living conditions. This strategy focuses on poverty and social exclusion as risks that remain even at times of economic growth. It is in full compliance with sectoral strategies and in particular with policies and institutional structures described in these strategies, aimed at helping vulnerable individuals, families, and groups in need to make income and have the same rights as other members of society.

470. A study by a group of experts of INSTAT, UNDP and the World Bank (published in April 2009), showed that Albania continued to experience significant reduction of poverty in the period 2005–2008. The study is based on data collected through the Living Standard Measurement Survey of a representative sample of households for the population across the country. In surveys conducted in April–June 2002, May–June 2005 and June–August 2008, approximately 3600 households were interviewed. Results for 2008 showed that 12.4 per cent of the population was poor versus 18.5 per cent in 2005, and 25.4 per cent in 2002. This shows that about 200,000 out of about 575,000 people who were poor in 2005 have emerged from poverty only during the period 2005 to 2008. Poverty is defined as the inability of people to spend at least 5722 leks per capita per month in 2008 (or 4891 leks per capita per month in 2002).

471. The high level growth that Albania has experienced in the last 11 years amounts to an average of 7.1 per cent per year since 1998. This growth along with an increase in average salaries (in real terms) of 36.5 per cent in 2005–2008 and an increase of 17.4 per cent of pensions in the years 2005–2007 have contributed to poverty reduction. As a result, average consumption per capita in real terms has increased by 7.0 per cent since 2005. The survey results show a significant reduction in rural poverty in the period 2005–2008. Rapid poverty reduction in rural areas means that poverty may no longer be a mainly rural problem. Other areas of Albania continue to experience significant reduction of poverty levels. Central areas have seen the largest reduction of poverty levels since 2005. However, the data show a significant slowdown of poverty reduction in mountainous areas, where poverty continues to display the highest level and no significant decrease since 2005. Approximately 3.5 per cent of Albanians continue to live in extreme poverty (less than a dollar a day) and there are striking disparities between rural and urban areas. The important role of sustainable economic growth and of the efficient economic reforms which led to macroeconomic stability, improved governance, private sector investments, increased access to public social services (education, health and social protection), and infrastructure works should continue at the same levels in order to maintain the low poverty levels. By concentrating efforts in the mountainous areas, a faster reduction of poverty will be achieved in the future. The government is addressing regional disparities and the needs of vulnerable groups through strategies, and achievements are being recorded in reducing poverty rates and levels.

472. The annexes attached to the present report, present the characteristics of the poor according to the LSMS 2002–2005 (Living Standard Measurement Survey).

B. Implementation of national programmes and their monitoring

Mechanisms created to implement the rights contained in the Convention (arts. 6; 18 (para. 3); 23; 24; 26 and 27, paras. 1–3), and the monitoring of such implementation

473. Mechanisms created to implement the rights of disabled persons, are: (a) National Council on Disability Issues (established by Prime Minister's Order No. 196, dated 12 December 2005); (b) Technical Disability Secretariat in the Ministry of Labor, Social

Affairs and Equal Opportunities (created by Prime Minister's Order No. 40, dated 23 March 2006) is responsible for monitoring the progress towards strategy objectives by the relevant structures, collection of data in the field of disability, coordinating the work with contact points in line ministries, local government, and civil society; (c) Directorate of Equal Opportunity Policies in the MLSAEO; (d) Ministry coordinators; (e) State Social Service and the Regional Offices of the State Social Service; (f) Local Government Units.

474. Mechanisms for implementation of the right to health care: Ministry of Health is the main provider of health care. The right to health and survival is guaranteed in most public health services in the primary health care and hospital facilities. The Institute of Public Health supports and supervises the public health services and the promotion of health education in the context of the primary healthcare system.

475. The National Center for Child Upbringing and Development (established by DCM No. 325 dated 23 June 2000) is under the subordination of the MH and was established as a diagnostic and treatment centre for child development problems, as well as a training and research centre about the upbringing and development of children with special needs. The centre has a multidisciplinary staff, and identifies and treats disability in early childhood based on adequate clinical protocols.

476. The private sector is still in its early stages and covers the bulk of pharmaceutical services, dental services and some diagnostic clinics, mainly concentrated in Tiranë. According to MH data, about 84 private medical clinics for maternal and child health exercise their activity and a part of these clinics offer obstetric-gynaecological and paediatric services.

477. Pursuant to the Law "On Prevention of and Fight against Infectious Diseases", the National Committee of Vaccination was created by Order of the Minister of Health since 1995. The Deputy Minister of Health chairs this Committee.

478. By Order of the Minister of Health (No. 58, dated 15 February 2008), the National Committee on Reproductive Health was reorganized. Among other things, the task of this committee is to assess and continuously analyze the reproductive health situation in the country, in particular mother and child health, including maternal and child mortality. Headed by the Deputy Minister of Health, the Committee has in its composition representatives of major health institutions and some line ministries involved with child rights, such as the Ministry of Education and Science, Ministry of Labor, Social Affairs and the Equal Opportunities, Ministry of Tourism, Culture, Youth and Sports, as well as local and international partners, United Nations organizations, such as WHO, UNICEF, USAID, UNFPA, etc.

479. Established in 2008, the Centre for the training of health personnel, is working to design relevant curricula and start providing periodic training of health personnel, etc. In 2004–2008, two-three days and two-week training programmes were conducted for personnel involved with the care and development of children.

Legal and administrative measures to implement article 24: Health and health services

480. Child's right to health, as a basic right, is considered as a priority in all the policies and strategies of the Ministry of Health. The legal framework of the health sector, which guarantees the right of the child to healthcare, is as follows.

481. Law No. 3766, dated 17 December 1963 "On Health Care" (with amendments) represents the general framework for the organization and functioning of the health sector. This framework law relies on the notion of free health care, including that for children. During 2008, MH began to draft a new framework law on health care.

482. Law No. 9106, dated 17 July 2003 “On Hospital Service in the Republic of Albania” defines the public hospital services to be provided at municipality level as well as the provision of paediatric, obstetric-gynaecology services at this level.

483. The Law on Health Security 1993 (amended in 2002) defines the general framework of health sector financing. It also delineates the duties of the Health Insurance Institute (HII) as an independent public institution, with an independent budget, and sets the stage for the introduction of compulsory health insurance nationwide. The law also envisages that the State contributes financially to coverage of children, pupils, and students. DCM No. 383, dated 19 June 2004 “On approval of Procedures, Tariffs and extent of Coverage of Tertiary Screening Services included in the Health Insurance” states that HII covers 100 per cent of the cost of examinations for children 0–12 years old.

484. DCM No. 84, dated 13 February 2003 for management and coverage of services, included in the health insurance scheme stipulates that: (1) primary health care is provided by the general practitioner, the family doctor, specialist doctors and nurses, employed in the primary health system. GP provides general healthcare to all persons aged over 14 in the towns. GPs specializing in ages 0–14 years provide general healthcare to all children in this age group.

485. DCM No. 419, dated 19 June 2003, “For Treatment of Orphans with Healthcare and Medications”, stipulates that persons who have the status of an orphan and are not employed, are entitled to free healthcare and free medications.

486. Law No. 7761, dated 19 October 1993 “On the Prevention and Combating of Infectious Diseases” (as amended by Law No. 8484, 10 May 1999) is aimed at preventing and combating diseases. It includes measures for timely detection, examination of signs, and restriction of disease propagation and treatment of the condition. The law provides that in cases of suspected communicable diseases in school and preschool institutions, the doctor of the institution has the obligation to notify the relevant bodies and to make sure that the disease is not transmitted to other children while the sick children receive appropriate health care. The law provides that the MH designs and implements massive programmes of immunization (vaccination), and sets the calendar for mandatory vaccination against the diseases of diphtheria, whooping cough, tetanus, measles, poliomyelitis, tuberculosis as well as the manner of conservation, transportation and application of vaccines. The law stipulates that compulsory vaccination is carried out on children aged 0–15 years and on pregnant women. It is administered by personnel of the child counselling services, the family doctor, ambulances and health centres. Institutions have the obligation to identify the subjects of vaccination, draw a vaccination plan and ensure the necessary quantities of vaccines stored in “cold chain” conditions. Institutions have the obligation to provide every child who enters school for the first time (6–7 years) with his/her vaccination card. The National Strategy for Vaccination was approved in 2000, and is reviewed and updated for 2009–2010. The Institute of Public Health is in charge of designing and implementing National Immunization Programmes.

487. Law No. 8876, dated 4 April 2002 “On Reproductive Health” defines and guarantees the protection of reproductive rights of every individual in the Republic of Albania. This law states that safe motherhood means that every woman has the right to receive the care that she needs in order to enjoy good health from pregnancy to childbirth. The main elements to ensure safe motherhood include access to high quality care before, during and after birth, prevention of unwanted pregnancies, prevention of unsafe abortion and premature birth. The law establishes the right of individuals and couples to benefit from methods of safe, affordable, and acceptable family planning. In particular, this law protects women from unwanted pregnancies that could have negative consequences on their physical health (due to abortion), their mental health, as well as on the health of the child. The law states that all individuals and couples have the right to adequate healthcare for a

safe pregnancy, safe childbirth, and a healthy child. Family planning services should be used and promoted as a means to avoid undesired pregnancy. Every woman has the right to health care during her pregnancy, assistance during childbirth, and to benefit from methods that minimize the risk to her health or the health of the foetus and the newborn. The law also stipulates that motherhood and childhood are entitled to special healthcare and support. All pregnant women receive free periodic medical care during pregnancy, during childbirth and after birth. In particular, they receive free compulsory prenatal and postnatal examinations. Pregnant women have the right to conduct free and compulsory examinations as prescribed by the doctor and get a free personal journal of pregnancy evolution. All children aged 0–6 years receive free preventive healthcare, free medical examinations, and free medical treatment.

488. In addition, there are also approved: (a) Regulation of Reproductive Health Services in the Primary Health Care System (No. 147, dated 11 April 2003), which defines the delivery structures and the respective reproductive health services in the primary healthcare system. It also defines regulation of their functioning and duties of personnel employed in these structures; (b) Instruction of the Minister of Health No. 146, dated 11 April 2003, concerning the attendance and mandatory periodic medical checks during pregnancy and child birth, and after birth, as well as the examinations and checks to be conducted for children 0–6 years; (c) the Card of Women Counseling Centers, which serves as a unified document for use by all public and private health services for women during pregnancy; (d) the Card of Child Counseling Centers, which serves as a unified document for all public and private health services for the attendance of growth and development of children 0–6 years old; (e) the Personal Journal which, under article 24 of the law, should be given free of charge to pregnant women; (f) the Personal Book of child health is free for every newborn child and is used during the regular medical checkups and examinations.

489. Order No. 157, dated 9 April 2002 “To Protect Breastfeeding” and Guidance for establishing Child Friendly Services, No. 1262/1, dated 9 April 2002, are adopted to enforce the law on breastfeeding.

490. Law “On Dental Health Service”, dated 9 June 2008 provides for free dental treatment to children aged 0–18.

491. Law No. 9518, dated 18 April 2006 “On Protection of Minors from use of Alcohol” is meant to prevent the health consequences of alcohol consumption on children. The law prohibits the sale or free offering of alcoholic beverages to minors, the consumption of alcohol by minors in public places, in the school or in its surroundings. Also, unless accompanied by his/her parent or caretaker, the child cannot attend, from 22:00 to 06:00 a local night bar, in which alcoholic beverages are served. The law prohibits any advertising of alcoholic drinks in educational facilities for minors. In addition, the law prohibits any form of advertising of alcoholic beverages addressing minors, and any advertising of alcoholic beverages in cinema or theatres halls, during shows intended for minors.

492. Law No. 9636, dated 6 November 2006 “On Protection of Health from Tobacco products” is designed to protect public health from tobacco products and involuntary exposure to their smoke. The law stipulates prohibition of sale or supply for trade purposes of tobacco products to persons under 18 years. Also, the sale of tobacco products is prohibited in public facilities including healthcare institutions, educational facilities, sports institutions, etc. The law provides protection from exposure to tobacco smoke by banning smoking in work places, health institutions, educational institutions, public transport vehicles, commercial facilities, bars, restaurants, discotheques, and other public facilities. To facilitate the implementation of this law, several activities have been organized at national level: (a) dissemination of the law and the drafting of relevant regulations detailing the obligations of these institutions for enforcement has taken place at the health institutions and the State Sanitary Inspectorate, responsible for ensuring law enforcement; (b)

promotion of the law in the media, including the ban on advertising tobacco products on radio and television; (c) also, the law has been explained and disseminated through leaflets, posters, local television programmes, seminars with high school students and other target groups; (d) the Ministry of Health, by Order dated 7 February 2008, has appointed Local Coordinators at regional level to establish volunteer youth groups to fight against drugs, tobacco and alcohol. These groups operate in all the regions of the country at the Departments of Public Health and the first results are optimistic.

493. Pursuant to Order No. 39, dated 7 February 2008 “On Local Coordinators on the Fight against Drugs, Tobacco, and Alcohol” the Institute of Public Health (its Section on Substance Abuse) has provided training for volunteer youth groups and health specialists, already functional in all the country’s schools. Training is also provided to students of the Faculties of Medicine and Nursing in Tiranë and other regions. There are currently 620 young people trained in 5 districts, who will train their peers to run anti-tobacco campaigns in the country. There have been a series of activities with young people, especially in the schools. The Institute of Public Health and public health departments have made available a range of informational materials to doctors and have provided training to youth groups. In 2008, the Parliamentary Subcommittee on Social Affairs, in collaboration with the Council of Europe, UNICEF, MTCYS and the Youth Parliaments, has launched a campaign under the motto “Live Healthy”. The aim of the campaign is the raising of awareness among teenagers to adopt a healthy lifestyle, including refraining from use of tobacco, alcohol, and drugs.

494. Law No. 9942, dated 26 June 2008 “On Prevention of Iodine Deficiency Disorders in Humans” is designed to eliminate the consequences of iodine deficiency in the human body, especially in women during pregnancy and breastfeeding, and in young children through a strategy of universal iodization of salt for human and animal consumption.

495. Law No. 10139, dated 11 May 2009 “On Public Health” is aimed at protecting health and promoting healthy lifestyles among the population. The law contains a number of provisions related to protection of child health, immunization, the work of the National Immunization Committee, protection of health from the use of tobacco and alcohol. Also, the law states that children and women during pregnancy, childbirth, and in the postnatal period have the right to free healthcare benefits, regardless of their ability to pay.

496. For the protection of child health from environmental hazards under the Strategy “To Protect the Child and Environment (CEHAPE)” Albania has acceded to the Kyoto Protocol on air quality (December 2004). Also in 2004, Albania ratified the Stockholm Convention on reduction of diseases from exposure to hazardous materials, biological agents and unsafe work environments. With regard to the quality of drinking water, Albania has ratified the Protocol on Water and Health (by Law No. 8849, 27 December 2007).

497. In the context of the primary health-care reform, in January 2009, the Basic Package of Health Services in Primary Care was approved. These services represent an important part of health care services for children, reproductive women’s health care and safe motherhood. DCM on “Financing Hospital Health Services from the Compulsory Scheme of Health Care Insurance” (2008) sets the coverage from the compulsory health insurance scheme of services provided in public hospitals, including general paediatric services and a list of specialties for children offered by the tertiary level (paediatric emergencies, paediatrics infections, paediatric specialties, infantile surgery, paediatric intensive care, etc.). Currently, the MH is working to prepare a package of hospital services to be financed by this scheme, is carrying out a review of indicators of measuring hospital performance and quality standards, the establishment of referral systems, and determination of categories of citizens to be covered by the State (children up to 18 years, pregnant women, etc.)

498. The NCS contains a number of objectives designed to implement the child's right to health and development, specifically: (a) improving health care for mothers and children; (b) improving awareness on child health; (c) improving care for children's and teenagers' mental health; (d) strengthening public dental service and improving quality and access to public dental care; (e) implementing and monitoring the National Strategy on HIV/AIDS, reducing HIV transmission from mother to child; (f) improving child nutrition; (g) creating an enabling environment to child health. To implement these objectives, a number of measures have been designed: (a) preventing contagious diseases and child diseases through extending immunization coverage, and introducing new vaccines; (b) full and timely vaccination of all children, according to the National Vaccination Calendar; (c) designing and implementing policies to reach groups at risk and marginalized categories; (d) reducing the prevalence of early childhood diseases, which are the main causes of infant morbidity and infant mortality, through the strategy of the integrated management of the main childhood diseases; (e) improving nutrition of infants and young children through encouragement of breastfeeding in the first 6 months, and improving nutritional patterns of infants and young children to avoid malnutrition; (f) prevention of microelement deficiency, such as minerals, vitamins, iodine, iron, etc; (g) promoting the healthy physical, psycho-emotional, and social development of the child. Increasing the awareness of households and communities on contemporary practices of child upbringing and development, especially in the rural areas; (h) increasing knowledge of healthcare personnel on mother and child health and the necessity to continuously attend to the upbringing and development of children 0–6 years; (i) training of health personnel in relation to youth health and the special need of this category; (j) defining the standards of youth friendly services and improving access to such services; (k) protecting children from abuse, abandonment, exploitation, and violence. Preventing and combating household practices of gender based discrimination.

499. Law No. 9952, dated 14 July 2008 "On Prevention of HIV/AIDS in the Republic of Albania" states that prevention and control of HIV/AIDS and its transmission from mother to child is State policy in the Republic of Albania. The law delineates institutional obligations for HIV/AIDS infected students. The local government units are also under the obligation to support HIV/AIDS infected persons and their families through programmes and services aimed at integrating them into the community and society. Children under 18 years infected with HIV/AIDS are entitled to cash aid or services. HIV/AIDS infected children, who are abandoned or have lost connections with their families, are placed in foster institutions.

500. The Strategy for Health Education Promotion contains objectives and activities related to promotion of health education on mother and child care. This Strategy is currently being reviewed and updated. The MH policies and strategies aim at continuous improvement of mother and child health and the quality of their life by reducing morbidity and mortality rates. The main actions to provide for improved health for children have consisted in: (a) upgrading and integrating mother and child healthcare facilities in all three levels; (b) improving the quality of mother and child services in all three levels through the unification of standard protocols for mother and child health; (c) improving the level of scientific knowledge of health personnel through continuous training; (d) upgrading and strengthening the legal framework on protection of mother and child health; (e) building awareness of the society and mass media to make mother and child health an important priority. MH measures put emphasis on the care for mother and child after birth, with particular importance on breastfeeding and family planning.

501. Immunization of children is a main priority of the MH. Albania has a compulsory vaccination programme against the main preventable childhood diseases (diphtheria, tetanus, pertussis, TBC, polio, measles, rubella, parotids, hepatitis B, Hb). Surveys by IPH show that vaccination coverage for these diseases is high (over 97 per cent). In 2007, the

National Program of Vaccination of Reproductive Women (16–35 years) with the measles/rubella vaccine was successfully completed. In 2002, Albania was certified by WHO as a polio free country and is in the process of eliminating measles (since 2002 no measles case has been reported). In 2005, the measles/rubella vaccine was added with the parotids vaccine. In 2008, the Ministry of Health applied to the Global Alliance for Vaccines and Immunization (GAVI), and was successful in adding an additional component to the compulsory scheme of the vaccine of haemophilic influenza type b or Hib, which protects young children against meningitis thus preventing mortality in children. In the first quarter of 2009, Albania will widely apply its use as a component of the combined pentavalent vaccine of DTP-HepB-Hib. Albania has a National Action Plan for Immunizations and is preparing the new Immunization Strategy for 2009–2015. Since 2004, all vaccines are being procured with State budget funds.

