



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-first session

Summary record of the 1738th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 25 September 2012, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Albania (CRC/C/ALB/2-4; CRC/C/ALB/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Albania took places at the Committee table.*
2. **Ms. Kodra** (Albania) said that her Government had recently taken a number of steps to enhance its framework for the protection of children's rights. In 2010 it had adopted a law on the protection of children's rights which defined children's rights in Albania and provided for the establishment of institutional mechanisms to safeguard and enforce those rights at the individual, family, community and country levels. The law obliged the relevant national and local institutions to coordinate their work, including with that of civil society organizations.
3. National-level institutions included the National Council for the Protection of the Rights of the Child, an advisory body to the Council of Ministers, and the State Agency for the Protection of the Rights of the Child. Measures to protect children's rights were to be coordinated by a minister; currently that role was performed by the Minister of Labour, Social Affairs and Equal Opportunities. In addition, children's rights units had been established in 11 of the country's 12 regions, and children's protection units were being set up at the municipality level.
4. To fulfil one of the requirements for achieving European Union candidate status, Albania had in 2012 adopted the National Action Plan for Children covering the period 2012–2015. The Plan was based on evaluations of the implementation of the national strategy for children for 2005–2010 and on studies on the situation of children in Albania. A programme to reduce child malnutrition developed in 2010 had been followed in 2012 by a national awareness campaign on new and better ways of feeding babies and children. The prevalence of nutritional stunting in children through the age of 5 and of underweight children at birth had been roughly halved between 2000 and 2009. Child vaccination rates remained at satisfactory levels.
5. A law on the pre-university education system, adopted in 2012, instituted various measures in favour of children with disabilities, including the provision of individualized curricula and appropriate learning materials and tools. Efforts were being made to ensure that children attended preschool for at least one year before starting primary school. Free textbooks were provided for children from poor families and for Roma children enrolled in compulsory education. She noted that non-enrolment in compulsory education often resulted from non-registration in the civil registry. To promote the registration of children, the relevant administrative procedures had been simplified.
6. A recently launched reform of the social service delivery system aimed to improve support for needy children and families by expanding the target group to include orphaned children and victims of domestic violence; enhancing the economic aid programme to take into account the nutritional, health and educational needs of needy children; institutionalizing foster care services; and combating the exclusion of, and discrimination against, certain individuals and groups in need. A joint order on the protection of the rights of children exposed to various forms of abuse required the police and employees of the social protection service to work together to identify street children and place them under protection. A plan for implementing the order had been drafted.
7. **Mr. Cardona Llorens** (Country Rapporteur), commending the State party for the progress it had made in recent years in protecting and promoting children's rights, said that

noteworthy milestones included the law on the protection of children's rights, which incorporated all of the Convention's provisions, and various measures to combat discrimination and domestic violence. The State party's ratification of two of the Convention's Optional Protocols was a welcome step, and he asked whether the State party would soon sign and ratify the third Protocol.

8. Surmising that the State party's application for membership in the European Union was a factor in the recent proliferation of legislation and programmes related to children's rights, he said that to be meaningful, laws and programmes had to be implemented and resources allocated for such implementation. An example was the National Action Plan for Children for the period 2012–2015. Did it include assessment indicators and, if so, of what kind? Were interim reviews mandated? He also wished to know whether there had been a determination of the technical, practical and financial resources needed and whether budgetary funds had been ring-fenced.

9. Article 4 of the Convention required States parties to undertake all appropriate legislative, administrative and other measures to implement the rights recognized in the Convention, yet the State party apparently did not systematically assess the impact that budgetary decisions could have on children. During the period 2008–2009 the proportion of the State budget allocated to areas affecting children's well-being had decreased significantly. Furthermore, the State budget had no lines specifically earmarked for basic social services and welfare for children. He asked whether the State party had defined budget lines for at-risk children and had ring-fenced them so that they would not be eliminated in the future.

10. In addition to financing, coordinated action by Government departments was a prerequisite for successful implementation. The State Agency for the Protection of the Rights of the Child appeared to be adequately staffed but would require additional resources in the future.

11. It was not clear how the Ministry of Labour, Social Affairs and Equal Opportunities could coordinate the activities of the numerous bodies and programmes that dealt with matters affecting children's rights. What measures were in place to avoid duplication of efforts? Also, implementation must be accompanied by independent evaluation.

12. According to information provided to the Committee, the post of Ombudsman had been vacant for a long time and the activities of that office, including those of its subsection on children's rights, had ground to a halt. He asked the State party to comment on the matter.

13. He wished to know what measures were in place to promote knowledge of the Convention among the general public and children in particular.

