



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Thirty-eighth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Albania**

1. The Committee considered the initial report of Albania (CRC/C/11/Add.27) at its 1003rd and 1004th meetings (see CRC/C/SR.1003 and 1004), held on 12 January 2005, and adopted at its 1025th meeting (see CRC/C/SR.1025), held on 28 January 2005, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's initial report, despite its delay, prepared in accordance with the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q/ALB/1), which provide an important update to the report. It further notes with appreciation the high-level delegation sent by the State party and welcomes the open dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

**B. Positive aspects**

3. The Committee welcomes the participatory and consultative process, which included, inter alia, non-governmental organizations (NGOs) in the preparation of the report.

4. The Committee welcomes in particular:

(a) The adoption of the new Family Code (approved by Law No. 9062) in 2003;

(b) The establishment of an Inter-Ministerial Committee for the Rights of the Child in 2004 by the Council of Ministers and an Inter-Ministerial Group of Experts to facilitate its work;

(c) The ratification of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment in 1998 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001;

(d) The ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in 2000.

### **C. Factors and difficulties impeding the implementation of the Convention**

5. The Committee notes that the State party continues to face serious economic, social and political challenges posed by the transition period, including high rates of unemployment and poverty, and the brain drain depriving the country of active young people needed, all of which affect the implementation of the Convention.

### **D. Principal areas of concern and recommendations**

#### **1. General measures of implementation**

##### **Legislation and implementation**

6. The Committee welcomes the process of legislative reform related to human rights in general and more specifically to the rights of the child. Nevertheless, the Committee is concerned at the difficulties the State party is encountering in dealing with customary law and traditional codes (*Kanun*) in its efforts to ensure implementation of the relevant legislation.

**7. The Committee urges the State party to continue relevant legal reform, as well as to take all necessary measures to ensure implementation of all legislation relevant to the Convention in all parts of the country, taking into account the need for judicial reform and capacity-building, including training needs, monitoring mechanisms and the provision of adequate resources for these.**

##### **Coordination**

8. While taking note of the establishment of an Inter-Ministerial Committee for the Rights of the Child that shall supervise, coordinate and monitor the State party's activities with regard to the implementation of the Convention, the Committee notes that a multitude of actors are involved in the implementation of the Convention at the national and local level. The Committee is concerned that this inter-ministerial body may not be equipped with competent personnel or with human and financial resources that are sufficient to realize these goals.

**9. The Committee urges the State party to ensure effective coordination of the implementation of the Convention among ministries, local authorities, representatives of NGOs and other stakeholders involved in its implementation. The newly established Inter-Ministerial Committee should be provided with adequate means for its efficient functioning.**

10. **The Committee recommends that the State party clarify the important role and responsibilities of local authorities in this respect and pay attention to reducing any disparity or discrimination in the enjoyment of rights accorded by the Convention in various parts of the country.**

#### **National plan of action**

11. The Committee welcomes the approval of the National Strategy on Children for 2001-2005 aimed at supporting the most marginalized and vulnerable groups of children, as well as the national plan to combat the sexual exploitation of children, and other endeavours at the national level. However, the Committee is concerned that the necessary structures and financial and human resources have not been provided to allow for implementation of the national plans and other endeavours. The Committee is also concerned at the rather fragmented approach adopted by the State party that may prove difficult to coordinate, causing overlap or gaps in certain areas.

12. **The Committee recommends that the State party ensure that the planned revision of the National Strategy on Children 2006-2010 covers all areas of the Convention, that adequate financial and human resources are provided for its implementation, and that monitoring and coordination mechanisms are ensured. The Committee further recommends that an evaluation of the National Strategy 2001-2005 be undertaken before proceeding with its revision. This process should involve children, NGOs and local government representatives. In addition, the development of targeted plans to strengthen areas of the national strategy needing additional focus, such as trafficking, child labour, human rights education or others, are welcome but should be integrated within the encompassing National Strategy.**

#### **Independent monitoring structures**

13. The Committee welcomes the information related to the establishment of a People's Advocate in 2000, and the recently established Sub-Section on Child Rights within this Office. The Committee notes that plans for the new subsection to expand and regionalize activities are in place. However, the Committee is concerned that the level of awareness among children and adults alike of the services of the Office of the People's Advocate may be limited.

