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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

SUMMARY RECORD OF THE 1004th MEETING

Held at the Palais Wilson, Geneva,

on Wednesday, 12 January 2005, at 3 p.m.

Chairperson: Mr. DOEK

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Initial report of Albania (continued)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Albania (continued) (CRC/C/11/Add.27; CRC/C/Q/ALB/1; CRC/RESP/77; HRI/CORE/1/Add.124)

At the invitation of the Chairperson, Mr. Ceka, Ms. Goxhi, Mr. Hajdaraga, Mr. Mullaj, Mr. Nina, Ms. Shala, Ms. Sheshi and Mr. Thanati (Albania) took places at the Committee table.

Mr. LIWSKI asked whether the centre established to combat trafficking in women and children provided assistance to the approximately 4,000 Albanian children living in Greece and Italy, and whether the centre had taken any measures to prevent trafficking in children.

He asked why the number of child consultation centres had declined in rural areas, although infant mortality in such areas continued to be significantly higher than in urban areas. He requested information on the kinds of services provided by those centres and the degree of community involvement in their activities.

Mr. CITARELLA asked whether the State party intended to establish juvenile courts, whether the currently existing specialized sections for juvenile justice in the ordinary courts were exclusively responsible for cases involving minors, and whether alternative sentences to imprisonment existed for minors. He wondered how the provisions contained in article 51 of the Albanian Criminal Code, which stipulated that prison sentences for minors must not exceed half of the prison sentence imposed on adult offenders for the same offence, were implemented in practice and whether there were maximum prison sentences for children. He also wished to know why 11 women and girls of Albanian nationality were currently being held in the Lezhe centre for asylum-seekers.

Mr. NINA (Albania) said that Albania's initial report (CRC/C/11/Add.27) had been prepared with the active participation of non-governmental organizations (NGOs) working in the field of child rights. All the information came from credible sources and was the result of extensive research. However, some of the information contained in the alternative report was inaccurate.

In cooperation with international organizations, the Ministry of Health had carried out a survey and compiled a preliminary report on reproductive health, which included a chapter on family violence. Thirty per cent of the persons interviewed had reported that they had experienced some form of violence; 8 per cent had been subjected to physical violence, 3 per cent to sexual violence, and the rest to psychological violence.

The CHAIRPERSON asked whether the use of corporal punishment in the family was considered an appropriate means of disciplining children in the State party.

Ms. SHESHI (Albania) said that physical violence against children was not a culturally accepted practice, and no cases of family

violence had been reported to the authorities. While school psychologists were capable of providing assistance to abused children, there had been no reported cases of abuse.

The main difficulty faced by Albanian children living abroad was lack of access to education in their mother tongue. An agreement had been signed between the Greek and Albanian ministries of education with a view to facilitating the establishment of special schools for Albanian children living in Greece.

Mr. NINA (Albania) said that the age of criminal responsibility was 14 for misdemeanours and 16 for criminal offences. Pursuant to article 51 of the Criminal Code, children received reduced prison sentences.

Practices and customs that perpetuated gender-based discrimination were contrary to Albanian legislation, which was based on human rights principles. For example, in some rural areas, girls did not have the right to inherit property. In cases where men were forced into seclusion as a result of vendettas, girls and women were responsible for the survival of the family and were disproportionately affected by the general insecurity caused by blood feuds.

Ms. SHESHI (Albania) said that education and textbooks in public schools were free of charge, and the State provided free transport for teachers travelling between different regions. The data suggesting low school enrolment rates contained in the alternative report were incorrect. The Ministry of Education had set up collective classes for children of different age groups who were unable to attend school regularly, such as working children or Roma children.

Special training courses in child rights were organized for professionals working in the field of juvenile justice. Child-related issues, including the provisions of the Convention on the Rights of the Child, had been incorporated into the curriculum of the Police Academy. The Albanian Magistrature School operated a training programme on all human rights instruments to which Albania was a party, including the Convention on the Rights of the Child. A body of child rights legislation was currently being drafted in cooperation with the Ministry of Justice.

The Government envisaged the establishment of regional agencies responsible for organizing leisure and recreational activities for children, including art classes and sports. In close cooperation with international organizations and donors, the Government had made efforts to improve sports facilities in schools. In that connection, the Ministry of Culture and the Ministry of Education had signed an agreement on the re-establishment of school athletic teams that had been dissolved during the transition period. NGOs had introduced joint activities for children of different age groups in order to encourage interaction. A number of activities had been organized at the regional and national levels for gifted children.

There were specialized institutions for children with disabilities, and special university training was provided for teachers working in such institutions. The Government promoted the integration of children with disabilities into social and cultural life by encouraging the organization of art exhibits, special competitions and cultural events.

Families with many children were eligible for financial assistance and, in the case of multiple births, the Government assisted by providing housing, a social worker and financial assistance.