14. While both the Family Code and the law on the protection of children's rights defined persons under the age of 18 as children, in practice children under the age of 18 were considered to be adults for certain purposes. He was particularly struck by articles 100 and 101 of the Criminal Code, which, *inter alia*, prohibited sexual relations with girls who had not yet reached puberty. The articles in question gave scant protection to girls, who were considered adults in cases of sexual abuse as soon as they had reached puberty.

15. The Committee was concerned that although the Constitution prohibited discrimination, discrimination against Roma children, disabled children, girls and children continued to exist in rural areas. He asked what practical steps had been taken to prevent such discrimination.

16. Corporal punishment seemed common in the home and in schools and similar settings in Albania, and there appeared to be a widely held view that it was good for children. Under the Convention, however, all violence against and abuse of children must

be explicitly prohibited by law and measures taken to enforce the ban. He drew attention to such practices as honour killings and asked what efforts the State party was making to prevent and eradicate them along with such other harmful practices as early marriages. The latter still occurred in the Roma community and were accepted under customary law, and he wished to know how the State party was addressing that issue.

17. He asked what measures were taken to prevent the ill-treatment of children in police detention centres. He wished to know in particular how the detention of children in connection with the protests of 21 January 2011 had been investigated and what the outcome of any such investigations had been.

18. **Mr. Madi** said that while the adoption in 2009 of a law on civil registration offices was commendable, the Committee was concerned by the fact that obtaining a birth certificate still involved the payment of fees. The requirement presented difficulties for children from poor families, Roma children and children born to migrant families or abroad, as possession of a birth certificate was a prerequisite for access to certain services and facilities. While Albanian consulates abroad had received instructions in the handling of such cases, that was a stop-gap measure; the authorities should provide for universal birth registration.

19. He wished to add to the questions on corporal punishment raised by Mr. Cardona Llorens. Apparently the State party had rejected the recommendation made in the context of the universal periodic review that corporal punishment in all settings should be expressly prohibited. The law on the pre-university education system contained no references to a mechanism for preventing violence against children in schools nor any reference to sanctions against teachers using such violence. Was the State party planning to enact such legislation?

20. **Mr. Kotrane**, noting that the Albanian Constitution provided for the primacy of international instruments over domestic legislation, asked whether legislation implementing the Convention's provisions existed and whether the Convention had been invoked in court rulings. With regard to the persistence of customary law, he asked how judges resolved conflicts between State legislation and customary law.

21. He asked whether children from vulnerable groups were represented in Youth Parliaments, noting that exercises involving children's participation in decision-making sometimes constituted little more than window dressing.

22. **Ms. Al-Shehail** asked whether a protected annual budget existed for the office of the Commissioner on Protection against Discrimination. Citing the experiences of Roma children and children from Egyptian communities, she asked what measures were taken to address the needs of minority groups that suffered from discrimination in Albanian society.

23. **Ms. Al-Asmar** said that the Committee had been informed that the Youth Parliaments mentioned in the report excluded Roma children, children from rural areas and children with disabilities. She asked how members of the Youth Parliaments were chosen.

24. Although under the Family Code children were entitled to be heard in court, the Committee had received reports that that right was respected chiefly in criminal cases and seldom in family cases. She requested statistics on the number of family cases in which children's views had been heard. Lastly, the Committee had received reports from children that they rarely had occasion to be heard in school or in alternative care settings. She asked the delegation to comment on that situation.

25. **Mr. Gastaud** asked whether steps had been taken to assess the outcome of measures to disseminate the Convention, such as the provision of training and information to police officers, judges and magistrates. He would welcome information on the results of any evaluations of those measures as well as on any subsequent measures taken to adapt those

programmes. With regard to the right of children to be heard, he observed that the Family Code did not cover all situations in which a child's opinion should be heard – in the field of education, for example. What mechanisms and procedures were in place to guarantee enjoyment of that right?

26. He wondered whether the hotline for children was available throughout Albanian territory or just in the major cities, and asked who responded to the calls and what further measures were taken after a call was made. With regard to the right to privacy, he welcomed the legislation adopted on personal data but sought further information on measures to protect children's identity if they were involved in legal proceedings.

27. **Ms. Nores de García** welcomed the 2008 law amending the 2002 civil registry law, which had resulted in the registration of thousands of Albanian children, and the State party's efforts to reduce penalties for late registration. However, she wished to know what measures were being taken to ensure that children from ethnic minorities and Egyptian communities could fully benefit from access to health and education services.

28. Reports suggested that despite the State party's best efforts, corruption remained a problem in Albania. She asked what steps the State party was taking to ensure that funding and public policies had an impact on all children throughout Albania.

