



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Implementation of the Convention on the Rights of the Child

List of issues concerning additional and updated information related to the consideration of the combined second, third and fourth periodic reports of Albania (CRC/C/ALB/2-4)

Addendum

Written replies of Albania*

Part I

Reply to the issues raised in part I, paragraph 1, of the list of issues (CRC/C/ALB/Q/2-4)

1. With the conclusion of the National Strategy for Children 2005-2010, an Action Plan was drafted for Children (2012-2015). The inter institutional working group for drafting this action plan was established in compliance with the Order no.8 dated 18.01.2011 of the Ministry of Labour, Social Affairs and Equal Opportunities, with representatives of institutions at central level who are responsible for the implementation and the guarantee of the children's rights. The Action Plan for Children 2012-2015, which was approved with the Decision of the Council of Ministers no.182, dated 13.03.2012, referred to:

- The evaluation of National Strategy for Children 2005-2010 and Progress Reports in years of this strategy;
- Law no.10347, dated 4.11.2010 "For the protection of Rights of the Child", which lays the foundation for the establishment of institutional mechanisms that will

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

ensure the respect of children's rights through a coordinated approach between different actors that work in the field of the rights of the child;

- The recommendations of EU progress report for the children's rights;
- The European Strategy for the Children's Rights 2012-2015.

2. The strategic aims and objectives of this Action Plan follow the defined policies in the previous Strategy and are grouped according to the rights of the child: a) the right for protection and social involvement, b) the right of children for protection against violence, abuse and economic exploitation, c) the right for development and education, d) the right for health care as well as the e) right for legal protection.

3. The drafting process of the Action plan for Children 2012-2015, was an interacting and comprehensive process guided by the MLSAEO, which engaged institutions of central and local government, civil society, non profit organisations, as well as international donors and partners. This document was drafted as a result of the participation of all actors in the issues of the children's rights. The National Strategy and the Action Plan for Children 2005-2010, as well as the annual periodic progress reports of this strategy have underlined in a systematic way the necessity of the coordination and harmonization of inter sectoral policies in order to increase their efficiency to full guarantee the rights of children.

4. In this framework the Action Plan for Children 2012-2015 is focused in two main directions:

(a) Strengthening of the institutional structures created to monitor and to report the implementation of children's rights at national and regional level;

(b) Promoting the drafting of comprehensive, coordinated and harmonized policies for the protection and social involvement of children.

Reply to the issues raised in part I, paragraph 2

5. There is no drastic reduction in the state budget with respect to children. Referring to the logic of the budget concerning children (programs of MLSAEO and Education) there have never been reductions in nominal terms compared to a year before, the budget is indeed increased. In real terms (compared to the GDP) maybe it lowered, but this has happened for all the sectors reflecting even the impact of the international financial crisis.

6. The mechanism for monitoring the strategic objectives with respect to children is the document of MBP (Middle Term Budget Program) and the monitoring reports. This mechanism serves to the relevant ministries to program and monitor how the envisaged objectives at output level are implemented.

Reply to the issues raised in part I, paragraph 3

7. Regarding the problem of early marriage of Roma community we mention that the Family Law, article 7 provides the marriage between a man and a woman who have reached 18 years old. Only for reasons of great importance, may the court permit the marriage before reaching this age. This field is already arranged with the provisions in the family law which does not allow marriages in an early age.

8. Indeed even the state structures have cooperated with Roma and not Roma non-profit organisations, which addressed this problem through awareness campaigns to raise Roma community awareness in order to minimize the marriages in an early age in this community.

Reply to the issues raised in part I, paragraph 4

9. In order to eliminate the discrimination of women it is approved Law no.10221, dated 04.02.2010 “On the protection against discrimination”, which in its content provides the implementation and the respect of the principle of equality with respect to the gender, race, colour, ethnicity, language, sex, sexual orientation, political, religious or philosophical belief, economic, social, educational status, pregnancy, parental affiliation, parental responsibility, age, family or marriage status, civil status, birth place, health conditions, genetic information, individuals with disabilities, belonging to a special group or for any other reason.

10. Also pursuant to this law it is appointed the Commissioner On the Protection against Discrimination, who represents an independent institution in exercising this duty and who is subject only to the Constitution and law. He also relies on the Commissioner’s Office for the Protection against Discrimination, which has the right personnel and equipment to support the Commissioner in fulfilling the tasks assigned by law. The commissioner ensures the efficient protection against discrimination or any other behaviour that encourages discrimination.