The CHAIRPERSON asked whether public transport and buildings were accessible to wheelchair users. The reference to a "community of persons with disabilities" in the report suggested that children with disabilities were segregated from other children, and he wished to know whether both disabled and non-disabled children attended the aforementioned social and cultural events.

Ms. SHESHI (Albania) said that, while not all means of transport were accessible to wheelchair users, such persons had access to transport to and from the specialized institutions and to the buildings themselves. Accessibility for wheelchair users was a prerequisite for the construction of all new buildings. Both disabled and non-disabled children participated in social and cultural events, which were a means of integrating the two groups of children. However, Albania's financial difficulties placed constraints on its ability to provide adequate care and services for children with disabilities.

Ms. SMITH said that the Committee had received information concerning the high level of poverty and ill-treatment of children in Albania. She asked what specific problems were faced by children in Albania, particularly children in rural areas.

Ms. SHESHI (Albania) said that the Government's National Strategy for Children attached priority to addressing the problems faced by Albanian children. While an improvement in Albania's current financial situation would help matters, it would not make such problems disappear. The Government would therefore focus on complying with its obligations under the Convention, in close cooperation with international organizations and NGOs.

Mr. CEKA (Albania) said that family planning and maternal and child health were of paramount importance in Albania's national health-care strategy. Prior to 1992, abortion had been illegal; there had been more than 85,000 live births a year and fertility had reached a maximum of 6.7 per cent. Fifty per cent of maternal deaths had been caused by illegal abortions. Contraception had been a taboo subject. As a result of the legalization of abortion, in 1992, the enactment of legislation on voluntary termination of pregnancy in 1995, and a massive campaign to promote family planning begun in 1994, by 2004 there had been a significant decline in the birth rate, and the fertility indicator had fallen to 2.1 per cent. Since 1997, there had been no recorded deaths from illegal abortions.

Family planning activities had been conducted in cooperation with such international organizations as the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO). Family planning activities also covered health matters, such as the prevention of sexually transmitted diseases and AIDS. Since 1996, thanks to assistance from international donors, contraceptives had been provided free of charge; as of 2005, the Government would allocate part of its health-care budget to the production and free distribution of contraceptives. Following intensive efforts to train specialists, family planning services were available in all regions of Albania.

Following the period of transition, there had been a crisis in the provision of health care services, mainly as a result of staff shortages.

Many qualified staff had emigrated or had moved from rural to urban areas. In order to address those problems, the Government had adopted a 10-year strategy, with support from WHO, to reform the health-care sector. The main objectives of the strategy were to upgrade facilities and equipment, decentralize services and reallocate resources to the areas in greatest need.

Mr. NINA (Albania) said that, in 2003, expenditure on education represented 2.9 per cent of the gross domestic product (GDP). There were three levels of compulsory education: pre-school education and two cycles of primary education. A school-leaving certificate, issued on completion of compulsory education, allowed students to enter secondary education, which generally lasted four years. The three branches of secondary education were general secondary education, vocational/professional education and social/cultural education. It was possible to transfer from one branch to another in accordance with the guidelines established by the Ministry of Education and Science.

The CHAIRPERSON asked what the reasons were for the apparent sharp decline in attendance figures at pre-schools and for the discrepancy between official enrolment figures and actual attendance at other levels of education. He enquired whether children who did not attend school had jobs, and why so few girls went on to secondary education.

Ms. SHESHI (Albania) said that the Ministry of Education attached great importance to pre-school education. However, during the current period of transition, many mothers no longer worked and preferred to look after their pre-school children at home. The differences in pre-school attendance figures between rural and urban areas could be explained by the mass migration to urban areas. One of the achievements of recent years was the UNICEF-sponsored project entitled "Gardens of Mothers and Children", under which mothers received financial assistance from the Ministry of Labour to care for their pre-school children at home.

Mr. HAJDARAGA (Albania) said that in recent years approximately 1 million Albanians had emigrated, and a further 1 million had migrated from the countryside to Tirana and Durrës. The population movements had resulted in a shortage of infrastructures and teachers, which accounted for the low attendance figures in some pre-schools. By adopting the necessary strategies and with the support of the international community, the Government hoped to remedy the situation. Many of the difficulties facing Albania were a legacy of the former regime or a consequence of the transition period. The Government was firmly committed to meeting standards in the economic, political and social spheres, particularly with regard to children, with a view to signing a stabilization and association agreement with the European Union. Albania would welcome assistance from the Committee in that connection.

Mr. CEKA said that infant mortality in Albania was still too high: there had been 15.5 deaths per 1,000 live births in 2004. The objective was to reduce that figure to less than 10 deaths per 1,000 live births by the year 2010, in accordance with the United Nations Millennium Development Goals. The infant mortality rate was generally higher in

northeastern Albania. With assistance from WHO, the Government had implemented infant health and health education programmes in several prefectures and had already obtained good results.