502. MH policies and strategies consider mother and child health to be a very important issue and place it at the centre of reproductive health care. The MH is making substantial efforts to integrate reproductive health services in all three levels, with special priority attached to the primary level. Health care for women is free of charge in all three levels: I. (1) In the Primary Health Care, in the rural areas these services are provided at: (a) ambulances, employing midwives caring for women from pregnancy to after birth; (b) the Health Centers at community level, employing family doctors, nurses, and midwives attending to reproductive health, including maternal health; (2) In the urban areas-mother counselling centres integrated with the family planning centres, the duties of which are: (a) antenatal care for pregnant women; (b) health education, including reproductive health; (c) prevention, detection, treatment, and care of reproductive system pathologies; (3) counselling and advice on contraceptive methods and health education on family planning. II. In the hospital care system – maternities of the regional hospitals include the sections of maternity and neonatology. In 2007, there were 37 maternities across the country and 25 neonatology wards in the regional hospitals. In 2005, there were 1077 obstetric beds and 472 gynaecology beds. In 2007, the number of obstetric beds was 1267, and the number of gynaecology beds was 524. The number of neonatology beds in all maternities was 549 for the year 2006 and 703 for 2007. III. The tertiary level consists of the University Hospitals of Obstetrics and Gynaecology in Tiranë. All services designed to provide women’s care offer information, counselling, and education on maternal health, women’s reproductive health, contraceptive methods, etc. Antenatal care is intended to provide support and guidance to pregnant women, their partners and families helping them with the transition to parenthood. The protocol of prenatal care in Albania includes assessing the overall risk, through several examinations and laboratory tests, screening for sexually transmitted infections, Rh izo-immunization, health education on pregnancy risk signs and signals, nutrition, breastfeeding, etc. An important component of the package of antenatal care provided by maternal healthcare services is the dissemination of health information. Counselling includes information on measures to mother exposures affecting foetal health, nutrition, recreation, detection of symptoms and early signs of pregnancy complications. As the time of birth approaches, counselling should prepare women to face childbirth and to impart adequate and accurate information in relation to birth. Advice about breastfeeding, family planning, and child care should start ahead of child birth and continue after it.

503. In 2002, the Ministry of Health approved the Public Health and Health Promotion Strategy: “Towards a healthy country with healthy people”. The strategy emphasizes the importance of promotion of maternal and child health. In 2008, a review of the strategy was undertaken with the primary objective of improving healthcare, especially for mother and child, through: (a) increasing the knowledge of health personnel on maternal and child healthcare with a focus on providing information, education, and counselling about maintaining and improving their health; (b) increasing the knowledge of mother and children on caring for, and improving their health;(c) including in the school curriculum,

topics related to children's healthy behaviours, etc.; (d) training teachers on issues of preserving and improving children's health; (e) reorienting health services, mainly in the primary healthcare, towards patient information, education and counselling.

504. During the period 2004–2008, a range of promotional activities for mother and child health care have been carried out. (1) awareness-raising activities on breastfeeding and child nutrition; (2) awareness activities on road safety near schools, since deaths of children up to 14 years due to road accidents account for 13 per cent of accidents, in general. Mobilization of children's opinion is an effective tool to orient State action towards increased road safety; (3) workshops with the media on the coverage of children's suicide; (4) training of media to better report on various public health problems, such as tobacco, drugs, alcohol, mental health, STI, etc.; (5) use of all types of mass-media events, such as discussions on radio/television, articles in the various newspapers and magazines on different themes related to maternal and child health care; (6) design and distribution of booklets and leaflets on breastfeeding, evolution of the foetus inside the womb, brochures on iodized salt, etc. that were distributed in district communities and schools; (7) competitions among students in 9-year school in several districts on the benefits of iodized salt; (8) Training of biology teachers, especially those teaching in areas most affected by IDD such as Elbasan and Pogradec, in 2008; (9) Community based activities by various organizations (projects) such as USAID, UNICEF, UNFPA, American Red Cross, the Albanian Red Cross, Peace Corps, Albanian Caritas, etc., and various NGOs operating in the field of health. Their activities have focused mainly on the importance of breastfeeding, its advantages, family planning, maternity care before and after birth, etc.; (10) Training of teacher training personnel in 36 districts of the country on mother and child healthcare. It must be said though, that not all municipalities and communes, especially in rural areas, have been covered by such activities; (11) Since 2008, the Reproductive Health magazine is published quarterly, featuring articles on the health of mothers, children, adolescents, pregnancy conditions, nutritional issues, child development, etc.; (12) Training of staff of education cabinets in five districts of the country: Shkodër, Berat, Korçë, Lezhë, and Dibër in the context of the USAID Pro-Health project focusing on child nutrition problems, their upbringing and development, as well as on family planning issues.

505. Among measures to improve the system of training of health personnel, mention can be made of – the frequent training by USAID, UNICEF, UNFPA, American Red Cross, Albanian Red Cross, Peace Corps, Albanian Caritas, and a number of other NGOs active in health care, particularly in the north-eastern parts of the country; – the promotional package of services to be offered by a local health centre was designed in November–December 2008. The package contains two programmes: (1) the Training Program for Health Personnel on Problems related to Information, Education, and Counseling on Mother and Child Health Care, (2) the programme of topics that health care personnel should offer to parents, children, mothers, and the community in general. In terms of preventive care and child education, the health personnel should offer education and counselling to mothers in relation to these issues: (1) Oversight of child upbringing and development: (a) care and management of child health and development; (b) implementation of an especially intensive programme for children with mal-nutrition problems (underweight and obese); (c) implementation of national programme on IDD prevention. (2) Screening of children for hearing and sight problems: (a) referral of children up to 3 years to the hearing specialist; (b) assessing acuity of sight in children up to 6 years and referring them to the specialist for correct diagnosis and correction measures. (3) Implementing the activities contained in the National Immunization Program. (4) Management of common child disease at home: (a) counselling parents to prevent accidents at home, to use the seat belt, to prevent accidental poisoning, and to provide first aid as needed; (b) assess children for physical and psychological violence, treat them in accordance with available means, record the case in accordance with the instructions, and refer them to specialists as needed; (c) counsel

teenagers on the risks of tobacco, drugs and alcohol, and document counselling as required by the relevant regulations.

506. Health promotion services to be offered at the community level include: (a) awareness on child abuse; (b) awareness on smoking risks; (c) awareness on drug abuse; (d) awareness on road and driving safety. Such services should also focus on women and community education on family planning, contraceptive use, ante and post-natal care, HIV and STI prevention, prevention of domestic violence, information on healthy nutrition, weight control, prevention of smoking, alcohol and drugs.

507. Based on the number of diagnosed and reported cases, Albania continues to be a low HIV/AIDS prevalence country. However, new cases are being increasingly reported and estimations suggest a greater number of undiagnosed cases. Various projections show that Albania may be faced with a rapid increase of cases if adequate measures are not taken to prevent the spread, in particular among groups at risk and vulnerable categories.

508. In view of the intensive developments under the previous strategies, the new Strategy on HIV/AIDS Control in Albania was designed. With financial support from the Global Fund, counselling and volunteer testing centres were established in a number of regions in 2007 (Tiranë, Durrës, Vlorë, Fier, Korçë, Lezhë, Shkodër, Gjirokastrë, Berat and Elbasan). The establishment of these centres has had a positive impact on the increase of the number of individuals undergoing volunteer testing. Special attention has been paid to the expansion of services for vulnerable groups through strengthening partnership networks and volunteer participation. Harm reduction programmes have been strengthened to control the harm of injected drugs. Currently there are four NGOs offering harm reduction services in Tiranë, and efforts are being made to extend the service in other regions of the country. In 2009, a new centre providing methadone therapy was established in Durrës, and two additional centres will be set up in two other regions. A drop-in center for MSM and a counselling centre have been established in Tiranë.

509. In the context of measures to improve mother and child health, the Ministry of Health runs a number of programmes in cooperation with governments and UN agencies. The programme 'Making Pregnancy Safer/Promoting effective Perinatal Care (WHO/UNICEF/UNFPA) is designed to provide children with a healthy start in life by reducing maternal and perinatal morbidity and mortality. The components of this programme which started in 2002 are: Training the health care personnel in the primary care system, in relation to mother and child care, ante and post natal attendance, breastfeeding and treatment of the newborn. An important activity of this component is the design of unified protocols for ante and post natal care. In addition, efforts are made to improve supervision of mother and child services in the primary care system. Over 2004–2008, the programme provided training to health personnel in several regions of the country such as Shkodër, Vlorë, and Korçë. As a result, 70 family doctors and 30 other medical staff have been trained, and protocols of antenatal care for pregnant women have been developed. In addition, promotional materials for mothers' health have been distributed in a number of regions.

510. The programme to promote breastfeeding and create child friendly hospitals (CFH) in 1996 onwards: funded jointly by UNICEF-MH has the following objectives: Improving breastfeeding practices; training of health personnel; knowledge and information dissemination about the importance of breastfeeding; expanding the network of CFHs; and enforcement and monitoring of the Breastfeeding Law. Under this programme, annual trainings on breastfeeding are organized in 36 regions of the country. In addition, health education materials on breastfeeding were prepared. Baby friendly hospitals were assessed and certified. Breastfeeding indicators in the country are also monitored.

511. The "Mother and Child Health" programme for 2006–2010, run jointly by MH and UNICEF, includes several activities for mother and child health, which are established annually according to the priorities and needs established by MH. These activities focus on: Policy design; setting standards and strengthening partnerships for maternal and child health in the context of the health reform; capacity building for health personnel in the regions (Kukës, Tropojë, Shkodër and Elbasan) to manage health services; establishing a monitoring system of the package of services provided by the primary health care; continued implementation of the strategy of integrated management for childhood diseases at community level in the districts of Kukës and Tropojë; support to community participation in the management of health centres through voluntary community health groups; capacity building for MH and other stakeholders' staff to assess the nutrition situation and draft action plans to improve this situation; strengthening the system of monitoring and enforcement of the legal framework on universal salt iodization (for human and animal consumption and use by the food processing industry); building awareness of families and communities to improve nutrition practices and reduce the rate of malnutrition in children; building capacities of health personnel to offer nutrition counselling; etc.

512. The National Immunization Program, since 1993 and onwards, is run jointly by UNICEF-IPH and has the following goals: providing of vaccines; management and maintenance of the cold chain; training of personnel; and design and implementation of immunization policies for high risk groups.

513. The National Program for Integrated Management of Childhood Diseases since 2001 and onwards is run jointly by UNICEF/WHO/MH. Integrated management of childhood illness is a global strategy of WHO/UNICEF which aims to: increase the effectiveness of care, reduce service costs to achieve two main health objectives: (a) reducing mortality and morbidity associated with the main causes of childhood diseases; and (b) promotion of baby healthy growth and development. During the period 2001–2004, the following results were achieved: (a) establishment of management structures at central and local; (b) production of training materials as adapted from the paediatric departments of the faculty of medicine; (c) training of health professionals (doctors, nurses) at the central level and in the pilot districts of Pogradec and Bulqizë, (about 80 people in total); (d) the introduction of the integrated management of childhood diseases in the curricula of the Faculty of Medicine on paediatrics and the family doctor. The expansion phase started in 2004 and is being implemented in the north-eastern prefectures of Dibër, Elbasan, Kukës, Has and Tropojë. The community component has begun the implementation of integrated management of childhood diseases in Kukës and Dibër.

514. The Child Survival Program by MH, USAID, the Albanian Red Cross and the American Red Cross, 2003–2008, had these objectives: (a) improving the health of children 0–59 months and women of reproductive age in the prefecture of Dibër; (b) increasing the rate of use of mother and child services in the primary care system; (c) enhancing the implementation of key practices for child health at the family level; (d) improving sustainability of these activities at community level through partnership building. The main project interventions were: improving of nutrition (breastfeeding, complementary feeding over 6 months, etc.); implementing the integrated management of childhood diseases at the community level in the Dibër region; and upgrading of family planning services.

515. The Cooperation project among the Ministry of Health, World Health Organization, and the Spanish Agency for Cooperation and Development "Reform of Maternal and Child Health" 2008–2010 has these objectives: Improving the health situation of women, infants and children by strengthening MH leadership and management capacities; as well as the operations of maternal and child health services in the primary and secondary level. To achieve this goal, interventions and activities implemented at the central and regional level

are focused on: (a) reform and reorganization of health services for mothers and babies; (b) improving the quality and continuity of mother and child care.

516. Also, in 2004–2008, MH implemented cooperative projects with local and foreign NGOs in the field of child health, such as the cooperation with the CRCA on prevention and protection of children from violence and abuse; with Save the Children on upbringing and development of young children; with the Albanian Association for Population and Family Planning on family planning and teenage health, etc.

C. Allocation of budget and other resources

517. MH operational data confirm that the budget for mother and child health has been: 2005: 1 billion and 858 million leks (11 per cent); 2006: 2 billion and 243 million leks (11.5 per cent); 2007: 2 billion 630 million leks (11.7 per cent). Line items in the MH budget are: personnel costs 69 per cent; Operational expenses 13 per cent; Investment 10 per cent; drug reimbursement 6 per cent (for children 0–14 years and women during pregnancy); vaccine procurement 1 per cent; contraceptive purchase for family planning needs 1 per cent.

State allocation to the health sector

<i>Years</i>	<i>2005</i>	<i>2006</i>	<i>Increase %</i>	<i>2007</i>	<i>Increase %</i>	<i>2008</i>	<i>Increase %</i>
Allocations to the MH budget	18 473 728	19 218 000	4	22 449 000	17	24 409 008	9
Percent to State budget	11.6%	12%		11.4%		10.5%	
Percent to GDP		1.96		2.29		2.3	

Source: Ministry of Health.

Public expenditures for the implementation of the right to special care for children from poor families, 2006–2008

<i>Years</i>	<i>Economic aid (000 leks)</i>	<i>No. beneficiary households</i>	<i>No. persons in these households</i>	<i>No. children in these households</i>	<i>Budget for children (000 leks)</i>
<i>a</i>	<i>b</i>	<i>C</i>	<i>d = c * 4.2</i>	<i>e = c * 2.2</i>	<i>f = (b/d) * e</i>
2006	2 800 000	115 000	483 000	253 000	1 466 667
2007	2 600 000	110 000	462 000	242 000	1 361 905
2008	3 300 000	93 000	390 600	204 600	1 728 571

Source: Ministry of Finances, 2006–2008.

518. The above tables present information on public spending for children with disabilities, as well as for children of poor families. Although figures are given in absolute value, they testify to increased attention to the needs of specific groups and vulnerable categories. However, the analysis should have been more profound, not only in terms of comparing absolute values, but also in terms of measuring the effectiveness of the spent resources, i.e., the actual fulfilling of the needs of each child.

VIII. Education, leisure and cultural activities (arts. 28; 29 and 31)

A. Follow-up measures to implement the recommendations of the Committee

Education, leisure and cultural activities (arts. 28, 29 and 31)

Training of teachers and increase of budget allocations for education

Recommendation 61(a)

519. One of the objectives in the NCS is “the formation and training of teachers” (objective 10). During this period, increased efforts have been made to upgrade teaching quality. The creation of quality education system is linked to improvement of curricula, teacher training and educational infrastructure. The Institute of Curricula and Training has designed a teacher training system based on both the individual career system and meeting teacher’s standards. The Institute develops annual work plans on the periodic qualification of teachers by both specialty and level of their current professional training.

520. The Ministry of Education and Science, plans to train more than 3000 teachers annually. The core of the training programmes focuses on the promotion of new teaching methodologies and the introduction of new programmes in the pre-university system. The Curricula and Training Institute is the responsible agency for implementation of the MES policy, in terms of the content of school reform and teacher training. The introduction of new curricula in basic education is associated with intensive training activities for all teachers implementing new curricula and new textbooks. Through the cascade system, almost all basic education teachers have received the necessary training for the quality implementation of the educational curriculum. The Curricula and Training Institute has trained 3102 school principals on the use of “Principal’s Handbook and Manner of Use”.

521. The Curricula and Training Institute has developed support materials for teachers and parents with a view to ensuring all children’s inclusion in the education system. In 2008, in the framework of projects for the integration of disabled children in mainstream

education, about 400 teachers in the preschool and 9-year compulsory education and 80 teachers of the Regional Educational Directorate in Shkodër received training.

522. Teacher training is also provided in the framework of the Master Plan for “Information and Communication Technology in the Schools”. Public investment for school construction and reconstruction has been growing. A positive development is the fact that investment allocations have been guided by the needs of regions in difficult conditions such as rural and remote areas of the country.

523. To continuously improve the education system, education spending increased in 2008 from 10.1 per cent of public expenditures to 11.6 per cent. MES budget for 2008 was 36 billion leks, thus accounting for a 10 per cent increase in comparison with the 2007 budget. To help students from disadvantaged groups to attend school, 850 million Euros were allocated for scholarships and student transport.

524. Educational services cover 100 per cent of the country’s territory. 17 per cent of MES budget is spent on school construction and rehabilitation. To improve teaching conditions and reduce the number of students per class, a study has been commissioned for 18 largest municipalities in the country to define the needs for new schools and dormitories, in particular in the areas in which internal migration has caused a substantial increase in the number of students per class.

525. Among the objectives of NCS is “Improving school infrastructure and teaching materials” (objective 11). Under the project, “Improving school construction standards” the standardization of school maintenance criteria has been launched. MES budget for investment (rehabilitation, construction of new facilities, equipment) has increased to 4 billion leks in 2008 from 3.3 billion leks in 2007. There were built 72 new schools and an additional 413 schools were rehabilitated. Construction standards for disabled students have been established and their implementation has been launched.

526. MES budget for teaching materials has increased from 260,000 million euros in 2007 to 380,000 million euros in 2008. The MES budget contains a separate line item for the purchase of teaching materials for kindergartens. In 2007, 38 elementary schools were equipped with science laboratories; with biology and chemistry laboratories 61 elementary schools, whereas computer labs are being supplied in the framework of the ICT master plan.

527. The NCS contains as an objective “Improving access to ICT”. MES is working on the Master plan for “Information and Communication Technology in schools”, designed in cooperation with UNDP and other partners and developed under the memorandum of understanding between UNDP and the Albanian government. The Master Plan on School ICT provides knowledge on and skills in ICT and Internet use to students of elementary and secondary schools. Students learn to use modern information and communication technologies in a new, dynamic, and entertaining way. About 1749 elementary and 384 secondary schools will benefit from being equipped with computer labs. Until now, computer labs have been established in all high schools in the country. In 37 secondary schools, two cabinets have been established. During the year 2008, computer labs were established in 353 elementary schools. By the end of the current year, all 9-year schools will be equipped with computer labs. 2000 virtual laboratories (a laptop and a projector) will be furnished to all secondary and basic education schools.

528. With the new curriculum, informatics will be taught in basic education starting from the 5th grade. In 2008, the preparation and distribution of computer programmes for grades 7 to 12 was completed and work started for the training of computer teachers.

