



# 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 1739th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 25 September 2012, at 3 p.m.

*Chairperson:* Mr. Zermatten

## Contents

### Consideration of reports of States parties (*continued*)

#### *Combined second to fourth periodic reports of Albania (continued)*

#### *Initial report of Albania on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

#### *Initial report of Albania on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

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

**Consideration of reports of States parties** (*continued*)

*Combined second to fourth periodic reports of Albania (continued) (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. Wijemanne**, noting that, according to the 2009 demographic and health survey, two thirds of infant mortality cases arose within the first 28 days of life, asked what measures were being taken to lower that figure and reduce regional disparities in access to health services. She would appreciate more information on programmes to combat malnutrition and obesity. Observing that only 43 per cent of mothers chose to breastfeed and that 39 per cent of those women breastfed exclusively for five months, she wondered about the support provided to mothers in that area. She would welcome additional information on the law on the promotion of breastfeeding and would like to know whether the distribution of breast milk substitutes was controlled.
3. She also wished to know whether the health card — which 58 per cent of Roma children did not have — was required in order to obtain treatment and whether there were specific services for adolescents, particularly in the area of reproductive health. She wondered about the reasons for the low rate of HIV/AIDS and the low rate of mother-to-child transmission. It should be noted that children deprived of a family environment were not necessarily orphans but instead might be raised by a single parent; furthermore, the fact that children were cared for in different institutions depending on their age prevented them from forging strong bonds with the professionals caring for them. The introduction of support services for single parents would allow such children to grow up in a family environment.
4. **Ms. Maurás Pérez** asked about the measures being taken to combat poverty and about maternity and paternity leave policies. Additional information on youth employment would be welcome. Since Albania was a country of emigration, particularly of low-skilled male workers, she would like to know what measures would be taken to address the reduction in remittances that was likely to result as the financial crisis depressed the wages paid to Albanians abroad. Referring to paragraph 37 of the concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/C/ALB/CO/1), she wondered what policies would be put in place to protect Albanian children who lived with only one parent because the other had emigrated.
5. **Ms. Al-Asmar** wished to know whether the fact that teachers charged for exam results and encouraged students to take private classes with them was linked to their low salaries or the absence of oversight on the part of the Ministry of Education. She also wondered about the quality of training provided to teachers responsible for providing instruction on human rights and sex education.
6. **Mr. Koompraphant** asked what measures had been taken to strengthen mechanisms for protecting children from abuse and neglect. Further information on how those mechanisms worked and on the penalties imposed on abusive parents would be appreciated.
7. **Ms. Herczog** asked what legislation and specific measures had been adopted in order to follow up on the recommendations made under the universal periodic review (A/HRC/13/6) in 2009, in particular in terms of raising the age at which children were to leave alternative care facilities, which was set at 15 in Albania, and of providing assistance

following their departure from such facilities, in accordance with the Guidelines for the Alternative Care of Children.

8. **Ms. Kodra** (Albania) read out article 21 of the law on the protection of the rights of the child, which prohibited all corporal punishment and all degrading and humiliating treatment and which laid down criminal penalties for offenders. An emergency helpline had been set up by an NGO with the support of the United Nations Children's Fund (UNICEF), and the authorities, in cooperation with psychologists and specialized police officers, were working tirelessly to improve it. A hotline specifically for cases of domestic violence was in the process of being set up.

9. A law on the media was being discussed in parliament, and the Egyptian community benefited from the same services as the rest of the population.

10. **Mr. Cardona Llorens** (Country Rapporteur for the Convention) said that he would like to learn more about the poverty line in Albania.

11. **Ms. Kodra** (Albania) said that it was set at US\$ 2 per day.

12. **Ms. Kamani** (Albania) said that, under a ministerial directive issued in 2000, all schools had been instructed to set up student parliaments. Pilot projects had been carried out in cooperation with Save the Children over a six-year period before the initiative was extended to include all of the country's schools.

13. A ministerial decree issued in 2007, when the Government had published its first report on violence, had made combating violence a priority in schools. Pursuant to that decree, all schools adopted an annual education plan, involving the authorities, the media and parents. The four-year "Child-Friendly Schools" project, which was launched in early 2011 in partnership with UNICEF, was designed to change teaching methods with a view to eliminating all forms of physical violence. School principals received special training, and a group of four teachers was set up in each school to combat violent behaviour.

