



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth and sixth periodic reports submitted by Albania under article 44 of the Convention, due in 2017<sup>\*, \*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



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## I. Report submitted on the Convention on the Rights of the Child

### A. Introduction

1. The Republic of Albania is honoured to submit its combined fifth and sixth periodic report to the Committee on the Rights of the Child, containing information on the follow-up to the Committee's Concluding Observations on the Convention on the Rights of the Child (UNCRC) and its two Optional Protocols (OPs): On Child Involvement in Armed Conflicts (OPAC) and On Child Trafficking, Child Prostitution and Child Pornography (OPSC). The report contains information on the measures undertaken on the implementation of Convention, and its optional protocols including concluding observations of CRC<sup>1</sup> and concluding observation of OPAC and OPSC,<sup>2</sup> during the period 2013–2019.

2. The report has been drafted by the Inter-Ministerial Working Group established in 2017 following the Prime Minister Order no.112, 5.03.2014 "On the establishment of interministerial working groups on the preparation of national reports related the implementation of human rights convention. This Working group is co-chaired by the Ministry of Europe and Foreign Affairs (MEFA) and the Ministry of Health and Social Protection (MHSP) "State Agency for Child Rights and Protection (SACRP). The report is prepared based on the extensive contributions of the public and independent authorities at all levels: Ministry for Europe and Foreign Affairs, Ministry of Health and Social Protection, Ministry of Interior, Ministry of Justice, Ministry of Defense, Ministry of Finance and Economy, Ministry of Education, Sport and Youth, Ministry of Culture, State Agency for the Child Protection; Institute of Public Health, State Social Service; General Directorate of State Police; General Directorate of Prisons, etc. Independent institutions that contributed in this process are: Ombudsman, Commissioner for the Protection against Discrimination, Commissioner for the protection of Data and the Right of Information, Authority of Audio-Visual Media.

3. A workshop on Reporting to the Committee on the Rights of the Child was carried out in June 2018 to improve and strengthen the process. The views of children and civil society have been sought through the consultation process carried out in August and September 2018.<sup>3</sup> As part of the consultation process, the draft report was discussed with the Local Government Consultative Council in December 2018 aiming the informing on this process and making contributions not only at central but also at local level. In February 2019 the draft report was discussed at the National Council for the Rights and Protection of the Child. In April 2019, the Group of Friends of the Children, headed by the President of the Assembly, considered the fifth and sixth periodic Draft Report of the Albanian Government on the implementation of the UNCRC.

4. This report has been prepared at a time of important structural changes and accelerated progress in the field of children's rights, particularly at the legislative and policy level. This includes the revision, adoption of an overarching legislation and strategies in the fields of children's rights, social protection and juvenile justice, which are expected to have a significant impact on the enjoyment of their rights by Albania's children in the next few years.

5. National Report on implementation of UNCRC and its optional Protocols is adopted by Decision of the Council of Ministers no.551, date 31.07.2019 (DCM).

6. Taking into account the word limit on State periodic report to be submitted, additional information is provided in the annexes attached to this report, in order to have a clear picture of the current situation related to the implementation of UNCRC.

<sup>1</sup> Concluding Observations of the Committee on the Rights of the Child, 5 October 2012 (CRC/C/ALB/CO/2-4).

<sup>2</sup> Concluding Observations CRC/C/OPSC/ALB/1; CRC/C/OPAC/ALB/1, 6 December 2012.

<sup>3</sup> Annex 3.

## B. General Measures of implementation

### Legal framework

7. Several laws have been adopted and amended during the reporting period, strengthening the child rights framework in Albania. Law No.18/2017 ‘On the Rights and Protection of the Child’ was adopted and came into force in June 2017, building upon abrogated Law 10347/2010 ‘On the Protection of the Rights of the Child’. The Law defines the duties, institutions, structures, mechanisms to ensure respect for children’s rights by individuals, the family, the state, and strengthening the system of protection of children from violence, abuse, exploitation and neglect, at central and local level.

8. The Law is aligned with the UNCRC, and is comparable with the most advanced European standards in this field. The regulatory framework was developed in early 2018, with an additional 18 by-laws and several legal acts.

9. Law No.18/2017 was developed after a lengthy consultation process with all relevant stakeholders and supported with assessments of the comprehensive situation of children’s rights, and gaps in implementation of Law No. 10347/2010.

10. Law No.121/2016 ‘On Social Care Services’ regulates the social care services, and supporting the fostering of the well-being and social inclusion of individuals in need of social care and their families.

11. Law No.37/2017 ‘Code of Criminal Justice for Children’, entering into force on 1 January, 2018, strengthens the justice system and aligns it with UNCRC and other international standards and norms aimed at protecting the child in contact with the law based on his or her best interests. Seven by-laws and five ministerial orders have been drafted supporting its implementation.

12. Law No.7895/1995 ‘On the Criminal Code’ has undergone a series of amendments and addenda, including definition of several criminal offences, and provided for more severe criminal sentences related gender-based violence and child protection, sexual abuse and economic exploitation of children.

13. Law No.108/2014 “On the State Police” was amended, strengthening actions in the field of domestic violence, trafficking, protection measures for children and inter-institutional collaboration.

14. Other relevant amendments include those undertaken in 2015 of laws No.9062/2003 “On the Family Code” (revisiting the declaration of the abandonment of the child), No.7961/1995 “On the Labour Code” (increase of the working age to 16 years and several protection measures for working children), and No.7905/1995 “On Criminal Procedure Code”: Law No.22/2018 ‘On Social Housing’ in 2018, providing provisions on social housing programmes; Law No.111/2017 “On Legal Aid Guaranteed by the State”, offering free legal aid to vulnerable groups, including children in contact with the law and those in alternative care.

### Comprehensive policies and strategies

15. The National Agenda for Children’s Rights 2017–2020 (NACR) was adopted in 2017 is based on: (i) good governance for the promotion, implementation and protection of child rights, aiming at strengthening the regulatory and institutional framework for children’s rights, child protection; (ii) elimination of all forms of violence against children; (iii) child and adolescent-friendly systems, services, development, education, justice, health nutrition, social protection, and key measures for sectoral strategies in implementing children’s rights.

16. The Agenda was drafted and consulted with line ministries, local actors, civil society organisations (CSOs) and children. The Agenda is aligned with UNCRC, CRC Concluding Observations 2012, Council of Europe (CoE) Strategy for the Rights of the Child 2012–2015 and 2016–2021, and the European Union (EU) Agenda for the Rights of the Child. The mid-term review of implementation of the Agenda is carried out, which will be followed by a review of the action plan till 2020.

17. The Agenda builds on the achievements of Action Plan for Children (APC) 2012–2015 and the lessons learned from its implementation. In 2015, SACRP carried out an evaluation of the implementation of the Action Plan, coupled with a broader analysis on the situation of children’s rights. Evaluation report showed that approximately 62% of the measures defined in the APC were achieved, or in progress to being achieved due to their long-term nature (70% of the measures for protection, social inclusion and health; 60% of those for education; and only 35% of those for juvenile justice).

18. The Social Protection Strategy 2015–2020 integrates three major reforms undertaken by the Albanian Government and aims to establish a consolidated and comprehensive system of social protection to combat social economic inequalities and protect all individuals in need. It foresees transformation of economic assistance into an active social reintegration scheme, review of the disability assessment system, reintegration of children into families and communities, care to social or biological orphans, giving highest priority to the child’s best interests and integrated services.

19. Following adoption of the Code of Criminal Justice for Children 2017, the National Action Plan (NAP) on Juvenile Justice 2018–2021 was adopted in September 2018 (DCM no.541, dated 19.09.2018). This strategy foresees: “Improving Juvenile Justice that Guarantees Child-Friendly Justice and Protects Their Highest Interest”; Promote, protect more effectively the rights and needs in litigation, alternatives to these proceedings, for juveniles in conflict with the law, victims, witnesses of criminal offenses, juveniles under age to prosecute juveniles involved in litigation, mainly criminal ones.

20. Over the reporting period, several other strategies, action plans have been adopted in the fields of social housing, sexual and reproductive health, the fight against trafficking, rights of persons with disabilities, and integration of Roma and Egyptians, aiming at enhancing implementation of the rights of the children in Albania. The sectoral strategies are coordinated with the NACR 2017–2020.

### **Coordination**

21. Law No.18/2017 ‘On the Rights and Protection of the Child’ re-evaluates, revises structures and coordination mechanisms on children’s rights and child protection at the central and local level established under Law 10347/2010. It re-defines their responsibilities and strengthens the cooperation to ensure the full enjoyment of children’s rights.

22. National Council on Children’s Rights and Protection (NCCRP), established in 2011, is an advisory body for the development, coordination and protection, including justice, social services, education, health, culture. NCCRP comprises 9 members, from governmental, non-governmental and independent institutions. Law No. 18/2017 and the regulations created a new impetus for more frequent meetings, and participation of children as observers.

23. The Minister of Health and Social Protection, is the authority responsible for coordinating, monitoring the progress, implementation of relevant policies, measures for enforcement of the laws, national strategies, action plans for children, and international obligations.

24. State Agency on the Right of the Child SACRP, established in 2011, is an institution subordinated to the ministry responsible for coordinating the work on children’s rights and protection issues. With the law (18/2017), the authority of SACRP has been reviewed. SACRP is responsible for coordination of an integrated child protection system pursuant to national policies, monitoring of implementation of APC 2012–2015 and NACR 2017–2020, manages and collects statistical data.

25. SACRP has the right to control the service quality of child protection structures, to analyse the need for specific interventions in the area of child protection. The legal ground for SACRP to impose sanctions in the case of non-fulfilment of obligations of responsible institutions has been strengthened with the adoption of DCM No. 91/2018, regulating procedures and sanctions.

26. The agency consists of the sectors of Protection and Monitoring of Children’s Rights and of Coordination and Statistics, with a staff of seven persons. It is funded from the state budget and various donors, with its budget increasing from Albanian Lek (ALL) 7,140,000

in 2012 to ALL 12,400,000 in 2018. Under Law 18/2017, several new responsibilities for the agency have been added that will have to be followed up with the allocation of adequate resources.

27. At the local level, Law 18/2017 retained structures established by the previous law, such as Child Protection Units (CPUs) and Child Protection Workers (CPWs), responsible for the coordination and provision of child protection services and case management, in cooperation with a number of stakeholders from various sectors operating at the local level. In every municipality and administrative unit with more than 3,000 children, an ad hoc Cross-sectoral Technical Group (CTG) for addressing child protection cases is established, composed of representatives from the police, social services, education, health and justice, NGOs, other relevant individuals with knowledge of the situation for children. The coordination at the local level, duties and responsibilities of the members will be strengthened, based on DCM no.353, dated 12.06.2018, “On the rules of operation of the inter-sectoral technical group on child protection at municipalities and administrative units”.

28. Guideline No.10/2015, “On forms of cooperation and intervention procedures in helping children in risk for key institutions and key responsibilities for child protection”, defines the role of actors in the child protection process, and provides necessary guidance in identifying, managing cases of children at risk and the legal framework.

29. Based on the Law no.18/2017, is adopted DCM No. 578, dated 03.10.2018, “On referral and case management procedures, drafting the contents of the individual protection plan, financing the costs of its implementation, and implementing safeguards”. It is one of the most important by-laws for the implementation and functioning of the child protection system, as it addresses processes, instruments and mechanisms underlying an integrated child protection system, such as referral procedures, drafting and implementing the Child Protection Plan, adopting and implementing protection measures. For the first time, this decision provides for ways to fund child protection interventions and services.

#### **Allocation of resources<sup>4</sup>**

30. A comprehensive assessment of budget needs for children has been done with planning for NACR 2017–2020. Estimation of the required budget was carried out for each activity, specific objective and strategic goal and totalled ALL 2,363,099,369. Both central and local government budgets (64.4%), as well as donors (26.2%), are primary sources of funds for its implementation. Budget deficits/gaps (9.4% at time of planning) are subject to donor talks, and the mid-term evaluation, foreseen for the end of 2018, will provide an up-to-date picture of financial management and spending for its implementation.

31. The expenses necessary for implementation of the Action Plan on Juvenile Justice 2018–2012 amount to ALL 681,335,963 (approximately EUR 5.1 million), with the current financial gap for implementation of activities approximately 12.3 percent. Assessment of the necessary funds has also been undertaken for other national strategies that incorporate measures relevant for children (sexual and reproductive health, social protection, education). Most of the strategies and NAPs include measures targeting children in a disadvantaged or vulnerable situation.

32. Although the percentage of GDP allocated towards education has been decreasing, due in part to a smaller number of enrolled students, the amount of ALL allocated per student almost doubled over the reporting period. The average annual cost per pupil in 2012 was ALL 53,050, increasing to ALL 89,421 in 2018. The funding allocated to educational institutions adheres to the *lekë për nxënëës* (money per student) principle. Children in disadvantaged or vulnerable situations are beneficiaries through positive discrimination measures that are governed by specific acts regulating the provision of free textbooks, free transportation, accommodation and free placement and services in the specialised institutions (e.g., children with disabilities in special schools). Investments in health care (as a % of GDP) have remained relatively constant over the reporting period (2013, 2.69%; 2017, 2.84%).

<sup>4</sup> Recommendation 16, CRC/C/ALB/2-4.

