



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Summary record of the 1003rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 January 2005, at 10 a.m.

Chairperson: Mr. Doek

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

Consideration of reports of States parties (agenda item 5)

First periodic report of Albania (CRC/C/11/Add.27; CRC/C/Q/ALB/1; HRI/CORE/1/Add.124)

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

2. **Mr. Hajdaraga** (Albania) said that the Government had either extensively amended existing legislation or introduced new legislation for the implementation of the Convention on the Rights of the Child, which it considered one of the most important international instruments. Moreover, Article 122 of the Constitution stated that all international agreements ratified by Albania became an integral part of the country's internal legal system as soon as they were published in the *Official Gazette* and took precedence over domestic laws that were incompatible with the provisions of such agreements.

3. Albania was also a party to several other major instruments on the protection of children and had taken steps to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict. Lastly, in line with the European Union Action Plan on Unaccompanied Minors of the Stockholm Programme, Albania had developed an interregional agreement project with Greece to protect unaccompanied minors, who were, or were at risk of becoming, victims of trafficking in children.

4. In 2001 the Government had adopted the National Strategy for Children, the objectives of which were the survival, protection, development and participation of children. It was accompanied by a plan of action jointly developed with the United Nations Children's Fund (UNICEF). In conformity with the principles set out in the document entitled "A world fit for children" that had been adopted by the General Assembly special session on children, the Government regularly assessed the results and analysed the shortcomings of the Strategy with a view to making continual improvements to it in collaboration with national and international players involved in the protection of the rights of the child.

5. In 2004, the Government had established the Inter-ministerial Committee on the Rights of the Child, headed by the Deputy Prime Minister and made up of the relevant ministers, which was working to establish a permanent coordination structure for the implementation of the Convention, with the help of an inter-ministerial group of experts.

6. At the Ministry of Public Order, a special department, which had close contacts with all regional police services, had been set up to protect children's rights. A special group on child labour had also been established at the Ministry of Labour and Social Affairs and a number of municipalities had opened offices dealing with children's rights, an initiative that would eventually extend to every region. The possibility of establishing a child-oriented juvenile justice system was being explored.

7. The Government recognized that activities regarding the protection of fundamental rights must be carried out in consultation with the community as a whole. All ministries had therefore engaged in constructive collaboration with the relevant non-governmental organizations (NGOs) and the Ministry of Labour and Social Affairs had established a special team responsible for managing relations with NGOs. Such cooperation had greatly contributed to the improvement of social services for children and to the preparation of the initial report of Albania. The Government also cooperated with UNICEF and other special agencies of the United Nations.

8. In Albania, minorities enjoyed the same rights as other groups of the population; such rights were guaranteed not only by international treaties but also by national laws and a long-standing tradition of respect for minorities. The Government attached great importance to the education of children from minority groups, particularly Roma children. The Ministry of Education and Science was collecting data on the situation of Roma children and considering the launch of a project to introduce Roma language teaching in a few primary schools.

9. In September 2003, the Government had adopted a national strategy for improving living conditions for Roma people. The strategy covered a number of areas, including education, culture, the media, employment, housing, participation in civic life, health and justice, and was accompanied by a follow-up mechanism to monitor its implementation.

10. As a follow-up to the law that it had adopted on civil-status records, the Government had run campaigns to encourage people to become officially registered. Owing to internal migration, the practice of civil registration was still not systematic.

11. The Government was aware that much remained to be done to protect children in Albania, promote their development and ensure their participation in society. Protection measures established by international treaties were not always sufficient in the face of new threats that arose in a complex world. Continual adaptation was therefore essential.

12. **Mr. Krappmann** welcomed the initial report of Albania, while also noting that, although it was meant to have been submitted in 1994, it had been submitted only in 2003. The Committee commended the fact that the Convention on the Rights of the Child had been integrated into the legal system of Albania and that its provisions took precedence over those of national legislation.

13. It seemed, however, that the Convention remained little known and was very seldom invoked. The Committee wondered whether training in children's rights was provided and, if so, to whom. Such training was vital, given that certain sectors of the population appeared to have very traditional views on such issues as education, the family, gender roles and honour. The Committee would be interested to know whether the Government planned information campaigns using influential public figures to raise public awareness of the principles of the Convention.

14. The initial report clearly showed that the Convention was far from being implemented in Albania, despite the great efforts made to that end, the existence of a satisfactory legal framework and the work of numerous agencies responsible for promoting the protection, education and development of children. The problem

seemed to lie rather with the coordination of all the various activities and the implementation of existing laws, although the recent establishment of the Inter-ministerial Committee on the Rights of the Child could help to rectify such problems. The Committee would welcome detailed information on the skills, staffing and resources of the Inter-ministerial Committee.