14. In 2007, in order to combat corruption among teachers, Albania had reviewed its exam system and had introduced final exams at the end of secondary school which were graded anonymously.

15. **The Chairperson** asked about teachers' salaries and the quality of teacher training.

16. **Ms. Kamani** (Albania) said that teachers attended a specialized university course before completing a year of teacher-supervised hands-on training, after which they sat a State exam. They had access to ongoing training which allowed them to move up the salary scale.

17. **Mr. Zhurka** (Albania) said that, under the new 2009 law on civil status, there was no longer a deadline for the registration of births; parents who registered their children within 60 days of birth received a 5,000 lek bonus. Births could be registered with Albanian diplomatic and consular offices abroad.

18. **Mr. Cardona Llorens** (Country Rapporteur for the Convention) asked whether the State party planned to facilitate the late registration of births in order to resolve, in particular, the problem of registering the birth of children whose mothers were not listed in the civil register. It should be noted that birth certificate fees could be a deterrent for disadvantaged groups, in particular the Roma.

19. **The Chairperson** asked why the authorities did not automatically register births in maternity wards, where 98 per cent of births took place.

20. **Ms. Kodra** (Albania) said that workshops aimed at resolving issues related to the registration of Roma children and the issuance of birth certificates had been organized with various NGOs.

21. **The Chairperson** said that children whose births had not been registered were vulnerable to all manner of violations of their rights. A birth certificate was, for example, needed in order to enrol in school.
22. **Mr. Zhurka** (Albania) said that, pursuant to the relevant legislation, as amended, it was possible to register a birth by giving the surname, first name and date of birth of the child in question, without specifying his or her parentage. In such cases, the parents then had to appear in court and submit the corresponding documentation in order to be recognized as the child's mother and father.
23. **Ms. Pashaj** (Albania) said that the recommendations made by the Committee in 2005 had been taken into consideration when drafting the National Action Plan for Children 2012–2015. Special units promoted children's rights at the regional level. Child protection units were also being set up in each municipality in the country. Child protection workers from those units were responsible for identifying children who were at risk and evaluating their needs. A multidisciplinary team made up of a doctor, an educator, a psychologist and a judge then drew up assistance plans for those children and their families.
24. **Mr. Gastaud** asked whether the authorities had carried out an evaluation to determine how much police officers and judges, among others, knew about the Convention.
25. **Mr. Koompraphant** asked what kind of tools the multidisciplinary teams used to evaluate children and their families and what measures were taken to build parents' capacity to ensure the well-being and safety of their children.
26. **Ms. Sandberg** asked for further information on protection measures for children in at-risk situations.
27. **Ms. Kodra** (Albania) said that there were 57 children's day-care centres and institutions for children in Albania, of which 13 were public and 44 private. As part of its efforts to reform the social welfare system, the Government was endeavouring to channel resources directly to the families that needed them, to apply a person-centred approach and to develop the system for placing children who lacked parental care in foster families.
28. **Ms. Pashaj** (Albania) said that, when a child was at risk, emergency protection measures were applied; at that point, the child protection worker would work with the multidisciplinary team to determine whether it would be in the child's best interest to be returned to his or her family or to be removed from it. A decision to place a child in an institution was taken only as a last resort.
29. **The Chairperson** asked about the composition of the child protection units.
30. **Ms. Pashaj** (Albania) said that it was the duty of the local authorities to set up child protection units in their communities. In small communities, the local social services official could also serve as a child protection worker after completing the necessary training.
31. **The Chairperson** asked if there were enough trained social workers at the local level.
32. **Mr. Cardona Llorens** (Country Rapporteur for the Convention), observing that more than half the population of Albania lived in very small communities, asked whether there were child protection units in all of them and what type of training social services officers completed in order to become local child protection workers.
33. **Ms. Pashaj** (Albania) said that social services officers received training on the rights of the child and on how to care for at-risk children and their families. That training was provided by various stakeholders, particularly NGOs. The Ministry of Labour, Social Affairs and Equal Opportunities and a number of public bodies were working on a national

capacity-building programme for child protection units and children's rights units. The programme was to be funded by various donors.