33. Related alternative care, funds allocated for the nine-public residential social care institutions (SCIs) have been relatively constant (2013, ALL 194,270,000; June 2018 ALL 233,209,000). The funds earmarked for foster families in 12 counties have increased (2014, ALL 1,094,000; June 2018 ALL 5,411,000), reflecting an increase in the number of children placed in foster/kinship care families. The funds allocated for children with orphan status increased (2014, ALL 907,018; 2017 ALL 3,476,376), reflecting an increase in the number of total beneficiaries of the scheme (from 280 in 2014 to 553 in June 2018), as well as an increase in allocation per child (2014 ALL 3,239, June 2018 ALL 5,440). Annual budget approved for the Albanian Adoption Committee was on average ALL 92,208,540.

34. Allocations for the National Reception Centre for Victims of Domestic Violence (woman and children) almost doubled over the reporting period (2012, ALL 12,300 thousand; 2018 ALL 22,190 thousand), while the funds for the National Emergency Transitory Centre for families in emergency, due to environmental or socio-economic reasons, increased from ALL 8,600 thousand in 2014, when the Centre began operations, to ALL 14,430 thousand in 2018. The funds for the National Reception Centre for Victims of Trafficking (woman and children) decreased over this period, from ALL 32,465 thousand in 2013 to ALL 22,190 thousand, due to a reduced number of beneficiaries. The fund for National Coordinator for Fight Against Trafficking in Persons has been continuously increasing.

35. The state budget allocated (through State Social Services – SSS) for the social care institutions that provide services for children with disabilities (CwDs) and women and children victims of trafficking was ALL 29,627 thousand for the year 2018. Selected municipalities have invested/incorporated additional funds from their local budgets. However, tracking of the budget at the local level remains a challenge.

36. Law No.121/2016 “On Social Care Services” foresees the establishment of a social fund at the municipality level, a new financial mechanism providing social quality services and responsive to the needs of individuals. The fund will allow for the procurement of social services by interest groups or civil society, will improve the budgeting for the provision of the required services at the local level, including child protection.

#### **Data collection**

37. National data collection and management processes, including in the field of children’s rights, have been strengthened with adoption of Law 17/2018 ‘On Official Statistics’. This Law strengthened the role of the coordination authority of the national statistical as Institute of Statistics (INSTAT), to ensure that official statistical agencies use standards, definitions, classifications and methodologies of the United Nations and Eurostat.

38. The Albanian Health Demographic Survey conducted in 2017–2018 provides a rich source of data, many of which will be used to monitor and report on the implementation of the Sustainable Development Goals. In addition, a dedicated child-focused list of indicators is being drafted by INSTAT

39. SACRP annually collects, processes statistical data on children’s rights in cooperation with line ministries, municipalities and INSTAT. DCM no.636, dated 26.10.2018 “On the determination of the types, manner of exchange and processing of information and statistical data required by the State Agency for the Rights and Protection of the Child, at the responsible state structures, at central local level. As a requirement of Law 18/2017, DCM approved (October 2018), replacing the previous one, mandating SACRP to collect and publish 58 child-targeted indicators representing a broad scope of fields/themes (demographics, health, nutrition, violence, migration, labour, poverty, education, access to justices, juvenile justice). The revised list of indicators is aligned with UNCRC’s list of reporting indicators and the strategic objectives of the NACR 2017–2020.

40. Ministry of Justice collects, processes and analyzes statistical data on juvenile offenders, gender segregation, offenses for which they are convicted and the amount of punishment. General Directorate of Prisons provides information on the situation of prisoners. The Probation Service Directorate provides the number of convicts with alternatives to juvenile imprisonment. These data are published in the Statistical Yearbook.

### **Independent monitoring**

41. In 2014, the Law on the Ombudsperson was amended, establishing the Section for Children's Rights Protection and Promotion composed of one Commissioner for Children's Rights Protection and Promotion and three assistant commissioners. The Commissioner was appointed in 2018 and has been fully operational since then.

42. During reporting period, the Ombudsperson addressed more than 440 cases, as several cases involved a number of children. However, the number of individual complaints coming directly from children themselves is small, with only two cases registered during this period.<sup>5</sup>

43. The Ombudsperson's Office addressed a range of issues on children's rights, including issuing special reports on the rights of orphan children, children in residential institutions, child labour and two reports of blood feuds. Reports, which are publicly available at the institution's website have been sent to the Albanian Parliament.

44. Guiding documents have been drafted in consultation with children and civil society, as draft guideline *On the Ombudsperson's Office Cooperation with Children and Civil Society*. The draft *Standards on Children's Participation in the Children's Rights Monitoring Process* aim to design mechanisms to guarantee children's participation in the monitoring process of institutions that deliver services for children. The standards were piloted in three SCIs for children.

45. The Section for Children's Rights Protection and Promotion has increased the level of visibility, advocacy, cooperation with CSOs working on children's rights, Open Days organised in almost all municipalities of the country, social media and other means of communication. Children receive comprehensive information, including on a complaint mechanism provided by the Ombudsperson, at all levels of education. The Section participates actively in the European Network of Ombudsperson's for Children.

46. In November 2013, with the adoption by the Parliament of Albania of the resolution 'On Protection and Respect for Children's Rights in Albania' the Group of Friends of Children was formalised as an ad hoc group in the Assembly. The Friends comprise 23 parliamentarians who engage with Members of the Parliament (MPs) and aim to support a conducive climate in Parliament for issues pertaining to children, including initiating child rights-related legislation and ensuring accountability for its implementation by the responsible institutions.

47. Established in 2010, the Commissioner for Protection from Discrimination (CPD) works as a national equality body in Albania with a mandate to address child discrimination issues in the public and private sectors.

### **Dissemination, awareness raising and training**

48. Awareness-raising activities and trainings on children's rights were carried out by governmental, non-governmental agencies and institutions. Apart from several project-based activities, various aspects of children rights have been integrated into the mandates and duties of the respective institutions, such as SACRP, State Social Services, State Police, Educational Development Institute, Ombudsperson, CPD, School of Magistrates, School of Advocates, School of Public Administration.

49. Awareness raising on human rights, and especially children's rights, is the main goal of the education curriculum, starting with pre-school education. Children's rights are included in the curricula, textbooks of primary education and the annual school plan.

## **C. Definition of the child**

50. Law 18/2017 provides for the definition of the child as any person under 18 years of age. The definition of the child in other legislative acts is in line with the international definition contained in UNCRC and Law 18/2017.

<sup>5</sup> Annex 2.1.4.

51. Age eligibility for placement in residential institutions has increased from 15 to 18 years, achieved through the adoption of DCM No. 839/2014, which amended DCM No. 425/2012 “On the definition of the criteria, documentation necessary for the admission of persons to residential, public and non-public institutions of social care”.

52. Article 100 of the Criminal Code was amended in 2013 setting stricter sentences for conducting sexual relationships with juveniles who have not reached the age of fourteen years or sexual maturity. Article 100 and 101 are considered to be in line with the relevant international standards.

## D. General principles

### Non-discrimination

53. The Commissioner for Protection against Discrimination (CPD) initiated *ex officio* and assisted in more than 35 cases of discrimination involving children. Several issues were identified related: Education, school enrolment, distribution in schools and classes, segregation of Roma and Egyptian, provision of free textbooks for legally benefiting categories, and refusal to enrol in school children with disabilities or those from the Roma community: Protection of children from violence, safety, health of children in the centre for treatment of victims of domestic violence, insulting behaviour of police officers towards Roma children, violence and negligent attitudes towards pre-school children, poor living conditions, lack of timely and appropriate medical supplies.

54. The Commissioner issued several recommendations on the legal framework and strategies on children’s rights, carried out several awareness-raising and training activities for education staff and students, and implemented Open Days against discrimination. Many of CPD’s recommendations remain unaddressed, either partially or entirely.

55. The CPD has three regional offices, in Shkoder, Korcer and Gjirokaster, serving to guarantee a wider coverage of the territory, increase visibility, awareness and access of individuals and institutions to the Commissioner.

56. In October 2017, the Law ‘On the Protection of National Minorities in the Republic of Albania’ was adopted, providing for special rights and protection to national minorities, including the Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian, and Bulgarian communities.

57. National Action Plan for the Integration of Roma and Egyptians 2016–2020 drafted in cooperation with representatives of Roma and Egyptian organisations provides measures to address the situation of Roma and Egyptians in Albania in the field of education and intercultural dialogue, civil registry and justice, social protection, employment, education, vocational training, urban housing, health care, coordination and monitoring policies.

58. A network of seven focal points has been created among the key ministries responsible for education, civil registration, health, employment, social housing and vocational trainings. A database of 57 focal points at the municipal level has been created.

59. The electronic system RomAlb was developed, allowing for collection and management of information on Roma and Egyptian minorities at all levels. The system is currently being upgraded to align the indicators with the NAP.

60. The National Action Plan for Non-discrimination on the Grounds of Sexual Orientation and Gender Identity 2012–2014 and the National Action Plan for LGBTI Persons 2016–2020 foresee several measures to address discrimination and integration of these groups.

### Best interests of the child

61. The best interests of the child present a guiding principle highlighted in all the key legislation, by-laws and policies pertaining children, including the Code of Criminal Justice for Children, the Law on Social Care Services, amended Criminal Code, and their strategies and NAPs.

62. The principle of best interests and its practical application, including as specified in Law 18/2017, is integrated into the textbooks, manuals, trainings of the relevant professionals working with and for children.

### **Right to life, survival and development**

63. The Albanian Government has made significant efforts to address the issue of blood feud and has Civil Rights and Freedoms created necessary legislative, organisational and operational processes to address the phenomenon. National Action Plan for the Prevention, Detection, Documentation and Tackling Criminal activity of offenses committed for blood feuds was drafted in 2012 and updated in 2014, by strengthening cooperation with local government, CSOs, the Prosecutor's Office, education directorates and schools; improving investigation, prosecution of crimes and education on tolerance and crime prevention.

64. The Criminal Code was amended in 2013, criminalising and strengthening sentences for the crimes of murder for blood feud, of serious threats of revenge for blood feud, threats against a person to be confined at home and incitement to blood feud.

65. In March 2015, Parliament approved a resolution urging the Coordinating Council for the Fight against Blood Feud to take measures to prevent the phenomenon in Albania.

66. According to the statistics of the State Police, 60 families have been affected by blood feud, with 143 self-contained persons, of whom 40 are children. The phenomenon is present most in Shkoder (46 families, 116 self-confined persons, with 28 children not attending school). Several criminal proceedings concerning blood feud have been initiated. Since 2012, 41 suspects have been found guilty of murder for blood feud (39 suspects were acquitted), seven for the criminal offence of serious threats of revenge or blood feud, and one person was fined for the criminal offence of incitement to blood feud.<sup>6</sup>

67. In 2017, computer software was installed to serve as a database for the identification and registration of data on persons involved in criminal offences on the grounds of blood feud, and was followed by the development of standard operating procedures (SOPs) guiding its operation.

68. In 2014, Instruction No.36 "On Procedures for the Education of Confined Children" was adopted, by developing a curriculum and special subject programmes for the education of confined children. Since the academic year 2013–2014, 39 children have received basic education at home (with three in 2016–2017).

69. The local structures of the state police, mainly in the counties most affected, as Shkodra, Lezha, Kukes, Durres and Dibe have cooperated with local government authorities and NGOs to hold periodic meetings to discuss issues related to blood feud, and to sensitise the public of its negative consequences.

70. In 2015, the Ombudsperson issued a special report requesting comprehensive measures be taken by the state police, prosecutor and judges to address blood feuds. Awareness raising activities are carried out by the office of the Ombudsperson.

### **Abortion**

71. Abortion can be legally carried out only in licensed hospitals and maternities (public or private) to ensure compliance with the standards and legislation and to improve data collection and management. Termination of pregnancy at the request of a pregnant woman (voluntary termination of pregnancy) is permitted up to the 12th week of pregnancy, based on law no.8045/1995 "On termination of pregnancy", both in public and private health institutions.

72. The number of abortion cases in the public sector recorded for girls 18 years or younger has decreased: 2013, 17 induced and 52 spontaneous abortions; 2017, 5 induced and 29 spontaneous.

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<sup>6</sup> Annex 2.2.2.

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

73. Law no.18/2017 stipulates the right of the child to be heard in any judicial or administrative proceeding that affects them, either directly or through a legal or procedural representative, most importantly in the presence of a psychologist. It also ensures freedom of expression and of thought, conscience and religion. Law 18/2017 stipulates the right of the child to be heard and consulted along on relevant policies' planning and implementation. National Program "Education through Culture" stipulates that each institution subordinate to the Ministry of Culture draws up a separate annual calendar for this program including education of children between 6–18 years old through culture.

74. The participation of children in processes that affect their lives, information of children and families is one of the cross-cutting components of strategic pillars of National Agenda 2017–2020. The Agenda foresees the development of a child participation guide for establishment of sectoral, cross-sectoral mechanisms to enable meaningful participation and involvement of children, and to strengthen the capacities of the different actors. It foresees the creation of an interactive website to consult with children. Within website of the State Agency for the Rights and Protection of the Child has been established the portal "Voice of the Children".

75. Encouraging youth participation in decision-making processes is a strategic objective of the National Action Plan for Youth 2015–2020. In the education system, the voices of children are represented through bodies established in each school, including the student government and the school board.

76. Children have an observer status in the meetings of the NCCRP. The Guidelines for the Selection of Children's Representatives in this Council were approved in June 2018.

77. In conclusion of children in the drafting of child rights-related policies and laws has become a standard. Children have submitted recommendations on the NACR, while experts drafting the Code of Criminal Justice for Children have carried out consultations with various groups of children.