29. **Mr. Pollar** deplored the lack of information provided on the implementation of the social protection strategy. Noting the high infant mortality rate and rate of death from infectious diseases, he asked what the State party intended to do to address those problems. He also invited the State party to comment on the number of children involved in accident-related deaths or suicides, and enquired as to the legislation in place and the practical measures taken to register and investigate child deaths.

30. **Mr. Koompraphant** asked how the Ministry of Labour, Social Affairs and Equal Opportunities was implementing national policies and the National Strategy for Children and requested information on how the child protection agency coordinated with local authorities and children's rights units at the regional and municipal levels. He also wished to know how the State party synchronized the implementation and monitoring of legislation dealing with children's rights and domestic violence legislation, and what agency was responsible for the coordination of efforts in that regard.

31. **Ms. Aidoo** asked to what extent the Government took the input of non-governmental organizations (NGOs) into account, and whether opportunities for feedback, dialogue or consultation existed. As the State party had no effective child protection system, NGOs filled part of that vacuum, but they relied on foreign and donor funding, which was not sustainable and created competition between them. What was the State party doing to strengthen the capacity of civil society organizations to operate as effective and sustainable partners?

32. **Ms. Maurás Pérez** asked whether the Action Plan for Children 2012–2015 included the promotion of civil and political rights, such as the right to appropriate information, privacy, and freedom of association. She enquired as to the role played by the mass media in the State party, including the Internet, as it seemed that there were few regulations in place relating to the rights of children in that area. There likewise seemed to be little proper monitoring of the quality and relevance of programmes aimed at children.

33. Although the State party had referred to the existence of mechanisms to ensure children's participation in decision-making, there appeared to be significant shortcomings with regard to children's participation in the decision-making process in schools and other areas of life. More information on that subject would be welcome.

34. **Mr. Guráñ**, addressing the issue of raising awareness of the Convention and measures to strengthen children's rights, requested additional information on the Office of

the People's Advocate (Ombudsman) and its funding. Reports suggested that there was still a low level of awareness among children of their right to bring complaints and of existing complaints procedures. He asked how many complaints from children had been received and dealt with, and suggested that the State party should consider implementing further awareness-raising campaigns. He also sought information regarding the children's rights units, including the numbers of staff, their training and the funding provided for the units. Given the fact that they had been established with external support, including from the United Nations Children's Fund (UNICEF), he asked whether the State was committed to supporting the units in the long term in order to ensure their sustainability.

35. **Ms. Wijemanne** said that there was a connection between domestic violence and corporal punishment, as both had an inter-generational aspect. She asked what programmes, including educational or youth programmes, existed to address the problem, as behavioural changes had to start in childhood. She also wished to know who took action when complaints were reported via the helpline and whether the State party could provide a general profile of the complaints received.

36. **Ms. Sandberg** drew attention to reports that mothers in certain regions of the country were not allowed to have contact with their children following divorce or the death of their spouse. She wished to know how the State party reconciled that approach with the best interests principle established in the Convention.

37. **Ms. Lee**, noting that Albania was one of the poorest countries in Europe, asked what steps the State party had taken to address the problem of child poverty. Given that Albania did not have a child benefits system, she wished to know what measures were taken to provide a social security safety net for vulnerable families.

38. **Ms. Kodra** (Albania) said that while the Ministry of Justice had initiated the process that would allow Albania to sign the third Optional Protocol, no further information on that process was currently available. She assured the Committee that any additional information received on that subject would be transmitted to the Committee secretariat. Answers to questions relating to judicial matters would be submitted in writing, as no representative of the Ministry of Justice was currently present.

39. With regard to resources for the National Action Plan for Children 2012–2015, she said that the State party was currently in the process of reforming all of its budgetary procedures and reviewing all budget lines. A national development strategy for Albania was being drafted, and experts were being trained in matters relating to financial and technical resources. The children's action plan was covered by that exercise.

40. **Mr. Cardona Llorens** said it was his understanding that the State party had drawn up an action plan with specific targets but without establishing the staff or financial resources necessary to implement it. Would those matters be decided at a later date?

41. **Ms. Kodra** (Albania) said that the National Action Plan contained measures, established an implementation time frame with implementation indicators and determined the financial resources that would be required, including local government allocations and funding from UNICEF. However, as things stood, implementation of the plan still required foreign funding. Although a total implementation budget had been established, no detailed allocations had been set out for each part of the plan, and the State party was currently working on that aspect of the project. The State party was taking steps to clarify budget lines and allocate more specific funding for children at risk. While the portion of the annual budget allocated for education had actually increased in recent years, a comparison of the national gross domestic product with the education budget revealed a decrease in 2010 and 2011, owing to the impact of the economic crisis in Albania.