14. **The Committee recommends that the State party provide the new Sub-Section of the People's Advocate with adequate human and financial resources to ensure its full operationalization, including awareness-raising campaigns, and to allow for the receipt of complaints from children and for reporting on developments in the implementation of child rights. In this context, the Committee refers to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2).**

#### **Allocation of resources**

15. The Committee welcomes the information on budget allocations for children in different sections of the national budget, but regrets the lack of a final decision on a budget that corresponds to the demand that the State party provides means "to the maximum extent

of ... available resources” and is concerned that the budgetary allocations may be insufficient, in particular in some of the least developed regions. The Committee is also concerned at the lack of budgets earmarked to the national plans adopted and at the reportedly widespread corruption affecting the full use of the means provided in many different areas, disproportionately impacting the most vulnerable children.

**16. The Committee recommends that the State party review budgetary allocations and pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of ... available resources”. Furthermore, the State party is encouraged to strengthen its efforts to combat and eliminate corruption.**

### **Data collection**

17. The Committee notes the difficulties that the State party is encountering in collecting data on children. However, the Committee maintains that such data is crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children.

**18. The Committee urges the State party to commission the INSTAT Institute to establish a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, and make possible disaggregating analyses of data. The Committee recommends that the State party continue cooperation with the United Nations Children’s Fund (UNICEF) in this respect.**

### **Training/dissemination of the Convention**

19. The Committee welcomes the availability of the Convention in Albanian, Romani, Greek, Macedonian and Serbian. It notes however that the Convention may not be sufficiently known and understood throughout the country, including among children themselves, parents and professionals working with and for children both at the central and local levels.

**20. The Committee encourages the State party to continue and strengthen its efforts to make the Convention known and accessible in the appropriate languages. It further urges the State party to provide adequate and systematic training and/or sensitization on children’s rights for children, parents and professional groups working with and for children, in particular law enforcement officials, parliamentarians, judges, lawyers, health and social service personnel, teachers, school administrators and others, as required.**

## **2. Definition of the child**

21. The Committee welcomes the information that the age of marriage is now 18 years for all children and that discrimination contained in previous legislation has been removed. However, the Committee notes the lack of clarity related to the status of children between 14 and 18 years (e.g. in the areas of sexual abuse or exploitation, juvenile justice) and is concerned that children in this age group may not be accorded the special protection or the rights they are entitled to in accordance with the Convention.

22. **The Committee recommends that the State party take all necessary measures to clarify the definition of the child in Albania and that existing legislation be reviewed to ensure that all children under 18 years of age receive the protection they need as provided for in the Convention.**

### 3. General principles

#### Non-discrimination

23. The Committee welcomes the many legislative amendments providing for equal rights to all children, including giving children equal inheritance rights without discrimination based on their status at birth. However, the Committee is concerned that discrimination persists in particular with respect to ethnic minorities, including Roma children, disabled children and children living in remote areas many of whom have reduced access to support and protection. The Committee regrets the lack of information on the efforts made by the State party to counter these forms of discrimination while noting statements that this is primarily a result of mentality and attitudes rather than lack of related legislation. Furthermore, the Committee regrets the general lack of information related to discrimination against girls.

24. **The Committee urges the State party to undertake concerted actions to develop and implement policies aimed at countering the various forms of discrimination in the country. This would include revision of existing legislation, introduction of comprehensive anti-discrimination legislation and conducting educational campaigns to address discrimination against the Roma and other minorities, as well as discrimination on grounds such as disability, sex, birth status or others.**

25. **The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 (2001) on the aims of education.**

#### Best interests of the child

26. The Committee notes the progress reported by the State party in giving primary consideration to the best interests of the child. However, the Committee regrets that the determination of what constitutes the "best interests" seems to be the decision of adults alone involving little consultation with children, even when they are able to state their opinions and interests.

27. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood and appropriately integrated into all legal provisions, judicial and administrative decisions, and projects, programmes and services having an impact on children.**

### **The right to life, survival and development**

28. The Committee welcomes the information provided in the State party's report relating to legislation that protect the right to life of all persons. However, the Committee is deeply concerned at the practice of vendetta and revenge, which has re-emerged during the 1990s, as well as at the reported occurrence of honour killings (blood feuds). The Committee is concerned that efforts undertaken to counter such occurrences in practice have not helped to eradicate these phenomena.

**29. The Committee urges the State party to strengthen measures to counter the practices of revenge killings as well as others having a destructive impact on the development of the child.**

### **Respect for the views of the child**

30. The Committee notes the efforts made to encourage the participation of children within the family and in schools. It also notes that, according to article 356 of the Civil Procedure Code, children may give testimony in court after they have attained the age of 16 years and that the child's opinion may be sought in custody decisions, adoptions, etc. after attaining the age of 10 years or at the age of 14 in relation to citizenship cases. However, the Committee is concerned that the views of the child are not taken into consideration at all before the age of 10 years.

**31. The Committee recommends that the State party continue to promote and facilitate, within the family, schools and other institutions, as well as in judicial and administrative procedures, respect for the views of children and participation in all matters affecting them, in accordance with article 12 of the Convention. It further encourages the State party to provide educational information to parents, teachers and headmasters, government administrative officials, the judiciary, children themselves and society at large with a view to creating an encouraging atmosphere in which children, including those below the age of 10 years, can freely express their views, and where, in turn, these are given due weight.**

32. The Committee welcomes the existence of a helpline for children where they can receive support or express concerns or complaints. But the Committee is concerned at the very limited human and financial resources for this helpline.

**33. The Committee recommends that the State party give full support to the efforts to further develop this helpline, inter alia, through the establishment of a national toll-free number accessible 24 hours a day. It is further recommended that support be given to the helpline so that it can provide, or mobilize among existing services, counselling, rescue and intervention when necessary.**

#### 4. Civil rights and freedoms

##### Birth registration

34. The Committee notes the significant efforts made by the State party to ensure that every child is registered within 30 days after birth. Nevertheless, it appears that those failing to meet the deadline encounter additional difficulties.

**35. The Committee recommends that the State party take appropriate measures to promote the registration of all children, including through facilitating late registration when necessary and paying particular attention to the most vulnerable and marginalized groups. In this context, the State party should ensure that the provisions of article 7 be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents. Meanwhile, immediate access to basic services, such as health and education, should be ensured to children who were not registered at birth, while their registration is being properly prepared.**

##### Freedom of expression

36. The Committee welcomes the guarantee of freedom of expression under article 22 of the Constitution, but recognizes that there is a vacuum in the legislative acts on the practical ways to implement this right for children, as noted by the State party in its report. Furthermore, the Committee is concerned that the prevailing attitudes in the family, in school, in other institutions and in society at large are not conducive to the enjoyment of this right.

**37. The Committee encourages the State party to take all appropriate measures, including legal means, to fully implement article 13, and to introduce measures to promote and guarantee the right of the child to freedom of expression.**

##### Access to information

38. The Committee welcomes that children have improved access to information technologies, but is concerned at the lack of an efficient system to protect children from harmful information, including television programmes, printed material and other media containing, inter alia, violence, racism and pornography and at the accessibility of these to children.

**39. The Committee recommends that the State party enact special legislation and develop appropriate guidelines to protect children from harmful information while fully guaranteeing their access to appropriate information. The Committee further recommends that the State party take into consideration the Committee's recommendations emanating from its day of general discussion on "The child and the media" (see CRC/C/57, paras. 242-257).**

##### Torture and other cruel, inhuman or degrading treatment or punishment

40. The Committee notes article 25 of the Constitution and the general provisions of the Criminal Procedure Code, according to which torture and degrading treatment or punishment are prohibited. However, the Committee regrets the lack of relevant practical information in the

report, and is concerned about allegations of ill-treatment and improper use of force, in particular against children, both by public officials and the police in pre-trial detention centres, in prisons and in other institutions in which children are in the care of the State. Furthermore, the Committee is concerned that these allegations have not been investigated promptly by an independent authority.