Measures to reduce grade repetition and school dropout rate

Recommendation 61 (b)

529. Increased participation in basic education has led to a reduction of dropout rate. Enrolment in the lower level of compulsory education is 89 per cent, and 94 per cent in the upper level. Whereas the rate of school completion and the percentage of children who begin first grade and complete the fifth grade is 98 per cent.⁵³

530. All by-laws issued by MOES, since 2004 onwards, provide for measures and interventions to reduce the dropout rate of children from vulnerable and marginalized categories, Roma in particular. To implement its policies, MES has continued the legislative and institutional reform in the following directions: Since 2004, MES continues to monitor the implementation of its Instruction no. 34, dated 8 December 2004, “The Second Chance” designed to educate students who had dropped out of school and children who cannot attend school because of blood feuds. This Instruction is addressed mainly to Roma children and those from marginalized families. Its effective implementation and monitoring has improved and has led to the institution of legal measures to return students to school. The number of drop out students from families in need and marginalized categories has been declining from year to year.

531. To enable children of Roma minority to attend school, Instruction No. 6 dated 29 March 2006 of the Minister of Education and Science, prescribes measures for enrolment of Roma children who do not possess a birth certificate. Instruction No. 22, dated 1 September 2006 of the Minister of Education and Science, “On the implementation of plans, programmes and textbooks for pre-university education in the school year 2006–2007”, required all Regional Education Directorates and Education Offices, to report in writing twice a year with regard to progress under the Strategy “Improving the living conditions of the Roma minority” in relation to progress under the education objectives contained in this strategy.

532. In implementing the Order of the Minister of Education and Science No. 410, dated 8 November 2006, “On identifying the situation and measures to be taken in the fight against illiteracy”, MES conducted the study “The reasons favouring illiteracy and measures to be taken in the fight against this phenomenon”. In order to achieve the purpose of the study, the following specific objectives were set: (a) identify the number of drop out students and children outside the education system, divided into categories affected by illiteracy; (b) develop a data base of illiterate children in the age group of compulsory education; (c) identify measures taken by schools to reduce illiteracy; (d) identify the training needs of teachers in relation to alleviating illiteracy.

533. Based on the Order of the Minister of Education and Science No. 321, dated 11 October 2004 “On the piloting of the psychological service in pre-university education”, MES conducted an assessment of psychological pilots in pre-university education. Further, to introduce this service in the pre-university system, the Minister of Education issued Order No. 170, dated 21 April 2008 “On the functioning of psychological services in pre-university schools”. This service is open to all students, particularly children with socio-economic problems and has been quite effective for Roma children.

534. The Instruction of the Minister of Education and Science No. 32, dated 28 August 2008 “On establishment of school structures and implementation of plans, programmes and textbooks in the pre-university system in the school year 2008–2009” states that the decline

⁵³ Source: Ministry of Education and Science: Annual statistics 2005–2006; Annual report 2007–2008 on the Implementation of the objectives in the NCS.

of the number of dropout students and those at risk of dropping out is one of the main objectives of the elementary schools and one of the criteria for assessment of teachers' and principals' work. For this purpose, the Regional Education Directorates and Education Offices throughout the country are required to take these measures: (a) to train teachers to work with pupils who have dropped out or are at risk of dropping out; (b) to develop specific programmes at class and school level building parents' understanding on the importance of education; (c) to inspect at least twice a year every school that has drop out students or students outside the educational system; (d) to assign a specialist to deal with the education of children from marginalized categories. This specialist should prepare a work plan and report in writing twice a year on progress made. Directors of Educational Directorates and Educational Offices should, twice a year, submit to the MES Curricula Directorate a progress report on implementation of work plans with particular emphasis on problems outside their powers, requiring Ministry intervention, in order to mitigate the phenomenon of illiteracy.

535. To implement Prime Minister's Order No.37, dated 9 March 2009, an Inter-ministerial Working Group has been established to follow up on the implementation of the National Strategy "Improving the Living Conditions of the Roma Minority". To detail objectives under this strategy, MES has developed a special action plan, the implementation of which will assist to improve enrolment of Roma children in schools and kindergartens.

536. Studies assessing efforts to combat social exclusion of children in schools,⁵⁴ show that children from poor families have fewer opportunities to attend school, than other children. Many of these children cannot attend basic education because their families cannot afford the expenses. Some are even forced to work to contribute to the household income. In the rural areas, another reason to stay out of school is the big distances that the children are forced to walk to reach school.⁵⁵ In all the regions of the country, the Ministry has established classes for drop out children or children at risk of dropping out.

537. To implement the Order of the Minister of Education and Science No. 410, dated 8 November 2006, "On identifying the situation and measures to be taken in the fight against illiteracy", in 2007, MES conducted a research at country level on "Factors favouring illiteracy and measures to be taken in the fight against this phenomenon". In 2008, an Action Plan to address the situation and appropriate budgets were approved.

538. Among concrete measures, mention can be made of: (a) special programmes for the training of teachers dealing with marginalized students, based on their specific problems. (b) design of platforms for each Regional Education Directorate or Education Office with children outside the education system to attract children to school and deliver supplementary educational programmes (these platforms include provision of additional teaching staff, reduced teaching load, setting of remuneration levels for teachers working with marginalized students, etc); (c) establishment of compressed curricula schools time in every local administrative unit; (d) construction of 10 new Dormitories in areas in need. In 2008, seven dormitories were built and three additional ones will be built in 2009. In the school year 2008–2009, textbooks were provided free of charge for orphaned, blind, paraplegic or tetraplegic children. For the 2007–2008 school year, the Municipality of Tiranë provided learning materials to 200 children with special socio-economic needs. This municipality also awarded scholarships to students with very good grades. From these scholarships benefitted 1583 students in total, of whom 1250 in the elementary system and 333 in the secondary system.

⁵⁴ According to the Report on the Implementation of the National Children's Strategy 2007–2008.

⁵⁵ The Study "Measuring Child Poverty and Social Exclusion", November 2006.

Assessing the involvement of Roma children in education

539. Inclusion of Roma children in preschool education and in the 9-year compulsory education has been receiving priority attention. A study by HDPC and UNICEF in 2008, showed that only 54 per cent⁵⁶ of Roma children attend pre-school and compulsory education. Ensuring full inclusion of Roma children in education remains a critical issue. Schools across the country are implementing the MES Instruction “On enrolment of Roma students without birth certificates” to ensure Roma participation in education. Despite MES efforts to ensure the right of all Roma children to education, the identification of Roma children outside the school system remains a problem. For this reason, MES in collaboration with UNICEF, Save the Children, Human Development Center and Roma associations, has undertaken the study, “Collecting data on Roma children, of preschool and school age, both enrolled and not enrolled in the school”. The study was designed to collect statistical data on Roma children involved and not involved in preschool and compulsory education. The study analyzed the educational situation of Roma children in Albania. Through the identification of positive experiences in the field of Roma education, the study offers recommendations on measures to be taken to improve the quality of their education. The study showed that there is a total of 4654 Roma children between 3–16 years, of whom 1099 aged 3–6 years and 3555 between 6–16 years. Based on the study recommendations, intervention are being designed in Gjirokastrë, Korçë, Tiranë, Elbasan and Berat.

540. With a view to integrating, educating, and entertaining Roma children, the Municipality of Tiranë, in cooperation with the Regional Educational Directorate, the Parent’s Association, and NGOs involved with children’s rights, implemented the project “Learning by doing”. The project established summer schools in the suburbs of Tiranë. The project benefited 1600 children aged 10–14 from the poor families of the Municipality Units No. 2, No. 3, No. 5, No. 6, No. 7, No. 9 and No. 11. Of these children, 13 were from families in need. The purpose of the project was to meet the needs of the children for education, entertainment, and civic knowledge through holding cultural, sports, and artistic activities. More specifically, the project offered knowledge on health and the environment; it offered multidisciplinary psycho-social services for children who have dropped out of school. The exchange of experiences among schools teaching children from these categories was an important objective of the project. Among project outcomes, mention can be made of helping to mitigate issues such as drop-out, violence, drugs, prevention of child labour, and increased responsibility of local governments in school governance.

541. As part of the curricula reform, MES has designed new inclusive curricula in an effort to help teachers to be more receptive to students in need. So far, compulsory education curricula did not deal with inclusive concepts. Under the new curricula, children with special needs, due to their disabilities, are entitled to an individual education plan. This plan should be adapted to the specific needs of the child. MES has drafted regulations with regard to assessment of special needs of the child. These new procedures are being piloted in some all-inclusive schools. To date, the special education schools design individual plans for certain, but not all students, whereas in the mainstream schools this practice has been rare.

Inclusion of confined children in education

542. To implement the project of “Second Chance”, MES has provided for the continuous training of teachers dealing with students who have dropped out of school or those who are at risk of dropping out, due to blood feuds. All students confined at home will receive education.

⁵⁶ Study by HDPC and UNICEF.

Education of minority children

543. Since the right to education in the mother tongue is considered to be a basic element of the identity of minorities, Albania pays special attention to the education of minorities. Efforts to reform education have included the design of a complete legal framework to guarantee the educational rights of minorities, including through the design of new schools curricula. The Constitution, the Law “On pre-University Education”, Decisions of the Council of Ministers, and regulations issued by MES guarantee the enjoyment of minority education rights.

544. MES is working to improve the legal framework and to take measures in this direction. (a) The National Strategy on Pre-University Education 2004–2015 provides for the education of all categories of the Albanian society; (b) Order No. 170, dated 21 April 2008. “On the Piloting of Psychological Service at the Pre-University Education” ensures psychological counselling for all students, in particular students with social and economic problems, including Roma; (c) MES issued Instruction “Implementing the Project “Second Chance” to enable the education of children who have dropped out of school, and those who are confined due to blood feuds. This initiative represents an important step towards the educational and social integration of Roma children.

545. As part of efforts to reform compulsory curricula, MES has designed a new teaching plan for the 9-year system. This plan, which includes minority education, was drafted in cooperation with minority representatives. For this purpose, MES held meetings with teachers, school principals, and local representatives of minorities. It also consulted the State Committee on Minorities. MES has also defined the proportion of teaching in Albanian and in minority mother tongues. These proportions are unified for all minorities. In grades I–IV, 82 per cent of subjects is conducted in minority languages, and 18 per cent in the Albanian language. In grades V–VIII, 63 per cent of subjects are taught in minority language and 37 per cent in the Albanian language. The addition of the 9th grade to compulsory education was accompanied by a relevant order to teach 60 per cent of the subject in minority language and 40 per cent in the Albanian language.

546. The teaching plan and the subject programmes create the opportunity for minority students to study the history, traditions, and culture of their nation. The liberalized text-book production places emphasis on equal opportunities for all student categories. It should be said that due to the small print run for minority text-books, one text-book for a minority student costs 2200 leks, whereas one textbook in Albanian costs 200 leks. Hence, the cost of one text-book in a minority language is 11 times the cost of a text book in Albanian. In the Greek minority schools, the ratio student/teacher is approximately 7.8/1, whereas on a county level the ratio is 18.2/1. The cost of educating one minority student is approximately 2.3 times the cost of educating an Albanian student. In Macedonian minority schools, the ratio student/teacher is approximately 12.6/1 and the cost of educating one Macedonian minority student is approximately 30 per cent higher than the cost of educating an Albanian student. Recently, important progress has been made in improving the teaching programmes and the text-books for minority students. New subjects have been introduced, such as ‘History of the Greek/Macedonian People’, in the elementary system and the ‘Greek/Macedonian Language’ in the first and second years of secondary education. The literature and language in the mother tongue have been introduced as school leaving examinations. The new teaching plans for minorities in the compulsory system currently include the subject of ‘National Geography’. In addition, through schools boards, the local communities can decide on the elective subjects for their schools. This is an additional opportunity for minorities to elect subjects in their own mother tongue. Under the State Matura Examination, MES provides all the necessary facilities for minority students. New teaching plans have been designed for all the grades of compulsory education for the Greek

minority children. Under the Agreement between MES and the Greek Embassy in Tiranë, textbooks are being translated in the Greek language.

547. With regard to teacher training for minority students, in the city of Gjirokastrë, the secondary pedagogical school prepares teachers for the Greek minority. Although this programme is attended by a limited number of students, it still has been kept open. The University “Eqerem Çabej” in Gjirokastrë, in 1993 established the Greek language programme. In 1997, the University of Tiranë, Faculty of Foreign Languages established the programme of the Greek language. Teacher training in general, training of minority teachers in particular, is an important element towards improving the quality of teaching. It should be noted that until currently, the training of minority teachers has been conducted by the Regional Educational Directorates and trainings provided at school level. MES is planning the full decentralization of teacher training budgets in order to bring it closer to the needs of teachers.

548. Currently in Albania, there is no private educational institution specifically for minority children. However, non-public schools are also attended by minority children. Every legal person in Albania has the right to establish a private school in accordance with the requirements of the Ministry of Education and Science. Private schools in the Albanian language are licensed by the Ministry, whereas private schools in foreign languages, including the religious schools, are licensed by the Council of Ministers subject to clearance by the Ministry of Education and Science. MES and the Regional Educational Directorates with minority schools pay special attention to the needs of these schools for teaching personnel as well as the training and upgrading of their teaching skills.

549. Assessment of inclusion of Albanian children living abroad. The Ministry of Education and Science of Albania, and the Ministry of Education, Science, and Technology of Kosova have launched national seminars on teaching Albanians abroad. The third national seminar was held in July 2009. About 100 teachers involved in supplementary teaching of Albanian language in Europe and beyond participated in the seminar. The Albanian government is working with the associations of Albanian emigrants abroad to encourage the conservation of the Albanian identity through teaching in Albanian and promoting the Albanian culture. MES has donated English language textbooks to be used in Albanian classes in Greece and Italy, where the number of Albanian emigrants is the largest. These donations include mainly ABC books, Albanian language and literature, but also textbooks on Albanian history, geography, and folklore.

550. Greece and Italy offer different experiences in teaching Albanian language and culture. In Greece, children learn Albanian language in open courses by Albanian teachers, thanks to the dedication of parents and Albanian associations in this country. Teaching takes place in rented apartments, which are adapted as schools. In some parts of Italy, in the schools with big concentrations of Albanian children, the commune pays an Albanian teacher. Albanian children can elect the Albanian language as one of the optional subjects. However, it is of importance to design teaching materials in Albanian, in order to facilitate learning for Albanian children who do not speak Albanian, as well as for foreigners.

Improving quality of education

Recommendation 61(c)

551. One of the objectives of the NCS with regard to the right to education reads: “Establishing a Quality Education System” (objective 9). Under this objective, a detailed analysis of the pre-schools education and compulsory education is foreseen to take place to assess among other things the inclusion of children with special needs. Albanian education is constantly changing and improving the quality of education, the transparency, efficiency, and governance towards gradual expansion of school autonomy. Currently the Institute of

Curricula and Training is reviewing the curricular framework and the curricula of compulsory and secondary education.

552. To achieve this aim, various working groups have been established to: (a) review of the theoretical basis of curricula of grades 1–12 and the teaching and learning process; (b) review of standards of compulsory education. This year the curricula of the lower level of compulsory education is being reviewed; (c) review of standards of general secondary education.

553. The Institute of Curricula and Training has established the principles underlying these standards, and the criteria to establish cooperation with teachers. To ensure quality education, it is necessary to extend the length of compulsory education. It is also necessary to improve teaching in secondary schools in accordance with modern standards of the free market, the labour market included. Towards that end, MES has concluded the study on “Defining the Structure of Secondary Education”. Based on the study recommendations, MES designed the policy document on “Reforming the Structure of General Secondary Education”, which outlines the new reform of the general education system. According to this reform, the transition will be made from the current system of profilization to the optional subjects elected by students and parents. The new curriculum consists of a core curriculum for all students and the elective subjects, which will be chosen by students and parents. The optional curriculum will consist of two levels. The first level is made up of elective subjects and curricular projects. The second level is made up of extra-curricular activities in the form of contributions to the school community. Based on MES Instruction No. 9, dated 28 February 2008 “On the New Structure of General Secondary Education and the Technical/Vocational Education” work has been launched to prepare teaching materials and the respective curricula for the three years of secondary education. The MES reform of “Alteretekst 2” is designed to consolidate the textbook liberalization process and to approximate it with market demand.

Adding a compulsory year to the pre-school education

Recommendation 61 (d)

554. An important objective of MES and the NCS is to increase enrolment of children 5–6 years in kindergartens. To achieve this objective, MES has taken measures to increase the number of kindergartens across the country, and to increase enrolment of children 5–6 years in the kindergartens to prepare them for school. In 2006–2007, schools provided preparatory classes for children 5–6 years. This process will continue for as long as there are children 5–6 years who do not attend kindergartens. The NCS aims to enrol 70 per cent of children 3–5 years in pre-school to prepare them for school. Currently 50 per cent of this age group is enrolled in kindergartens. In the school year 2008–2009, 50 preparatory classes were established at compulsory schools for children 5–6 years.

Entertainment of children

Recommendation 63

555. The Municipality of Tiranë is implementing the project “I want to play”. The aim of the project is to involve communities in building small playgrounds in the communal spaces in order to provide children with opportunities to play and entertain themselves.

B. Implementation of national programmes and their monitoring

Education (arts. 28 and 29)

556. Protection of children's rights in the Albanian education system is guaranteed by the Constitution, the Law "On Pre-University Education", and a number of bylaws enacted to implement the law. A number of bylaws have been passed to establish structures to implement legal provisions. Regulations issued by the Ministry of Education and Science in the year 2002 constitute the fundamental secondary legislation regulating the education process, relations of parents and children with teachers and the school administration, the rights and duties of students, the rights and duties of teachers, parents, etc. This secondary legislation recognizes children's rights as provided in the Convention (arts. 27, 28 and 31). Pre-university education develops in accordance with the National Strategy of Pre-University Education 2004–2015 (approved by DCM No. 538, dated 12 August 2004). The main objectives of this Strategy are ensuring access to all levels of education, and carrying out of the curricular and structural reform of pre-university education. The attainment of the objectives under the pre-university strategy relate directly to the improvement of the quality of education for children.

557. The Ministry of Education and Science has set as a long-term objective of its policies the development of the education system in accordance with European standards. The specific objectives of the education sector remain, (a) increase of enrolment and participation in compulsory and secondary education, mainly vocational education in the poor and remote parts of the country; (b) improving the quality of teaching; (c) increasing enrolments in vocational education, and adaption degree to the labour market; (d) increase of education effectiveness and efficiency of education management.

558. The NCS, as a policy document in accordance with the strategic objectives of the NSDI, is designed to improve administration and the financial efficiency of the education system in full respect for the child's right to quality education. The NSDI defines the main directions of action to improve quality and quantity indicators of the education sector, specifically: (a) encouraging community participation in education; (b) improving access and equity; (c) improving quality; (d) upgrading managerial capacities; and (e) improving efficiency of public expenditures in education.

559. The objectives of the NCS leading to the realization of the right to education are: (a) ensuring quality education; (b) improving teacher training; (c) upgrading school infrastructure; (d) improving children's access to ICT; (e) incorporating children's rights in school activities; (f) improving management information systems in the education sector; (g) creating conditions for child entertainment.

560. One of the most important MES measures to implement the National Strategy on Pre-University Education and the National Children's Strategy is to build a quality and inclusive education system. Currently, the Ministry has completed the restructuring of pre-university education, which includes transition from the 8-year into the 9-year compulsory system, and from 4 years into 3 years of secondary education. This measure contributes to the realization of one of the basic rights, namely increasing the years of compulsory education.