Although over 80 per cent of babies were breastfed in Albania, only about 46 per cent were exclusively breastfed for the first six months. However, measures were being taken to encourage exclusive breastfeeding: health-care staff were being trained and hospitals were being made baby-friendly.

While the incidence of malnutrition had decreased, about 26 per cent of children between the ages of 0 and 3 currently showed signs of malnutrition. The Government had addressed the problem of the high incidence of iodine deficiency among children by distributing iodine capsules free of charge. A long-term solution was currently under examination by a national committee, which was responsible for setting up a salt iodization programme.

Child development services, including immunization, for children between the ages of 0 and 6, were available throughout the country. In 2002, the Ministry of Health, in cooperation with UNICEF, had launched a 10-year initiative to set up centres throughout the country where young people could seek health services and family planning advice. Since 2004, training had been provided to ensure that the staff of all family planning centres were sensitive to the needs of young people. While counselling was available to many children, in rural areas it was often provided by health centres, as opposed to separate counselling centres.

Sex education was an integral part of the ninth grade teaching curriculum, and steps were being taken to introduce it in the curriculum of all secondary schools.

A national multisectoral strategy for the prevention of HIV/AIDS had been drawn up in conjunction with WHO and the Joint United Nations Programme on HIV/AIDS (UNAIDS). An action plan and budget to implement the strategy were currently under consideration. Two of the strategy's main objectives were the protection of pregnant women and the reduction of mother-to-child transmission.

Mr. MULLAJ (Albania) said that persons who had been arrested could be held in police custody for up to 10 hours. As soon as a child was arrested, a family member, legal guardian or other responsible adult was informed, and accompanied the child during police questioning. In accordance with the relevant legislation, children between the ages of 14 and 18 were no longer held with adult detainees in pre-trial detention.

Children in detention were treated in accordance with the provisions of the Convention. Any State official found guilty of contravening those norms was punished accordingly. There were no known cases of ill-treatment or torture of children in State institutions. While it was possible that violence against children occurred within families, such violence was not condoned by the Government.

Conditions of detention for children were, for the most part, better than they had been in the past, although many rural police stations had yet to be improved. A detention centre for juvenile offenders that focused on rehabilitation had been opened in Vaqarr. There were plans to

build a new centre that would provide education and training in order to ensure the reintegration of juvenile offenders into society.

Steps had been taken at the legislative level to improve the treatment of children within the judicial system.

The Government had adopted a zero-tolerance policy towards trafficking in persons, and the police and all State institutions were committed to eliminating trafficking in children. The international anti-trafficking centre, opened in Vlora in 2002, had coordinated several international anti-trafficking operations.

While drug abuse among children and young people was low in comparison with other European countries, the Government had taken measures to address that problem. In particular, it had initiated awareness campaigns and had taken a number of preventive measures.

An independent investigation had been ordered into the illegal trafficking in human organs. The results of the investigation would be communicated to the Committee at a later date.

All adoption cases were regulated by law, and applications were processed by a special committee, which operated in accordance with international standards.

The CHAIRPERSON asked the delegation to confirm the figures relating to the total number of children arrested by the police for committing a crime. He requested information on alternatives to sentencing juvenile delinquents in cases of petty crime.

Mr. MULLAJ (Albania) said that the statistics included only young offenders who had been sentenced by a court following arrest. Offenders between the ages of 14 to 16 currently received half the sentence handed down to an adult who had committed a similar offence. An amendment to the Criminal Code would raise the age of criminal responsibility from 14 to 16 years. When a juvenile was arrested, there were several possibilities for detention or bail. A responsible adult, usually a family member or legal guardian, always accompanied the child.

Mr. NINA (Albania) said that significant steps had been taken to improve the level of birth registration. Over 400 civil status offices currently operated in municipalities and communes throughout Albania for the registration of births, marriages, deaths and changes of residence.

In 2001, 52 cases involving violence against children had been brought before the courts. In the first half of 2004, the number of such cases had risen to 79.

The illiteracy rate had fallen from 7.3 per cent in 1989 to 1.6 per cent in 2001. According to the 2001 census, the regional disparities in illiteracy rates recorded in 1989 had ceased to exist.

Gender disparity in education was a reality: 59 per cent of the pupils completing secondary school were boys. Girls, however, constituted a greater proportion of higher education graduates.

The CHAIRPERSON asked the delegation to comment on information available to the Committee, according to which 97 per cent of children with disabilities were illiterate. He also enquired whether there was any programme to promote access to education for Roma children. He wondered what measures had been taken to offset the comparatively low enrolment of girls in secondary education.

Mr. KRAPPMANN asked the delegation for information on vocational training.