**41. In light of article 37 (a) of the Convention the State party should take all necessary and effective steps to address the causes and to prevent incidents of ill-treatment of children while in State care, including by adopting a prevention strategy against institutional violence. The Committee further urges the State party to undertake adequate measures to ensure that an effective system is set up for filing complaints about acts of ill-treatment and that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators.**

## **5. Family environment and alternative care**

### **Family reunification**

42. The Committee is concerned that family reunification procedures may not always be dealt with in a manner consistent with the general principles (arts. 2, 3, 6 and 12) and in particular, article 10 of the Convention.

**43. The Committee recommends that the State party take all necessary measures to ensure that family reunification procedures are dealt with in a positive, humane and expeditious manner. In this context, the Committee also urges the State party to take measures for the effective implementation of the Law on Integration and Family Reunion of Persons Granted Asylum (Law No. 9098 of 2003) and to enact all necessary by-laws.**

### **Children deprived of their family environment**

44. The Committee welcomes the programmes of development of social services aimed at the deinstitutionalization of children and the shifting towards decentralized and community-based services with a view to improving living standards that are conducive to reintegration. However, the Committee remains concerned that children may be removed from their families because of their health status, or placed in institutions by parents in difficult economic situations.

**45. The Committee recommends that the State party:**

**(a) Take effective measures to strengthen support to families by developing a comprehensive child-centred family policy to enable families to care for their children at home;**

**(b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;**

**(c) Strengthen efforts in the area of deinstitutionalization ensuring that parallel structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;**



**(d) Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding on their future placement, and that these children retain their rights to social protection.**

### **Adoption**

46. The Committee welcomes the ratification by the State party of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the setting up of the Albanian Committee for Adoption, as well as the priority given to domestic solutions. However, it remains concerned at the occurrence of intercountry adoptions, despite the efforts of the State party to counter such practices, which are not made through the competent authority or accredited body but through individual channels, including cases of sale of children for “adoption”.

47. **The Committee encourages the State party:**

**(a) To ensure that the State programme and subsidiary regulatory instruments necessary for the implementation of the legislation are elaborated;**

**(b) To ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation and that adequate training is provided to the professionals involved;**

**(c) To ensure that cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the Hague Convention of 1993 and that cooperation in this respect is limited to countries which are also party to the Hague Convention of 1993;**

**(d) To consider ratifying the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children of 1996;**

**(e) To consider seeking technical assistance from the Hague Conference on Private International Law and UNICEF.**

### **Abuse and neglect**

48. The Committee is concerned that “maltreatment” is one of the most acute problems in the Albanian society, as noted by the State party. The Committee notes that domestic violence remains underreported but is common, as are other forms of ill-treatment and abuse, including sexual abuse. Concern is also expressed at the insufficient resources, including lack of adequately trained personnel, to prevent and combat such abuses.

49. **The Committee recommends that the State party:**

**(a) Undertake comprehensive studies on domestic violence, ill-treatment and abuse to understand the causes, scope and nature of these practices;**

**(b) Strengthen its efforts to prevent and combat all forms of physical and mental domestic violence, ill-treatment and abuse as well as to adopt measures and policies to contribute to changing attitudes to violence and abuse within the family;**

**(c) Ensure that a referral system is set-up, that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, are properly investigated within a child-friendly judicial procedure, and that sanctions are applied to perpetrators, giving due regard to protecting the child's right to privacy;**

**(d) Ensure the provision of support services, such as psychological recovery and social reintegration, and the prevention of stigmatization of victims.**

### **Corporal punishment**

50. The Committee is concerned that corporal punishment remains lawful in the family, and continues to be used as a disciplinary method.

51. **The Committee urges the State party to expressly prohibit by law all corporal punishment in the family. The State party is further encouraged to undertake awareness-raising campaigns and education programmes on non-violent forms of discipline, and to conduct research into the prevalence of corporal punishment of children in the family.**

## **6. Basic health and welfare**

### **Children with disabilities**

52. The Committee welcomes the establishment of an inter-ministerial group to develop a National Strategy for Persons with Disabilities, but remains concerned at the large number of children with disabilities who are institutionalized, are not included in the mainstream education system, or are without education at all, and at the general lack of resources and specialized staff for these children. It is also concerned at the prevailing societal attitudes which are conducive to stigmatization of children with disabilities.