11. The National Strategy of Gender Equality and Reduction of Gender Based Violence and Domestic Violence 2011-2015, approved with the Decision of the Council of Ministers no.578, dated 16.06.2011, aims the elimination of stereotypes taking specific measures for:

(a) The increase of decision making in the political and public life of women and young girls through:

- (i) The implementation of electoral quota 30% set by Law “On gender equality in society”;
- (ii) Increase of electoral quota over 30%;
- (iii) Intervention in the existing legislation;
- (iv) Studies that will be undertaken to eliminate in a direct or indirect way the traditional attitudes;

(b) Awareness campaigns:

- (i) The organisation of conferences that treat this subject;
- (ii) The organisation of meetings/round tables at central or local level with all the actors of the field;
- (iii) Television shows;
- (iv) Different writings in the media that will contribute to the elimination of traditional attitudes for girls and women.

(c) Economic and social empowerment of women and men through addressing the gender inequalities that lead to poverty and promoting social involvement and reducing the gender based violence and domestic violence.

12. The actual strategy 2011-2015 is the second in this field and it is an extension of the term of the first National Strategy on the Gender Equality and the Elimination of Domestic (NSGE-DV) 2007-2010, approved with the Decision of Council of Ministers no.913, dated 19.12.2007. Concrete measures will be undertaken:

- Pursuant to Law no. 9970, dated 24.07.2008, “On Gender Equality in the Society”, Ministry of Health (MH) has institutionalized the position of the Gender Officer (GO) at full time as the law provides;
- Intervention in the information system to gather information divided according to gender that will help to better monitor the problems that regard the gender issues and to correctly address the policies of MH in this field.
- Gender equality is indivisible from the reproductive and sexual health. Women and girls often are vulnerable because of their low status in family and community and biological distinctions (eg. Gender based violence, pregnancy/birth, the risk of HIV/AIDS).

13. During the year 2010 it was drafted the Strategic Document and the Action Plan for Reproductive Health 2010-2015, which also addresses issues that have to do with the gender and gender equality. The objectives of the Document related to this field are: (a) the reduction of illnesses and mortality from the diseases of reproductive health divided by sex with 30% of the level; (b) the number of health centers that offer service for the reproductive health vulnerable to the gender issues should reach 80%; (c) division according to sex and the information for the indicators of reproductive health.

14. In this framework the goal of the government of Albania is even the implementation of the recommendations given by the Committee on the Elimination of Discrimination against Women in the framework of the third report of the Government of Albania. In this framework, MH has signed a cooperation agreement with World Vision which includes the following aims:

- (a) The support of objectives of the National Strategy of Reproductive Health 2009-2015 of the MH regarding family planning, maternal health, child health, teenagers and adult health with the respective action plans;
- (b) The support of the activity of MH, Institute of Public Health (IPH), the Directorate of Public Health (DPH), Regional Directorate of Health/Regional Health Authority (RDH)/ (RHA) pursuant to the law on “Public Health”;
- (c) The support and the strengthening of qualifying activities of professionals of Public Health Care (PHC) for the implementation of the Base Package of Services and providing patient centered services;
- (d) Providing cooperation with local and national actors to implement the right of every child to have access to quality health services;
- (e) The active participation of children and communities in decision making that are related with the health services that are offered to them especially to the groups in need.

Measures taken with respect to sex-selective abortion

15. In Albania, sex-selective abortion is not considered a national problem, but it can be a sporadic phenomenon in some rural areas of the country and really has no impact on the demography of the Albanian population.

16. The total number of births in Albania in the recent years is about 35,000 births per year, a figure which decreases every year with about 10,000 births less. It is also noticed a decrease of fertility index to 1.4 from 6.5 that it was before 1990.

17. The possibility of determining fetal sex correctly through ultrasound occurs only after the 15-week of pregnancy. So a woman needs to be in her 15 week of pregnancy and

sometimes more to have the possibility to distinguish exactly the sex of her child. The law in our country provides that the abortion should be permitted up to 12 weeks of pregnancy. To terminate pregnancy in public hospitals (maternity hospital), after the 12th week of pregnancy it is utterly needed a medical report signed by 3 persons who verify that the woman suffers from a disease and should make a therapeutic interruption of pregnancy. Performing this procedure at private clinics certainly implies less bureaucracy, but for the sake of high risks that an abortion at this phase of pregnancy poses, few clinics can perform these abortions in the second trimester of pregnancy.

18. The Ministry of Health since May 2007 through the specialists of the Institute of Public Health, supported even by UNFPA, has started to gather data on abortion from the public sector (maternity hospitals of the country) and from the private sector (private clinics licensed for terminating the pregnancies).