78. Children enjoy the right to be heard and speak about the care, treatment and service offered in social care institutions. It is mandatory that the drafting and monitoring of the social care plans at the local level are done with the participation of children and, their parents. The multidisciplinary teams at public social care institutions perform their tasks in the best interests of the child. Standard No. 3 of the Services of the Child Protection Units (DCM No. 573/2015) requires the inclusion of the child and family in the case management process, providing children with sufficient information to participate actively and confidently in the decision-making process.

79. SACRP, UNICEF, Save the Children and World Vision are collaborating to engage children throughout the country in consultative workshops to prepare the child-friendly version of the Law 18/2017 'On the Rights and Protection of the Child'. This process will be followed by the development of child-friendly materials and their dissemination.

### **Birth registration**

80. The registration of all children (and the prevention of non-registration of births of Roma, non-Roma, children born inside or outside the territory of Albania, and inside or outside of health institutions) is one of the priorities of the General Directorate of Civil Status (GDSCS).

81. The registration of a birth is free of charge, while persons declaring the birth of a child within 60 days (90 days for births abroad) receive a bonus of ALL 5,000 covered by the state budget. "From 1 January 2019 for the first-born child, the family receives 40 000 ALL, for the second child, 80 000 ALL and for the third benefits 120 000 ALL".

82. From 2012 to June 2018, 3,359 children were identified as unregistered and obtained necessary documentation (701 in 2016, and 631 in 2017). In 2017, 427 Roma and Egyptians were identified as unregistered and 235 children obtained documents with the assistance of NGOs. Free legal aid was provided for judicial proceedings concerning registration of children born outside hospital and of those with incorrect registration information, to settle

legal disputes regarding custody, divorce cases and other complex issues. From 2013 to December 2018, 3,209 children were identified as unregistered and registered, respectively: during 2013, 296 children were registered, 530 were registered in 2014, 515 were registered in 2015, 701 were registered in 2016, 631 were registered in 2017 and 536 were registered in 2018.

83. By order of the MESY a birth certificate is not required for registration in pre-school or school, and children are enrolled regardless of their civil or registration status. As part of the joint initiative to identify stateless children, 400 children not registered in the civil status office attended pre-university education. GDCS provides free legal assistance to enable registration.

84. In October 2018, amendments to Law No.10129/2009, “On Civil Status”, as amended, were adopted. These amendments allow and facilitate the resolution of unregistered cases in two forms, administrative and judicial. It is provided regulate communication reports between hospital institutions where births take place, with the register offices, as the institution where the birth takes place is obliged to report all newborns to the register offices. The register office, after noticing that the deadlines set by law for the registration of children by persons provided by law, exceed the statutory requirements, informs CPUs to initiate registration procedures when the parents do not register the child within 60 days.

85. Several guidelines have been adopted during 2019 providing: Establishment and functioning of the electronic module, Provisional Register for unregistered cases; Procedures carried out by civil servants, in cooperation with child protection workers, at the child protection unit in the municipality; Resolving cases, when in the act held by the civil status service outside the territory of Albania, the rubric of the child’s name is missing.

#### **Access to appropriate information**

86. Law 18/2017 ‘On the Rights and Protection of the Child’ defines obligations of the media regarding reporting on children. The new Audio-Visual Media Broadcasting Code was adopted in 2017, integrating provisions as stipulated in Law 18/2017.

87. Law 18/2017 gives authority to SACRP to monitor violations of children’s rights and breaching of the ethical standards of reporting on children. During 2016–2017, 237 cases of children made public/identified by the media were referred to child protection structures to initiate case management. 70 complaints were directed to print and audio-visual media for publishing news in violation with children’s rights (19 complaints filed at the Audio-visual Media Authority (AMA) and 51 to newspapers, portals and the Albanian Media Council).<sup>7</sup>

88. Media monitoring shows a significant improvement in the reporting of news on children. Nevertheless, challenges persist, particularly in print, online media and online portals that have a wider reach and use. To strengthen the response, a need to draft a code of conduct for online media journalists and to improve their knowledge has been identified in cooperation with journalists.

89. Authority of Audio-Visual media (AMA) has functional obligations in the field of protecting children’s rights in audio-visual broadcasting pursuant to Law No.97/2013 “On the Audio-visual Media” and performs continuous and periodic reviews and monitoring of national and local programmes. AMA also receives and addresses public complaints related respect for children’s rights in audio-visual programmes.

#### **Multi-sectoral child protection system**

90. A multi-sectoral system for child protection from all forms of violence has been established, and appropriate mechanisms, structures and systems re-evaluated and reactivated with Law 17/2018 and the NACR 2017–2020. It clarifies the child protection structures, strengthens measures that workers may apply when they identify cases of children at risk of violence, abuse, neglect or exploitation, and emergency measures to remove the child from a risky situation.

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<sup>7</sup> Annex 2.3.2.

91. Elimination of All Forms of Violence against Children and prevention from violence, and promotion of positive non-violent parenting are Strategic Pillar of the NACR/Agenda 2017–2020.

92. Laws 10347/2010, “On the Protection of the Rights of the Child” and Law 18/2017, “On the Rights and Protection of the Child” institutionalised CPUs and CPWs as key structures for child protection at the local level. DCM No.573/2015 “On Approval of Standards for the Services of the Child Protection Units” assessing the quality of child protection services in the municipality, and inspection by central level structures.

93. In 2017, 223 units were established and are now operating, an increase from the 49 in 2012. Case management is institutionalised as a standardised method or system used to ensure proper responses to cases of children at risk, in compliance with service standards. The number of cases managed by CPUs has been increasing, with 1,650 cases in 2017, compared to 1,333 in 2012.<sup>8</sup> In 2018, there are 235 child protection staff currently operating across the country, up from 49 in 2012. There were 1,650 cases in 2017, and 1897 for 2018 compared to 1,333 cases in 2012.

94. Each municipality with more than 3,000 children has to introduce CPWs, who act as case managers and are responsible for tasks related solely to child protection. These staff must be trained in social work and based in needs assessment and referral units under the social service directorates. If a municipality has fewer than 3,000 children, this task can be included within the job description of one of the other staff in the units.

95. DCM No.578/2018 “On Procedures for Referral and Case Management, Drafting and Content of Individual Protection Plan, Financing Expenditures for Implementation and Protection Measures” provides guidance for effective implementation and functioning of the key elements of the child protection system. For the first time are provided: budgeting for interventions, child protection services; referral procedures; case management procedures to respond for a child in need of protection. DCM No.353 ‘On the Rules of Operation of the Inter-sectoral Technical Group Clarifying the Roles and Responsibilities of the Members of the Inter-sectoral Technical Group’ adopted in June is strengthening the cross-sectoral responses at the local level.

96. Although the number of CPUs has more than tripled in the reporting period, they are not established in all municipalities and administrative units with more than 3,000 children. Efficient functioning of the CPUs is affected by high staff turnover and lack of compliance with the criteria for employment of the CPU workers, including the required education levels and training. There is still overlap of the CPU role with other functions (social administrator) and lack of effective reporting mechanisms allowing for processing of information from the local CPUs on national level.

97. In 2017, only 45 CPWs (20%) performed just the functions of the CPW, while only 78 CPWs (35%) were social workers. In remote administrative units, it is particularly difficult to identify local skilled workers or people with the necessary experience. Lack of qualified human resources staff brings limitations to the delivery of services by CPWs and contributes to a lower quality of case management.

98. In June 2018, DCM No.353 “On the Rules of Operation of the Inter-sectoral Technical Group Clarifying the Roles and Responsibilities of the Members of the Inter-sectoral Technical Group” is expected to strengthen the cross-sectoral responses at local level.

99. Due to the administrative reform and challenges in implementation of the CPU, SACRP and partners are working on legal and regulatory definitions, and establishment of structures of the CPUs based upon the lessons learned.

100. Within the strategic objectives of the territorial administrative reform adopted in July 2014, municipalities are responsible for providing, improving social services, including for children in need. There is a lack of sufficient, specialised services for child victims or those at risk of abuse, violence, exploitation, neglect, while the existing services are located in the main cities.

<sup>8</sup> Annex 2.4.1.

101. At the school level, the child protection system has been strengthened, including with provision of a psycho-social service unit. Each high school with more than 700 students should have one psychologist or a social worker. Focal points for cases of violence, protection of child victims are established in the public health directorates, who periodically report to MHSP on the cases.

### **Domestic violence**

102. Zero Tolerance of Violence against Women and Domestic Violence is a motto of the Albanian government. Following a long consultation process, Law 47/2018 “On Measures against Violence in Family Relations” has been amended to ensure compliance with the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

103. Criminal Code of 1995 was amended in 2013, recognising domestic violence, sexual violence, sexual activity by use of force between spouses or cohabitants and enforced disappearance against pregnant women, children and unprotected persons as a criminal offence. Several protection measures related to domestic violence, are also included in Law 18/2017.<sup>9</sup>

104. National Strategy for Gender Equality, Reduction of Gender-Based Violence and Domestic Violence 2011–2015 replaced with the National Strategy and Action Plan on Gender Equality 2016–2020. This strategy and action plan provide for a comprehensive multi-sectoral response to gender-based violence, domestic violence and contains several measures with a direct or indirect impact on preventing, addressing violence against children, supporting the child victims, measures for rehabilitation of the violator.

105. The National Referral Mechanism (NRM) for cases of violence in family relations was established at the local level in 61 municipalities (out of 66 municipalities), since 2011. NRM is composed: steering committee, technical team, local coordinator, which cooperate to provide the necessary assistance to the victims of domestic violence. The local coordinator is also a CPU worker, addressing incidents of domestic violence. Standards of services for victims of domestic violence have been developed. With DCM No. 430/2016, national service counselling standards for victims of domestic violence are adopted.

106. An online registration system capturing statistical data on domestic violence at the local level is operational. The system registers every case of violence identified and addressed by the local referral mechanism. 2,649 cases of domestic violence have been registered, with 861 cases registered during 2016 and 758 in 2017. Information is captured by the system on the perpetrators, the victims, disaggregated by, among others, vulnerability, ethnicity, gender, disability, employment status.

107. The provision of services to victims of domestic violence has been strengthened. The National Reception Centre for Victims of Domestic Violence, established in 2011, provides 24-hour multidisciplinary services, including long-term housing (more than 6 months, or longer in the case of a longer protection order) for women, girls and boys up to 16 years of age. The number of children accommodated annually is relatively consistent, from 38–59 cases per year. Six non-public entities, funded by the state budget, provide residential services: two in Tirana and in Berat, Korce, Elbasan and Vlora.

108. A tailored integration service plan is developed for each child that includes accommodated in the centre, among others, their enrolment and monitoring of school attendance. Awareness-raising, entertainment activities are carried out aiming to develop their social and cognitive skills. Specialist social workers, psychologists support the mothers to become part of the employment and housing schemes offered by the local government or non-profit organisations, in order to improve their financial situation. Other services include: housing, psycho-social support, referral for medical care, legal aid, professional training courses, employment mediation.

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<sup>9</sup> Annex 2.1.1.

109. In cooperation with UNDP, emergency centres for woman and girl victims of domestic violence in need of temporary accommodation have been established in: Pogradec, Saranda, Permet and Roskovec. A regulatory framework is being drafted on standards of services to be provided by the municipal emergency facilities for victims, including survivors of sexual harassment, sexual violence.

110. In February 2017, a National Counselling Line for Victims of Domestic Violence becomes operational providing 24-hour free-of-charge support from psychologists, lawyers, other professionals.

111. Women and children survivors of domestic and sexual violence and human trafficking will benefit from both the new free legal aid system and expanded protection measures for victims of crime, based on the Law on Free Legal Aid and amendments to the Code of Criminal Procedures (July 2017). Awareness raising campaigns have taken place to challenge gender stereotypes that perpetuate violence and inform women about services.<sup>10</sup>

### **Sexual exploitation and abuse**

112. Law 18/2017 “On the Rights and Protection of the Child” provides for the protection of the child from trafficking, sale, any form of exploitation and sexual abuse, including illicit sexual activity, exploitation of the child in prostitution or other unlawful sexual practices, exposure, or involvement in pornographic material or sexual abuse.

113. Articles 107 and 108 of the Criminal Code have been amended to provide: protection against sexual crimes against children; increase the punishment for such crimes to 25 years in prison. Article 117, on pornography, has been redefined and now includes the possession and recruitment of a child for pornography. Article 124 covers all forms of child exploitation and protection of children from economic exploitation. These amendments have brought Albania’s criminal legislation in line with international legislation.

114. The National Agenda for Children’s Rights 2017–2020 provides for the creation of specialised services for child victims of sexual abuse and other forms of violence.

### **Corporal punishment**

115. The Law on pre-university education was amended in 2013 by: strengthening the legal mechanisms for prevention of violence; child protection on school premises; providing for penalties for violent teachers procedures for identifying and reporting on violence.

116. Ethics committees have been set up in all schools dealing with, cases of violent behaviour in educational institutions. Each committee, consisting of teachers, parents and students, is tasked with reviewing complaints from students, parents and employees on violations of ethical and behavioural norms and proposing solutions to the director of the institution. The ethics committees dealt with 2,824 cases of violence in academic year 2015/2016, and 2,342 cases in 2017/2018, of which 530 were incidents of student-teacher violence and 1,812, student-student violence.

117. In academic year 2017–2018, a number of tools and instruments were implemented in all schools to identify cases of violence, including frequent observations of students and teachers, questionnaires and surveys on violence. Collaborative meetings were held with teachers and the student government on identification of violent and abused persons and measures for their treatment. No cases were reported of educational institutions initiating court proceedings against persons subjecting children to corporal punishment.