53. **The Committee encourages the State party to actively pursue its current efforts and continue:**

**(a) To review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993, annex) and of the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69, paras. 310-339);**

**(b) To pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate their inclusion in the mainstream education system;**

**(c) To undertake greater efforts to make available the necessary professional and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

**(d) To strengthen public awareness campaigns with a view to contributing to changing existing negative attitudes towards children with disabilities;**

**(e) To consider seeking technical cooperation from UNICEF and the World Health Organization in this respect.**

#### **Health and health services**

54. The Committee welcomes the information provided by the State party on legislative and other measures aimed at contributing to the protection of mothers, infants and school-age children, such as the joint programme of the Ministry of Health and UNICEF, or the establishment of an Inter-Ministerial Commission for HIV/AIDS in 2000. However, the Committee is concerned at the information on the poor quality of health services in general, particularly in some regions, and more specifically at the high number of children suffering from malnutrition, iodine deficiency and other preventable illnesses. The Committee further notes that despite the marked improvement in infant mortality rates, these remain very high, and that marked disparities in health services between different regions of the country exist.

**55. The Committee recommends that the State party:**

**(a) Strengthen its efforts to ensure allocation of resources (e.g. human and financial), including training of sufficient numbers of health-care professionals, and investments in health-care infrastructure, especially in the most disadvantaged areas of the country, to ensure accessible and quality health services;**

**(b) Address the issues of malnutrition and iodine deficiency through, inter alia, education and promotion of healthy feeding practices.**

#### **Adolescent health**

56. The Committee welcomes the legislative and other measures taken by the State party to reduce the use of tobacco, in particular among children under 16 years of age. However, the Committee is concerned at the reported rise in suicide rates among children for which sufficient data is not available and considers that, in general, the health services provided, including mental health services, may not be tailored to the needs of adolescents, thus reducing their willingness to access primary health services. It further notes the concern of the State party that abortion may still be used as a family planning method and that the abortion rates are alarmingly high.

**57. The Committee recommends that the State party:**

**(a) Increase its efforts to promote adolescent health policies, introduce legislation and strengthen programmes of health education in schools;**

**(b) Take measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible also without parental consent when this is in the best interests of the child;**

**(c) Study the occurrence and causes of suicide to enable the appropriate authorities to improve their understanding of this phenomenon and take appropriate measures to reduce the suicide rates, including by improving preventive and interventional mental health services;**

**(d) Provide access to information on reproductive health and family planning with a view to improving the practice in these areas, including the reduction of recourse to abortion as a method of family planning;**

**(e) Pay due attention to the Committee's general comment No. 4 (2003) on "Adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4).**

### **Standard of living**

58. The Committee notes the efforts that the State party is making to improve the living standards of families in poverty and of children in institutional care, orphans or other children with special needs. However, the Committee is concerned that a large number of children live in poverty, or in extreme poverty, and that many children do not receive child support maintenance following divorce of their parents, or as the case may be, the amount is largely insufficient.

59. **The Committee encourages the State party to pursue measures to assist parents and others responsible for children by strengthening efforts to improve the standard of living of all children and providing material assistance and support programmes in accordance with article 27 of the Convention. Economic growth should be used to improve the living conditions of families. In addition, the State party is encouraged to consider ratifying the Hague Conventions No. 23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations and No. 24 on the Law Applicable to Maintenance Obligations.**

## **7. Education, leisure and cultural activities**

60. The Committee is concerned at the decline of public expenditures on education and notes that data about school attendance, transition rates and dropout rates from different sources are contradictory and make it difficult to assess the effectiveness of the school system. The Committee welcomes the initiatives, introduced in 2000, aimed at enhancing the quality of education and the efforts to reduce dropout rates. However, the Committee notes that parents are liable to punishment by fine for non-attendance of children, which may be counterproductive. The Committee welcomes the addition of a ninth compulsory school year to the second cycle of primary school and regrets that at least one year of pre-school education was not made compulsory. Furthermore, the Committee is concerned at the reported deterioration of physical conditions in schools, the lack of qualified teaching staff and teaching materials, including the discrepancy between rural and urban areas in this respect, and that many parents hire teachers to provide extra courses in order to compensate for the poor quality of the educational system.