19. The Institute of Public Health which monitors the work at national level has at its disposal data on the number of abortions that are performed nationwide, their urban-rural distribution as well as other data on the mother's residence, family status, educational level, the reasons for performing abortions, health insurance, employment and other data regarding the type of abortion or the main technique used. The specialists of reproductive health near the Monitoring Evaluation Department in the Directorates of Public Health in the districts are the responsible persons for monitoring abortions and sending information to the Institute of Public Health. Besides this in districts it is reported the number of abortions performed according to the register of abortion to make possible the reconciliation of abortion files with the real number of performed abortions. Based on the data supervised by the Institute of Public Health for the year 2011 there are 7,757 abortions reported by the public and private sector. Comparing them with the data in previous years, for the year 2009 there were 9,200 abortions; 51% of abortions were requested by women and 34% for health reasons; the public sector had performed 91.5% of abortions and the private sector 8.5% of them. For the year 2010 there were 7,757 abortions nationwide, the percentage of the reporting data with the register of abortion is 94.3%. From the total number of performed abortions, 89.3% of them are performed in the public sector and the private sector 10.7%; 46.3% of abortion were asked by women and 37.9% for health reasons.

20. Considering the weeks of pregnancy when performing abortions according to the chart 8% of them are at 12-14 weeks of pregnancy and 8.4% are over 15 weeks of pregnancy. It is therefore noticed that the highest percentage of abortions is performed in the district hospitals where the possibility to abuse when performing these interruptions after 12 weeks of pregnancy is lower. Also from the data of the Institute of Public Health none of the reasons to terminate the pregnancy include the selection of sex.

21. Starting from the year 2012 abortions will be neither performed in private institutions nor in clinics but only in the private hospital establishments licensed by the Ministry of Health where their monitoring and control is easier. Based on the data taken from INSTAT for the year 2009, this means that if all these interruptions were performed because of the fetal sex, the coefficient of masculinity will be increased from 1.101 to 1.102, which constitutes a totally insignificant figure.

22. Law no.8045, dated 7.12.1995 "On the voluntary termination of pregnancy", (which is a contemporary law based on the experiences of European development countries) provides in the article 1 the respect of every human from the commencement of life. There shall be no derogation from this principle except in cases of necessity and under the conditions laid down by this Law. Again in this article it is emphasized that in no case should the abortion be used as a method of family planning. The law does not include abortion for reason of sex selection.

23. Even the Law no.8876, dated 4.4.2002 “On reproductive health”, in the article 37 specifies that the use of techniques of medically assisted procreation shall not be allowed for the purpose of choosing a future child’s sex, except where serious hereditary sex-related disease is to be avoided.

24. To conclude, Albania has approved even the Law no.10339, dated 28.10.2010 “Accession of Republic of Albania in the Convention on Human Rights and Biomedicine”. In a specific chapter of the Convention it is treated the non-discrimination of people and also taking the genetic tests is only provided to avoid inherited genetic illnesses. For the first time embryos are under protection. It is thus prohibited the use of techniques that aim to modify the human genome and the selection of the future child’s sex.

Reply to the issues raised in part I, paragraph 5

25. Replies with respect to the elimination of all forms of discriminations against Roma children specifically are as follows.

(a) In the field of medicine

26. The Ministry of Health, the Institute of Public Health in cooperation with Roma organizations have created a data base with the zones inhabited by the Roma community (map of Roma zones) in all the country. Thus all the Directorates of Public Health in districts are guided to give a special attention and health treatment of this population.

27. It is estimated that the access of Roma in health institutions is satisfactory in those zones where the biggest part of Roma community live and is registered. The medical personnel underline some main issues and also the implementation of compulsory scheme of vaccination, mother and child care, health promotion and education, hygienic and epidemiological problems of the zones populated by this community for problems such as: potable water, urban waste removal, contagious diseases etc. However vaccination still remains a problem. The part of Roma community that is unregistered remains unidentified by the medical personnel as well as the moving part of this community.

28. Until now the Ministry of Health and the Institute of Public Health continue to intervene with awareness campaigns to find those Roma children who are not vaccinated yet because they are not registered in the Civil Status Division. Even the following of health of the pregnant woman and her baby is done normally, but even in this case the part of Roma community that is unregistered remains a problem and for this reason they are not included in the scheme of health insurances to receive the services that are ensured by this scheme. A very disturbing problem remain the hygienic and sanitary conditions in the living areas and in the areas around the dwellings, despite the occasional controls that are done by the Hygiene and Epidemiology district specialist to monitor the situations and the drinking water. Thus the Roma minority is included in the basic services of primary care being these curative and preventive without excluding even the benefits from the reference system for more specialized services.