118. The national programme Communication for Behavioural Impact, an initiative of MESY, MHSP and SACRP, was implemented, with support from UNICEF in all primary schools, with the aim of eliminating violence against children in educational institutions through the promotion of positive discipline. As part of the programme, 66 regional orientation sessions were held for all the country’s schools, and 2,645 school directors, sub-directors, teachers, psychologists and staff were trained. Each school has designated a

<sup>10</sup> Annex 2.1.5.

specialist for dealing with problems of violence, reports on cases of violence, and responds to such cases.

119. The school year 2015/2016 was the year of school without violence with the slogan “Stop Violence in Schools”, which presented a coordinated national action among school, family, community, state institutions and CSOs engaged in the prevention of violence and peaceful conflict resolution in schools. This initiative has continued every school year, with each school incorporating activities to prevent and report violence. In the guidance of the school year, the schools are directed to follow the “Stop Violence in Schools” initiative.

120. In 2016, MESY approved *Manual on the Early Warning System* as a training manual for basic educational institutions that includes a chapter on positive discipline. Other manuals (UNICEF’s *Practical Guide to Child Protection, and Foundations of Conflict Resolution and Dispute Settlement*) have also been distributed aiming at preventing violence and educating children with peace, tolerance and understanding. Decision of the Council of Ministers no. 600, date 9.10.2018 “On Approving the Service of more than 150 Pre-University Officers and Criteria for Service Officers”, provides free service inside and outside the school premises.

121. MESY and the Ministry of Internal Affairs (MIA) are implementing the pilot project ‘Safe Schools-School Security Officers’, to ensure a safe learning environment for students, staff and the school community. This project has been implemented in 15 gymnasiums in Tirana where 15 security officers have been deployed.

#### **Protection of children in the digital environment**

122. Article 27 of Law 18/2017 addresses the protection of the child from access to material with harmful or illegal content on the Internet, defining ‘harmful content for the child’. The law imposes an obligation on all Internet providers, educational institutions and any other public or private institution providing Internet access to apply technical tools, measures to protect children from accessing illegal or harmful content.

123. Law 18/2017 places responsibility on SACRP to report to the responsible authorities any computer, information networks or webpages circulating material with harmful content for the child. A DCM will be developed to determine additional measures for the protection of children from accessing illegal or harmful Internet content.

124. The National Agenda for Children’s Rights 2017–2020 foresees measures on child protection in the electronic and digital environment. These are reflected more in detail in the Cooperation Agreement on Online Children’s Safety in Albania, signed in February 2016 by the key ministries and the subsequent Action Plan 2018–2020 ‘On a Safer Internet for Children’. The Action Plan contains coordinated cross-cutting initiatives for the protection from abuse, bullying, Internet exploitation.

125. In order to implement the Cooperation Agreement “On the online safety of children in Albania” was adopted the Action Plan 2018–2020 “Safer Internet for Children”, with respective tasks for each of them.

126. Based on DCM No.141/2017, the National Authority for Electronic Certification and Cyber Security has designed a platform portal for blocking access to pages of illegal content for institutions with the mandate to protect and promote child rights.

127. In 2013, through the coordination of the National Agency for Information Society (NAIS), a Code of Conduct for safe, responsible use of electronic communications networks was signed by the leading electronic communications operators in Albania to ensure control and classification of the commercial content provided for persons below the age of 18 years.

128. Under the initiative ‘Safer and Better Internet for Children in Albania’ have been taking several measures to improve the safety and security of children and young people in the digital environment Awareness-raising activities has been undertaken as part of the initiative Safe Internet Days. Online safety and protection of children’s rights are integrated

in ICT curricula. Educational institutions have taken measures to protect children from any harmful information.<sup>11</sup>

### **Harmful practices**

129. The Observatory for Children and Youth Rights (national NGO) and the School of Magistrates investigated and monitored the judicial decisions of the period 2011–2017 in 9 district courts on the subject of underage marriage, including identifying and scanning the situation in judicial practice and the adoption of appropriate measures by the justice system.

130. Six training activities with the participation of 80 judges and prosecutors were carried out on the topic. The need to establish monitoring, response mechanisms to understand the situation in the country of child marriage, especially within the Roma community, has been established.

### **Helplines**

131. Since 2012, the National Children’s Counselling Line ALO 116 111, a service supported financially by UNICEF, has been functional by providing online support for children. In April 2016, SACRP signed a cooperation agreement with ALO 116 111. It aims to improve the reporting of children at risk. The line has reported 44 cases to SACRP, and 56 cases to the CPUs. ALO 116 111 is a member of NCCRP. Law 18/2017 provides for the establishment of a free phone line for the referral of cases of children in need of protection.

132. SACRP signed in 2016 an agreement with the Together Albania Foundation on cooperation over the promotion of the online counselling site for young people [www.nukjvetem.al](http://www.nukjvetem.al). The website provides free assistance to children while respecting their anonymity. In Durres, SACRP, together with the former Ministry of Social Welfare and Youth, presented the app ‘I Count Children’, which allows for anonymous reporting of violence against children and referral to the responsible institutions.

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

133. Several legislative acts have been amended to improve monitoring and submission of complaints in the penitentiary system and police institutions, including to address and prevent ill-treatment of children in state institutions. Amendments to the Law on State Police in 2014 that provided for the right of escorted, detained or arrested persons to appeal, set the obligation of the police structures to follow up and respond to the complainant within one month. NGOs have access to monitor and observe the security facilities of police stations.

134. Each institution in which children are deprived of their liberty reports data and contacts on national mechanisms and CSOs in the field of children’s rights. In each juvenile institution, the prison administration holds regular information sessions for children and distributes leaflets on the right to complain, the procedures for addressing complaints.

135. Mailboxes for prisoner requests and complaints administered by Ombudsperson were installed in all prison institutions along with a free-of-charge phone number, while a 24-hour phone line is available for receipt of complaints or notifications addressed to the Ombudsperson.

136. The General Directorate of Prisons has created access for independent bodies, such as the Ombudsperson, the CPD and four NGOs, for regular monitoring of places of deprivation of liberty, including juvenile institutions. The agreements with NGOs are extended every two years.

137. In 2016, supported by UNICEF and Observatory for Child Rights, Ombudsperson undertook monitoring visits in various police and penitentiary institutions monitoring the observance of the rights of children in conflict with the law. The final report sheds light over the conditions and treatment of children in places where they are held and deprived of their

<sup>11</sup> Annex 2.1.5.

liberty, it brings the voice of those children hidden from public sight to the attention of the public.<sup>12</sup>

138. From 2015–2017, cases of physical violence against children were identified in children’s care facilities in Shkoder and Durres. The responsible authorities immediately responded to the allegations by initiating legal measures and providing necessary support to the affected children. In a response to the identified cases, a task force for monitoring and inspection of residential social care public and non-public services was established in October 2016. Several measures to monitor, to identify potential violence against children in residential institutions, focus group discussions, interviews and surveys involving children and their relatives.

139. Based on the standards for public residential institutions, including daily care centres for children, clear procedures are identified related protection of children against violence. Implementation of procedures is monitored regularly, locked complaint boxes are placed in every institution, along with information notices explaining the procedures to be followed. Annually, an average of 20 complaints from children are received and responded to, documenting the process and engaging the children themselves.<sup>13</sup>

140. To decrease the prevalence of violence, improve the security for children and increase the quality of services, in June 2018, the MHSP installed security cameras in the shared areas at all social care institutions. The initiative allowing for such measures to be taken by public institutions and aligned with Law No. 9887/2008 “On the Protection of Personal Data”.

#### **Family environment**

141. In addition to the provisions of the Family Code, Law 18/2017 ‘On the Rights and Protection of the Child’ provides detailed criteria on how the child shall come into contact with the parent he or she does not live with, or other relatives with whom the child should or wants to keep in touch. The Law specifies mechanisms, court interventions to establish contact in case the parent or legal guardian is unwilling to fulfil their obligations, and to review the decisions on contact with the parent.

142. National Agenda NACR 2017–2020, envisages provision of training modules for positive parenting programmes in early childhood 0–6 years, and the transfer of nursery and kindergarten professionals to offer positive participation programmes to local units. The Public Health Institute (PHI) continuously carries out awareness-raising activities for children, with a focus on positive parenting.

143. Law 121/2016 (art. 14) “On Social Care Services”, National Strategy for Social Protection (Objective 3) tackle measures aiming at family support, the prevention of child institutionalisation, through community services, direct support to families in need, counselling and training of families. This Law provides that the child has the right to remain with the parents and not to be separated from them against their will, unless the court decides that this separation is in the best interests of the child.

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

144. With adoption of Law 121/2016, and Law 18/2017, ‘the alternative care system was redefined, giving priority to measures to support home care services, encompassing interventions to protect children from abuse, exploitation. Principles of deinstitutionalisation, empowerment of the family are integrated related the social care services.

145. Law 121/2016 provides the transformation of residential social care institutions into alternative services through temporary custody services and the creation of multidisciplinary and multifunctional centres. In 2018, the ‘Political Document for the Deinstitutionalisation of Residential Social Care System’ and its three-year Action Plan was developed.

146. Law 18/2017, for the first time, foresees measures for parental rehabilitation, aiming to enable children placed in alternative care to return to their families by empowering and

<sup>12</sup> Annex 2.4.4.

<sup>13</sup> Annex 2.4.4.

supporting the family or by intervening to improve family relationships if the child still lives with the family. The composite multidisciplinary team drafts a plan for removal of the child from the institution and their return to their biological families. Counselling work is carried out with parents.

147. Individual plans for the return of the child to the family, placement in foster care or adoption comprise the major target of the work of the multidisciplinary team set up at the social care institution. Each team is composed of a psychologist, social worker, physician, educator and other relevant specialists.

148. Poverty and other related socio-economic problems remain a cause for placement of children in institutions. However, the number of such cases has dropped in recent years (from 76 children in 2013, to 50 in 2017) due to measures taken to tackle poverty, the establishment of daily community centres for children and families, strengthening of the CPUs, etc.

149. As of June 2018, 553 children have the recognised status of orphan, an increase upon the number of 280 in 2014, due to measures taken to support mothers and children born outside of wedlock, a category recognised as beneficiaries under the orphan status legislation. Hence, claims for this category have been increasing over the years.

150. The number of orphan children in public SCIs has been decreasing. In 2017, there were 189 children in nine public SCIs, compared to 306 children in 2013. However, the number of children in 18 non-public SCIs has remained relatively constant, with 350 children in such care at the end of 2017. There has been a general trend towards shortening the length of stay of the child in the institution. The length of stay of children from 0–6 years in residential institutions is on average 2–3 years, while for children of age 6–18 years the figure is from 4–5 years.<sup>14</sup>

151. The decision on the length of stay is taken by the multidisciplinary team based upon the best interests of the child. In 2017, a new type of service was established through DCM No. 106/2017, according to which children are placed in institutions suitable for age categories 0–5, 6–15 and 16–18 years. Differently from the past, not only are children of age 16–18 years provided for, but a new approach of care is followed for this category, focusing on interventions until their return to the family, or their integration into society.

152. The decisions taken by the responsible structures for placement of a child in public or non-public residential social care institutions give priority to the placement of children with their siblings irrespective of their age group. However, this approach, coupled with limitations in housing capacities, sometimes creates challenges. In such cases, placement in non-public SCIs without age limits is considered. In 2017, more than 90% of children accommodated in the SOS villages were siblings, with a figure of 60 percent in other non-public SCIs. In public SCIs, 50% of the children were siblings.

153. Between 2014 and May 2018, 447 children returned to their biological families. Of these, 166 had been living in public SCIs and 69 in public development centres for persons with disability.

154. Measures to prepare children for independent life after leaving a residential institution are integrated into the work of the SCIs. This includes supporting children in accessing services and benefits (housing programmes, scholarships for placement in high-school dormitories) and seeking employment (job placement registration, matching or developing their skills with businesses and employers). When children have been unable to return to their families on reaching the age of 18 years, they are accommodated in semi-independent youth centres or apartments provided by NGOs. A CPW monitors the child after they leave the residential institution.

155. DCM 149/2018, repealing DCM No. 89/2012 and Instruction 11/2015, regulates the establishment and functioning of organised foster care services, and strengthens the system, specifying structures responsible for the alternative care service for children in foster families, and the processes, identification, assessment placement, monitoring of the child in the foster family, and financing costs. Various projects have been implemented to promote the

<sup>14</sup> Annex 2.5.1.

development of alternative care for foster families, and awareness-raising activities with other municipalities. From 2012–2017, the number of children in foster or kinship care families increased, from 66 to 271.

156. Law 22/2018 “On Social Housing”, provides for the right of children without parental care, or those in residential institutions, who are preparing to move to an independent life, those in conflict with the law, following their release from prison, or after completion of a programme of alternative measures, who are in need of housing.

### **Adoption**

157. International conventions ratified by Albania, the Family Code (Law 9062/2003 amended), Law 9695/2007 ‘On Adoption Procedures and the Albanian Adoption Committee’ amended by Law No. 132/2015, Law 10428/2011 ‘On Private International Law’, and the Regulation of the Albanian Adoption Committee (AAC) guide the adoption procedures. Domestic legal framework ensures that all adoption procedures take into consideration the best interests of the child.

158. Article 15 of Law No. 9695/2007 ensures the right of children over 10 years of age to express their views, and that their views are given due weight in accordance with their age and maturity, while for a child who has reached the age of twelve years his or her consent is required for adoption.