561. Quality improvement of the teaching process in the pre-university education is effected through a comprehensive reform involving both content and structure. A new curriculum for the 9-year system and the secondary system has been designed. In the school year 2009–2010, the new curriculum for all three years of the secondary school will start implementation.

562. The curricular reform was accompanied by a profound reform in the production of textbooks. The reform is based on liberalization of the market and free competition in the

design of textbooks. As a result, the quality of textbooks has been improved, and new alternative textbooks are available to the teachers. The textbook production is open for participation by foreign publishers. Alternative textbooks are now an established practice throughout the system in Albania. Liberalization of the textbook reform has provided teachers the opportunity to choose from a number of textbooks, which has given a positive impetus to the quality of the teaching and learning process.

563. The very important objective of the Albanian Government and the MES towards implementing the NCS, namely the improvement of children's access to ICT, has seen satisfactory progress. Under the ICT project, with a considerable budget of 59 million Euros, MES aims to provide the pre-university schools with computer labs and to train all the computer teachers. In 2008, all the secondary schools in the country were equipped with computer labs: the number increased from 259 in 2007 to 379 in 2008. In the nine-year education, 353 computer labs have been established and work is going on to procure 665 additional labs in order to equip every school with a computer lab. Computer teachers in the secondary system have been trained, while the training of elementary school teachers is in the process.

564. Another important objective of the NCS is the incorporation of child rights in the school curricula and in extracurricular activities. To attain this objective, children's rights are taught under the curriculum, either as part of a certain subject, as cross curricular knowledge, or as extracurricular topics.

565. Under a certain subject, these rights are taught as part of civic education in the lower elementary school. Children's rights are taught in accordance with the way they are described in the Convention. From the sixth to ninth grade, the civic education subject contains a separate track on human rights in the context of group and community relations. Here, children's rights are taught as part of the knowledge imparted to children to live in a democratic and global world. In the third year of the secondary school, in the social track, there are two chapters dedicated to human rights in the subject of "Knowledge on Society".

566. In terms of cross-curricular knowledge, all the subjects of the elementary school provide knowledge on civic norms from the human rights perspective. This is one of the compulsory criteria for textbook design, to which textbook authors are required to adhere.

567. As extra-curricular activities, various practical activities are implemented to educate children with their rights and ways to protect them. The Institute of Curricula and Training has prepared manuals describing practical activities, which schools can use as part of their extra-curricular component. The 9-year curriculum provides the opportunity for schools to design 10 per cent of its contents. Based on community needs and students' interest, the schools may decide on activities designed to promote knowledge on children's rights.

568. The creation of conditions for children's entertainment is one of the objectives under the NCS (objective 16). Progress with the implementation of this objective is assessed based on the impact that these conditions have on the child's development. The measures taken to rehabilitate cultural institutions have enhanced children's development and have resulted in increased children's participation.

Leisure and cultural activities (art. 31)

569. MTCYS is the responsible institution for coordinating children's policies, together with the National Center of Culture for Children (established by Order of the Prime-Minister No. 108, dated 5 July 2008, as an institution under the MTCYS). The National Center of Culture for Children (NCCC) has a Directorate for Children's Theatre and a Directorate for Arts and Culture. The Prime-Minister's Order merges the NCCC and the National Children's Theatre into one institution. At the regional level, the Centers of Culture for Children used to operate independently of the NCCC. In February 2007, an

agreement was signed between the NCCC and the Ministry of Education and Science for better coordination between the Regional Centers of Culture for Children and the Regional Educational Directorates for holding artistic and sports activities.

570. Law No. 8096, dated 21 March 1996 “On Cinematography” (with amendments) provides for movie broadcasting in certain hours of the day in accordance with children’s age.

571. Law No. 9631, dated 30 October 2006 “On Scenic Arts” also relates to cultural activities for children, with a view to promoting their participation and integration in the country’s cultural life. This Law defines the obligations of public institutions in respect of children’s entertainment and development.

572. The Culture Strategy for September 2008–December 2010, designed by the NCCC, aims at entertaining children and involving them in the dynamics of the country’s cultural life in accordance with children’s demands and artistic talents.

573. One of the objectives of the NCS is the creation of conditions for children’s entertainment. This objective is implemented through cultural, artistic, and sports activities help specially for children. Measures taken to rehabilitate cultural institutions have positively influenced child participation in cultural activities.

574. The establishment of the fund for young artists is an initiative of the MTCYS and the NCCC since the year 2007. The fund is designed to provide opportunities for young artists to improve the quality of artistic production for children by bringing them closer to the expectations and mentality of the Albanian children. The projects under this fund aim to harmonize a wide range of arts. Other efforts include the establishment of a studio for young actors to participate in the children’s theatre in order to enable productions by young artists. This fund is allocated annually and is almost equal to the budget of artistic projects of the NCCC.

575. National Children’s Cultural Center has the task of holding activities at the national level, by engaging its structures in Tiranë and the Children’s Cultural Center in the districts. NCCC maintains contacts and holds cultural exchanges with 10 children’s theatres in 30 children’s centres which depend on the respective municipalities. The purpose of these activities is to promote talented children and provide competition opportunities at national and local level. NCCC has an advisory, orienting and organizing role. Common activities are covered mostly by the NCCC. Annual Cultural Calendars contain over 25 artistic and theatrical activities, which cover overall the basic requirements of children for entertainment, leisure and cultural development. About 25 thousand children averagely participate in these activities as protagonists or viewers. Some of these activities include the National Song Festival (in which a large number of children take part, promoting talents across a wide range of age groups); Festival of Young Voices; sports manifestations; three theatre premieres for children; participation in important painting, theatre, song and ballet activities; painting exhibitions; amateur theatre festival for children; the International Day of Children’s Books; activities for end of year holidays; the Marathon of Recitation; workshops with talented children from painting classes; literary, painting, interpretation competitions, etc. In this context, special attention is paid to the engagement of children coming from poor strata of the population, orphaned children, children with problems, Roma children, etc. For these categories of children, tickets and participation fees in the various courses are covered by the NCCC. In addition, initiatives and activities involving children are supported. For children with vision and hearing problems a series of activities are organized and about 20 charity events are held. Proceeds from such activities go to children afflicted by such problems. In cooperation with Regional Educational Directorates and the Education Offices at the districts level, the NCCC holds nationwide football, basketball, chess, volleyball, aerobic and other championships for children.

576. Also, a number of cultural activities have been held at national level, such as the 46th Festival of Children's Song, which brought on the scene the best Albanian composers and a number of 500 children. This event promoted talents across all children's age. Another event was held in the context of the International Day of Children's Book. On the occasion of Europe's Day, with the support of the Council of Europe, the activity "I meet you: so different and so equal" was held with the participation of large numbers of children from Tiranë, Shkodër, Durrës, Pogradec, Sarandë and Prishtinë. Children participated with essays, drawings, choreography, and songs. During the touristic season 2008, the NCCC in cooperation with the Municipality of Sarandë held the National Week of Culture for Children. Activities included: the National Picture Competition, National Competition of Drama Fragments for Children, Festival of Young Voices, and fair of publishing houses for children's book. Currently, the NCCC, in cooperation with the Regional Educational Directorates Departments and Education Offices at regional level, are organizing nationwide championships of children's football, basketball, chess, volleyball, and aerobics. The championships of football and basketball games are now going on. Participation of girls in artistic classes is about 60 per cent and they mainly come from the poor and middle categories of the population. Activities held in the schools have contributed to the cultural development of girls, particularly in rural and geographically isolated areas.

577. Among the entities promoting children's rights mention can be made of the: Festival of Children's Song, Children's Association "Kripëmjaltëza"; Cultural Center "Robert Rado.

C. Allocation of budget and other resources

578. The table below shows the Ministry of Education and Science (MES) Budget for 2004–2009 in leks.

<i>Education budgets</i>	<i>Year 2004</i>	<i>Year 2005</i>	<i>Year 2006</i>	<i>Year 2007</i>	<i>Projection 2008</i>	<i>Projection 2009</i>
MES budget	23 976 857	25 440 000	26 188 115	29 752 145	37 008 924	41 464 211
Pre-university education budget	19 891 971	20 577 130	21 184 769	24 209 198	29 646 973	31 264 211
Percentage of pre-university Education to the total MES budget	83%	81%	81%	81%	80%	75%
Domestic product (in thousand leks)	795 035 050	836 879 000	899 700 000	982 200 000		1 180 000 000
State budget (in thousand leks)	220 722 050	232 339 000	266 751 000	300 303 000	354 760 000	384 834 000
MES budget in relation to State budget (%)	9.0%	8.9%	7.9%	8.1%	8.4%	10.8%
MES budget to GDP(%)	3.0%	3.0%	2.9%	3.0%	3.4%	3.5%

IX. Special protection measures (arts. 22; 30; 32–36; 37 (b)–(d); 38; 39 and 40)

A. Follow-up measures to implement the recommendations of the Committee

Refugee and internally displaced children

Recommendation 65

579. The Albanian Constitution states that basic rights and freedoms, as well as citizen obligations and duties are equally valid for Albanians and individuals without citizenship in the territory of the Republic of Albania, except in special cases when the Constitution connects citizenship with special rights. This is a broad provision, which is subsequently detailed in various fields of human rights and freedoms. The Constitution provides for the right to move freely inside the territory of Albania, as well as abroad. Procedures and criteria of accepting foreigners in Albania are regulated by special law.

580. The Family Code of the Republic of Albania states that children have the same residence with their parents. They have the right and obligation to stay and live together. However, the law recognizes circumstances when children and parents live apart for various reasons. One of these reasons relates to emigration or cross-border movement. In the case of Albanian citizens whose children need to travel abroad with their own passports, based on the Family Code and article 2 of Law No. 8668, dated 23 November 2000 “On Providing Albanian Citizens with Passports to Travel Abroad” both parents should express their will on a notary statement in order for the child to obtain a passport for travel abroad.

581. Law No. 8432, dated 14 December 1998 “On Asylum in the Republic of Albania”, in article 1 states that Albania recognizes the right to asylum or temporary protection to all foreigners in need of international protection. This law covers refugees and individuals seeking asylum in accordance with the provisions of Albanian legislation and the international conventions to which Albania adheres. This Law regulates the conditions and procedures for granting and removing asylum and refugee rights to people under temporary protection. Individuals benefiting from the provisions of this Law are refugees and individuals under temporary protection. The term ‘refugee’ refers to any foreigner who, due to grounded fears of persecution based on race, belief, ethnicity, membership, or political conviction, does not desire to return to his country and therefore seeks asylum in the country where he/she happens to be. Asylum rights and the same status are accorded to spouses, children under 18 years, and dependants of the refugee. In the case of dissolution of marriage, or death of the refugee granted asylum, his/her family members who were granted asylum in accordance with paragraph 1 of this article will continue to enjoy asylum rights. Article 16 of this law provides that any refugees or asylum-seekers, who have crossed the border illegally and do not present themselves to the police stations within the first 10 days, shall be sentenced to imprisonment. This provision does not apply in the case of minor refugees or minor asylum-seekers. In accordance with international rules, unaccompanied minor asylum seekers under 16 years shall not be imprisoned, except under extreme circumstances. In any case, they will be treated in accordance with relevant international rules.

582. DCM No. 46, dated 7 February 2002 “On approval of the Regulation for the Functioning of Reception Centers for the Temporary Treatment of Non-Asylum Seeking Foreigners” states that unaccompanied minors should be accorded adequate treatment in accordance with the provisions of the Convention.

583. As stated above, Law No. 9098, dated 3 July 2003 “On Integration and Family Reunion of Individuals Accorded Asylum in the Republic of Albania” provides that the unaccompanied child who has been accorded asylum has the right to demand family reunion. In reviewing the application, the Office for Refugees and the National Refugee Commission, as well as the courts, should keep in mind the best interest of the child.

584. The Law “On Foreigners” regulates the regime of entrance, stay, circulation, and employment of foreigners in the Republic of Albania, as well as exit from its territory.

585. The National Strategy against Child Trafficking and Protection of Trafficked Children states that involvement of children in criminal activities should not affect his/her status as a child and as a victim, including the best interest of the child, the right to non-discrimination, respect for child’s opinion, the right to information and confidentiality, as well as the right to protection. The minor victim, who is in a position to create his/her own opinion, enjoys the right to express these opinions in relation to everything affecting him/her, including the possibility of returning him/her to the family or the country of origin.

586. The National Migration Strategy (approved in 2004) is designed to ensure a coherent migration policy, since Albania is a country with migration problems and will continue to experience such problems. In 2005, the National Action Plan on Migration was drafted and approved in order to enable the implementation of the Strategy.

587. The Law “On Adoption Procedures and the Albanian Adoption Committee” states that a refugee child cannot be adopted if: (a) there is reasonable hope to locate his/her family and return the child to the family in accordance with his/her best interest; (b) two years have not passed from the date of asylum issuance, and in the meantime steps have been taken to locate the parents or other members of the family; (c) it conflicts with the best interest of the child; (d) the safe and decent return to the country of origin is possible in the near future and the child’s prospects in his/her country of origin are better than adoption conditions in the asylum country or in a third country. To effect the adoption of refugee children, the Committee cooperates with the relevant State structure charged with refugee issues.

Economic exploitation

Recommendation 69-

588. Albania has ratified ILO Convention No. 138(1973) concerning Minimum Age for Admission to Employment, and Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. To implement article 32 of the Convention, one of the objectives under the NCS is “the Progressive Reduction of the Number of Working Children”. To attain this objective, additions and amendments were effected in the Penal Code. Law No. 9859, dated 21 January 2008 “On some Additions and Changes to the Penal Code” adds article 124/b “Maltreatment of the Minor”, which expressly states: (1) Forcing a minor to work, to earn income, to beg or to perform actions that undermine his/her development is punishable with imprisonment up to four years and with a fine from 50 thousand to 1 million leks; (2) When the offence causes serious damage to health or death of the child, it is punishable with imprisonment from 10 up to 20 years.

589. Also, article 117 of the Penal Code, “Pornography”, has been amended to contain a paragraph, which condemns the use of minors for production of pornographic materials, as well as their distribution and publication. Based on article 128/b “Trafficking of Minors”, the Law currently specifically penalizes not just the recruiting, concealing, boarding, but also the selling of minors.

590. As has also been mentioned in the First Report, the Labor Code and related bylaws provide obligations of employers to protect working children. The Labor Code specifically provides: (a) Prohibition of all forms of forced labour; (b) Minimal age to accept children to work, i.e. 16 years. However, children aged 14–16 years, may work during school vacations for up to 30 hours a week in jobs that do not harm their development and health; (c) Employment of children 16–18 years in easy jobs, harmless to their health and development; (d) Prohibition of night jobs for children under 18 years; (e) Working hours, which should be 40 per week and vacation time which should be 4 calendar weeks.

591. The Unit on the Elimination of Child Labor has been established at the Ministry of Labor, Social Assistance and Equal Opportunities (February 2002) in accordance with recommendation 69/c to establish control mechanisms over child labour. This unit is implementing a national programme for the elimination of child labour through efforts to attain the following objectives: (a) strengthening institutional capacity for the adequate resolution of child labour and child trafficking; (b) lining up Albanian legislation with international legislation in this direction; (c) improving the capacity of labour inspectors and other partners to adopt a systematic and all-round approach with regard to the worst forms of child labour both in the formal and informal sector; (d) increasing all-round awareness on child labour and child trafficking as one of the worst forms of child labour.

592. The State Labor Inspectorate is charged with overseeing the implementation of labor legislation in all work places provided by law. Among other things, the Inspectorate inspects child labour in the various public and private entities. The inspections of the State labour inspectorate in 2008 revealed 540 children less than 18 years employed in the formal sector, all over the territory of the country. The greatest part of children were employed in production companies, specifically 40 per cent in fish processing, 30 per cent in shoe production, 23 per cent in sewing, and 7 per cent in construction. Girls account for 89.2 per cent of working children, and boys for 10.8 per cent.⁵⁷

593. In the context of changes to be made to the Penal Code, two DCMs have been approved: “On Medical Examination of Children under 18 years Before Employment”, and “On Establishing Working Hours”, which should not exceed 48 hours per week, including supplemental hours in work places posing risk.

594. In the policy document of the Strategy on Workplace Health, protection of employed children is a priority. Currently, the draft-law on workplace safety and health is being formulated, and provisions are being designed to protect children in the workplace and to prevent work accidents and professional diseases. Recently, there is increased awareness by governmental structures and employees alike to implement legislation on child protection. IPH has held a number of round tables on protection of working minors with the participation of syndicates, employers, and employee confederates.

595. The first phase of the project “the System of Monitoring Child Labor in Albania” ended in December 2007. Among the outputs of this project, mention can be made of the return to school of 54 children to complete compulsory education, provision of vocational training for 8 young people, and provision of support for families of working children. Other results include vocational training in 18 cases of parents or adult family members of working children, employment for parents or adult family members in 57 cases, provision of economic assistance in 44 cases, and a range of other services, such as counselling, legal assistance, medical treatment for 95 working children, and children at risk of work, etc. The second phase of the project started in December 2008 and is expected to cover five regions of the country, Tiranë, Elbasan, Korçë, Berat and Shkodër.

⁵⁷ Specific data on the declared child labour can be found in the annexes attached to this report.

596. In addition, efforts are being made to institutionalize the model of Monitoring Child Labor and the consolidation of this model through strengthening relevant structures, such as the Local Committees Against Child Labor and Multidisciplinary Monitoring Groups.

597. In relation to Recommendation 69/d, under the Memorandum of Understanding with ILO/IPEC and cooperation with IPEC (International Programme for Elimination of Child Labour), the National Steering Committee has been established to eliminate child labour, headed by the Minister of Labor, Social Affairs, and Equal Opportunities. Also, the Unit on the Elimination of Child Labor has been established at this ministry.

Sexual exploitation/abuse, trafficking and abduction - reduction and prevention of sexual exploitation, children's sale and trafficking, and improvement of legislation

Recommendation 71 (a)

598. In relation to recommendation 71(a), under the prevention and protection measures against child labour, Law No. 8733, dated 24 January 2001 "On some Changes and Additions to Law No. 7895, dated 27 January 1995 'the Penal Code of the Republic of Albania'" changed article 7 of the Penal Code which provides for the enforcement of the penal law in cases when penal offences are committed by foreign citizens outside the territory of Albania. Paragraph "d" of this Article has changed to read specifically: "Organizing prostitution; illegal trafficking in human beings, children and women; producing and illegally trafficking arms, drugs, other narcotic and psychotropic substances, nuclear substances, pornographic materials; and illegal traffic of art works, and objects of historical, cultural, and archaeological values". In addition, article 15 of Law No. 8733, dated 24 January 2001 provides for change of Article 100 of the Penal Code, to increase severity of punishment for authors who commit the penal offence of violent sexual relations with minors. This article specifically states that: "(1) Having sexual or homosexual relations with children less than 14 years old or with a female child, who is not sexually matured, is punished by imprisonment from 7 to 15 years. (2) When the sexual or homosexual intercourse is committed together with accomplices, more than one time or by use of violence, or when the child victim suffers serious health consequences; this is punished by imprisonment from 15 to 25 years. (3) When the act entails the minor's death or suicide, this is sentenced to not less than 20 years". The same law also changes article 101 of the Penal Code, which states: "(1) Having sexual or homosexual relations by violence with children 14 to 18 years old or with a female child, who is not sexually matured, is sentenced from 5 to 15 years. (2) When the sexual or homosexual intercourse by violence was committed together with accomplices, more than one time, or when the victim child suffered serious health consequences, this is sentenced from 10 to 20 years. (3) When the act entails the minor's death or suicide, this is sentenced by not less than 20 years."