15. It would also be useful to clarify the role of the Office of the Ombudsman, and in particular whether the protection of children's rights was an explicit feature of its mandate or merely a subsidiary part of it. Since the Ombudsman seemed to be the only independent legal body dealing with the protection of human rights, a follow-up mechanism specifically responsible for monitoring progress with regard to the implementation of the Convention should be established.

16. The Committee wished to know what measures were envisaged to improve the collection of disaggregated data, particularly on groups of vulnerable children, since such statistics were crucial in carrying out assessments.

17. The Committee welcomed the details of the National Strategy for Children provided by the State party but wondered about the coordination of its implementation, given that the corresponding Action Plan was apparently not yet in place. In its report, Albania mentioned a large number of programmes and projects that dealt with the majority of priority areas but did not specify how it intended to coordinate initiatives to guarantee the implementation of the Convention. The implementation of the Strategy required resources, yet it was hard to tell from the report whether there existed a budget specifying all the funds allocated to children. If the Government did not know how much public expenditure had been allocated to children, it could not claim that it was attempting to implement the rights of the child to the maximum extent of its available resources, in conformity with article 4 of the Convention.

18. **The Chairperson** asked what measures had been taken to deal with the situation in which 104 children were confined to their homes owing to the threat of a vendetta.

19. The report indicated that a child was entitled to give evidence in legal proceedings from the age of 10. He asked what the situation was with regard to children under the age of 10, particularly when a case involved the divorce proceedings of their parents.

20. **Ms. Khattab** noted with satisfaction that the Convention had been translated into the official languages of Albania and asked if that initiative had been followed up by awareness-raising programmes for civil servants, decision makers and the media.

21. The delegation should specify what practical measures had been taken to help disadvantaged children, particularly poor children, Roma and child workers. Further statistics on child workers would also be appreciated.

22. The fact that the minimum legal marriageable age was currently the same for boys and girls was a positive achievement. Nevertheless, the achievement was undermined by the fact that girls were still allowed to get married before the age of 18, where such a course of action was justified on appropriate grounds. No definition was given of what such "appropriate grounds" were, but the effect was

that many young girls in rural areas left school early because they got married very young.

23. The term of imprisonment imposed on people who had sexual relations with a child under the age of 13 or not yet sexually mature varied from 5 to 15 years, whereas that for rape of an adult or sexual intercourse inflicting serious bodily harm varied from 10 to 20 years. It was surprising that an act involving a child was punished less severely than an act involving an adult.

24. The Committee was also concerned by the lack of a juvenile justice system, by the detention of young offenders with adults and the sometimes fatal police violence against children.

25. The Committee would welcome specific information regarding the social assistance received by disabled children and on other measures to help such children. Lastly, the delegation should provide specific information on children's councils, particularly in schools, because, according to several sources, they were either not operational or were monitored by head teachers.

26. **Ms. Al-Thani** noted with concern that Albanian law did not prohibit the corporal punishment of children in families and asked whether parents really considered that kind of punishment to be the most effective means of discipline.

27. **Ms. Lee** noted with concern that article 18 of the Constitution of 1998 did not provide specifically for disability discrimination and asked whether discrimination against disabled people was nevertheless punishable under Albanian law. She wished to know whether the delegation could confirm what she had been told by reliable sources regarding married couples, namely that wives acquired the same status as their husbands only if they contributed to the family income and gave birth to a male heir.

28. **Ms. Smith** asked what percentage of the State budget was currently allocated to policies on children and to what extent corruption jeopardized the efficient allocation of funds and the implementation of social policies. It would be helpful to know what the direct effects of the country's high unemployment rate were on children. The delegation should also indicate whether the Government considered that it enjoyed good relations with NGOs that worked to protect children's rights and that such NGOs could make significant contribution to the implementation of the Convention in Albania. Lastly, she asked how the Government planned to increase public awareness of the Convention with a view to improving the way in which people regarded children's rights.

29. **Mr. Citarella** expressed regret at the lack of information on specific initiatives by the State to implement the Convention. He wondered whether the Convention had been invoked in court proceedings in Albania and, if so, whether such proceedings had led to a conviction. He also requested additional information on the distinction made in the Civil Code between the terms "child" and "minor" in terms of age, as well as on the sources of Albanian law, since customary law seemed to be the basis of the de facto discrimination against women and minority groups, particularly the Roma community, in such areas as education.