159. After lengthy consultation, Article 250 of the Family Code, “on declaration of child abandonment”, was amended in 2015. The provisions set new timeframes for the issuing of a declaration of abandonment in various situations aiming to facilitate resolutions to be made in a reasonable time with necessary safeguards.

160. Between 2012 and August 2018, 335 children were adopted, including 34 children with special needs and 36 children older than ten years. There were 126 cases of inter-country adoption over the reporting period. Prior to their adoption, 84.4 percent of children had been placed in institutions. Adoption of children older than 10 years and children with special needs remains a challenge.<sup>15</sup>

## **E. Disability, basic health and welfare**

### **Children with disabilities**

161. Ratification of the Convention on the Rights of Persons with Disabilities in 2012 initiated changes in the legal framework in accordance with the standards set out in the convention. Law No. 93/2014 ‘On the Inclusion and Accessibility of Persons with Disabilities’ and the National Action Plan for Persons with Disabilities 2016–2020 were adopted improving the quality of life and effective inclusion of persons with disabilities (PWDs).

162. The National Council for Persons with Disability, established in 2015 to guide inter-ministerial efforts, includes CSOs representing the rights of disabled children and parents of children with disabilities.

163. Law 18/2017 guarantees a child with a disability the right to benefit from health, social, educational and any other services as needed, determined by the responsible disability assessment structures. Disability allowance is part of the social protection programme and serves to support people with disabilities and improve their quality of life. In 2013, 18,474 children (8,189 girls), and in 2017, 14,155 children (6,060 girls), benefited from the scheme. Expenses on disability payments have increased.<sup>16</sup>

164. The disability assessment system is undergoing a process of reformation, shifting from a medical to a bio-psycho-social model. A new social disability assessment scheme is being piloted since July 2017 in two administrative units of Tirane Municipality. National

<sup>15</sup> Annex 2.5.2.

<sup>16</sup> Annex 2.6.1.

Electronic Disability Register is being piloted, and comprises a major component of the disability assessment system reform.

165. Under the objective of the National Agenda for Child Rights 2017–2020 dedicated to improving early childhood care and education, measures are foreseen related early identification mechanism: developing the protocols for early identification and treatment of child development problems; a review of protocols for early identification of mental health problems for children up to 18 years.

166. Law 121/2016 “On social services in the RoA” provides for the typology of development centers for persons with disabilities. There are: eleven residential development centers (six public, five non-public) for persons with disabilities aged 0–21: eleven residential development centres for PwDs of age 0–25 years (six public, five non-public). The number of children with disabilities in these centres has gradually dropped, from 130 in 2012 to 84 in June 2018. There are 37 day-care and community centres for persons, including children, with disabilities, compared to 19 in 2013.

167. Access to assistive devices, technology at an affordable cost for children with disabilities has been improved, but still remains a challenge. DCM No.308/2014 provides for a package for a cochlear implant for children with hearing impairments financed by the Compulsory Health Care Insurance Fund in public and non-public health institutions.

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

168. With the DCM No. 101/2015 the Basic Package of Primary Health Care includes instructions and recommendations for reproductive health, women, newborn, infant and childcare. Primary health care is provided free of charge for all Albanian citizens, leaving no person without care as a result of lack of financial means. This includes pregnancy, birth health-care services (including women without health insurance).

169. The e-Health prescription platform, patient referral system, personal care management, and doctor’s electronic signature, infrastructure standards for medical devices, health centres and hospitals have been revised. Guidelines and clinical protocols for chronic major diseases have been drafted for primary health care, clinical protocols for the diagnosis, hospital services.

170. Measures have been taken to improve data management within health system. In addition to the e-Health prescription platform, a manual, Common Health Care Indicators (2014) for Albania, has been developed, covering more than 100 indicators, including child nutrition and well-being indicators.

171. In June 2016, the Sexual and Reproductive Health (SRH) Strategy and Action Plan 2017–2020 were developed, with specific focus on the health of women, children and adolescents. The document is based on integrated and inclusive interventions that include safe motherhood, family planning, infant and child health (improvement of nutritional situation, prevention of preventable infectious diseases, healthy upbringing and development), adolescent health (SRH of adolescents, education in life skills), reproductive health cancer, domestic violence (detection, prevention and management of violence against women and children by health-care staff), infertility and e-Health.

172. Guidelines and protocols have been developed to ensure provision of integrated SRH services. Pre-university education system curricula include comprehensive sexuality education.

173. The family planning services are integrated into the Basic Primary Health-care Service Package. In January 2016, are approved a set of family planning guidelines and protocols as a national standard for the provision of family planning services from ambulatory care centres to referral maternity services. Family planning services are provided free of charge through the public health system in primary health-care centres, ambulatory care centres, family planning centres in district maternities, or by NGOs. There are 425 family planning centres in 36 districts integrated into the primary health-care centres and provide free-of-charge modern contraceptives. In rural areas, midwives offer family planning counselling to pregnant women during home visits.

### **Access to health care for Roma and Egyptian children**

174. Based on the cooperation among UNICEF, and Public Health Institution access to health care by the Roma and Egyptian community continues to improve. The provision of information, basic diagnostics and first aid through medical mobile teams for Roma and Egyptians in informal settlements (due to lack of personal documentation, residential certification or health insurance) are organised, reaching 10,258 Roma and Egyptians. In 2016, assessment of health knowledge and practices for raising 0–5-year-olds was carried out at the community level in Durres, including among the Roma and Egyptian community.

175. Immunisation is offered free of charge to the whole population, with attention paid to identifying and providing immunisation to marginalised and at-risk groups (Roma, rural inhabitants). To identify non-vaccinated children among the Roma and Egyptian community, PHI undertakes annually screening in the areas in which these families live. Nurses administering immunisation collaborate with social workers or mediators and to vaccinate more Roma and Egyptian children as they conduct door-to-door visits to identify children.

### **Child malnutrition and exclusive breastfeeding**

176. Several measures have been taken to prevent and address malnutrition and maternal and infant food insecurity. In 2014, with the support of UNICEF, a 0–5-year-old Child Nutrition Monitoring System was piloted. This system is an online platform for reporting and analysing indicators of nutrition practices for children 0–2 years old and growth indicators for children 0–5 years old in those regions that had high levels of anaemia and malnutrition (Kukes, Shkodra, Tirana- peri urban areas). Based on the Order of the Minister of Health, all health workers responsible for child health in primary health care (Child Health Centers and child consultants) have been trained in reporting these indicators. As of 2017 the Directorates of Public Health report the above indicators on the online platform of this system.

177. More than 50% of maternity hospitals, are certified as Baby-friendly Hospitals that comply with the ten steps of breastfeeding in maternity services (a WHO-UNICEF initiative that supports and protects breastfeeding). Since 2015, the initiative has been extended to the community level, starting in Durres county, where six community centres have been certified as baby-friendly institutions.

178. Law on Promoting and Protecting Breastfeeding (1999) was reviewed and adjusted to the International Code of Marketing of Breast-milk Substitutes (Law No.53/2016), followed by development of two regulations: DCM No.116/2017, regulating the labelling of breast milk substitution products, Order of the Minister of Health No. 179/2017, regulating information, education content for infant and child nutrition. Measures include training of PHI staff, and measures to encourage breastfeeding.

179. During 2012–2013, the Albanian Red Cross, supported by UNICEF in collaboration with the MoH (now MHSP), implemented the project Improvement of Nutritional Practices for Children of Age 0–5 Years in fourteen communes in Kukes and Shkodra and the peri-urban areas of Tirana. The project promoted breastfeeding, complementary feeding with diverse, adequate quality food, nutrition education elements. The project reached 14,191 beneficiaries, of whom 7,251 were children of age 0–5 years, 1,200 pregnant women, 5,500 women of age 15–49 years, and 240 community volunteers.

### **Adolescent health**

180. With UNFPA assistance, guidelines and protocols related to health services for teenagers have been drafted and approved. These documents indicate the most immediate and obvious needs to be addressed by the health service. The National Plan of Youth 2015–2020 includes a series of measures to improve the health of adolescents. A technical working group is presently drafting the National Strategy and Action Plan for the Health and Well-being of Children and Adolescents.

181. MHSP and MESY have conducted a fundamental reformatting of school health services, defining the role of physicians and other health professionals in primary and high schools across the country. In 2012, a package with twelve health promotion chapters/modules was developed according to a WHO model to be used by educators,

physicians, nurses, dentists, and psychologists. Packages cover: violence, SRH, mental health, psychological well-being, nutrition, HIV, drug use.

### **Incidence of drugs**

182. Law 18/2017 ‘protects children from the use of alcohol, tobacco, and narcotic and psychotropic substances and places a range of responsibilities on relevant state institutions in this regard. Law No. 9518/2006 “On the Protection of Minors from Alcohol Use”, prohibits the use of alcohol by minors and safeguards, including in advertising. Law No. 963/2006 “On Health Protection from Tobacco Products”, defines restrictive measures on the use of tobacco products by children.

183. Public Health Institution (PHI) evaluated the situation of tobacco, alcohol and drugs use among school-age children through the study Health Behaviours in School-age Children conducted in schools among eleven, thirteen and fifteen year-olds (2013/2014), and the European study on the Use of Alcohol and Other Drugs among Young People in Albania targeting children of 14–16 years of age (2015).<sup>17</sup>

184. Following a collaboration agreement between the Ministry of Internal Affairs and the Ministry of Education and Sports the programme Education, Awareness-raising and Reduction in Demand for Drugs and Other Dangerous Substances was implemented from 2014–2017, focusing on awareness-raising on drugs, dangerous substances abuse prevention for pupils in Grade 6 in the primary schools. 18,000 pupils were reached annually through the programme in more than 300 participating schools.

185. In the new Draft National Drug Control Strategy, attention has been paid to improving the anti-drug treatment system, development of family and primary health-care staff training on the basic concepts of prevention, early intervention and referral of cases, creation of specialised drug treatment facilities and multidisciplinary teams in six regional hospitals of the country, and inclusion of addiction related drugs in insurance schemes.

186. Currently, there is only one public addictive service centre specialised in addiction therapy, with, on average, 800–900 patients visiting the clinics annually. Other non-public institutions offer limited services.

187. Trainings were carried out on the effects and methods of multidisciplinary drug addiction treatment targeting family doctors, school doctors and nurses, and primary health promotion workers.

### **Mental health**

188. Law No.44/2012 ‘On Mental Health’ states that the provision of mental health services for children and adolescents is based on the principles of child rights protection and constitutes a specific part of mental health services.

189. An Action Plan for Mental Health Services Development 2013–2020 was approved in 2013 protecting the rights of people with mental health disorders and special needs and addressing social exclusion and discrimination through an integrated mental health services network for social treatment, rehabilitation and reintegration. A dedicated mental health action plan for children and adolescents is planned.

190. There are nine community mental health centres in Albania, three of which have a multidisciplinary community team specialised in mental health care for children and adolescents (two in Tirane; one in Shkoder). At the National Children’s Development and Rehabilitation Centre, specialised multidisciplinary care is provided for children of age 0–6 years who are facing development delays of a mostly mental health nature. It offers outpatient care for children from Tirane and inpatient care for children referred from other areas of the country. The Children and Adolescent Psychiatric Clinic, Mother Tereza University Hospital, offers both inpatient and outpatient care (referred from primary and secondary care throughout the country), marking a unique typology of services.

<sup>17</sup> Annex 2.6.4.

**HIV/AIDS<sup>18</sup>**

191. Albania is a country with a low (< 0.4% in 2011) prevalence of HIV/AIDS among the general population. Between 1993 and 2017, 1,103 diagnosed cases of HIV infection in Albania were recorded, of which 42 were HIV-infected children (0–15 years). The number of newly registered cases has increased, while 16–24-year-olds account for 9.4% of cases and children of 0–15 years account for 3.9 percent.

192. Since 2004, treatment with antiretroviral therapy has been provided free of charge, regardless of gender, race or membership of a vulnerable group. Fourteen HIV/AIDS voluntary counselling centres operating in the public health directorates provide preventive services. Counselling for pregnant women is provided at family planning centres in polyclinics, maternities. A Referral Centre for the prevention of mother-to-child transmission is established at the University Hospital for Obstetrics and Gynaecology.

193. Reduction of HIV transmission from mother to child through preventive work and ensuring proper care for parents and children living with HIV/AIDS is also the main objective of the National Strategy on HIV/AIDS Prevention 2015–2019. Other measures include awareness raising, testing and recognising HIV status and care, perinatal care of children of HIV positive mothers, improving information for medical staff, and reducing stigma and discrimination.

194. Education measures have been carried out in schools on HIV transmission, including teacher training, parent and student awareness raising, preparation of information leaflets and broadcasting of TV shows.

**Standard of living**

195. The state social protection system is composed of various measures that ensure an adequate standard of living and dignified life for everyone. It includes economic aid and disability allowance. Since 2014, children of beneficiary families of the economic aid scheme receive an extra amount of ALL 300 per month for compulsory education and ALL 100 for each vaccine received.

196. Improvements have been made in terms of digitalisation of the social services. Implementation of the National Electronic Economic Aid Register makes it easier for the beneficiary to apply for economic aid, (20,000 families have been identified as abusive claimers up until January 2018). Figures reflect a decrease in recent years in the number of beneficiary families with children up to 18 years of age: 36,711 families with children receiving economic aid in 2017 compared to 74,215 in 2012. This can be explained by the reconfiguration of the benefit scheme targeting the most vulnerable.