42. **Ms. Nores de García** said that even in times of crisis it was important to continue to invest in education and other measures relating to children.
43. **Ms. Kodra** (Albania) said that she had simply sought to explain the reality on the ground in Albania.
44. **Ms. Pashaj** (Albania) said that different ministries coordinated strategies in the field of children's rights, taking into account European integration documents relating to children's rights. The National Action Plan was based on the provisions of Albanian child protection legislation, which was enforced by mechanisms at both the central and local levels. The State Agency for the Protection of the Rights of the Child was the executive body responsible for the coordination and monitoring of national legislation and the National Action Plan. Measures were taken to promote both the law and the Action Plan in all regions, in cooperation with local authorities.
45. **The Chairperson** asked whether an initial, interim assessment of the new children's rights legislation and the newly established organizational and coordination structure had been carried out and, if so, what findings those evaluations had yielded.
46. **Ms. Pashaj** (Albania) said that efforts to promote the new law and the National Action Plan were ongoing, and involved efforts not only to establish the necessary mechanisms but also to develop capacity-building measures at the local level. Albania also intended to ensure that each region had its own regional action plan for children, an objective that had already been achieved in three regions.
47. **Mr. Koompraphant** requested clarification regarding the work of the State Agency for the Protection of the Rights of the Child, as the Agency appeared to operate at two levels, namely the implementation of national policies and the provision of services to children and families. How was responsibility delegated to local authorities, and how did it coordinate its work with local authorities?
48. **Ms. Kodra** (Albania) said that while coordination efforts involved line ministries, local authorities and civil society, the State Agency had overall responsibility for the implementation of policies and plans, with a network at the regional level. Albania was currently in the process of decentralization, so each region had cross-cutting decision-making teams headed by regional coordinators to harmonize the efforts of all stakeholders in fields such as health, social and educational services. A significant level of responsibility was being delegated to local authorities. Children's rights units submitted reports every six months on implementation of the National Action Plan at the local level, and information was also received from the child protection units, which dealt with the referral of children at risk. Data collection was centralized, and the information gathered was analysed and used to assess implementation and monitoring measures relating to both the law and the Action Plan.
49. **Ms. Kodra** (Albania) said that the child protection officers working in the municipalities reported to the State Agency for the Protection of the Rights of the Child, which in turn reported to the National Council for the Protection of Children's Rights. The Council was responsible for deciding how to implement the relevant policies. The Ministry of Justice was currently reviewing the definition of the child in the context of the Criminal Code. An amendment to the Labour Code that increased the age at which children could begin to work from 14 to 15 was also currently awaiting approval.
50. As indicated in paragraph 26 of the written replies, a database of all the Roma communities in Albania had been created, mapping where they lived and identifying the services available in the immediate vicinity. It was a useful tool for the education authorities, as it identified the whereabouts of Roma children who were not attending school. There were currently some 15,000 to 20,000 Roma living in Albania.

51. The Government was aware of the need to take further measures to combat discrimination against children from minorities, including the Roma, and children with disabilities. Under the 2010 anti-discrimination legislation, the Office of the Commissioner for Protection against Discrimination had been established. It was allocated its own budget, was fully staffed and had been operational since mid-2011. While the authorities had not identified any specific cases of early marriage, even in rural areas, they were aware that early marriage was customary among the Roma population and were taking steps to discourage it.

52. **Ms. Kamani** (Albania) said that the national programme for the reduction of the school dropout rate focused on children from the Roma community and children with disabilities. The Albanian action plan for the Decade of Roma Inclusion included a chapter on education. Currently, almost 69 per cent of all children between the ages of 3 and 18 were enrolled in school. The Ministry of Education had been collecting data since 2009, disaggregated by sex, age, type of disability and minority group, that had enabled it to improve the provision of education to Roma children. School equipment was provided free of charge to many primary and secondary schoolchildren, including orphans, children whose families received welfare benefits, children whose parents were disabled and children from families in which the main breadwinner earned less than \$300 a month. Following the success of pilot projects run by civil society, the Council of Ministers had decided to provide free nutritional meals in schools with a high Roma population in order to encourage Roma children to attend school.

53. **Mr. Cardona Llorens** requested additional information on measures to eliminate discrimination against girls. The school dropout rate among girls from mountainous and rural areas of the State party was alarming.

54. **Ms. Kodra** (Albania) said that the Ministry of Education and local education authorities were providing transport to ensure that the distance many children had to travel to reach school did not impede their access to education.