30. Given that the Action Plan accompanying the National Strategy for Children did not contain any provisions relating to the budgetary allocations needed for its implementation, he requested the delegation to explain what funding the

Government intended to use. Lastly, he was concerned at the high number of children whose birth was not registered, since such an omission could well make them an ideal target for people involved in the sale of children.

31. **Mr. Liwski** asked whether the Government intended to remedy the extremely marked disparities between the regions, both economically and with regard to the implementation of the rights contained in the Convention, by providing budgetary resources to the most disadvantaged regions, particularly the north-east of the country.

32. He also asked whether the Government envisaged taking any action to reduce the number of honour killings, by, for example, encouraging older persons to act mediators in order to reconcile families.

33. He also wished to know how far public policy encouraged children to participate in the country's community life, whether there were any practical examples of such participation and whether the State party had a mechanism whereby a person whose fundamental rights had been violated could lodge a complaint. If so, he wondered whether any prosecutions had been instituted against the perpetrators of such violations.

34. Lastly, he requested the delegation to tell the Committee whether training programmes for law enforcement personnel included courses on the prohibition of cruel, inhuman or degrading treatment.

35. **Mr. Kotrane** said that the planned legislative reform must be followed by practical results and must genuinely take into account the best interests of the child, in order to protect Albanian children from maltreatment and other violations arising out of customary law. He added that families must be made to understand that it was not normal to view abortion as a form of birth control.

36. **Ms. Vuckovic-Sahovic** said that, despite some progress in implementing children's rights, children's issues were low on the list of priorities of decision makers and legislators. The State party must therefore make every effort to convince public opinion of the need to give minors more rights and to increase budgetary allocations for children.

37. She asked whether the Government intended to make a financial contribution to the work of international organizations providing technical cooperation on putting an end to child labour in Albania.

38. Lastly, the delegation should indicate whether the Government knew that abortion was perceived by the public not only as a form of birth control but also as a way of choosing a child's sex, as demonstrated by the abnormally high number of newborn babies of the male sex.

39. **Ms. Chutikul** asked what communication there was between the Inter-ministerial Committee on the Rights of the Child and the inter-ministerial group of experts and those responsible for implementing the Action Plan of the National Strategy for Children. She asked about the composition of its secretariat and who decided its programme of work. She also asked whether the inter-ministerial group of experts was responsible for assessing the implementation of the Action Plan, whether the group contained anyone from civil society and whether NGOs or children would be involved in the revision of the National

Strategy for Children planned for February 2005. It would also be useful to know the main outline of the Strategy and the time frame envisaged by the Government for the implementation of the Action Plan.

40. The delegation should also provide further information on the strategy to improve the living conditions of the Roma community and the measures taken by the State party to encourage the registration of births, which would give all children access to basic services, health care and, in particular, education.

41. **Mr. Filali** asked what the State party was doing to raise awareness of the provisions of the Convention among those responsible for implementing the law and among children and whether the Convention had been implemented uniformly across the country. In particular, he wished to know whether communities had any autonomy in that regard or whether all decisions relating to the implementation of the Convention were taken by the central authorities. Lastly, he wondered whether it would not be preferable to incorporate all the provisions on children, which were currently contained in disparate texts, into a single instrument, such as a children's code.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

42. **Mr. Nina** (Albania) said that there was no specific budget for the protection of children in Albania; funding relied on contributions from the ministries principally concerned in the implementation of the Convention. The country's general economic situation was, however, improving and budgetary allocations for the sector would undoubtedly increase. Specific provisions to that end could soon be introduced in the Action Plan and the National Strategy for Children.

43. Since April 2004, the Office of the Ombudsman (Advocate of the People) had had a children's department. The Ombudsman was authorized to look into cases involving the violation of children's rights and to make recommendations on redress for the victims. In practice, however, very few complaints had been received to date. With financial support from the Swedish International Development Cooperation Agency, the children's department would work, over the following three years, to promote the introduction into the country's legislation of provisions specifically relating to children, to raise public awareness of children's rights and to open regional branches of the Office of the Ombudsman.

44. **Ms. Smith** asked what explanation there was for the very small number of cases of violations of children's rights reported to the Ombudsman.

45. **Mr. Nina** (Albania) said that great efforts had been made to disseminate information and that the Office of the Ombudsman, which was an independent institution responsible for protecting human rights and individual freedoms, received a large number of complaints from adults.