197. The reform foresees changes in the structure, including establishment of social welfare departments responsible for developing local social care plans, care services to be offered in the respective territory and responding to the needs of the most vulnerable. The directory will oversee the cash assessment and reference units, the social care sector, the CPUs and domestic violence structures. The new structures will be supported by an integrated information system.

198. Economic aid system reform has been its reorientation into active social reintegration measures. The new employment promotion programme was established (DCM No.162/2018), targeting beneficiaries of economic assistance, women-headed households and those who fell out from the scheme due to the economic assistance reform.

199. Law No.121/2016 “On Social Care Services” and various bylaws aim to reform Albania’s social services system, ensuring a more integrated, functional social protection system in the local government units, where cash benefits, services and a referral system are integrated to ensure social protection. Legal framework provides for various transformations in this sector to plan and deliver relevant, sustainable social care services, for individuals and families in need, deliver models of efficient service delivery, strengthen human capital,

<sup>18</sup> Concluding observations-recommendation 65.

ensure financial sustainability and quality control mechanisms. It foresees the establishment of a social fund, to finance the social care plans, and social services.

200. Law No.22/2018 “On Social Housing”, abrogating the previous law governing this area, prohibits forced eviction and sets out the procedures to be followed by LGUs to relocate families from the settlements. The families of Roma and Egyptian communities are defined as a priority category for accessing social housing, and provides for a quota of no less than 2% of the places in each programme to be reserved for families from these communities.

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

### **Access to education<sup>19</sup>**

201. Law No.69/2012 “On the Pre-University Education System”, as amended, is inclusive and guarantees the constitutional right to education for everyone, without discrimination. The Strategy on the Development of Pre-University Education 2014–2020 aims to ensure qualitative and inclusive education, beginning in pre-school.

202. Several by-laws and measures have been adopted to increase access to education for children in disadvantaged or vulnerable situations (including Roma children, children with disabilities, children from rural areas). Measures include: free transportation for all children attending a kindergarten or school more than two km from their home, assigning support teachers for disabled children, covering accommodation and education costs for residential schools, provision of scholarships and free meals.

203. The special fund is set annually in the budget, providing free textbooks for children from disadvantaged groups (those whose parents receive economic aid or unemployment allowance, orphans, from national minorities, migrant children, from families with disabilities, families in need, victims of trafficking, migrant children). In the 2017/2018 school year, 82,815 students received reimbursement or free textbooks to a value of ALL 268.7 million.

204. From September 2018, free textbooks are provided to all Grade 1–4 students and 16 categories of students from disadvantaged groups. Free use of textbooks for all children in the first grade to the fourth, starting from the 2018–2019 school year is provided. In 2018, there are 122 854 students in grades 1–4 of primary education benefited from this decision.

### **Access to education for Roma and Egyptian children<sup>20</sup>**

205. The number of Roma and Egyptian children enrolled at school is increasing and the numbers dropping out decreasing. During academic year 2016/2017, 12,685 Roma and Egyptian boys and girls were enrolled and attending pre-school, primary and upper-secondary education.<sup>21</sup>

206. Roma and Egyptian families whose children regularly attend school and are vaccinated will benefit from an additional amount of economic aid in order to motivate regular school attendance.

207. DCM No.680/2015 ‘On Measures for Encouraging Learning, Attendance and Progress of Roma and Egyptian Students of the 9-Year School Naim Frashëri’, which is situated in an area in Korca with a high Roma population, was amended for the 2018–2019 academic year. This measure ensures approximately 300 students will receive a daily scholarship (ALL 76 per day) for 170 school days (scholarships of ALL 4,000,000 in total).

208. Law No. 96/2017 ‘On the Protection of National Minorities in the Republic of Albania’ provides for national minorities their culture, history, language and religion in the teaching and scientific activity of higher education institutions, basic education textbooks for students and support for teachers.

<sup>19</sup> Concluding observations-recommendation 71.

<sup>20</sup> Concluding observations-recommendations 71d/g.

<sup>21</sup> Annex 2.7.2.

209. The National Action Plan on Roma and Egyptian Integration 2016–2020 foresees the development of a Roma language curriculum for basic education (Grades 6–9) and a curriculum for anti-illiteracy courses. The language programme contains information on Roma history and culture.

#### **Access to education of children with disabilities**

210. Enrolment of children with disabilities has increased, with 3,252 such children attending mainstream schools in the 2016/2017 academic year and 659 in seven special schools. In 2013/2014, there were 2,842 of such children enrolled in mainstream and special schools. Data on all categories of CwDs, disaggregated by age, gender and disability, were collected from pre-school education by MESY at the beginning of the 2017/2018 academic year.

211. Law 93/2014 “On Inclusion and Accessibility of Persons with Disabilities” has been revised, integrating legal amendments for support teachers and provision of reasonable accommodation. National Action Plan for Persons with Disabilities 2016–2020 sets as targets the gradual adaptation of school infrastructure and premises for CwDs and an increase in the number of support teachers for such children in mainstream schools.

212. According to the Law on Pre-University Education, a multidisciplinary educational needs assessment for CwDs from the age of three years is provided by a multidisciplinary commission established in each local education unit. The Commission consists of a paediatrician, a psychologist, a social worker, a qualified teacher and a manager of the psycho-social service.

213. Each year, the local education units are instructed to create all the facilities for the best quality education of disabled children, ranging from parenting information and awareness raising for the community and parents about the rights of children with disabilities to be educated in inclusive and friendly environments.

214. In 2014, Instruction No. 38, ‘On the Criteria for Assistant Teachers for Students with Disabilities in Pre-University Education Public Institutions’ was approved. In 2017/2018, more than 610 support teachers were appointed, an increase on the 65 of 2014/2015. In Grades 6–9, support lessons are conducted for children with learning disabilities.

215. Trainings are organised on an ongoing basis for professionals working for the education of disabled children. In the mid-term budget for 2018–2021, MESY devised a special fund for the annual training of about 200 assistant teachers for CwDs. In 2016, an Inclusive Teacher profile was prepared with the support of UNICEF and approved with Order No. 195/2016.

216. Sign language was adopted in 2014 and studies have been conducted on the situation for children and adults with hearing impairments. A four-party agreement (MESY, MHSP, MFE and the Albanian National Association of People Without Hearing), and an Interaction and Cooperation of the Parties in the Field of Education and Provision of Interpreting Service in Sign Language for People with Hearing Impairment’, has been signed in 2018.

217. Institute of Students with Hearing Impairments in Tirana enrolled 91 students free of charge for the academic year 2017/2018. Accommodation, meals and some clothing are provided. In mainstream schools, 88 students with hearing impairments were enrolled. However, there is still an absence of distance education provided in the pre-university education system. The total number of students in all special schools was 684 for the 2017/2018 academic year, an increase on the previous year (659).

218. The criteria for approval of a project for the construction or reconstruction of public-school environments, as well as for the opening of new institutions, according to modern standards of infrastructure for disabled persons, have been developed. New standards of school buildings have been drafted.

#### **Ending school prematurely**

219. Instruction No.17/2018 facilitates registration and return procedures for children who have not attended basic education for at least two school years, have abandoned school, or

who are identified as unregistered, or street children. Average rate of abandonment of school is 0.5% for primary schools, and 4% for high schools. In compulsory education, the average annual net enrolment and attendance rate is more than 99 percent, an improvement upon the academic year 2012/13 (91.8%). Data are disaggregated by gender and by urban or rural area.

220. Law 18/2017 foresees mechanisms for avoiding cases of non-attendance of children in compulsory education. It defines an obligation of school management bodies to address such cases, the child protection structures to intervene to secure the child's enrolment or return to school after having dropped out. It guarantees children who have completed compulsory education the opportunity to pursue education, and the parents are obliged to assist them.

### **Quality of education**

221. The teacher-pupil ratio is improving. In pre-school education the ratio in 2015/2016 was 18.0 (18.7 in rural areas), while in 2012/2013 the ratio was 18.6. In primary education the ratio improved from 17.9 in 2012/2013, to 16.0 in 2015/2016 (14 in rural areas). Teachers can pursue continuous trainings.<sup>22</sup>

222. Every year, from 2–2.5 ALL billion is approved from the budget or MESY for investments in renovation and construction of new schools and new premises. These amounts are on the top of funds invested by local government investors.

### **Asylum-seeking and refugee children**

223. Law No.108/2013 “On Foreigners” was replaced with Law No. 74/2016, followed by DCM No.513/2013 defining the criteria of procedures and documentation for the entry, stay and treatment of foreigners in the Republic of Albania. In 2014, Law No.121/2014 “On Asylum” provides safeguards concerning children, a guardian for a child, priority in handling the asylum application of children and non-separation of the child from the family.

224. The rights of child asylum-seekers, refugees and the stateless are additionally safeguarded by Law 18/2017. The laws on Social Care Services (2016) and on Free Legal Aid (2017) encompass asylum seekers and refugees/ persons granted subsidiary protection.

225. Asylum-seeking children have a right to education and can attend the educational institution located in the vicinity of the center (pre-school, primary and secondary school, based on their interests). A legal status and birth certificate are not required for enrolment into school. However, the child has to have validation of vaccinations from the health centre and school certificate for the class that she/he concluded.

226. Order No.300/2015 “On the Approval of National Statistics on Migration and International Protection” provides for improved unification, collection, compilation of national statistics on immigration and asylum and international protection. The Electronic Foreign Data Registry produces statistics on foreigners with regular residence, disaggregated by age, sex and citizenship, as well as on those with irregular status. An Asylum Seekers Database is developed related identification of disaggregated data on children.

227. Instruction of the Minister of Interior No.293/2015 ‘On Procedures for Treatment of Foreign Citizens in Irregular Residence in the Republic of Albania’ governs the standards and processes of identification and registration of children, including unaccompanied children, found in the territory of Albania or at border crossings, and includes pre-screening of irregular migrants. The procedures are developed in the standard procedures of border police and migration (Order No.146/2018 of GDSP). Vulnerable categories such as unaccompanied children or families with children are interviewed, in the presence of a social worker and a psychologist, after being assisted and accommodated in designated premises.

228. Children who are seeking asylum are accommodated at the NRCA where they are immediately provided with psycho-social assistance, legal aid and health care. Based on Law 121/2014 ‘On Asylum in the Republic of Albania’ a guardian is appointed for

<sup>22</sup> Annex 2.7.1.

unaccompanied minor asylum seekers, according to the rules and procedure provided for by the legislation in force.

229. Unaccompanied children are kept separate from other asylum seekers and monitored by staff (social worker, psychologist). The accommodation facilities are equipped with necessary facilities. In 2017, with the support of Caritas, a recreational facility for children was set up in which there are facilities suitable for minors under the care of the psychologist of the reception centre.

230. According to the Law 108/2013 “On Foreigners”, an unaccompanied minor to whom a remand order is issued is held in a state social centre designed for such a purpose, or another centre within the framework of cooperation with international organisations working with children, victims of trafficking or other categories of vulnerable individuals. The child can be held in a closed centre only if this is in his or her best interests or he or she needs to be in a special environment, separate from adult, his/her stay in closed center will be considered as a measure of last resort, for short time-periods and after consulting the child, social worker and/or psychologist.

231. According to this law, an unaccompanied child cannot be returned their country of origin or another country if the arrangements for family reunification or proper health care cannot be assured. Up until now, no unaccompanied foreign child has been returned to their country of origin or residence. The process of returning unaccompanied children is provided for in Law 18/2017.

232. The asylum procedure in Albania takes an average of two months, and, in 2016/2017, 13 accompanied children benefited from the subsidiary protection status of their parents at the conclusion of the process.

### **Children in migration**

233. There have been several changes made to the Albanian legal framework in the field of migration, including amendments to the law on foreigners.

234. During 2018 is drafted the National Strategy on Migration and its Action Plan, by the Institutional Working Group through a consultation process. Migration Strategy and its Action Plan 2019–2022, is approved by DCM No.400, dated 19.6.2019. The strategy will further strengthen the migration legislation and management structures, improve migration-related data collection, and address emigration from the country.

235. Between 2013 and September 2018, 1,131 requests for social assessment were made to the State Social Services, of which 845 were carried out. During 2015 and 2016, the number of requests for return of unaccompanied minors or separated minors from EU countries increased. Cooperation in this area is focused on obtaining information from the requesting countries, enabling safe return/readmission of unaccompanied or separated minors to their families or their surrender to the state entity which is entrusted by the law with their reception. Cooperation of the border and migration police structures with the state social service, has been ongoing.<sup>23</sup>

236. Albania’s migration legislation gives priority to the voluntary return of certain categories of persons, such as unaccompanied minors, the sick, disabled or disabled, and parents with young children.

237. Law “On Foreigners”, as amended, guarantees the right of foreigners and their family members living legally in Albania to create or maintain family life. A foreign member of an Albanian family is granted a residence permit that is reviewed every two years, applied also for an unmarried minor for whom a foreigner is their legal guardian. Between 2012 and 2017, 9,617 individuals were issued a residence permit on the grounds of family reunification.

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<sup>23</sup> Annex 2.8.2.

### **Economic exploitation, including child labour**

238. Law No. 18/2017 strengthened the protection of children from economic exploitation. Article 124 of the Criminal Code has been extended and offers protection from, and prosecution for, economic exploitation of children.

239. Addressing child labour as an objective of the NACR 2017–2020, which foresees several measures in this field, including: assessment of the situation of child labour in Albania; guidelines for child protection structures to assess child labour (State Labour and Social Services Inspectorate).