599. Law No. 8733, dated 24 January 2001 changes also Article 106 of the Penal Code, which relates to sexual and homosexual relations with persons of the same blood or persons under custody. This article states that: "Sexual or homosexual intercourse between parents and children, brothers and sisters, first-line relatives, or with persons that are under custody or adopted, is sentenced up to seven years."

600. Also, article 108 of the Penal Code (Shameful Acts), changed in 2001, provides that: "Shameful acts conducted with minors under the age of 14 are sentenced up to 5 years".

601. Article 114/a of the Penal Code provides that one of the aggravating circumstances of the penal offence of prostitution exploitation is committing this offence with minors. The Penal Code sentences this offence with 7 up to 15 years of imprisonment. Article 117 of the Penal Code provides that: "Production, delivery, advertisement, importation, sale, and

publication of pornographic materials in premises attended by minors' constitutes a penal contravention and is punishable by fine or up to two years of imprisonment."

602. Law No. 9859, dated 21 January 2008 "On some Additions and changes to the Penal Code", after the first paragraph of article 117, adds another paragraph which reads: "Use of minors for production of pornographic materials, their distribution or publication over the internet or other mediums is punishable with imprisonment from 1 to 5 years, and with fines from 1 million to 5 million leks".

603. Law No. 9834, dated 22 November 2007 "On Accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was the main reason for the changes made to article 117 "Pornography" of the Penal Code.

604. Measures taken to prevent and fight trafficking in children. In Albania, as in the other countries of the region, the phenomenon of human trafficking started in the '90s. Trafficking increased and became better organized in particular during 1997–2001. Since 2001, a number of measures have been taken to fight the phenomenon. The first measures involved changes in the Penal Code to increase severity of punishment for traffickers. The fight against the trafficking of human beings was especially intensified in 2004–2005, and a number of measures have been taken both of a legal and institutional nature.

605. Legal framework. Human trafficking was made a penal offence for the first time in 2001. The ratification of the United Nations Convention against International Organized Crime and its two Additional Protocols in the year 2002 was succeeded by important changes in the Penal Code, i.e., human trafficking and smuggling. In accordance with the Convention and its two Additional Protocols, the Penal Code of Albania was changed by Law No. 9188, dated 12 February 2004 by amending articles 110/a "Trafficking in persons", 114/b "Trafficking in women", 128/b "Trafficking in children", and 298 "Assistance in illegal border crossing". It should be noted that with these changes, the content of the articles related to the penal offence of human trafficking becomes fully aligned with article 3 of Palermo Protocol. Albania was one of the first countries to implement obligations deriving from this protocol immediately after signature.

606. Law No. 9188, dated 12 February .2004 adds to the Penal Code the penal offence of "Trafficking of Minors" (art. 128/b), which specifically states: (a) "The recruitment, transportation, transfer, concealment or boarding of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced services or work, slavery or other forms similar to slavery, organ transplants, as well as other forms of exploitation, are sentenced from 7 to 15 years, and punished with a fine of 4 million to 6 million leks"; (b) The second paragraph of this article states that: "Organizing, leading, and financing the trafficking of minors is sentenced with 10 to 20 years and punished by a fine of 6 million to 8 million leks"; (c) "When this offence is committed in collaboration, or more than one time, or is accompanied by maltreatment and forcing of the victim to commit various actions through physical or psychological force, or brings serious consequences to health, it is punishable by imprisonment of no less than 15 years and with a fine of 6 million to 8 million leks"; (d) The fourth paragraph of this Article provides that: "When the offence has brought about the death of the victim, it is punished with imprisonment of no less than 20 years or with life imprisonment, as well as with a fine of 8 million to 10 million leks"; (e) "When the criminal offence is committed through the abuse of a State office, or public service, the punishment of imprisonment and the fines are increased by one quarter of the prescribed sentence".

607. Also, Law No. 9686, dated 26 February 2007 approved changes to article 298 of the Penal Code "Assistance for illegal crossing of the border", thus enabling the investigation of cases of human smuggling even in the countries with no land borders with Albania. The

approval of this Article in the Penal Code, among other things, makes the distinction between human trafficking and human smuggling. As regards protection of children, as part of the measures to prevent and protect them from exploitation, in the month of March 2007, several additions and changes to the Penal Code were approved by Parliament with Law No. 9859, dated 21 January 2008. Specifically, the added articles are: (a) article 124/b “Maltreatment of Children”, which among other things punishes the exploitation of children for labour, begging, and other forced activities; (b) some additions to article 128/b “Trafficking of Minors” of the Penal Code, which specifically punish not only the recruitment, concealment, boarding, but also the sale of children.

608. An important step towards the completion of the legal framework against trafficking is the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (through Law No. 9642, dated 20 November 2006).

609. The National Strategy on the Fight against Human Trafficking, and the National Strategy against Children’s Trafficking and Protection of Trafficked Children, together with their respective Action Plans (approved by DCM No. 1083, dated 23 July 2008) represent important instruments to ensure the effectiveness of Albania’s efforts against trafficking in human beings, children’s in particular.

610. The Albanian Government and all the State and non-State agencies and structures involved in the fight against human trafficking carry out their activity in full coordination dictated by the National Strategy Against Human Trafficking. Drafted in 2001, the document has been constantly upgraded and improved. In order to enable the coordination of anti traffic measures, Albania designed and approved the Strategy Against Human Trafficking and the National Strategy against Children Trafficking and Protection of Trafficked Children 2005–2007. These two strategies served as very important instruments in the efforts of the Government and all other agencies involved in the fight against human trafficking. Upon expiration of the term of these strategies, the Office of the National Coordinator Against Human Trafficking submitted an evaluation report on the Implementation of the National Strategy Against Human Trafficking 2005–2007. Apart from its informational value, the report served as very important input to the design of the new Strategy 2008–2010.

611. The Fight against Children’s Trafficking and the Protection of Trafficked Children or Children at risk for being trafficked remains an important concern for the Albanian Government. In reflection of this concern, the measures of the National Strategy on the Fight Against Human Trafficking 2008–2010 are supplemented by a separate strategy and action plan against children’s trafficking. They form integral part of the National Strategy and represent the specific approach to deal with issues of child trafficking in view of the respect for their rights and necessity to guarantee their safety.

612. The National Strategy Against Human Trafficking and the National Strategy Against Children’s Trafficking and Protection of Trafficked Children together with their respective Action Plans 2008–2010 were designed through broad based and participatory processes. In addition to the implementing structures of the Strategy 2005–2007, the process was attended by other State and non-state agencies and international donors with civil society having a very important role. During the months of February–April 2008, about 20 consultative meetings and six seminars were held, each focusing on specific themes of the Strategies and Action Plans. The seminar of April 2008 was focused on the design of the National Strategy against Children’s Trafficking and the Protection of Trafficked Children.

613. The National Strategy Against Human Trafficking 2008–2010 was introduced at the National Conference held in May 2008 and had received prior approval by the State Committee Against Human Trafficking. Thanks to a broad based participatory process, the Strategy enjoys the support and full commitment of all actors especially of the civil society,

which participates actively in the realization and fulfilment of activities and objectives for 2008–2010. The Strategy is supplemented by a National Action Plan, which clearly sets all the measures and activities to be undertaken for its implementation, the responsible entities to effect such measures and the timeline for implementation of each measure. For the first time, this strategy comes together with budget provisions, which is an important element towards its implementation. The strategy provides for a large scale involvement of the State agencies, both at the central and local level. As a result, the range of implementing agencies has been expanded with emphasis being placed on the local level structures as the entities best placed to deal with the beneficiaries. However, the goal is to establish a broad cooperation and interaction network by making a clear division of roles, responsibilities and duties of each entity. In addition, the Strategy aims to build and operate a functional and all-encompassing system through the National Referral Mechanism providing assistance to the trafficked victims. The document deals with various aspects that have to do with the investigation and penal prosecution, social protection and integration of trafficked individuals, the prevention of the phenomenon and issues of coordination and interaction. Priorities under the strategy include enrolment of children in schools, respect for children's and women's rights, enhancement of employment opportunities, continuous support especially for groups at risk, rehabilitation and integration of trafficked victims, increase of international and regional cooperation, etc. The activities for the implementation of the National Strategy 2008–2010 will be programmed and budgeted by each line ministry. Also, through a concrete plan to be designed by the heads of the ministries and agencies, they should be able to follow closely the rigorous implementation of these activities. The implementation of this strategy requires not only the commitment of implementing agencies, but also the support and wider cooperation of all stakeholders, local and international partners. An important role in the fight against human trafficking and prevention will be played by the Albanian society itself, the involvement and contribution of which is vital for a comprehensive and effective response to this phenomenon.

614. In addition, as regards prevention of child trafficking, during the period 2004–2008 a series of projects were carried out by State institutions with NGO expertise and assistance from foreign organizations. Awareness campaigns were organized mainly for vulnerable groups (youth, women, families with social problems, heads of families with low levels of education, Roma children, etc.). These campaigns were mainly developed as meetings with stakeholders. To prevent trafficking in endangered categories, several measures are taken to encourage their inclusion and integration into society through the implementation of the compulsory education law, registration with the civil registration offices, provision of compensatory vocational education/training for drop outs, etc. These measures are put into practice by the local government structures participating in anti trafficking networks – the Regional Committees for the Fight against Trafficking in Human Beings. An efficient step towards prevention of trafficking in children is building the awareness of school children. For this purpose, MES has taken measures to include in all pre-university subjects dealing with gender issues and social knowledge topics related to trafficking and the need to combat it.

615. Also in the context of prevention, an important instrument in the hands of the public is now available 24 hours a day, seven days a week, i.e., the free national phone line “Help line (0800 12 12), where citizens can report cases of trafficking. The line has been serving the public since November 2006 and reports have been coming in from the wide public. The establishment of the line was initially financed by UNODC (United Nations Office on Drugs and Crimes) and the International Organization for Migration (IOM). Since November 2007 to this day, the line is fully funded by the Ministry of Interior.

Exploitation, sexual abuse, trafficking, abduction -strengthening of cooperation with countries from and to which children are trafficked and harmonization of legislation*Recommendation 71 (b)*

616. Regarding recommendation 71(b) over the period 2004–2008, were signed a series of agreements and conventions on international and regional cooperation in the field of justice, police cooperation, judicial assistance against human trafficking and organized crime, the protection of and assistance to trafficked children, readmission of persons, illegal trafficking in narcotic drugs, parental responsibility and civil aspects of international child abduction. In the framework of drafting and signing of bilateral regional agreements, the Office of National Coordinator has undertaken cross-border meetings with neighbouring countries (Macedonia, Kosovo, Montenegro, Greece), which will result in the signing of agreements and protocols for police and border cooperation in relation to exchange of information on the fight against human trafficking. Albania has signed several cooperation agreements with neighbouring countries, specifically:

617. In February 2006, the agreement with Greece was signed in Tiranë; “On protection of and assistance to trafficked children”, which constitutes an important legal instrument in the efforts to protect children. Ratification of agreement by the Greek Parliament in the month of December 2008 enables the implementation of the agreement and undertaking of responsibilities from the Albanian and Greek authorities for the identification, protection, rehabilitation and safe return of Albanian children exploited in Greece. The agreement is a very important document in the fight against human trafficking. In particular, the agreement is important for the protection of such victims, in this case children who are trafficked in Greece, as it defines specific obligations for the signatory parties to take action and treat these cases. This agreement is the first regional document in this respect. With Macedonia, Albania has signed the Additional Protocol with the Macedonian Interior Ministry “On intensification of collaboration in the fight against Human Trafficking through State borders and the intensification of the identification, notification, referral and return of victims and persons suspected of being traffic victims”.

618. With Kosova, Albania has drafted and is ready to sign the Additional Protocol “To intensify collaboration in the fight against Trafficking in Human Beings through State borders and to intensify the identification, notification, referral and return of victims and persons suspected of being victims of traffic”.

619. In the context of expanding cooperation, a number of readmission agreements have been signed of which the most important is the Agreement between the Republic of Albania and the European Community, “On readmission of persons”, signed on 14 April 2005, which has already entered into force for Albanian citizens and at a later stage will take effect for persons from third countries. Bilateral readmission agreements have been signed with: Italy, Belgium, Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, Hungary, Macedonia, Bulgaria, Romania, Croatia and Switzerland. During 2006, the police authorities of foreign countries deported 978 women, of whom 228 aged below 18, while border police structures stopped 49 females from leaving the country, of whom 8 at the age of 18, who were suspected to be victims of trafficking for prostitution purposes.

620. With the Government of the Republic of Poland, the Albanian Government has approved in principle, the agreement on “Cooperation in the fight against organized crime and other crimes” (Council of Ministers Decision No. 264, dated 5 March 2008). The agreement is ready for signature by the Albanian side, while the Polish have yet to respond on the completion of domestic legal procedures on signing the agreement.

Sexual exploitation and abuse, trafficking, abduction

Recommendation 71(c)

621. In respect of recommendation 71(c), in addition to the changes in the Penal Code, a number of other laws have been adopted, thus completing the legal framework to prevent and fight trafficking in humans, thus guaranteeing protection of traffic victims, including children. Specifically:

622. Law No. 9205, dated 15 March 2004 “On Protection of Witnesses and Collaborators of Justice” defines a series of measures to provide protection to the complainants and witnesses against any abuse or threat, coming as a consequence of the complaint, information or evidence submitted, and legal and physical protection of trafficked victims. This law regulates specific measures, ways and procedures for protection of witnesses and collaborators of justice, and the organization, functioning, powers and relations between bodies charged with the proposal, evaluation, approval and implementation of special measures of protection. *Implementation of protection measures.* The Witness Protection Directorate has begun the implementation of protection measures since April 2005. During the period April 2005–December 2008 two types of measures have been implemented: temporary protection measures (art. 14 of law) and special protection measures (art. 10 of law). Protection measures are applied to a significant number of cases and a considerable number of individuals, including: justice witnesses, justice collaborators, their relatives and associates. Special protection measures include: (a) change of identity, (b) change of residence; (c) special protective, physical and technical measures at the residence of the protected person, and during his/her movements, including measures to allow him/her to fulfil obligations to the judiciary; (d) protection and special treatment, in cases when the justice collaborator has been incarcerated for the commission of a penal offense; (e) the temporary protection of identity, data and any other personal document of the protected person; (f) the submission of witness statements under a different identity, use of special tools to change the true voice and appearance; (g) social rehabilitation; (h) change and temporary preservation of his/her job; (i) provision of financial assistance; (j) vocational re-training; and (k) provision of specialized legal assistance.

623. This Directorate creates the necessary conditions to witnesses and collaborators of justice: (a) to continue education, at the respective level, even in their new residential locations; (b) to undergo medical examinations; (c) to receive legal protection for civil matters not related to the fact for which the person has been placed under protection, (the case of justice witness placed in custody); (d) to be provided with psychological support, because of the stress levels to which they have been exposed. To implement the law, the Witness Protection Directorate has its own budget, as a separate line under the State Police budget, to enable the implementation of special protection measures. Financial costs incurred by these measures are covered by the Directorate’s budget.

624. Law No. 9284, dated 30 September 2004, “On the Prevention and Suppression of Organized Crime”, provides for confiscation of property belonging to the perpetrators of the criminal acts, and compensation of traffic victims out of the proceeds of property confiscated from the traffickers.

625. The Ministry of Health has launched the drafting of concrete interventions aimed at the prevention of immediate and long-term consequences of domestic violence and particularly violence against women, girls and children, where priority will be given to prevention of injuries, diseases and health consequences stemming from the mistreatment of women, girls and children. Sexual abuse will also be part of the new interventions. All Public Health Departments are instructed to create responsible teams consisting of physicians (reproductive health inspector), nurse (Specialist of Infirmatory Care) and social worker, or psychologist when there is one on the organigram. This team will be responsible

to manage and supervise the enforcement of Law No. 9669, dated 18 December 2006, “On measures against domestic violence” and the bylaws and regulations issued by the MH. Ministry of Health in collaboration with the National Association of Social Workers is continuing the training of health workers (doctors and nurses of the primary and hospital services) on gender-based violence, sexual abuse, with priority attention attached to girls and children. In the first phase, 160 health personnel are trained, respectively in the districts of Tiranë, Vlorë, Shkodër, Pogradec and Peshkopi. The second phase of training will continue in the districts of Tiranë, Durrës, Elbasan, Fier, Korçë and Kukës. During this phase, about 400 health workers are programmed to be trained on gender-based violence. National Strategy on Reproductive Health to be adopted in the current year provides several interventions for child protection against all forms of sexual exploitation and abuse, including within the family, for the period 2009–2015.

626. Cooperation with civil society in the fight against trafficking. Office of National Coordinator for the Fight against Trafficking in Human Beings has established close cooperation and draws on continues support from all actors involved in the fight against human trafficking, in particular the civil society. A special contribution in the fight against human trafficking, especially in the prevention of this phenomenon, has been provided by local and foreign NGOs, which provide rehabilitation, or preventive services for traffic victims and the vulnerable groups, children in particular. At the end of 2007, the Office of National Coordinator, with the goal of enhancing anti-trafficking partnerships, has held several meetings and ongoing information exchange with international organizations and local NGOs, which play an important role in preventing and combating human trafficking. These meetings also serve to identify new partners and involve them in various activities as well as plan ahead for the future. Currently, there is in Albania a coalition named “Together against Child Trafficking” which is made up of several organizations specializing in preventing and combating child trafficking.

Sexual exploitation and abuse, trafficking, abduction

Recommendation 71(e)

627. In respect of recommendation 71(e) on the training of law enforcement structures, in order to increase knowledge and awareness of persons working with traffic victims, training for all law enforcement structures (police officers, judges, prosecutors, NGOs, the State Social Service, etc.) involved in the fight against human trafficking has been organized and continues to be organized in close cooperation with international organizations. These trainings are held on specific topics and issues related to issues of human trafficking; implementation of National Referral Mechanism; understanding of the legal framework and Anti-Trafficking Strategy; legal and psychological assistance to be provided to traffic victims, traffic witnesses, those at risk of trafficking, as well as knowledge about human rights and the rights of traffic victims, with particular focus on children’s rights and their protection from trafficking. The Anti-Trafficking Unit has been the coordinator, co-organizer and co-trainer in all training events organized by organizations such as IOM, UNICEF, etc. In 2008 alone, under the auspices of the National Coordinator in the Fight Against Human Trafficking and the Anti-Traffic Unit training was provided for: 150 specialists from the anti-traffic sections, border police and community policing units; 20 judges and prosecutors; 100 employees of the State Social Service and NGOs; 60 employees of the structures under the Regional Anti-Trafficking Committees in three regions of the country. Training is going on in these regions.