*The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.*

34. **Ms. Kodra** (Albania) said that two bodies oversaw and monitored the implementation of legislation on the rights of the child: the Office of the Ombudsman, which had been set up some 10 years previously, and the Office of the Commissioner on Protection against Discrimination, which had been established in 2010. The Office of the Ombudsman was staffed by three commissioners, one of whom was the Children's Ombudsman. The Albanian authorities did not yet have any statistics on the activities of those institutions.

35. **Mr. Cardona Llorens** (Country Rapporteur for the Convention) said that he had been informed that nobody had been appointed to the post of Ombudsman-in-Chief. He asked how the Children's Ombudsman could carry out his or her duties under those circumstances.

36. **The Chairperson** added that, according to information received by the Committee, the local offices of the Ombudsman in Shkodër and Korça had been closed.

37. **Ms. Kodra** (Albania) said that the delegation would look into the matter and would answer the question at the next meeting.

38. **Mr. Bejtja** (Albania) said that, over the past 20 years, the infant mortality rate had decreased steadily as a result not only of socioeconomic factors but also of improved prenatal and postnatal care, the strengthening of reproductive health services and the expansion of vaccination programmes.

39. The Albanian authorities were endeavouring to reduce disparities in access to health services. There was a health centre in every town with general practitioners, paediatricians, nurses and midwives on staff. If necessary, patients were referred to specialists. Vaccination campaigns targeting specific groups, including the Roma, were carried out regularly. Under the law on public health, every person living in the country was entitled to free access to emergency health services and vaccinations.

40. According to a study conducted in 2009, the rate of malnutrition was as much as 22 per cent in some regions of the country. In an attempt to remedy that problem, the country's health services, in collaboration with the World Health Organization (WHO), UNICEF and other partners, were implementing a three-year nutrition and food security programme for the most disadvantaged sectors of the population in such areas as the outskirts of Tirana and the north of the country.

41. Pursuant to the law on breastfeeding, inspectors made the rounds of maternity wards to ensure that the use of formula milk was not being promoted.

42. Albania had a low HIV rate. An effective programme to combat HIV/AIDS was being implemented by a number of NGOs. Financial support for the programme came from the Global Fund. Programmes for preventing mother-to-child HIV transmission were also in place. All persons diagnosed as HIV-positive were referred to the main university hospital, which had an infectious disease unit.

43. **The Chairperson** asked whether the State party had developed campaigns for the prevention of alcoholism, smoking and suicide among adolescents.

44. **Mr. Bejtja** (Albania) said that the prevention of drug addiction came under the action plan on reproductive health for adolescents, which consisted of information and awareness-raising campaigns coordinated by school health services under an agreement with the Ministry of Education. There were also several testing centres for sexually

transmitted diseases and a vast network of primary health-care centres located across the entire country. Every school had a team of three health-care professionals who worked to identify adolescents suffering from psychological problems and especially those at risk of suicide. Such adolescents were referred to the appropriate services.

45. **Ms. Kodra** (Albania) said that there were approximately 18,500 children with disabilities in the country, of whom some 4,200 were aged between 15 and 18. In 2006, the Government had decided that children with disabilities would receive 200 per cent of the basic disability allowance when they started secondary school and 300 per cent when they began university studies. The country had six homes and one day-care centre for children with disabilities, which were financed with public and local government funds. Albania was currently readying its schools and institutions in preparation for its ratification of the Convention on the Rights of Persons with Disabilities.

46. **Mr. Cardona Llorens** (Country Rapporteur for the Convention) commended the State party's efforts to promote the integration of children with disabilities, but expressed concern that they fell short of what was needed, since many parents were still ashamed of their disabled children and kept them at home, thus depriving them of leisure activities and a social life.

47. **Ms. Kamani** (Albania) said that, for the past 15 years, the Ministry of Education had been implementing pilot projects for the integration of children with disabilities into the school system. On the basis of statistics collected on the number of children concerned, in 2009 a national programme to reduce the school dropout rate had been developed, as had a new law on the pre-university education system. A study on the situation of children with disabilities was under way with a view to developing specific directives to facilitate the implementation of the law in question.

48. **The Chairperson** asked whether education was free and about the duration of compulsory education.