240. Pursuant to Law 18/2017 ‘On the Rights and Protection of the Child’ and DCM ‘On the Procedures of Identification, Immediate Assistance and Referral of Economically Exploited Children, including Children in a Street Situation’ was drafted with the support of the OSCE Presence in Albania. The DCM determines the institutions responsible, as well as their obligations, for the identification and referral of economically exploited children. The drafting of the National Plan for Children’s Protection from Economic Exploitation 2018–2020, which will cover also street children, is ongoing.

241. The National Action Plan for the Protection of Children from Economic Exploitation, including children in street situation (2019–2021) has been drafted with the support of OSCE and it will follow rounds of consultations with relevant stakeholders in the upcoming months of year 2018. NAP targets a) prevention of children’s economic exploitation; b) protection and interventions/services based on the identified needs of the child; c) breaking the social, cultural barriers that promote economic exploitation; d) prosecution of the criminal cases on economic exploitation of children.

242. DCM No.108/2017 “On the Protection of Children at Work” sets out the principles and requirements for protecting the safety and health of children under 18 years of age from economic exploitation and any type of labour that may harm their safety and health, or physical, mental, moral and social development. It is applied fully to any child under the age of 18 years who has a work contract or relationship of a similar nature.

243. Children between 16 and 18 years of age may work, but are restricted from work performed at night or deemed harmful to their health or growth, and in all cases their engagement should be authorised by the Central Inspectorate. Children are mostly employed in manufacturing enterprises (76%) and tourism businesses (21%).

244. Labor Code and DCM no.108/2017 “On the Adoption of the Regulation on the Protection of Children at Work” defines the age and employment criteria. The State Inspectorate of Labor and Social Services is obliged to obtain authorization for employment of minors of the age 14–16 years old. Legal measures in cases of violation of the legal provisions regulating the employment of children are provided.

### **Children in a street situation**

245. In 2014, the Ministry of Social Welfare and Youth, in cooperation with the Ministry of Internal Affairs and Ministry of Education and Sports, signed a cooperation agreement on the Identification and Protection of Children in a Street Situation. National Action Plan on the Identification and Protection of Children in a Street Situation 2015–2017 was implemented. SACRP monitored implementation of the NAP, coordinated the inter-sectoral interventions, and supported local stakeholders.

246. The coordination and intervention mechanism for the protection of street children was initially piloted in Tirane in 2015. A Guideline for Procedures for Identification, Immediate Assistance and Referral of Children in a Street Situation was finalised with the support of the OSCE, and in cooperation with the State Social Services. The NAP was extended to 12 municipalities, focusing on children in a street situation. The DCM ‘On the Procedures for Identification, Immediate Relief and Referral of Economically Exploited Children, Including Children in a Street Situation’ was drafted in 2018.

247. The on-site teams responsible for the identification process of children in a street situation, provision of first aid, immediate referrals to the responsible case management structures were set up in each municipality. There are 29 on-site teams active in the

municipalities involved. Services offered to families include: counselling, enrolment of children in school, kindergarten nursery, financial assistance, finding employment, medical care, referrals to child day care centres, placement in social care institutions according to the child's best interests.

248. Several campaigns and training sessions were carried out addressing the rights and situation of children in a street situation, including the SACRP-led campaign 'No Children on the Street for Work and Begging' in the city of Tirane, which aims to raise awareness among citizens of the exploitation of child labour in street situations by disseminating information sheets on reporting, available services, parental responsibility.<sup>24</sup>

249. In 2016 and 2017, 963 street children were identified and reported to SACRP. In both years, pursuant to Joint Order No.2 between the Ministry of Interior, Ministry of Education, a considerable number of children (total 549) in a street situation or potential victims of trafficking were enrolled in school.

250. Children in street situations are, under Law 18/2017, recognised as a category of children who need special protection (not considered as offenders). In cases where children are used by a family to beg on the street, the families are treated as offenders according to the Criminal Code, which considers the exploitation of a child for begging as a criminal offence.

251. Several measures have been taken by the state police bodies against the economic exploitation of children, including child begging, as part of the efforts to protect street children. Number of cases of child exploitation for begging referred to the prosecution office has increased, from 4 in 2012 to 15 in 2017.

#### **Sale, trafficking and abduction**

252. The legal and institutional framework in the field of trafficking has improved, and includes amendments to the Criminal Procedure Code (Law 35/2017) and an improved position and access to the criminal process for the victim. Article 20 of Law No.121/2016 "On Social Care Services" places a requirement on institutions responsible for treatment of a trafficked child to take specific measures, actions for their assistance, support until full recovery, in order to find a lasting solution. Adoption of the law "On State Police" provides for additional safeguards for the protection and comprehensive support for victims of trafficking, especially children.

253. National Strategy on the Fight against Human Trafficking 2018–2020 adopted with DCM No.770, dated 26.12.2018, of was developed following the previous ones of 2011–2013; 2014–2017. Main pillars are: investigation and criminal prosecution; victim protection and assistance; prevention, coordination. Protection of children is strengthened by the NACPR 2017–2020, related proactive identification of potential victims of trafficking in Albania and victims of trafficking abroad and their voluntary return to Albania.

254. The Cross-sectoral Strategy on the Fight against Organised Crime, Illicit Trafficking and Terrorism 2013–2020 and its Action Plan 2013–2016 were developed, increasing the efforts in the fight against trafficking of persons. Strengthening international and inter-institutional cooperation with stakeholders, in particular with the Serious Crimes Prosecution Office, which deals with trafficking cases of children, is one of the measures of the strategy.

255. In 2018, the Standard Operating Procedures (SOP) for protection of victims and potential victims of trafficking were adopted by Decision of the Council of Europe no.499, dated 29.8.2018, "On standard operating procedures for the Protection of Victims and Potential Victims of Trafficking". The procedure covers children, whether Albanian, foreign or stateless, from domestic or international exploitation. This has contributed to improved identification of victims, strengthened cooperation among relevant structures and provided for more timely and accurate responses to such crimes. Awareness-raising activities were carried out for the 2011 SOP.

<sup>24</sup> Annex 2.1.5.

256. Since 2017, 12 Regional Anti-Trafficking Committees (RATC) have been established pursuant to Order no.6, dated 26.1.2017 of the Prime Minister, (comprising local officials and NGOs). Government has reactivated mobile identification units in three regions. These procedures describing all the activities of these committees, ranging from participation and initiation of regular periodic meetings, to guarantee the fulfilment of their role and functions for identifying potential victims of trafficking, identifying problems at local level, assessing the situation and identifying specific district needs.

257. Government supports a public specialised National Reception Center for Victims of Trafficking including women and child victims of trafficking and three non-public treatment centres for victims and potential victims of trafficking. One of this NGO-run shelter provides specialised services for victims younger than 18 years. The four shelters comprise the National Coalition of Anti-Trafficking Shelters, offering complementary services for victims of trafficking. Individuals in the centres/shelters receive an assistance package composed of food, counselling, legal assistance, medical care, educational services, textbooks for child victims, employment services, assistance to the children of victims, financial support, long-term accommodation, social activities, vocational training, and free access to health care. During 2012–2018, 198 victims of trafficking or potential victims of trafficking were accommodated in the National Centre, and 398 in three other centres.

258. Foreign victims of trafficking have access to the same services in Albania as domestic victims, while the law provides foreign victims a three-month reflection period with temporary residency status and authorisation to work for up to two years.

259. According the National Strategy on the Fight against Human Trafficking, schools, directorates and academic staff, and the psycho-social service units have taken measures, including raising awareness of children in relation to trafficking in dedicated modules in the optional curricula and other activities, as well as information and education activities and campaigns in schools. Several trainings and awareness-raising activities have been organised in this field, including police officers, employees of local law enforcement, border police officers judges, prosecutors on protection of victims/possible victims of trafficking.<sup>25</sup>

260. Within the framework of the Strategy of Fight against Human Trafficking important measures have been taken to prevent and fight trafficking. An inter-sectoral structure for coordinating anti-trafficking efforts has been established, comprising the State Committee for the Fight against Human Trafficking, the National Coordinator/Deputy Minister of Interior, the Anti-Trafficking Unit, National Referral Mechanism for Victims and Potential Victims of Trafficking. (NRM), Regional Anti-Trafficking Committees (RATs). A comprehensive regulatory framework is being developed; Strengthening of capacities in cooperation with law enforcement, judicial authorities; Several bilateral and international co-operation agreements have been adopted; Anti-trafficking Coalition of Anti-trafficking shelters is established; Awareness raising activities are organized, toll free number 116 006, as well as the launch of a smartphone application called “Report! Save us! “; Several measures have been taken to prevent and/or crack down trafficking within and across the border.

261. Any citizen who wants to report any cases or concerns related to human trafficking can call freephone number 116 006 or report to the ‘Report! Save!’ application.

262. According to data provided by the State Social Services and Ministry of Interior, between 2013 and 2017, 529 cases of victims of trafficking and potential victims of trafficking were identified. Of these, 253 (49%) were children, mostly girls. The number of criminal convictions for the crime of trafficking of children has increased from three in 2012 to 20 in 2017, with a total of 80 criminal offences of trafficking of children registered for the period 2012–2017, against 91 offenders. Women and girls are trafficked for various reasons, including sexual exploitation and begging, while the phenomenon of Albanian families travelling to European states and abandoning their children has also been noted.

<sup>25</sup> Annex 2.5.1.

263. Despite inter-sectoral and inter-institutional engagement in terms of improving the legal framework and organising awareness-raising activities, initial identification, prosecution and compensation of victims of trafficking remains a challenge.

#### **Administration of juvenile justice**

264. Ensuring fast, effective and quality legal procedures is the most important goal of the reform of the criminal justice system. Law 37/2017 ‘Code of Criminal Justice for Children’ (CCJC) and Law 18/2017, a series of other procedural legal provisions in criminal matters, aim to improve the protection of children’s rights as a whole, and the position of juveniles in the capacity of the author, witness or victim of a criminal offence in particular.

265. The CCJC law (into the force in January 2018), provides the rights and procedural guarantees of juveniles in conflict with the law, in line with international standards. Restorative justice is incorporated into the legal provisions guiding each procedural step in juvenile justice. At the trial stage, the Code extends the competences of institutional sections for juveniles and young people up to the age of 23 years old. It states that punishment of a child to a period of imprisonment is the last measure to be applied to juveniles who commit a criminal offence. All responsible institutions undertake appropriate legal, institutional, infrastructural measures to enforce its implementation. Seven draft by-laws and several orders have been drafted to implement the Code.<sup>26</sup>

266. The Juvenile Justice Strategy 2018–2021, and associated Action Plan, is the first policy document responding to the new legal framework and the current situation in the field. It has five objectives and provides: an inter-disciplinary approach that will be integrated into all other existing national documents, and concrete activities; Targets, indicators for measurement of progress in implementation.

267. Currently, seven district courts (out of 29 district and first instance courts) have a criminal section dealing with juvenile delinquency. The Code emphasises that juvenile justice issues will only be dealt with by persons specialised and trained in these issues.<sup>27</sup>

268. With the assistance of the ICITAP Program, progress has been made in the development of the implementation of the “Police Management System”, which includes and records any information on criminal and accidental events identified by local and central State Police structures. As a result of this cooperation it been completed the training of State Police employees, and implementing this system in central and local structures.

269. In 2015, the General Directorate of State Police launched the application of the electronic system “Daily Communication”, which manages all criminal and accidental events recorded by police structures and provides comprehensive and standardized statistics related to criminality. Data on juveniles are considered by the offense committed and age group (under 14 years and 14–18 years).

270. To address remaining challenges (computerised system, manual data collection, processing, a unified methodology on juvenile offenders) in collection of data on criminal cases involving a child in conflict with the law, or a child victim or witness of a criminal offence, the Code introduces the creation of an Integrated Data System of Criminal Justice for Children. The system prototype, with detailed information on the status of a criminal case involving a juvenile and data to be entered by relevant institutions, has been designed with UNICEF support. A special unit, covering juvenile justice issues has been set up in the Ministry of Justice, which is responsible ensuring coherence of statistical data.

271. Available statistics on juvenile delinquency over the reporting period 2012–2017 show a fluctuation in the phenomenon, with a general decrease since 2014. Theft of property and driving offences constitute the largest share of criminal offences among young delinquents. Data on children as witnesses of a criminal offence are not captured, and children have a small level of criminal offending (0.83%).

<sup>26</sup> Annex 2.8.6.

<sup>27</sup> Annex 2.8.6.

### **Provision of legal and other assistance**

272. Law No.37/2017 ‘Code of Criminal Justice for Children’ provides that a child in conflict with the law, or a victim or witness, or in administrative and civil proceedings is entitled to free legal and psychological assistance provided by the state. It provides that the National Chamber of Advocacy makes available a list of lawyers specialised and trained in juvenile justice to the free legal aid institutions.

273. Law No.111/2017 “On Legal Aid Guaranteed by the State”, (entered into force in June 2018) reforms the procedures and mechanisms of providing aid guaranteed by the state, primary and secondary legal aid and the possibility of exemption from fees and court expenses. The beneficiaries include: a child victim or a child in conflict with the law at every stage of criminal proceedings; a child living in social care institutions, or under guardianship who seeks to initiate proceedings without approval of their legal guardian or against them. A registration system is foreseen, improving age-disaggregated data collection, management of applicants, beneficiaries, and provision of state-guaranteed legal aid. Data on access of children to free legal aid is currently not administered.

274. Children, in custody or under arrest in police structures are immediately informed of their rights, provided with immediate access to a lawyer and medical assistance and are sent to trial within a due date as foreseen by the Constitution. Legal aid has been provided to victims of criminal offences after the changes to the Criminal Procedure Code (into force in August 2017).