Sexual exploitation and abuse, trafficking, abduction- ratification of the Optional Protocol of the Convention on the sale of children, child prostitution and child pornography

Recommendation 71 (f)

628. Pursuant to recommendation 71(f) Albania has acceded to the Optional Protocol of the Convention on the sale of children, child prostitution and child pornography (by Law No. 9834, dated 22 November 2007).⁵⁸

Street children

Recommendation 73

629. One of the objectives of the National Children's Strategy is the protection of street children and reduction of the number of begging children. Under this strategy, Children's Protection Units (CPU) are established at municipality level. These Units have the duty to identify children at risk (including street children) and after having assessed the situation of the child and his family, they should create multi-disciplinary groups to draft individualized intervention programmes for each case. The Child Protection worker collaborates with social administrators as per the administrative divisions of the municipality, with school psychologists, family doctors, the anti-trafficking police and public order police, social workers and both public and non public service facilities in the territory of the municipality. For each child at risk, the child protection worker sets up a multi-disciplinary team in accordance with the child's needs and situation. The team assesses the case, the level of risk, determines the steps to be followed and delineates the tasks for each actor. The child and his family are constantly monitored by the children's protection employee/worker until such time as the child is considered "not at risk". Children's Protection Units at the municipalities serve as drop – in centres, where children and families can obtain information or be referred to other support services, as may be necessary.

630. 545. In June 2007 and June 2008, MLSAEO in cooperation with the Ministry of Interior, the Municipality of Tiranë, OSCE, and civil society organizations organized awareness campaigns and publicity spots against the phenomenon of child begging and forced child labour, as one of the worst forms of child labour. This phenomenon not only violates the rights of children by depriving them from the right to education and development, but also increases their vulnerability to violence and abuse. The campaigns targeted the general public aiming at increasing awareness on the phenomenon and its negative consequences, under the slogan "Your coins feed the exploitation of children".

631. Under the national programme to eliminate child labour, the Unit for Elimination of Child Labor at the MLSAEO is implementing the Project "Monitoring System of Child Labor in Albania". At the end of 2007, the first phase of the project which covered three regions was completed. Among the results of this project, mention can be made of the return to school of 54 children to complete compulsory education, the provision of vocational training for eight young people and support for the families of the children. The project offered vocational training in 18 cases for parents or adult members of working children's families, employment of parents or adult family members in 57 cases, economic assistance in 44 cases, as well as other services such as counselling, legal assistance, medical treatment for 95 working children and children at risk of labour, etc. The second phase was approved in February 2009 and will last for 9 months. The project is being

⁵⁸ Following the deposition of the acceding instruments, according to the webpage of the Committee on the Rights of the Child, Albania acceded on 5 February 2008.

implemented in Tiranë, Korçë, Berat, Elbasan and Shkodër and concrete actions and activities are being effected to withdraw children from work, reintegrate them and prevent the spread of the phenomenon. The project aims at progressively eliminating the worst forms of child labour in Albania by proposing to the Government the model of “Monitoring System of Child Labor” tested initially in five cities. 315 children involved in worst forms of labour, especially street children, farming children, and children at risk for trafficking and sexual exploitation, will be withdrawn from work. Targeted children will be monitored until such time as their full integration is ensured. The project will provide: (a) formal and non-formal classes with adequately trained teachers for 265 children. Learning materials will also be offered free of charge to these children; (b) assistance and counselling services such as psycho-social counselling, legal counselling, career guidance, recreational activities, support to claim the lawful benefits, medical treatment, etc., in accordance with individualized treatment plans for children; (c) vocational training for the 50 children who have attained working age over a three–six month period, and award of an adequate work license; (d) means to start a business in their field of training for the 15 children who have attended and completed vocational training, thus helping their family; (e) vocational training opportunities for parents and adult members of children’s families as an incentive to return children to school and withdraw them from work; (f) information on existing social assistance schemes at least to 300 parents to raise awareness on the consequences of child labour and the necessity to undertake concrete actions to protect their children.

Drug abuse

Recommendation 75

632. In the framework of measures against trafficking of narcotic substances, since 2004, improvements are made to the Penal Code and Code of Penal Procedure, as a result of which achievements have been recorded in the fight against criminal networks linked to drug trafficking. In 2001, the Albanian Parliament approved Law No. 8750 “On the prevention and fight against illegal trafficking of narcotics and psychotropic substances”. This law also provides for the functioning of the National Committee for coordinating the fight against drugs.

633. Law No. 8874 “On the control of substances that can be used in illegal drug production” was approved in 2002. Two amendments were made to the 1995 Law “On narcotic and psychotropic substances” respectively in 2004 and 2006.

634. In May 2004, the inter-ministerial group drafted the National Strategy against Drugs 2004–2010. This strategy is designed to control both demand for and supply of drugs. By Order No. 156, year 2004, an action plan was drafted to implement this strategy. Currently, both the strategy and action plan are being reviewed, with special emphasis on interventions directed to children. Strategies on drug prevention are related also to consumption of alcohol and tobacco. The toxicological clinic at the Military Hospital offers specialized treatments for drug users, but has a limited capacity of 15 beds. The MH has established a cooperation programme with the Emanuel Center to rehabilitate individuals discontinuing drugs. Also, in cooperation with Aksion Plus, the MH is implementing a harm reduction programme through free methadone therapy. A toll free number, 0800 47 47, has been established at the IPH to provide information on substance abuse.

635. In 2004–2005, IPH conducted a survey of risk behaviour among young children in high-schools (14–18 years). The sample included 4000 individuals, and the data indicated the prevalence of several drugs or psychotropic substances. In 2009, the study will be

repeated with the same methodology to establish a periodic monitoring system of drug use among children and teenagers.⁵⁹

636. During 2008, there has been no case of children less than 15 involved in distribution of narcotic substances. Also, it is not true that drugs are freely distributed. The State Police has been very efficient in destroying drug distribution networks and arresting distributors.

637. In order to increase cooperation with other institutions, in 2009, a tripartite agreement has been signed among the Ministry of Interior, the Ministry of Education and Science, and the Ministry of Health on the prevention of drug distribution in schools and universities.

638. Since 2006, psychological services have been made available at school level for the purpose of assisting children and their families whenever necessary. Education on tobacco, alcohol, and drug prevention at pre-university level has been considered an important component of knowledge that children and young people should receive in school. MES has included in the school curricula knowledge, skills, and attitudes necessary to prevent the use of drugs. Knowledge about these phenomena has been taught through separate subjects, through cross-curricular topics in the subjects of biology, civic education, chemistry, sociology, etc, as well as through extracurricular activities.

Juvenile justice (art. 40)

Administration of juvenile justice

Recommendation 77

639. With respect to the implementation of juvenile justice, especially as regards implementation of articles 37, 39, 40 of the Convention, as well as recommendation 77 of the Committee, the situation is as follows:

640. Law No. 9749, dated 4 June 2007 “On the State Police”, states that once minors are arrested, the person responsible for his upbringing should be notified immediately. Minors are placed separately from adults in the pre-detention facilities. This law provides that when public order and security are breached by individuals under 14, parallel to taking measures to restrain him/her, the police officer notifies the parent or the custodian of the minor. This law provides that the police officer accompanies the minor for purposes of education to the relevant facilities or to the competent body who has ordered the child’s detention. State Police personnel is responsible for security and treatment of detainees until such time as the court warranties “prison arrest”.

641. The law “On Police State” (art. 101/3) delineates that “people who are taken to police facilities for purposes of verifications, cannot be kept in these facilities beyond 10 hours”. During the 10 hours, police forces can collect evidence and proof and at the end of this period set free those for whom they were not able to verify allegations and arrest the ones who are verified as perpetrators of criminal offenses.

642. The Order of the Minister of Interior “On guaranteeing respect for human rights and fundamental freedoms in pre-detention and detention facilities” (No. 2191, dated 25 September 2006) determines that the calculation of the ten hours starts from the moment when the person is arrested and not from the time of compiling the records of arrest. In these cases, no additional 10 hours can be counted above the 48 hours. Upon expiration of

⁵⁹ Data related to this study are given in the annexes attached to the present report..

the 48 hours, the arrested person appears before a competent court which makes a decision to let the person free or incarcerate him/her.

643. Treatment of minors in the premises of police stations is done in accordance with the requirements of the Code of Criminal Procedure. In cases of detention for a period of 48 hours until the arrested child appears before the court, he/she are held in safe environments in police stations, which overall have the necessary capacities to ensure isolation of juveniles from adults, given the small numbers and the short periods of child arrest. Local structures of the State Police were responsible for management of pre-detention facilities before pre-detention was transferred to the Ministry of Justice. Once the process was completed in 2007, police stations serve as pre-detention only in the first 48 hours until the arrested individuals appear before the court. Currently there are no cases of minors being held in the same detention facilities with adults, because the time of staying in such facilities is very short. The Rules of Discipline of the State Police (approved by Decision No. 786, dated 4 June 2008), set the norms of conduct for police officers on duty, with regard to the special treatment they should give to the child.

644. According to the Decision No. 327, dated 15 May 2003 “On transferring the detention system under the dependence of the Ministry of Justice” the detention system, including facilities and equipment passes from the Ministry of Public Order to the General Prisons Directorate, under the Ministry of Justice. Adoption of this decision is a qualitative step in the efforts to place the detention system under the Ministry of Justice. However, the process has encountered numerous difficulties. Transfer of detention system under the administrative responsibility of the Ministry of Justice is the first step towards improving the standards of the penitentiary system in our country. In February 2007, the process of transfer of all pre-detention under the General Prisons Directorate was fully completed. In some cases, separate sections of the Institutions for Execution of Penal Decisions serve as pre-detention facilities.

645. Based on article 3 of the Code of Penal Procedure (with amendments), the adjudication of minors is made in the specially created sections of the first instance courts. The Presidential Decree No. 5351, dated 11 June 2007 “On the Establishment of Separate Penal Sections to Try Minors at the District Courts”, changed by Decree No. 5559, date 27 December 2007, establishes 6 penal sections to try minors in the district courts of Tiranë, Durrës, Shkodër, Vlorë, Korçë and Gjirokastër. The territorial jurisdiction of these sections coincides with the jurisdictions of the Appeals Courts as per the districts mentioned in the decree. These sections will try in the first instance minors who have committed penal offences. Cases involving collaboration between minors and adults should also be tried by these sections. Each section will employ 3 specialized judges to adjudicate minors.

646. The draft-decree (submitted to the President for review and approval) regarding the establishment of penal sections to try minors, reflect among other things a recommendation by the High Council of Justice on the creation of a section for minors’ adjudication in the court of Elbasan, in order to create a separate territorial jurisdiction from the District Court of Durrës. Official statistics of the Ministry of Justice provide justification for this recommendation. Based on these data, the penal section of the District Court of Durrës, responsible for trying cases involving minors, has 6 judges and adjudicated 75 minors in 2007 and 176 in 2008. The statistics show substantial increase of the case load involving minors, which points to the need for the creation of a separate section in the Court of Elbasan, which would shorten distances for relatives of the minor defendants from the districts of Elbasan, Gramsh, Librazhd and Peqin.

647. Pursuant to the Presidential Decree, the General Prosecutor issued in 2008 the order for establishing separate penal sections for the investigation and penal prosecution of minors in the six prosecutor’s offices in the above mentioned districts.

648. The Code of Penal Procedure states that the minor should be provided legal and psychological assistance at every stage of proceedings, in the presence of the parent or any individual requested by the child, and accepted by the proceeding authority.

649. Based on this Code, minors are entitled to legal defence in every stage of the penal proceedings (investigation, adjudication, execution of the sentence). When the child or his relatives cannot afford to pay for legal defence, the State provides for free legal aid.

650. In every circumstance or stage of proceedings, if there is reason to believe that the defendant is a minor, the proceeding authority should take the necessary steps to establish the facts. When doubts remain following verification, the defendant is presumed to be a minor. The proceeding authority should obtain information on the family circumstances of the minor defendant, in order to establish the scale of responsibility, assess social gravity, and deliver adequate measures. The proceeding authority collects information on people who have been in contact with the minor and hears experts' opinion.

651. The Code of Penal Procedure states that when the minor is under 18 years, or mentally/physically disabled, and unable to arrange for his/her defence, the State provides free legal aid. When related proceedings fall partly under the common court and partly under minors' sections, the latter sections should take charge of the entire proceedings, except when the court decides to separate them. When the defendant is an adult at the time of his/her trial, but had committed one or several charges were committed when he/she was a minor, these charges are adjudicated by minors' sections. The law forbids the publication of personal data or pictures of minor defendants and witnesses, or even minors harmed by the penal offence. The court may allow publication only when it is in the best interest of the child, or when the minor has attained 16 years. In addition, the court may decide to proceed with closed doors when this is in the best interest of the child.

652. According to the Code of Penal Procedure, minors less than 14 years and individuals with obvious mental handicaps, or under the influence of alcohol or narcotic and psychotropic substances, should not testify. Children below 16 years may not attend trial proceedings.

653. Article 180/1/a of this Code provides that minors or individuals, who have been deprived of the right to take legal action, or individuals with mental disorders, should not provide expertise. When the defendant is a minor, the court should create conditions for continuation of school lessons. In the special criteria applying to prison arrest, the Code states that minors cannot be arrested on allegations of penal contraventions.

654. Also, the court may decide that judicial review or parts of it may take place behind closed doors when deemed necessary for the best interest of the minor. During the court session, before the interrogation starts, the chairperson warns the witness of his/her obligation and legal responsibility to tell the truth, except when the witness is a minor of less than 14 years. In addition, the minor may be questioned by the chair judge with regard to the claims and allegations of the parties. The chair judge may be assisted by a relative of the minors, or by a specialist in the field of children's education. When it is deemed that direct questioning does not hurt the minor's psychological state, the judge may order the continuation of the questioning. This order may, however, be revoked during the session.

655. The Attorney General's Instruction No. 2 dated 8 March 2007 "On ensuring respect for human rights in penal proceedings" states that prosecutors of the first instance, should take special care in the evaluation of the child's conditions and legal criteria when determining security measures for children in conflict with the law. They should be prepared to request the court to warrant appropriate measures, in order to prevent the enforcement of security measures which are not in accordance with the law. They should also consider the reduction of detention length, in cases when detention has been warranted to obtain evidence or confirm it. The Attorney General's Instruction no. 3, dated 8 March

2007 “On improving the performance and control of the prosecutor in criminal proceedings” provides that: (a) in cases when the defendants are arrested in the flagrance, investigation should be completed by the prosecutor within 48 hours. At the end of the 48 hours, the Prosecutor should ask the court to proceed with the measure of security and direct trial, except when the prosecutor considers that there should be further investigation;(b) the same applies when the defendant admits having committed the crime and the guilt is clear. In these circumstances, the prosecutor should complete investigations within 15 days and demand direct trial.

656. Law No. 9888, dated 10 March 2008 “On some changes and additions to law no. 8328, dated 16 April 1998 “On the rights and treatment of convicted persons”, with amendments”, prohibits placing minors together with adults, or placing minors girls together with minor boys. The amendments to this law state that children should be placed separately from adults and special treatment should be provided to them. Minor girls are only supervised and cared for by female staff. The convicted or detained juveniles should be accommodated in separate sections in prisons. In pre-detention facilities, minors are accommodated in separate sections, separate cells and rooms with no contact with adults in pre-detention.

657. In order to improve the treatment of juveniles sentenced to imprisonment (in the Vaqarr facility) and in order to train staff dealing with minors, the General Directorate of Prisons has established collaboration with various organizations. In addition, all the necessary measures are taken (by order of the Minister of Justice), in order to ensure that convicted juveniles have no communication and contact with adult convicts in all prisons.

658. Law No. 10024 dated 27 November 2008 “On some changes and additions to law no. 8331, dated 21 April 1998 “On the execution of penal decisions”, aims to establish and make operational a concrete mechanism, i.e., “The probation Service”. This new mechanism in Albania provides a solution to the implementation of alternative sentences in real life. It is considered to be an incentive for individuals committing offenses with low social risk to improve and re-integrate in society. Although these legal changes do not specifically address minors, the legal and institutional arrangement of the Probation Service take into account primarily the protection of the rights of children breaching the law and the need to re-integrate them in society.

659. Law No. 10,039 dated 22 December 2008 “On legal aid” is designed to regulate the legal assistance provided by the State to individuals with limited resources in order to ensure the protection of their rights and their legitimate interests in the courts or other State bodies. This act expands the field of legal aid encompassing for the first time ever the civil procedures and procedures for provision of counselling and legal assistance. The law also provides for legal assistance to minors in conflict with the law. This law expressly states that “Minors are also entitled to free legal aid; legal protection of minors during criminal proceedings and in the trial is compulsory”. These provisions are in line with the provisions of the Code of Penal Procedure (Article 35 of the CPP, “Assistance to juvenile defendants”, paragraph 1 provides that “the juvenile defendant is provided legal assistance and psychological support in every stage of the proceeding ...”, while article 49 of CPP, “Designated defender”, paragraph 2 “, states that when the defendant is below 18 years ... the provision of legal defence is mandatory”). Both these provisions are in full accordance with the obligations deriving from international instruments on the protection of the rights of children.

660. The Regulation of Pre-Detention (adopted by Order No. 3705/1 dated 11 May 2006 of the Minister of Justice) is designed to provide human treatment in pre-detention facilities, free from any form of discrimination and in accordance with international standards on human rights and dignity. The regulation enshrines the highest standards of the rights of pre-detainees, particularly as regards contact with family members and

relatives (from three meetings per month, the regulation currently allows four), and the right to information (allowing the use of electronic and written press in the pre-detention facilities). With the passing of the pre-detention system under the Ministry of Justice, the Regulation adopted by the Minister of Justice applies to all facilities. Currently, all institutions of execution of penal decisions implement the laws and by-laws on the rights of minor prisoners and pre-detained children.

661. Decision No. 303, dated 25 March 2009 “On Approval of the General Regulation of Prisons” provides for the ways of realizing the rights and obligations of individuals in pre-detention and detention facilities, manner of organizing their lives and the conditions under which penal sentences are served. It also regulates work and remuneration for work performed under these circumstances in accordance with the basic principles of respect for human rights and fundamental freedoms.

662. The changes made to the Penal Code during 2008 provide for alternative measures to imprisonment such as, half-freedom, suspension of execution of a prison sentence and release on parole, house arrest, and suspension of the execution of prison sentence and enforcing the obligation to do community work. One of the conditions of eligibility for alternative punishment is young age and school enrolment, which are usually fulfilled by children. Alternative punishments are prescribed in articles 58, 59, 59/a, and 63 of the Penal Code:

- *Article 58*: “When the court passes prison sentences up to one year term, for reasons related to essential obligations of the perpetrator such as work, education, training, professional development, core household responsibilities, medical treatment or medical rehabilitation, the time to be served may be alternated between freedom and prison.”
- *Article 59*: “Given the low danger posed by the individual, depending on his/her age, physical or mental health, the special needs, in particular those related to education, job or family circumstances, as well as in view of the perpetrator’s conduct following commission of the penal offence, when imprisonment verdicts range up to five years, the court may suspend the execution of the decision and warrant that the convict be placed on probation, on condition that during the probation time the convict does not commit any other felony”.
- *Article 59 (a)*: among other things states that “For young people below 21 years, who document special health, study and employment needs and/or family responsibilities, in the case of two-year jail sentences or in the case when 2 years remain to be served from a longer prison sentence, the court may warrant the convict to serve time in his home, in another private residence or a private or public healthcare center”.
- *Article 63*: “Suspension of imprisonment and compulsion to perform labour in favour of public interest”, states: “The court may suspend imprisonment sentences of less than one year, and replace it with compulsory community labour if the person and the circumstances under which the criminal act was committed are of little danger. Labour in favour of the public interest may extend from 40 to 240 hours and consists of the agreement of the convicted individual to perform unpaid labour in favour of the public interest or to the benefit of an organization, as specified by the court verdict”.