49. **Ms. Kamani** (Albania) replied that school was free for all children aged between 3 and 18 and attendance was compulsory for children between the ages of 6 and 14. Almost 90 per cent of all children who completed their compulsory education went on to secondary school, where some went into the vocational education track.

50. **Ms. Kodra** (Albania) said that, for the past 10 years, Albania had been actively working to combat the stigmatization faced by children with disabilities. To that end, it provided funding for the establishment of organizations of persons with disabilities and worked to raise young people's awareness of disability issues.

51. **Ms. Aidoo** asked whether the State party had set up a preschool education system.

52. **Ms. Pashaj** (Albania) said that the right to development and to education for children under the age of 3 was taken into account in the strategy for early childhood development for 2012–2015. To implement the strategy, there were plans to increase the share of the local authorities' budget allocated to early childhood, define standards for day-care centres for young children and develop parenting education programmes.

*Initial report of Albania on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ALB/1; CRC/C/OPSC/ALB/Q/1 and Add.1)*

*Initial report of Albania on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ALB/1; CRC/C/OPAC/ALB/Q/1 and Add.1)*

53. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) noted with satisfaction that the State party had

ratified the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Observing that the State party had not defined certain acts that were prohibited by the Optional Protocol as offences under the law against the sale of children, such as forced labour and acting as an intermediary in an adoption, he would be interested to hear the delegation's comments on the matter. In addition, the fact that the possession of pornographic material, unlike its distribution and production, was not punishable under the Criminal Code ran counter to the Optional Protocol. Information on the criminal responsibility of legal entities in respect of the acts covered by the Optional Protocol would be appreciated. As he understood it, the existence of dual criminality was necessary in order to prosecute offences covered by the Optional Protocol if they had been committed abroad; additional information on that subject would be welcome. He asked whether the State party could base an extradition request on the Optional Protocol in the absence of a bilateral extradition agreement with another country.

54. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict), welcoming the fact that the State party prohibited enrolment in the army and in military schools of persons under the age of 19, asked whether the provisions of the Optional Protocol had been incorporated into domestic law and could be directly applied by the courts. He would like to know whether any training was provided to military personnel and law enforcement officers regarding the Optional Protocol and whether the State party intended to pass a law prohibiting the recruitment of children by the members of non-State armed groups. The State party should establish extraterritorial jurisdiction so that it could prosecute the perpetrators of offences covered by the Optional Protocol without the existence of dual criminality being required and could authorize their extradition without hindrance. Finally, he would like to know whether the State party had taken steps to identify and assist foreign children who might have been involved in armed conflicts.

55. **Ms. Sandberg** asked whether psychosocial assistance was available to minors who had worked as prostitutes. She also wished to know whether the State party carried out border checks to identify children passing through the country who might be victims of trafficking. Additional information on labour inspection services in the State party would be welcome.

56. **Mr. Koompraphant** asked whether the police cooperated with anti-corruption agencies, border control services and customs officials to combat organized crime and particularly those criminal networks involved in trafficking children and money-laundering.

57. **Ms. Nores de García**, expressing surprise that minors who worked as prostitutes were liable to prosecution, requested clarification in that regard.

58. **Ms. Wijemanne** asked whether it was true that the downloading of child pornography was not punishable by law and whether the State party planned to adopt a law that would incorporate the provisions of the Council of Europe Convention on Cybercrime into domestic law.

59. **Ms. Lee** asked whether the reports submitted under the two Optional Protocols had been drafted with the participation of NGOs and children. She wished to know which ministry was responsible for monitoring the implementation of the provisions of the Optional Protocol on the sale of children, child prostitution and child pornography.

60. **The Chairperson** asked whether there was any limit on the number of times a child victim or witness could be questioned and whether protection measures — the use of videotaped depositions when children gave testimony and having them testify in a room adjoining the courtroom — had been adopted. He also wished to know whether a child had to come face-to-face with an offender in order for the child's testimony to be accepted as evidence and whether there were special judges for cases involving juveniles in the State

party. He would like to know what step had been taken by the State party to combat the exploitation of children in organized begging rings. He also wished to know whether the activities of private security companies were regulated.

*The meeting rose at 6 p.m.*