55. Legislation had been adopted in 2006 to protect women and children from domestic violence. A referral system was currently being set up under which local health, education and social service authorities met to discuss suspected cases of domestic or institutional violence. Victims were then given assistance by experts, including psychologists and teachers. A centre provided help and counselling for women who had been issued with protection orders and their children. Under a 2011 amendment to the Criminal Code, protection orders were now issued for children within 24 hours. Teachers were obliged to report to the police about any suspected cases of family or institutional child abuse.

56. **Mr. Zhurka** (Albania) said that all types of physical and psychological violence against children by family members, including corporal punishment, were prohibited by law. Under amendments to the Criminal Code introduced in February 2012, domestic violence was a criminal offence, as was the physical or psychological ill-treatment of children by their parents, grandparents, siblings, legal guardians or other caregivers. Those offences were punishable by prison sentences ranging from 3 months to 2 years.

57. **The Chairperson** asked why the State party had rejected the recommendation emanating from the universal periodic review process that it should specifically prohibit corporal punishment.

58. **Mr. Qerimaj** (Albania) said that the Government had accepted the overwhelming majority of the recommendations emanating from the universal periodic review process. No recommendations concerning corporal punishment had been rejected.

59. **Mr. Cardona Llorens** asked what support low-income families received from the State to enable them to keep their children at home rather than abandoning them in

institutions. It would appear that many such institutions accepted only children of a specific age, which meant that siblings were often separated. He wondered whether the best interests of the child might not be better served if siblings were kept together.

60. It would be useful to know whether there were mechanisms in place to ensure that parents who divorced paid child maintenance, if such payments were part of the divorce settlement. It would also be useful to have data on the number of children with disabilities who attended school and to hear about measures taken to make schools accessible to those children. The Committee would appreciate details of steps being taken to lower the school dropout rate, especially at the secondary level.

61. He asked what affirmative action the State party was taking to protect children who lived on the streets, including those who begged. He requested confirmation of the fact that some 60 per cent of children who were deprived of their liberty were in pretrial detention. If that was so, it would be useful to know what measures were being taken to expedite the judicial process. He also asked what steps were being taken to speed up the legal process to ensure that domestic adoptions could go ahead once suitable families had been found.

62. **Ms. Lee** asked whether all levels of compulsory education were free of charge. She wished to know whether the State party had any evidence that its "Second Chance" education project had been successful in attracting children who had dropped out of school. It would be useful to learn whether school transport was available to all children. She would also appreciate details of any measures being taken to improve the infrastructure of schools in rural areas to ensure that students, especially girls, did not drop out owing to poor facilities such as inadequate toilets. She enquired whether free school equipment was given to children from minority groups and whether some teachers demanded fees for extracurricular or afternoon classes. Were all teachers working in the State party fully qualified? She asked whether children seeking asylum who had no certificates or evidence of their educational level had access to schools in the State party.

63. Additional information on any difficulties unaccompanied minors who arrived in the State party encountered in finding legal guardians would be welcome. She would also welcome details of the treatment given to such children by border guards, particularly in the light of reports that in 2011 some 18 minors had been held in detention on arrival in the State party.

64. **Mr. Kotrane** asked what practical measures the State party was implementing to ensure that children were not working or being economically exploited in the informal sector. He wished to know whether the Government planned to increase the number of labour inspectors to facilitate that task.

65. The Committee would welcome clarification of the maximum period during which children could be questioned in the absence of a lawyer or a member of the child's family. Additional information should also be provided on the steps taken to ensure that children held in police stations were always separated from adults. He asked whether children were heard by professionals trained in dealing with juveniles at all stages of the legal process, including questioning, pretrial detention, court hearings and sentencing.

66. **Ms. Sandberg** asked what structures were in place to ensure that children could maintain a relationship with both parents if their parents divorced. In particular, she wished to know whether there were any mediation services available to the parents and whether any support was provided to ensure that the child maintained contact with the non-custodial parent. It would be interesting to hear about any alternatives to imprisonment that existed for women who were mothers, as such women often had no option but to take their children with them. She requested clarification of the rules concerning the detention of children above and below the age of 16 who were seeking asylum. She would also appreciate

additional information as to how the best interests of those children were taken into account during the interview process and with regard to housing and health care.

67. **Mr. Madi** asked whether there were any data available on the enforcement of the child labour regulations in the courts. Given that many children had died in the explosions at the Gërdec military base in 2008, he requested clarification of the employment policy of the Ministry of Defence, which had apparently employed children to work at the base.

The meeting rose at 1 p.m.