275. A cooperation agreement, in 2016 was signed between the Directorate of State Police and the Centre of Integrated Legal Services and Practices (CILSP) on the provision of free legal and psychological assistance to minors by CILSP specialists during the preliminary investigation phase. Training sessions were held focusing on interview techniques and appropriate treatment of minors in police facilities, when they are suspects, witnesses or victims of a criminal offence.

276. Child victims of criminal offences have been provided psychological support throughout the stages of preliminary investigations carried out by the state police structures.

### **Access to education and health services**

277. Pursuant to the Code of Criminal Justice for Children, Cooperation Agreement No.526/2018 ‘On the education of individuals in penitentiary institutions in the Republic of Albania’, Joint Order No.3348/1/2018 ‘On the regulation of the educational process in the institutions for the execution of juvenile criminal decisions’, between MESY and the Ministry of Justice, have been adopted by rules and procedures for compulsory, secondary and higher education for juvenile offenders.

278. For the education of school-age individuals in pre-detention institutions, a curriculum has been approved as specified in Instruction No.42/2014 ‘On the education of school-age individuals in pre-detention institutions serving a sentence’, which defines the structure of the school year and teaching process in pre-trial detention institutions. The plan provides for ten hours of extracurricular modules. Children receive free textbooks. In the academic year 2017/2018, basic education was provided to eight children in pre-detention and to four sentenced children.

279. In September 2016, the General Directorate of Prisons conducted an assessment for strengthened access to education and vocational training. Seventy prisoners participated in the study (20 children, 10 women).

### **Conditions of pre-detention and imprisonment**

280. The concept of pre-detention centres functioning as rehabilitation facilities has been improved related: complaints mechanisms, protection of personal data and confidentiality, improvement in the general conditions of penitentiary institutions. Security room facilities have been set up or reconstructed in the Tirana Local Police Directorate, and seven police commissariats. Arrested or detained children are guaranteed residence in rooms separate from adults. The length of pre-detention and the number of children in pre-detention has decreased (84 in 2012; 44 in 2017).

281. Measures have been taken to improve conditions for juveniles in the penitentiary system, including through the provision of integrated services in cooperation with other governmental institutions. These include: educational activities, rehabilitation, reintegration programmes, including vocational trainings to increase their post-release employment opportunities; aggression replacement and stress management courses; knowledge on pro-social skills. Individualised treatment programme is designed according to the prisoner's psycho-social needs assessment. Activities for juveniles provide: sports activities, education, vocational trainings, recreational activities, library services, social, psychological counselling.

282. Facilities in the penitentiary system have improved, including those for juveniles, with the cost of renovations amounting to EUR 35,000. Situation of overcrowding in the prison system has improved significantly, with a recent figure of six percent (April 2018), the lowest in the last five years. The average number of prisoners is 5,460, of whom 27 are juveniles and 99, women. Between 2012–2017, 88 children were subject to prison sentences, with 13 in 2012 and 10 in 2018.

283. After a period of increase, in 2017 a decrease in recidivism was observed. From 2015, and presently, in cooperation with the organisation Meridia Albania, 77 minors have been successfully released through vocational training and employment programmes. None of these minors has returned into the cycle of crime.

284. A Memorandum of Understanding (MoU) between the Ministry of Justice and the former Ministry of Social Welfare and Youth was renewed in November 2014, strengthening the commitment of both institutions in reintegration programmes, particularly for vulnerable categories, including juveniles and women. In 2015, a study on recidivism was conducted and the document "On the Mechanism of the Referral System for the Reintegration of Children" was adopted.

#### **Alternative measures to detention**

285. Alternative measure to detention has generally increased, from 109 cases in 2010, 455 in 2012 and 390 in 2016. In 2017, for 53% of juvenile defendants' alternative sentences were imposed, mainly the suspension of the decision to imprisonment and probation, while in 2016, an alternative sentence was set for 48 percent of juvenile offenders. The length of prison has been decreasing, with the situation in 2016 and 2017. Measures foreseen in the Juvenile Justice Strategy aim to accelerate progress in this field. Between 2012–2018, the Probation Service oversaw a total of 2,835 juveniles.

286. Probation Service has established cooperation with several institutions to support children under probation, including the National Employment Service, the Regional Directorates of Vocational Training, the Regional Education Directorates, the Toxicology Clinic at Mother Teresa University Centre, among others. Through the regional employment offices, children are referred for vocational training. The modalities of cooperation relations between State Agency on Child Rights and the General Directorate of Prisons are negotiated.

287. A cooperation agreement between Ministry of Justice and mayors from various municipalities agreement on providing the infrastructure and institutional framework for implementation of alternative measures for avoiding prosecution and punishment for juveniles in conflict with the law. The Multidisciplinary Centre, probation officers and CPU staff are, in cooperation with social services and with the support of CSO-s, provide support for implementation of alternative measures to avoidance.

288. In 2015, the Probation Service, with OSCE assistance, drafted a Risk Assessment System for Minors and Adolescents and a guide, used to assist in drafting an evaluation report for the Court or Prosecution Office, as well as in the oversight process for these age groups. In the framework of implementation of the Albanian-Swedish Programme on Juvenile Justice and entry into force of the Code of Criminal Justice for Children, a workshop was held related individual assessment report for a minor in conflict with the law.

289. MoJ has received the support of the EU two-year twinning project Support to the Probation Service and Alternatives to imprisonment. From 2011–2013, the drafting and implementation of the Risk Assessment System for oversight was undertaken and

programmes for group and individual supervisors (minors and adults) established to process criminal offences, and cases of substance abuse.

290. In 2013, an Electronic Observation System became operational. Pursuant to the Code of Criminal Justice for Children the subject of electronic surveillance may include a child staying at home.

#### **Training of law enforcement personnel**

291. General Regulation on Prisons adopted by DCM No. 437/2015 has a chapter dealing with measures for the protection and treatment of juveniles deprived of their liberty, based on the rights of the child. Police and civilian personnel are regularly trained in juvenile delinquency procedures, based on specific modules for juveniles, drafted by the Training Sector of the General Directorate of Prisons.

292. In 2016, the Order No. 306 on Standard Operating Procedures SOPs on ‘Technical rules of police escorting’ was adopted, defining the rules for the accompaniment and treatment of children.

293. During the reporting period, several trainings were provided by various institutions for law enforcement personnel. During the period 2012–2018, training in human and children’s rights and treatment of detained or arrested individuals was attended by some 585 police officers.<sup>28</sup> The School of Magistrates, carried out several training sessions in children’s rights, and the Code of Criminal Justice for Children.

#### **Ratification of international human rights instruments**

294. The Republic of Albania ratified in 2013 the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and in 2012 the Convention on the Rights of Persons with Disabilities, its Optional Protocol, and the CoE Convention on preventing and combating violence against women and domestic violence.

#### **Cooperation with regional and international bodies**

295. Cooperation with CoE has been established. CoE has supported development of the policy paper ‘The Future of the Integrated System for the Protection of Children in Albania’.

## **II. Report submitted under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**

### **Introduction**

296. The present document is the report of the Government of Albania, submitted under Article 8, Paragraph 2, of the Optional Protocol on Child Involvement in Armed Conflict.

297. The report is submitted as part of the Fifth and Sixth State Party Report.

### **Legislation**

298. Law No. 18/2017, provides for the protection of the child from involvement in armed conflict and civil emergency situations, including prohibiting direct or indirect involvement of the child in an armed conflict.

### **National Action Plan**

299. “Inter-institutional Action Plan on the Reception, Treatment of Albanian Citizens Returned from the Syria and Iraq Conflict” was drafted. The plan foresees 1) the establishment of an inter-institutional working group with representation from all state

<sup>28</sup> Annex 2.1.5.

institutions that have responsibilities in the reception, treatment and reintegration procedures of returning citizens, 2) capacity building by the responsible institutions to deal with the arrival of Albanian citizens from conflict areas, and 3) coordination among the responsible institutions at each stage and reporting on the measures and needs.

300. There are no specific measures envisaged in the National Agenda on Children's Rights on the involvement of children in Armed Conflict.

#### **Coordination**

301. Coordination of the Optional Protocol falls under the responsibility of the Ministry of Defence, and its subordinated body, the Academy of Armed Forces.

302. Inter-Institutional Action Plan foresees the establishment of an inter-institutional working group in which all state institutions with responsibilities in the reception, treatment and reintegration procedures of returning citizens participate.

#### **Dissemination and training**

303. According to the NATO Standardisation Agreement, updated in March 2013, UNCRC and its Optional Protocols, as well as other human rights standards are included in the preparation of the training of the soldier, the Troop School, and other armed forces, and the training of Non-Commissioned Officers (NCOs) at their Academy, the training of the officers at the Academy of Armed Forces and other armed forces structures. Importance is paid to the preparations of Commissioned Officers, who are the senior personnel of the armed forces who handle the preparations of soldiers and NCOs.

304. Measures have been taken concerning inclusion of the Optional Protocol in the curricula of military schools, in the training of troops and, for the contingents of the armed forces participating in UN, EU and NATO operations in support of peace and security in the world.

#### **Prevention**

305. Civic education is taught in pre-university education (Grades 1–10) and integrates the principles of human rights, respect for others, diversity, peaceful settlement of conflicts. The training system reform, teacher qualifications, are being implemented to improve the capacities of teachers related ethnic diversity and the prevention and addressing of violence.

#### **Prohibition of recruitment by non-State armed groups**

306. No legislation has been introduced to specifically prohibit voluntary and forcible recruitment and use in hostilities of those under the age of 18 years by non-state armed groups.

#### **Protection, recovery and reintegration**

307. According to data from the state police (Directorate of Anti-terrorism) and Albanian and foreign intelligence services, no cases have been registered of Albanian children recruited for use in combat in a foreign country or armed conflict abroad. During the reporting period (2012–2018) in areas affected by conflict, there were 38 children from Albania who went to these areas with their parents – mostly with their mothers in order to reunite the family – but not for use in conflict, or were born there. Currently, there are 30 Albanian children in the conflict zones, since, in 2014, eight children returned together with their parents and have stabilised and normalised their lives.

308. Inter-Institutional Action Plan provide specific programmes for the reintegration of children following return from conflict zones with social and educational reintegration programmes that identify a child's psycho-social needs, pre-school and school support needed, the development of individual school plans with assigned assistant teachers, provision of free textbooks.

### **III. Report submitted on Optional Protocol on Sale of Children, Child Prostitution and Child Pornography**

#### **Introduction**

309. The present document is the report of the Government of Albania, submitted under Article 12, Paragraph 1, of the Optional Protocol on the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

310. This report should be read in conjunction with the State Party Report, (paragraphs related to violence against children and the sale, trafficking and abduction of children).

#### **Data collection**

311. Sale of children is not foreseen as a separate criminal offence in the Criminal Code, and consequently there are no specific statistical data on this issue. Between 2012 and September 2018, there were 35 criminal offences of child prostitution and three cases of child pornography recorded.<sup>29</sup>

#### **Legislation**

312. Adoption of Law 18/2017 ‘On the Rights and Protection of the Child’, the amendments to the Criminal Code in 2013, and the Criminal Procedure Code (Law 35/2017) provided the opportunity to align the Albanian legal framework with the OP. The definition of pornography has been revised, but no changes have been made to the definition of prostitution.

313. The National Strategy on the Fight against Human Trafficking 2018–2020 contains a range of measures to strengthen the investigation and prosecution of criminal cases, protection and assistance for victims, prevention through public awareness raising and improved coordination in the field.

314. To strengthen the response for children, the National Agenda on Children’s Rights 2017–2020 provides, in its Strategic Pillar 2: Elimination of all forms of violence against children, for a comprehensive set of measures in the field of child protection, covering all children in need.

315. The Action Plan 2018–2020 ‘On a Safer Internet for Children’ contains coordinated cross-cutting initiatives and activities for the protection of children from abuse and Internet exploitation.

#### **Coordination and evaluation**

316. Coordination in the field of trafficking has been strengthened, including through strengthening of the resources of the Office of the National Anti-Trafficking Coordinator (ONAC). ONAC regularly publishes activity reports on its website and holds meetings with stakeholders involved in the NRM. In 2014, the State Anti-Trafficking Committee, which is responsible for defining the strategic priorities that shape the national anti-trafficking response, has increased the number of its members.

#### **Dissemination, awareness raising and training**

317. UNCRC and its OPs are included in the school curricula at all educational levels, with a focus on civic education. This inclusion is coupled with school-based awareness-raising activities on trafficking, child exploitation and abuse, using various tools and channels (mobilisation campaigns, reporting apps, etc).<sup>30</sup>

<sup>29</sup> Annex 2.9.

<sup>30</sup> Annex 2.5.1.

### **Allocation of resources**

318. Both the National Agenda on Children's Rights 2017–2020 and the National Strategy on the Fight against Human Trafficking 2018–2020 have a budget for their implementation. The allocation of resources for ONAC is steadily increasing.<sup>31</sup>

### **Prevention of the sale of children, child prostitution and child pornography**

319. Several measures have been taken to strengthen the social and child protection system, also contributing to the prevention of the offences prohibited under the OP.

### **Child pornography**

320. The National Authority for Electronic Certification and Cyber Security, established in 2017, is a central authority for Internet safety with the objective of supervising and enforcing legislation in the fields of electronic signature, electronic identification of trusted services, and enforcement of cyber security legislation. The Authority has developed an Illegal Content Access Blocking Portal, allowing relevant institutions and organisations to block access to Internet sites that can transmit harmful information to children.

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<sup>31</sup> Annex 2.1.2.