46. Although the provisions of the Convention were known to the public and directly applicable under the country's legal system, they had, paradoxically, never been invoked before the courts, despite the work of NGOs to disseminate information and provide legal assistance.

47. **Ms. Chutikul** asked whether a child whose birth had not been registered could receive normal schooling and have access to health services.

48. **Mr. Citarella** asked whether the State party had any estimates of the number of people, including children, whose birth had not been registered and whether the birth registration procedure entailed any costs for families.
49. **Mr. Nina** (Albania) said that the procedure for registering a birth, transmitting the father's name, choosing a first name and issuing birth certificates was currently governed by article 35 of the new Civil Status Act, which had replaced the 1979 Civil Status Registration Act. There was nothing to prevent a child whose birth had not been registered from going to school and the procedure for registering a birth was free of charge.
50. The Ministry of Local Communities and Decentralization was working to organize television campaigns to raise public awareness of the registration of births and the advantages of such registration, to increase the number of register offices and to register by 28 February 2005 all Albanian citizens in their place of residence, pursuant to a recent decision by Parliament.
51. **Ms. Sheshi** (Albania) said that the Government's policy on children's rights was set out in the National Strategy for Children, which had been prepared by a working group made up of experts from public institutions and representatives of NGOs working with children. The Strategy was implemented through the Action Plan (2001-2005), which aimed at the survival, promotion, development and participation of children and the realization of the Millennium Development Goals. The renewal of the plan for the period 2005-2010 would involve broad consultation with NGOs and children, including those participating in children's councils.
52. The Inter-ministerial Committee on Children's Rights had been established in order to develop policies for the benefit of children and ensure the coordination of activities conducted by all the stakeholders. One of its priorities was to set up a children's rights office that would be responsible for the technical application of the Convention.
53. Beginning at the secondary education level, school programmes and textbooks, along with exhibitions on the theme of the rights of the child, gave children the opportunity to learn about the provisions of the Convention. For the past two years, the Albanian Government had, in collaboration with the World Bank, distributed free copies of the Convention to primary school children. Campaigns were also mounted to raise awareness among parents.
54. **Ms. Khattab** said that she was glad to see that current legislation penalized discrimination against girls and women. However, she requested further information on the exceptional circumstances in which the marriage of young girls under 18 could be permitted by the law.
55. **The Chairperson** asked whether the current legislation permitted the marriage of a young girl of 16 who was pregnant or that of young people who had received their parents' consent.
56. **Mr Citarella** requested clarification of paragraph 46 of the report, which stated that, upon marriage, a woman under 18 acquired full capacity to act.
57. **Ms. Sheshi** (Albania) said that, with the entry into force of the new Family Code, men and women were entirely equal before the law in Albania, including the conditions relating to the marriageable age. State services did no longer recognized

or registered any marriage of young girls under 18, even though the tradition of early marriage was still sometimes perpetuated in the Roma community.

58. **Mr. Nina** (Albania) said that the information in the report was obsolete, since it preceded the revision of the relevant legislation.

59. **Mr. Mullaj** (Albania) said that the phenomenon of children being confined to their homes because of a vendetta was the result of the survival of very ancient traditions, mainly in the south-east of the country and in remote areas, where the State had difficulty in asserting its authority. The police services, in cooperation with the Reconciliation Committee, had already managed to save some children from such a situation and the authorities would continue to explore new approaches that might make it possible to settle the disputes of the families concerned and thus protect their children.

60. **Mr. Nina** (Albania) said that the precise number of children staying at home was 104. It had been possible to establish that fact following a detailed investigation by the authorities with a view to providing all such children with home education services, although a considerably higher number had been posited, by the Human Rights Committee, among others. There was a wide range of initiatives to deal with the problem, launched by the Reconciliation Committee and others. They were coordinated by the Office of the President and were also incorporated into legislation. Thus, under the new criminal law, the fact of having committed a crime or offence as part of a blood feud constituted aggravating circumstances.

61. **Mr. Krappmann** noted that one quarter of the Albanian population lived in extreme poverty, surviving on less than US \$2 per day, and that, in a country where there were numerous single-parent households, more than half the poor were under 21 years of age. Some estimates were even more alarming. The authorities should not content themselves with saying that the economic situation was improving but should see the situation for what it was and make poverty reduction their absolute priority. It was essential to ensure the economic security of families, taking full account of the psychological dimension of poverty. Such trends as violence, maltreatment, negligence and child labour could, indeed, be considered consequences of poverty.