663. DCM No. 302, dated 25 March 2009 “On Approval of the Regulation ‘On the Establishment and Operation of the Probation Service, and the Delineation of Standards and Procedures for the Execution and Supervision of Alternative Punishment’” sets out the rules and manner of operation of the probation service. The operation of this institution relies on the principle of legality, the principle of objectivity, and the principle of respect

for human rights and basic freedoms. The Probation Service has the obligation to guarantee non-discrimination based on race, colour, gender, birth, language, ethnicity, nationality, social origin, political convictions, religion, physical and/or mental status, economic or any other status. In its activity, the Probation Service abides by respect for the dignity of the individual under investigation, the defendant, and the convict. In its activity, this service has the obligation to educate responsibility of the convict to the community and the victim. It also has the duty to support and encourage the social re-integration of the convict through imposing the rules of social interaction, respecting the rule of law, and promoting a positive attitude towards work.

664. Changes to the Law “On the Rights and Treatment of Imprisoned Individuals” (approved in 2008) guarantee the protection of the rights of individuals in detention and pre-detention facilities, by granting them the right to appeal to the court whenever their complaint is not addressed in administrative channels. This law extends temporary release for minor detainees, specifically from a maximum of 20 days per year to a maximum of 45 days per year.

665. In connection with recommendation 77 (b)(ii) on the training of police officers, prosecutors, and other individuals involved with children coming into conflict with the law, the situation is as follows:

Police members are trained continuously to understand and respect the rights and freedoms of the individual, including children. The General Directorate of State Police designs annual programmes on trainings to be provided to all police members. The entry into force of the law on State Police (in 2007) mandates that all types of police forces should undergo a three month training course with the Police Academy. The training modules contain knowledge of international treaties, domestic laws, and bylaws on human rights and basic freedoms, including children’s rights.

666. Training prison personnel. The General Directorate of Prisons has set the priority of improving capacities of prison personnel in order to enable a better response to the various categories of prisoners, in line with the quality changes that are being implemented in the detention and pre-detention system. Among other things, the Center for Training Prison Personnel provides specific training programmes for personnel in charge of minor detainees. The training curriculum includes specific topics related to the treatment of specific groups, such as minors. The achievements in the training of prison personnel are also dedicated to the continuous support of international organizations and the civil society sector involved with human rights (such as the Council of Europe, the Albanian Helsinki Committee, the Legal Clinic for Minors, etc). Police trainers have participated in a number of study visits and seminars abroad and within the country. With the knowledge and skills gained, these trainers will continue to train personnel in order to improve treatment of detainees. Under the CARDS programme 2004, the project “Humane Management of Prisons” was launched with the view to improving the implementation of rights of individuals in pre-detention and detention facilities through upgrading the skills of prison personnel.

- *In 2007*, OSCE and the School of Magistrates held the training programme “Protection of Children in domestic lawsuits”.
- *In 2007*, the Albanian Helsinki Committee organized a training of trainers programme for the purpose of establishing a TOT to spread knowledge about children’s treatment in these pre detention and detention facilities. The training manual explains certain articles of the Convention on the Rights of the Child. In 2008, the TOT trained both the security and the civil staff in the institutions detaining minors.

- *In 2008*, the General Directorate of Prisons provided training to psychologists and social workers on “the Role of the Defender, Psychologist, and Social Worker in the Implementation of Children’s Rights in Juvenile Justice”.
- *In 2008*, training was provided for teaching staff in the institutions of execution of penal sentences.
- *In 2008*, in cooperation with the Albanian Center for Trauma Rehabilitation, the General Prisons Directorate organized the training “Getting to know the International Convention on Human Rights and the Convention on the Rights of the Child” for 60 employees of the security and social sectors. In addition, the General Prisons Directorate cooperated with a number of organizations promoting human rights such as the Center for Children’s Rights in Albania, UNICEF, and the Albanian Center for Trauma and Torture Rehabilitation, the Albanian Helsinki Committee, etc. The training programmes were designed to improve understanding of the Convention provisions towards improvement of quality of service and standards of treatment in incarceration institutions.
- Cooperation has also been aimed at increasing awareness through such activities as the National Campaign “The Sky Belongs to All” and the publication of a series of manuals (such as “A Decent World for Children”, Prevention of Torture, etc).

667. Training of judges and prosecutors. In Albania, there are no specialized judges for minors. Consequently, judges should initially receive training on juvenile justice. The School of Magistrates organizes the professional training of magistrates (judges and prosecutors), which includes the training programme for future magistrates and the continuous, in-service training of judges and prosecutors. The school has the objective of training prosecutors and judges on human rights in accordance with Albania’s international commitments. In the context of continuous training, in 2005 in cooperation with OSCE, the School of Magistrates organized a training programme on “Juvenile justice”. This training included not only judges, but also prosecutors and social service employees and judicial police officers. The bulk of the training focused on International Conventions and Customary Law on minors such as the Convention on the Rights of children, the Beijing Rules, and Rules of the United Nations on Protection of Young People deprived of liberty, The Riyadh Directives, United Nations Directives on Juvenile Justice for Crime Victims and Witnesses, Council of Europe recommendations, etc. In the Continuous Training Program 2006–2009, one of the training courses is dedicated to “Justice for minors”, and aims at training judges on domestic and international legislation on the rights of children.

668. In implementation of article 40, paragraph 1, and recommendation 77(b)(ii), measures to promote physical and psychological rehabilitation and social reintegration of children who are the subject of juvenile justice, are designed to ensure that the rehabilitation and reintegration take place in an environment that protects children’s health and wellbeing and promotes the child’s self esteem and dignity. Treatment of children is entrusted to the education staff, in cooperation with other institutional services, such as social workers, lawyers, doctors etc. This treatment aims to reduce to a minimum the negative aspects on the child’s behaviours deriving from the environment where he/she grew up and used to live. Individualized treatment programmes and interventions are designed for each minor. They are also entitled to participate in formal and informal educational programmes and professional courses. All educational and rehabilitation activities are conducted in special environments adapted specifically to children’s needs. Individualized Treatment and Rehabilitation Programs are designed in cooperation with

foreign penitentiary experts under various projects.⁶⁰ Psycho-social services and cultural and sports activities are offered by qualified and specialized staff consisting of psychologists, social workers and educators. Also, minors are provided with specialized health care. In addition, the physical environment and infrastructure are adapted to the physiological and psychological needs of young people.

669. Minors placed in incarceration facilities take part in rehabilitation programmes without distinction of race, colour, religion, language, disability, family background or any other condition of the child or his parents or legal representatives.

670. The prison administration cooperates with civil society organizations providing psychological and legal assistance to this category of minors. Assistance is extended to all minors, regardless of race, colour, religion, language, disability, family background or any other condition of the child or his parents or his legal representatives. With regard to provision of free legal aid, an important role is being played by the Legal Clinic for Minors, which provides free legal assistance for this age group. Also, vocational courses, formal and informal, have been provided for minor detainees in cooperation with relevant NGOs.

Education of detained minors

671. The General Directorate of prisons and its relevant structures (Section of Social Problems) make efforts to ensure the education of minors in incarceration facilities, (not only for those who are subject to compulsory education, but also other juvenile convicts). Under the agreement with MES, in 2000, the school for juveniles serving time in the Vaqarr facility was established. In 2008, eight minors received their school attendance certificates. Also, efforts were made to raise awareness on the importance of education for prisoners. In 2006, attempts were made to draft and sign a new agreement extending education and teaching to all facilities based on the Vaqarr model and experience. Education Sectors in pre-detention and detention facilities, with the support of various organizations, also provide informal education for illiterate detainees. In the pre-detention facility in the city of Durrës, two mainstream teachers provide lessons to a group of illiterate detainees, who have shown an interest in educating themselves. The Vaqarr facility offers the opportunity for prisoners to attend 9-year education and to be awarded relevant certificates for each school year they complete. For minors in pre-detention facilities, informal teaching is offered to provide them with basic school knowledge and skills. During the month of December 2008, a Memorandum of Cooperation was signed between the Ministry of Justice and Ministry of Education and Science for the education of detainees and prisoners, including detained, arrested or convicted children. MES will design and adapt curricula to address the needs of respective categories of incarcerated individuals. In January 2009, a primary school was inaugurated in the prison of Peqin.

672. Law no. 9381, dated 28 April 2005 “On the compensation of unjust imprisonment”, provides inter alia for the right to apply for recognition of and compensation for wrongful imprisonment, including home arrest. In the case of minors, this right is exercised by the legal custodian.

673. Special institutions for juveniles serving time. In relation to the institutions receiving juvenile perpetrators, based on Order No. 3185, dated 28 April 2008 of the Minister of Justice “Concerning the classification of institutions for execution of penal decisions” the following prison facilities have a section adequate for minor detainees: (a) Vaqarr; (b) Fushë – Krujë; (c) Tepelenë; (d) Rrogozhinë; (e) Lezhë; (f) Korçë; (g) “Jordan Misja” in Tiranë, (h) Vlorë; and (i) Durrës.

⁶⁰ Spanish Agency on International Cooperation for Development.

674. The Ministry of Justice attaches priority importance to the establishment of a special institution for the treatment of minors. By the end of 2007, the CARDS Program provided for the establishment of such an institution for children 14–18 years in the town of Kavajë. This institution will be operational in the year 2009, and will provide the necessary conditions for incarcerated children. Qualified and adequately trained staff will take care of developmental and educational issues of children serving time in this institution.

675. The child has the right to correspondence (written and oral) and the right to meeting his/her family. He has the right to make eight telephone calls per month and to meet his family members 4 times a month (family meetings can be increased on special occasions by the prison authorities). UNICEF funding has enabled the full rehabilitation of the children's section in the pre-detention facility in Tiranë, as a result of which the treatment of children has improved to a considerable degree. The pre-detention facilities in Tiranë and Vlorë provide conditions comparable to international standards. The pre-detention facility in Vaqarr offers less favourable conditions, due to infrastructure problems. UNICEF, the European Commission, and SIDA have provided funding to rehabilitate the minor's section in the pre-detention facility in Vlorë. Thanks to this donation, children's conditions will comply with international standards with regard to the physical, mental, psychological, and social development of children.

676. Improvement of food ratio for detainees and pre-detainees. Based on recommendations of human rights organizations and from governmental authorities, steps have been taken to improve the food structure for detainees and pre-detainees. Also, in cooperation with WHO and FAO, a new nutritional structure had been proposed. From June 2007, the new nutritional package has been implemented in the pre-detention and detention facilities throughout the country. In accordance with the new formula, the detainees and pre-detainees receive nutrition according to 3 categories: normal inmates, working inmates, and ill inmates. The new formula addresses quantity, quality, and variety. According to assessments from inmates, the new formula represents an improvement since calories have been increased by three times as prescribed by relevant standards. The monitoring of children's treatment in the penal detention facilities is conducted by several actors including the People's Advocate.

677. The monitoring of children's treatment in the penal detention facilities is conducted by several actors, such as the People's Advocate in its capacity as the National Mechanism against Torture, the Albanian Helsinki Committee, the Albanian Centre against Torture, and the Albanian Centre for Human Rights, etc. In addition, there are a number of other organizations committed to promoting children's rights, such as CRCA and UNICEF. The General Directorate of Prisons also establishes working groups to conduct periodic monitoring of implementation of human rights, in general, and children's rights, in particular.

678. In respect of article 40 "Administration of Juvenile Justice", the General Police Directorate is involved in providing consultancy and experience to efforts to reform juvenile justice. These efforts are taking place under joint agreements among the Ministry of Justice, the European Commission (CARDS Program 2004), SIDA, and UNICEF. The goal of the programme is to create the foundations of a system, which guarantees international standards for children breaching the law. The Programme strives to achieve this through various legislative amendments, the design of relevant policies, institution building, and programmes of alternative punishment enacted for children in conflict with the law. The ultimate aim of such programme is to enable the children's protection and integration into mainstream society.

679. The centre "Children Today" is designing a set of three informational manuals for children, "What are the courts?" These manuals aim to provide information on courts and

the judicial system in Albania, in terminology, language and illustrations understandable to children.

B. Established mechanisms for the implementation of rights contained in the Convention (arts. 22; 30; 32–36; 37 (b)–(d), 38; 39 and 40), and their monitoring

680. Police structures specialized to treat minors. At the Directorate of Fight against Terrorist Acts and Open Crimes, under the General Directorate of Police, a special structure for juveniles, “Child Protection Section” was created in October 2004. The mission of this section is not only the protection of children from criminal activities against them, but also the handling of juvenile crimes. At Regional Police Directorates, in the Section of Analysis and Coordination of the Fight against Open Crimes, are appointed specialists whose function is to protect children from criminal activities as well as to take proceedings against juvenile crimes in accordance with national legislation and international instruments ratified by the Albanian state. As evidenced above,⁶¹ with the establishment of the General Directorate of State Police, in July 2007 and in pursuance of law No. 9669, dated 18 December 2006 “On measures against domestic violence” separate police structures were established to protect children and victims of domestic violence. At the central level, the Sector for the Protection of Minors and Domestic Violence has been created at the Directorate of Serious Crimes under the Criminal Investigation Department. At the local level are created Sections for Juvenile Protection and Domestic Violence in the Regional Police Departments, whose function is not only to prevent and combat domestic violence in particular, and violence against minors in general, but also to protect minors who have been involved in criminal activity. Another duty of these sections is the systematic collection of statistical data related to these phenomena. During the year 2008, efforts focused on making these structures operational at the local level.

Improvement of institutional framework

681. In the entire country are set up and operate facilities and agencies to prevent and fight trafficking in human beings, in particular to protect children at risk of trafficking. To coordinate work in the fight against trafficking in human beings, the Office of National Coordinator in the Fight against Trafficking in Human Beings was set up in 2005. At this Office, on Prime Minister’s Order No. 203, dated 19 December 2005 “On the functioning of the Anti-Trafficking Unit” was established the Anti-Trafficking Unit. The National Coordinator is the central point of coordination among the different ministries involved in the fight against human trafficking and all other State structures and non-state actors, both nationally and internationally. Measures have been taken to create structures at all levels, ranging from the policy-making level to that of implementation and action, according to the National Strategy for the Fight against Trafficking in Human Beings and the National Strategy against Child Trafficking and Protection of Trafficked Children.

682. In Albania, since 2004, operate the Court and Prosecution on Serious Crimes, with jurisdiction all over the country. This court adjudicates first instance and second instance trials.

683. At the administrative level, Albania has created special police structures to combat organized crime, including the creation of a new department at the General Directorate of State Police. One of the most important sectors of this department is Sector against Illicit Trafficking. This sector operates in every Police Directorate in the twelve regions of

⁶¹ Comments on article 10 and recommendation 49.

Albania. In accordance with Law No. 9669, dated 18 December 2006 “On measures against domestic violence”, as part of the efforts to reform the State Police, a special section for child protection and domestic violence has been established. Special sections have been established in all regions of the country, as part of the Regional Police Departments. These structures are already fully staffed and operational.

684. By order of the Prime Minister No. 139, dated 19 June 2006 “On establishment of Regional Committees against Trafficking in Human Beings”, regional anti-trafficking committees are established in all 12 regions of the country. These structures are established to supervise and coordinate governmental and nongovernmental actions, at regional/local level, to prevent the phenomenon of trafficking and to protect victims/potential victims of trafficking.

685. The Ministry of Labor, Social Affairs and Equal Opportunities in collaboration with USAID and UNICEF has made possible the establishment and putting into operation of Child Protection Units (CPU), as part of the Section of Economic and Social Assistance at local government units. This structure employs a full time social worker who is responsible for the treatment of children with social problems in the jurisdiction of the local government unit. This structure plays a very important role in terms of evaluating and monitoring the situation of children and families at risk of various negative phenomena, including trafficking. CPU-s are already established in the municipalities of Durrës, Elbasan, Pogradec, Korça, Fier, Gjirokastra, Shkodra, Kukës and Saranda. The action plan of the National Strategy against Trafficking and Protection of Trafficked Children, 2008–2010, provides for the establishment of such structures at all municipalities.

686. With regard to article 34, in order to prevent the sexual exploitation of children, a Memorandum of Understanding on the Promotion and Implementation of the Code of Conduct for Prevention of Sexual Exploitation of Children in Tourism was signed among the OSCE Presence in Albania, the Ministry of Tourism, Culture, Youth and Sports, and the Ministry of Interior in 2007. This memorandum defines the manner and forms of cooperation among the three parties in view of the implementation of the Code of Conduct for Prevention of Sexual Exploitation of Children, when such exploitation is favoured by operators of tourist services. Following the implementation of this Memorandum, 24 operators of tourist services (travel agencies and hotel accommodation units), signed a cooperation agreement on the implementation of the Code. Considering the Code of Conduct as an important part of the Global Code of Ethics in Tourism, as well as an obligation enshrined in the Memorandum of Understanding among the three Institutions, MTCYS has initiated the establishment of an inter-institutional working group for monitoring the implementation of the Code by tourist operators. The group will consist of representatives from the Ministry of Interior, Ministry of Labor, Social Affairs and Equal Opportunities and the Albanian Tourism Association (ATA). It will be chaired by MTCYS, with support from the OSCE Presence in Albania.

Mechanisms for protection of children at risk of trafficking

687. One of the most important measures for the protection of victims of trafficking is the Cooperation Agreement establishing the National Referral Mechanism (NRM) towards Improved Identification of and Assistance to Victims of Trafficking in Human Beings, signed in July 2005. The agreement was signed by the authorities of the Ministry of Labor and Social Affairs/Directorate General of the State Social Service, National Center for Reception of Traffic Victims; Ministry of Interior/General Directorate of State Police; Ministry of Foreign Affairs/Directorate of Consular Services; the non-profit organizations “Vatra”, and “Another Vision” and the International Organization for Migration (IOM). The agreement establishes a clear framework of cooperation among key stakeholders in the fight against human trafficking; it also defines the responsibilities of involved parties in the

identification, referral, accommodation, assistance and rehabilitation of victims of trafficking. The essence of the agreement is the establishment of a functioning national network among several State and non-state agencies, namely the police, social services, diplomatic and consular service, as well as shelters and rehabilitation centres for victims of trafficking, to enable identification, safety, referral, protection and rehabilitation of victims of trafficking in the country. Shelters are among the most important contributors in the support of victims of trafficking. They play an important role in identifying the types of services most needed by the victims, including children. The shelter “Another Vision” in Elbasan has a special section for treatment of minor victims and/or potential victims of trafficking. Currently, Albania has five centres licensed to provide services for victims/potential victims of trafficking. These centres provide adequate space, special services and adequately trained staff to deal with traffic victims, including children. They are: (a) National Reception Center for Victims of Trafficking (Tirana);(b) “Vatra” Shelter (Vlora);(c) “Another Vision” (Elbasan);(d) “Different and Equal” (Tirana);. (e) “Life and Hope” (Gjirokastra).