61. **The Committee urges the State party:**

(a) **To strengthen its ongoing efforts to address the problems relating to the training of teachers and to increasing budget allocations with a view to improving the quality of education and physical conditions in schools;**

(b) **To devise more child-sensitive methods to combat repetition and reduce dropout rates and to address the causes thereof, with a view to preventing such occurrences and achieving universal attendance; particular attention in this respect should also be given to the situation of girls;**

(c) **To develop a strategy to improve the quality and relevance of educational opportunities, including vocational training;**

(d) **To consider introducing a compulsory year of pre-school education;**

(e) **To consider seeking technical assistance from UNICEF in this respect.**

62. The Committee shares the concern expressed in the State party's report that much of the cultural and recreational infrastructure does not function in Albania, and that playgrounds are almost non-existent.

63. **The Committee recommends that the State party consider the need for playgrounds and child-friendly parks in city planning and increase efforts to provide more appropriate spaces for children allowing them to enjoy the right to leisure, recreation and cultural activities.**

## **8. Special protection measures**

### **Refugee and internally displaced children**

64. The Committee welcomes the progress made in establishing a clearer legal framework governing the treatment of refugees and the prevention of statelessness, including the progress made in securing access by all refugee and asylum-seeking children to Albanian schools. Nevertheless, the Committee considers that additional steps need to be taken to ensure full compliance of the relevant legislation and practice with the Convention.

65. **The Committee recommends that the State party amend the current asylum legislation by introducing specific provisions ensuring that the best interests and the views of the child are taken into account, in particular during the status determination procedures. It further recommends that pre-screening procedures of foreigners be extended to the border-points with a view to guaranteeing maximum protection to child asylum-seekers and trafficked children, who may otherwise risk refoulement. The provision of adequate training on refugee child issues to all persons involved is highly desirable. The Committee further recommends that the State party consider seeking assistance from the Office of the United Nations High Commissioner for Refugees in this respect.**

### **Unaccompanied children**

66. The Committee notes that the departure of children from Albania to neighbouring countries is a significant problem, and that approximately 4,000 children have left the country unaccompanied by their parents.

67. **The Committee recommends that the State party strengthen its efforts in this area, in particular:**

(a) **To determine and address the causes of such large-scale departure of unaccompanied children and introduce safeguards to reduce the phenomenon, in particular if such children are victims of illegal networks;**

(b) **To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;**

(c) **To strengthen cooperation and accelerate conclusion of agreements with neighbouring countries in order to ensure respect for the rights of these children, as well as their protection and education.**

### **Economic exploitation**

68. The Committee welcomes the ratification by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour with a view to extending special protection to children. It further welcomes the establishment of a special Unit for Child Labour within the Ministry of Labour and Social Affairs in cooperation with ILO-IPEC. However, it also notes that it is widely acknowledged that children in Albania work in the streets, within the family, or elsewhere in exploitative situations or to such an extent that regular school attendance is impeded. Furthermore, the Committee regrets the deficiency of data in this respect.

69. **The Committee recommends that the State party, in accordance with article 32 of the Convention, and ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which the State party has ratified:**

(a) **Take steps to ensure the implementation of article 32 of the Convention, and ILO Conventions Nos. 138 and 182, taking due account of ILO Recommendation concerning Minimum Age for Admission to Employment, 1973 (R146) and Recommendation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (R190);**

(b) **Vigorously pursue measures, at the national and international level, to dismantle trafficking and exploitation networks;**

**(c) Strengthen efforts to establish control mechanisms to monitor the extent of child labour, including unregulated work, address its causes with a view to enhancing prevention and, where children are legally employed, ensure that their work is not exploitative and is in accordance with international standards;**

**(d) Continue ongoing cooperation with ILO-IPEC in this regard.**

### **Sexual exploitation/abuse, trafficking and abduction**

70. The Committee notes the concerns expressed by the State party at the extent of the problem of sexual exploitation of children in Albania. It also welcomes the measures taken by the State party to combat trafficking in children, such as the establishment of an anti-trafficking centre in Vlora. However, the Committee notes with concern that the sale of children is not criminalized in domestic legislation, that children reportedly continue to be trafficked, in particular to Italy and Greece, and considers that additional efforts must be vigorously pursued to combat this persistent phenomenon.