62. Albania had legislation against child labour that was in line with international standards but had not thereby resolved the outstanding problem. According to some sources, about 10,000 children, including some who were very young, worked and did not go to school. That made child labour a major problem, calling for the adoption of practical measures, including an effective system to monitor the application of labour law.

63. He feared that school enrolment rates might be misleading and that a large number of children, although enrolled, did not attend classes, particularly street children, children from the Roma minority, children who worked and children from families that migrated from one part of the country to another. Girls, in particular, seemed to drop out of secondary school on a massive scale.

64. Education was compulsory up to the age of 14, while the minimum age for having a job was 16, which raised the question of what children who left school at 14 did until they reached the age of 16. A significant proportion of children who finished primary education did not even begin secondary education and only

10 per cent of secondary education establishments were technical or occupational. That meant that a tiny percentage of any given age group received an occupational education and therefore that the vast majority of those entering the labour market did so without receiving any training.

65. **The Chairperson** requested the delegation to tell the Committee what the age of criminal responsibility actually was, since the available information was contradictory. He also asked whether legal assistance was provided at every stage of proceedings, who financed it and whether the fees paid to officially appointed lawyers provided them with sufficient motivation. According to some sources, the media revealed the names or faces of children in conflict with the law. That was worrying, because it ran counter to the principle of respect for private life. It was also a matter of concern that pretrial detention could be extremely lengthy. He would be glad to hear what the delegation could say about that.

66. He also wondered whether teachers, police officers, judges and other professionals working with children received appropriate training. Lastly, in view of the fact that children placed in detention represented only a proportion of the minors in conflict with the law, the delegation should indicate what became of the others.

67. **Ms. Al-Thani** requested further information on the situation and the daily life of persons with disabilities in the State party. The health system had numerous problems and seemed to be mired in corruption. Hospitals apparently did not always have the necessary medicines. The suicide rate was rising, as was the consumption of alcohol, tobacco and narcotic drugs. Insufficient efforts were made to safeguard adolescent health and combat HIV/AIDS.

68. She would welcome additional information on programmes carried out with the support of UNICEF to promote breastfeeding and any other action taken in that regard, particularly in view of the extremely worrying malnutrition rates observed among children under 3 years of age. She also wished to hear the delegation's views on the allegations of trafficking in organs.

69. **Ms. Vuckovic-Sahovic** said that education was not truly free unless not only access to classrooms but also books, transport and school supplies, and even access to sporting equipment, were free. As for the question of the aims of education, she wondered whether Albania had undertaken any kind of educational reforms or adapted its school programmes to include such topics as human rights. It was regrettable that young Albanians used little of their spare time profitably and were not encouraged to engage in sport.

70. **Ms. Smith** concurred. The picture that emerged from the section of the report devoted to leisure and cultural activities was not impressive and she asked whether the situation had improved.

71. **Ms. Lee** said that she was shocked at the number of violent deaths of very young children in the State party, often as a result of murder, and asked whether the victims of violence were obliged to turn to the police or whether other authorities could be contacted, such as hospitals or social services.

72. She was surprised that nearly all disabled persons were illiterate and asked what the reason was. She also wished to know how frequently decisions to place some physically disabled persons in specialized establishments were reviewed.

73. **Mr. Filali** said that, according to his understanding, Albania received refugees from countries such as the Islamic Republic of Iran, China and Pakistan, but the infrastructure was inadequate, administrative procedures slow and staff insufficiently trained or untrained.

74. With regard to drug use, it seemed that estimates had been made by NGOs but there were no official statistics. It also appeared that some offences could be dealt with extrajudicially and the delegation should specify what kinds of offence were involved and what procedure was followed.

75. **Ms. Ortiz** said that the State party could be proud of having resolved a serious problem of trafficking in children and getting its adoption procedure under control. She hoped that that victory, which had been achieved by sheer force of political will, would show the way forward to resolve the problems that still existed. Some sources, however, claimed that a number of adoptions had taken place without going through official channels. Lastly, she asked what became of children living in an institution once they reached the age limit of 14 and how many found themselves in such a situation.

76. **Ms. Khattab** said that, according to her information, many families that considered themselves unable to look after their children properly placed them in an institution, even though such an upbringing could only aggravate the danger that such children would descend into crime. She therefore strongly urged the State party to consider the possibility of setting up programmes to support parents and help them assume their responsibilities.

77. She was concerned at the high abortion rate among teenage girls and the high drug use among young people, which demonstrated the need to do more for adolescent health.

78. Albania was a country of both origin and transit for trafficking in women and it should adopt punitive measures at the same time as carrying out preventive action.

The meeting rose at 1.05 p.m.