688. Law No. 9888, dated 10 March 2008 (art. 36), adds several provisions to the law “On the rights and treatment of imprisoned persons” (arts. 74/1; 74/2; 74/3) which provide for the establishment of the National Mechanism of prevention of torture, cruel treatment, punishment, inhuman or degrading treatment at the Office of the People’s Advocate. These provisions clearly define the powers, the guarantees and the actions to be taken by the National Mechanism, as well as modalities of supervision and monitoring on the implementation of this law providing for the protection of the rights of prisoners, the prevention of torture, maltreatment, etc. Oversight by National Mechanism is achieved through: (a) seeking information from the administration of the institution; (b) access to documents, belongings, equipment, space and/or any other personal things related to the detainee, within and outside the institution; (c) obtaining information from individuals who visit the detainees, State bodies and NGOs which visit the institution in accordance with the law, as well as lawyers of the detainees. In order to ensure professional monitoring, the National Mechanism may hire specialists and experts in the relevant areas. In any case, and regardless of whether violations and irregularities are found or not, the mechanism specialists compile records, which are signed by the director of the institution or an employee charged by him, who has the right to make institutional remarks/comments.

689. The Law “On legal aid” provides for the establishment of the Legal Aid Commission, which is a special body charged with the provision of free legal aid, minors included.

690. DCM No. 302, dated 25 March 2009 “On approval of the Regulation on Organization and Functioning of the Probation Service and the Setting of Standards and Procedures Overseeing the Execution of Alternative Sentences”, defines the rules for the organization and functioning of the institution of Probation Service and the role of this institution at any stage of the criminal proceedings.

691. Changes in the Law “On execution of criminal decisions”, effected in 2008, foresee the establishment and operation of a concrete mechanism, the “Probation Service”, which will oversee the implementation of alternative sentences and will establish relations with the courts and the State administration. Currently, the new structure of the Probation Service has been approved by order of the Prime Minister and steps have been taken to recruit probation personnel.

692. Under Law No. 9090, dated 26 March 2003 “On mediation for dispute resolution”, the General Directorate of State Police in cooperation with the Foundation on “Conflict Resolution and Mediation”, piloted in 4 regions of the country a project related to resolution of penal conflicts among minors and young people aged 14–21. This initiative

helped avoid confrontation of these age groups with the police and judiciary, and mitigated adverse social consequences.

Database of traffic victims

693. Another important measure was the establishment and putting into operation of a database for victims of trafficking. The database was compiled based on information obtained from police, the Albanian diplomatic and consular services, State social services, as well as the centres/shelters mentioned above. The database enables the fast processing of information to obtain a clear picture of the trafficking situation in the country. It allows for the identification of trends over time so that response from responsible structures is quick and effective. The database for victims of trafficking is already running. Operators continue to enter data on a day-to-day basis. The Office of National Coordinator constantly monitors the trends of trafficking in human beings based on two important sources, information from the reports of the Regional Anti-Trafficking Committees and the data generated recently by the database for victims of trafficking. During the period January 2008–January 2009, based on standards and criteria set forth by the NRM, 108 people (trafficking victims and alleged victims including children) are registered in the database. Of these 17 are children.

694. The General Directorate of Prisons implements individualized work plans for the specialized treatment of juveniles in conflict with the law. It cooperates with psycho-social structures established in all institutions for execution of criminal decisions to design programmes and organize activities for juveniles in pre-detention and detention facilities. Activities organized for minors are of a cultural, educational and sports nature. The aim is to enliven their lives and help them with management of stress while waiting trial or serving time. The implementation of such activities is done in partnership with non-profit children's rights organizations, which have been cooperating with detention and pre-detention authorities for a very long time now.

695. Currently, the entities cooperating with pre-detention and detention facilities for the implementation of rehabilitation programmes, as well as counselling and economic support, are as follows:

- Spanish Agency for International Cooperation and Development (AECID) – A pilot programme providing vocational training in two penitentiary centers (Fushë – Kruja and Vlora). The training relies on the Individualized Treatment Program (ITP) and the Model of Individualized Intervention (MII) for each detainee.
- The Albanian Helsinki Committee (AHC) – Training of civilian staff to improve their capacity and skills for treatment of minors.
- Legal Clinic for Minors – Psychological support and legal aid for juveniles in conflict with the law in the “Jordan Misja” and Vaqarr facilities.
- UNICEF and CRCA – The project “National Telephone Helpline for Children in Albania”.

696. The staff of penitentiary institutions has shown special care to allow minors to keep in touch with their families. In accordance with the prison regulation, minors are provided with the opportunity to call their families and meet their relatives. Whenever family relations are discontinued for various reasons, the staff of the Social Care Service, with the support of institution managers, mediate the re-establishment of contact between the juvenile and his/her relatives.

697. The daily programmes for minors in pre-detention and detention facilities vary according to the characteristics of each institution. The infrastructure of new institutions, designed according to European standards, provides more opportunities for the implementation of diverse daily programmes. These programmes consist of: (a)

professional training courses (in Vlora); (b) informal courses for illiterate minors; (c) sports activities; (d) reading; (e) psycho-social assistance; (f) group discussions on various social topics. The daily programmes pay special importance to the rehabilitation of juveniles, since their rehabilitation may not proceed normally upon their release, due to the complexity of factors and forces, because of which these minors had come to breach the law. The penitentiary authorities put great emphasis on the implementation of Individual Treatment Programs, in order to set treatment goals according to psycho-social needs of each minor.

Children of refugees (art. 22)

698. Law No. 9959 dated 17 July 2008 “On foreigners”⁶² states that foreigners are treated in accordance with the universal human rights and freedoms and the international agreements ratified by the Republic of Albania, in full respect of the principle of reciprocity, non discrimination and no-less favourable treatment than the Albanian citizens (art. 2). This law defines that a “foreigner” is any individual with or without citizenship, who, according to the Albanian law, is not Albanian. The law defines the meaning of the term “family members”, who are husband or wife, children under 18, adopted or custody children, spouse’s children, etc. This law regulates the mode of entry, residence, employment, treatment and exit of foreigners to/from the Republic of Albania and defines the functions and powers of State authorities and other entities, public and private, Albanian or foreign, which are empowered to deal with foreigners (art. 1). Subject to this law are foreigners who enter or seek to enter the Republic of Albania, for the purpose of staying, transiting, employment, study or re-admission. This law guarantees the rights and obligations of foreigners who work and live in the country of Albania.

699. Also, the entry, stay and treatment of foreigners in the Republic of Albania are regulated under bylaws and normative acts, such as: Council of Ministers Decision no. 362 dated 1 April 2009 “On determining the criteria, procedures and documentation for entry, stay and treatment of foreigners in the Republic of Albania.

700. Law No. 8432, dated 14 December 1998 “On Asylum in the Republic of Albania” grants the right to asylum or temporary protection to all foreigners in need of international protection, refugees or people seeking asylum, in accordance with the provisions of this law and international conventions to which Albania adheres. This law stipulates the conditions and procedures for granting and removing asylum in the Republic of Albania, as well as rights and duties of refugees and persons under temporary protection. Law No.10006, dated 26 January 2009 “On some additions and changes to the law no. 8432, dated 14 December 1998” provides the definition for unaccompanied minors and mandates the appointment of a legal guardian in accordance with the Albanian legislation.

701. Children of refugees and asylum-seekers: (a) are fully supported to receive compulsory and secondary education in the public system; (b) are provided the full range of health care services; (c) are sheltered by the Republic of Albania in the Center for Reception of Asylum Seekers and, in more vulnerable cases, by UNHCR in private facilities; (d) receive the necessary nutrition in the Center for Reception of Asylum Seekers and, when in private accommodations, by UNHCR; (e) receive assistance in non-food items by UNHCR; (f) receive social counselling by the specialized personnel of the host centre, as well as by other entities offering such services. Refugee children in schools and kindergartens are provided with psycho – social assistance whenever necessary; they also benefit from regular medical examinations, whether in the collective centre or in the private

⁶² This law has repealed the Law No. 8492 dated 27.05.1999 “On the foreigners” and has entered into force on 1 December 2008.

shelters where refugees and asylum seekers live. In addition, refugee children are provided with knowledge and awareness on children's rights.

702. All kinds of health services are covered by UNHCR, through a designated nongovernmental organization. However, it is foreseen that starting from 2010, health services for refugees and asylum seekers may be borne under the country's health insurance scheme.

703. The number of children enrolled in school is 20 and includes people past the age of 18, who discontinued school in their country of origin, due to the circumstances incurring their refugee status. These individuals are provided support to complete at least compulsory education (even secondary if started before arrival in the Republic of Albania).

704. In order to respect and protect the rights of refugee children, the Albanian authorities cooperate with UNICEF and UNHCR. UNHCR best practice work with refugee children, as well as knowledge in this field, are regularly disseminated to entities providing services to refugees and asylum seekers.

Children in armed conflicts (art. 38, para. 3)

705. Law no. 9047, dated 10 July 2003 "On Military Service in the Republic of Albania", amended by Law no. 9999, dated 25 September 2008, defines the rules of military service in the Republic of Albania, the rights, obligations and responsibilities of citizens, State structures and private entities to military inscription and military service. It provides that any male foreigner aged 19 may freely choose to fulfil his military obligation in his country of origin. In connection with the age of military service, this law stipulates that compulsory military service, active or alternative, should be completed by Albanian male citizens aged 19 to 27 years. The summoning of citizens to perform compulsory military service, active or alternative, begins when the citizen attains 19 years until he becomes 26. In cases of general or partial mobilization, by law or decree of the President of the Republic, nationals aged 18 years may also be called under arm. Among other things, the law provides that citizens who care for parents or family members with partial or complete disabilities having no one else to care for them, as well as heads of households, who are married and have two or more minor children, are not summoned to perform compulsory military service, active or alternative. Also, citizens are prematurely released from service in cases of serious family disaster, when the parent or spouse becomes disabled or deceased and children left without care. Regarding military inscription, the law stipulates that identification of male citizens, as human resources to perform active military service, begins at the age of 17. When male citizens become of this age, they have the obligation to appear in recruitment centres to undergo examination of physical and health condition. The legal framework for armed forces also regulates voluntary military service. This arrangement is contained not only in Law No. 9047, dated 10 July 2003, but also in Law No. 9171, dated 22 January 2004 "On Grades and Career in the Armed Forces of the Republic of Albania" and Law No. 9210, dated 23 March 2004 "On the status of army men in the Armed Forces of the Republic of Albania". The Law No. 9171 dated 22 January 2004 stipulates that "any Albanian citizen aged 19–30, who meets the criteria set forth by this law, may become officer, under-officer and active salaried soldier.

Children of minorities (art. 30)

706. Protection and respect for the rights of national minorities has occupied an important place in the policies of the Republic of Albania. Albania has had and continues to have a permanent commitment, in terms of continuous improvement of standards concerning the protection and respect for human rights and fundamental freedoms, part of which are minority rights. The Framework Convention of the Council of Europe, "For the Protection of National Minorities", which became part of Albanian domestic legislation following

ratification, forms the basis of minority policies in Albania. Albania considers compliance with the provisions of the Framework Convention “On Protection of National Minorities”, not only as an obligation under national legislation, but also as one of its most important commitments in the framework of the Stabilization and Association Agreement with the European Union. In this context, the Albanian state policy builds on the two basic axes of the international instruments on protection of national minorities: (a) the legal and practical implementation of non-discriminatory treatment for persons belonging to minorities to enable the full enjoyment of all human and civil rights and political freedoms granted to all Albanian citizens by the Albanian Constitution and legislation,;(b) providing legal and concrete measures to protect and respect the rights of persons belonging to minorities, such as: the right to freely express their affiliation, to preserve and develop their identity by exercising freely and in particular those elements which characterize their lives as a minority community, i.e., their mother tongue, cultural activities, religious worshipping, etc.

707. Albanian legislation, its Constitution and other laws, provide for the actual enforcement of the rights of minorities in the spirit of the Framework Convention. The Constitution of Albania describes minorities as an integral part of the Albanian society, and grants them equal rights with other Albanian citizens, while creating the necessary conditions for them to maintain and develop their national, cultural and religious identity.

708. Albania has historically recognised as national minorities those groups of individuals who have a mother nation, with which they share the language, culture, customs, traditions, religion, etc. The Greek, Macedonian and Serbo-Montenegrin minorities are recognized as national minorities, while Roma and Vlachs/Arumanians are considered to be ethno-linguistic minorities.

709. In the circumstances in which the Albanian legislation does not define the national minorities, Albania abides by the criteria set by international conventions, such as those objective criteria which relate to the existence of ethnic characteristics, i.e., the cultural, religious and linguistic characteristics which are specific and stable, and distinguish these groups from the rest of the population. It also abides by the individual’s will to maintain the culture, traditions, religion and language, as well as by the free choice to be part of a certain minority group. The status of national minority or ethno-linguistic minority incurs no negative or discriminatory effects. In all cases, provisions of the Framework Convention “On protection of national minorities” are fully observed.

Children of the Roma minority

710. The National Strategy “On Improving the Living Conditions of the Roma Community” (approved by DCM No. 633, dated 18 September 2003) sets objectives in the areas of: education, vocational training and employment, health care, social protection and social services, housing, transport, participation in social life, culture, etc. The measures taken have resulted in increased enrolments of Roma children in kindergartens and schools. Increased enrolments are due to several factors, such as infrastructure improvement, awareness campaigns, and provision of incentives and removal of restrictive barriers. The instruction of the Ministry of Education for enrolment of Roma pupils without the birth certificate has improved enrolments in the regions of Tirana, Durrës, Korça, etc. and has eliminated legal obstacles in this regard.

711. To alleviate the dropout phenomenon, various initiatives have been designed, with significant and sustainable impact, to return Roma children in school through special teaching programmes, special delivery services, parent education and awareness, etc. 50 per cent of all students who have benefited from the MES project “Second Chance” are Roma children. Curricula improvement, increased variety of teaching materials and reforms undertaken to provide textbooks primarily for groups in need, have increased Roma

enrolment in and attendance of school. For the year 2007–2008, such families have paid only 10 per cent of the value of books. Summer schools with Roma and non-Roma pupils have contributed to social inclusion of this community and have reduced barriers through holding joint cultural and sports activities. Curricular reform has enhanced the space for the teaching of Roma language in schools where the number of Roma students is large. However, this advantage is not fully used by the Roma community, due to lack of information. Generally, concrete initiatives, such as scholarships and fellowships for the Roma community have been missing. However, reform of higher education has increased the chances of Roma students to be admitted to universities and to benefit scholarship from public funds.

712. Roma NGOs have given a tangible contribution to the spread of knowledge and understanding of the Roma traditions and lifestyle, through awareness campaigns, special programmes for strengthening the position of Roma women in the family, provision of training and employment programmes, etc.

713. Roma culture and traditions are part of the national package of cultural heritage projects. Roma music is also played in the official CD recording the music of Albania's spiritual heritage. Roma youth associations and their activists have been actively involved in the consultation process of drafting the youth strategy. They contributed effectively in determining the priority measures and activities that will assist in the integration and active participation of Roma youth in the life of the country.

714. Roma minority has little access in the media. There is a lack of concrete programmes and initiatives by State institutions, while there have been initiatives by NGOs dealing with the media to implement special programmes or to improve media capacity to address the problems of the Roma community.

715. MLSAEO has taken concrete initiatives to promote employment of the Roma community, in general, and Roma women, in particular. However, in the future, proactive policies should be designed and implemented to create better employment opportunities for this community. Vocational training centres and the policies favouring vulnerable groups have increased access of Roma in vocational training courses. In 2005, 73 per cent of the total numbers of beneficiaries were Roma. However, in order to increase the number of Roma beneficiaries from these schemes, increased efforts should be made to improve cooperation between vocational training centres, employment offices and the Roma community.

716. Day care centres have seen a considerable increase. They are community based and provide services for children, youth, disabled persons, girls and women in need. 17 centres are established in the regions of Tirana, Durrës, Shkodra and Vlora and work is going on to establish 27 additional centres in the other regions. Better use of such opportunities created for the Roma community requires informational and awareness campaigns to empower the Roma community to make use of such opportunities.

717. The Roma community enjoys equal rights in the field of social support. Issuance of an administrative act by MLSAEO obligates local governments to assist Roma families with preparation and submission of the required documentation to benefit from the economic assistance schemes.

718. Children from 0–14 years receive compulsory vaccines at 95 per cent on a country scale. In some regions with large Roma populations, vaccination is reported to be 99.8 per cent. However, child vaccination remains a problem for those segments of the Roma population, which travel or migrate from one region to another. In the field of reproductive health and family planning, there have been many initiatives by NGOs, which are often not counted for by the responsible State entities. Provision of free medications for poor Roma families, assessment of Roma morbidity and mortality rates are measures that are not

implemented. Implementation of these and similar measures is effective, provided it covers the entire population and not only the Roma community, because it necessitates large funds, long periods of time and investments in the field of information technologies. The legal basis does not create premises for Roma discrimination in the field of housing and other basic services. Assessment of housing, water supply and sanitation needs, as well as internal road networks in all the local government units with Roma populations has been completed. Tirana and Elbasan are respectively the two cities, which account for 33.3 per cent and 24 per cent of the total needs for building new housing, and 19.1 per cent and 35.5 per cent of needs for rehabilitation of existing housing facilities.

719. Under the project “On the building of social housing” opportunities are also created for the Roma community. However, Roma families should be provided with legal assistance in order to be able to benefit from this scheme. The Ministry of Interior has launched a campaign to protect children and remove them from the streets. It has also taken a number of legal initiatives. Measures are also taken to control trafficking in children within the country and to encourage report of trafficking cases, such as through the establishment of the national free telephone line, the signing of the agreement with the Greek government for the return, rehabilitation and care of trafficked children, a considerable part of these children being Roma, etc. State initiatives in this area have gained the support of civil society organizations. A case in point is the creation of the coalition, “Together against trafficking in children”.

720. To ensure the implementing of the strategy “On improving the living conditions of the Roma community”, the relevant Sector of Strategy Monitoring was also established.

721. The signing of the Roma Inclusion Decade in 2008 is evidence to the serious commitment of the Albanian Government to improve Roma conditions. This is an initiative of the countries of Central and Eastern Europe supported by the World Bank, UNDP and the Open Society Institute, to improve the situation of Roma in the fields of education, health, employment and housing. Albania subscribed to the initiative in February 2008 and received the status of a member country in July 2008. With membership in the decade of Roma Inclusion, MLSAEO was tasked by the Prime Minister with the design of the National Action Plan for the implementation of the “Decade of Roma Inclusion”. An inter-ministerial group was established to draft the Plan. The draft has already been completed and is in the pipeline to be approved within the 2009. Albania’s National Action Plan for the Roma Decade encompasses six fields such as education, cultural heritage, integration in the labour market, improving access to health services, improving housing and infrastructure conditions and prevention and control of social and institutional discrimination against Roma. The final draft will also include a guide for implementation and monitoring both at the central and local level, as well as a mapping of potential donors in each field. The Roma Inclusion Decade 2005–2015, which represents the most comprehensive effort ever to improve the lives of Roma population, puts special emphasis on education of Roma children as one of the main ways for their integration in society. It is worth pointing out the contribution of Roma organizations, which consists in a range of inputs including data collection, identification of needs and problems, analysis of root causes and proposals regarding actions to be taken.