Ms. SHESHI (Albania) said that the figure of 97 per cent illiteracy among children with disabilities was an exaggeration. There were many special education centres for such children, and numerous NGOs were working in that area. Tutors were provided for children with serious disabilities. An observatory monitored the treatment of disabled children and disabled persons in general.

Several schools had special classes for Roma children. Since the Roma did not have a written language, they were taught in Albanian.

Orphans 14 and older were no longer kept in institutions or orphanages but were offered occupational training at special boarding schools. Under Albanian legislation, such orphans were entitled to housing. Orphans also received assistance in finding employment.

A number of amendments had been made to the Labour Code with a view to protecting minors. The amendments were based on International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which had been ratified by Parliament in 2002. The Labour Code was under review in order to bring it into line with ILO Convention No. 138 concerning Minimum Age for Admission to Employment. Minors between the ages of 14 and 16 were not allowed to work more than six hours a day. Such children could also receive occupational training. According to a recent survey, some 584 children were employed in the private sector. Occupational training was provided in accordance with the Convention on the Rights of the Child and ILO Conventions Nos. 138 and 182.

The CHAIRPERSON asked whether Albania was still cooperating with ILO and the International Programme on the Elimination of Child Labour (IPEC) to reduce the number of working children. The delegation should provide figures on how many children under the age of 16 worked. The problem of child labour must be of some significance, since Albania was cooperating with ILO/IPEC to deal with it.

Ms. SHESHI (Albania) said that, as a result of cooperation with ILO/IPEC, both a national committee for the elimination of child labour and a child labour unit had been set up at the Ministry of Labour and Social Affairs. An inspection conducted in June and July 2002 by the child labour unit had found that 307 children were employed, mainly in cities. As part of a national programme, groups of experts from a number of ministries provided counselling and help in close cooperation with ILO/IPEC. ILO/IPEC had also provided assistance in establishing a national network of data on the employment of children between the ages of 16 and 18.

Mr. NINA (Albania) said that, although child labour was not a major issue in Albania, it was important to protect minors against the worst forms of child labour. The Ministry of Labour and Social Affairs was carrying out four projects with a view to eliminating the worst forms of child labour and bringing Albania's child labour legislation into line with international standards.

The CHAIRPERSON wished to know how many Albanian children were working without a formal employment contract. School enrolment figures showed that many children who finished primary school did not go on to secondary school. He wondered how those children spent their time, and whether some of them worked in the family businesses.

Mr. NINA (Albania) said that compulsory education had recently been increased from eight years to nine, so that children completed schooling at the age of 15. Those who did not want to continue their education could go to work.

Ms. VUCKOVIC-SAHOVIC said that, if children completed the nine years of compulsory education at the age of 15, that meant that children started school earlier, at the age of 6 rather than 7.

Mr. NINA (Albania) said that pre-school education, which was compulsory in Albania, ended at the age of 6. Parents could then decide whether their child should start primary school immediately or wait one year.

The CHAIRPERSON wished to know how many children had been placed in institutions by parents who felt that they were unable to care for them.

Ms. SHESHI (Albania) said that such cases were rare, since it was usually in the best interest of the child to live with his or her biological family. However, there had been a few instances in which children had been placed in institutions because their parents had become mentally ill or had been badly injured in an accident and were unable to care for their children themselves. When there were several siblings, they were placed in the same institution in order to maintain family unity.

An initiative was under way to place such children in day-care centres and allow them to return to their biological families in the evening. If a child's parents were dead, relatives had priority in the adoption of the child. If a mother with very young children was in prison, the children were kept there with her and received psychological assistance. There had been two or three cases in which a woman had given birth in prison; the infants had remained with their mothers, in special conditions and under the care of nurses.

Mr. NINA (Albania) said that the public prosecutor's office and a special court for serious crimes, which had begun operation in January 2004, dealt with cases involving blood feuds. Data showed that, while there had been many vendetta-related killings in the past, from January to November 2004 only eight persons had been killed. The education diplomas received by the 104 children who had been taught at home because blood feuds had made it dangerous for them to attend school, were fully equivalent to school diplomas.

The data requested on illegal construction were contained in the initial report of Albania to the Committee on Economic, Social and Cultural Rights.

Mr. KRAPPMANN, Country Rapporteur, said that the Convention appeared to be firmly anchored in Albania's legal system. That provided a legal basis for changing the social reality of Albanian children, which in many respects still did not meet the Convention's requirements. Albania's initial report focused more on laws and other regulations than on the actual situation of children. The Committee's many serious concerns about the implementation of the Convention would be addressed in its concluding observations.

Mr. HAJDARAGA (Albania) said that the Committee's recommendations and concluding observations would serve as guidelines for the Albanian Government in its efforts to promote children's rights. He assured the members of the Committee that all government ministries were fully committed to implementing the Convention.

The meeting rose at 6 p.m.