71. **The Committee recommends that the State party:**

**(a) Considerably strengthen its efforts to reduce and prevent the occurrence of sexual exploitation, sale of children and trafficking, including by amending legislation and sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking through education, including media campaigns;**

**(b) Strengthen existing cooperation with the authorities of countries from or to which children are trafficked in order to combat the phenomenon and harmonize legislation in this respect;**

**(c) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs. In this respect, account should be taken of the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001 respectively;**

**(d) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the 14-18 years age group;**

**(e) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner;**

**(f) Proceed with the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as planned.**

### **Street children**

72. The Committee is very concerned that street children represent the most unprotected category of children in Albania and regrets the lack of information in the State party's report in this respect.

73. **The Committee recommends that the State party:**

(a) **Undertake a study to consider elaborating a comprehensive strategy to address the increasing number of street children with the aim of preventing and reducing this phenomenon in the best interests of these children and with their participation;**

(b) **Make additional efforts to provide protection to children living on the street and to ensure their access to education and health services;**

(c) **Strengthen the support and assistance available to families, both as a preventive measure and a measure conducive to the return of children to their families or other settings, as appropriate.**

### **Substance abuse**

74. The Committee is concerned at the increase in drug abuse, in particular among young children, including through the free distribution of drugs by drug dealers with the aim of luring children into drug use, which may occur also in school environments.

75. **The Committee encourages the State party to continue and expand its activities in the area of prevention of substance abuse and use of children in the trafficking of such substances, and to support recovery programmes dealing with child victims of drug abuse. The Committee recommends that the State party consider seeking technical assistance from UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

### **Juvenile justice**

76. The Committee welcomes the information provided by the State party on legislative measures taken to improve compliance with the provisions of the Convention. But the Committee is concerned at the lack of implementation of the existing provisions and the lack of an effective juvenile justice system of specialized police prosecutors, judges and social workers to deal with children in conflict with the law.

77. **The Committee recommends that the State party:**

(a) **Ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Vienna**



**Guidelines for Action on Children in the Criminal Justice System, in the light of the Committee's day of general discussion, held in 1995, on the administration of juvenile justice;**

- (b) Pay in this effort, as a matter of priority, particular attention to:**
  - (i) The need to take measures to prevent and reduce the use of pre-trial and other forms of detention and to make this detention as short as possible, inter alia, by developing and implementing alternatives to detention such as community service orders, interventions of restorative justice, etc.;**
  - (ii) The need to train police officers, prosecutors, judges and others involved in the process of dealing with children in conflict with the law, in order to, inter alia, make sure that these children are interrogated by trained police officers who notify parents immediately about their child's arrest and who encourage the presence of legal assistance for the child;**
  - (iii) The need to promote, in accordance with article 40, paragraph 1, of the Convention, social reintegration of children in the society;**
- (c) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to problems such as delinquency, crime and drug addiction;**
- (d) Seek technical assistance from, among others, OHCHR and UNICEF.**

## **9. Optional Protocols to the Convention**

78. The Committee welcomes the statement by the delegation indicating the intention of the State party to ratify the two Optional Protocols to the Convention (the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict) and urges the State party to pursue and complete its plans in this respect.

## **10. Follow-up and dissemination**

### **Follow-up**

79. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, where applicable, for appropriate consideration and further action.

## **Dissemination**

80. **The Committee further recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

### **11. Next report**

81. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its next report by 27 March 2009. This report, which combines the second, third and fourth periodic reports, should not exceed 120 pages (see CRC/C/118), and the Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

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