(i) Measures taken in the framework of the Decade of Roma Involvement 2010-2015

29. Priority areas for this document are health and the strategic goal is the sustainable improvement of health and living conditions of Roma population in Albania. The main objectives are:

- Awareness of Roma population for the health care and health services offered
- Growing access in the public health system

- Improvement of hygienic and sanitary conditions in the places where the Roma population lives

(ii) *Prevention of HIV/AIDS and STIs*

30. The services include trainings in the field of HIV prevention through educators, promotion of counseling and voluntary testing, condom distribution and training of medical personnel working in areas where Roma live.

31. Currently, supported by the Global Fund, there are five NGOs, which in cooperation with Roma associations offer a range of services in some districts of Tirana, Berat, Kucova, Pogradec, Lezha, Shkodra, Fier, Elbasan, and Korca.

32. For the period March 2007-March 2010 the number of members of Roma community reached with prevention services is 7,600.

(iii) *Vaccinations and home visits*

33. Of great priority remains the vaccination of Roma children. In those areas where Roma population is identified it is applied correctly the compulsory scheme of vaccination. However for the travelling part of this community, and in those areas where members of this community are not registered, Institute of Public Health has intervened with vaccination campaigns.

34. In the framework of the project: "Home visits for the promotion of the development and health of Roma children" of the district of Tirana and Durrës, "the Center of Community Health and Wellbeing (CCHW), with the support of UNICEF has prepared the handbook that will be used during the home visits as well as the control lists that will be completed for every child visited. Until December 2011, 144 home visits are made from which 120 are held in Tirana and 24 in Durrës. The number of children 0-6 years old registered is 186. For the year 2012 will continue the tracking of the medical situation of this community pursuant to the action plan of the Decade of Roma Involvement 2010-2015.

(b) In the field of education

35. Pursuant to the objectives for the improvement of educational situation of Roma minority (National Strategy and Action Plan for the "Decade of Roma Involvement 2010-2015") as well as the policies for the year 2011-2012, legislative and institutional reforms are undertaken in the following directions:

(a) Guideline no.3822, dated 03.06.2010, "For the realization of the objectives and indicators of the Action Plan of the "Decade of Roma Involvement";

(b) Guideline no.102, dated 10.02.2010, Informing Package "Altertekst 2011", that provides the criteria for the evaluation of texts especially for the respect in school texts of gender equality, race, nationality, religion and democratic principles;

(c) Joint Guideline of the Ministry of Finance and Ministry of Education and Science, pursuant to Decision of Council of Ministers (DCM) No. 107, dated 10.02.2010, amended by decision no.212, dated 16.03.2011, paragraph 6.1, provides that Roma children attending pre-university education receive budgetary support to compensate 100% of the price of textbooks and will take the books at schools;

(d) Pursuant to DCM no.759, dated 15.09.2010, the Ministry of Education and Science, based on the requirements of Directorates of Regional Education (DRE) / Education Offices (EO), has developed a plan of quota distribution and within the approved

quotas, has recommended the municipalities and communes to give priority to students and pupils belonging to the Roma community;

(e) Pursuant to DCM no. 672, dated 14.09.2011, "For the admission quotas in the public institutions of higher education, second cycle of studies "Professional Master", for the academic year 2010-2011" 20 Roma and Balkan-Egyptian students were registered;

(f) Pursuant to DCM no. 652, dated 14.09.2011, "For the admission quotas in the public institutions of higher education, second cycle of studies "Master in Science" for the academic year 2010-2011", 20 Roma and Balkan- Egyptians were registered;

(g) Pursuant to DCM no.423, dated 8.6.2011 "For the admission quotas in the public institutions of higher education and the schooling fees for the part-time studies of first cycle and distance learning for the academic year 2010-2011", 20 Roma and Balkan-Egyptian students were registered. The Roma and Egyptians who won the right to attend a study program of the first cycle part-time, are excluded from the schooling fee, furthermore from the academic year 2010-2011 even the Roma and Egyptian students of other years are excluded from the schooling fee;

(h) Pursuant to DCM no.423, dated 8.6.2011 "For admission quotas in the public institutions of higher education, in the first cycle of full time studies, as well as the schooling fee for the academic year 2011-2012", 20 free quotas were planned for the Roma and Egyptian communities which were distributed by MES in consultation with Roma associations.

36. Some of the results of the work so far for the education of Roma children are as follows.

37. Efforts are being made to provide statistical data on the educational situation of Roma children: their number in kindergartens and in the basic education etc. The MES, through the statistics that it receives from the Directorates of Regional Education (DRE)/Education Offices (ES), in September (for the registrations), and in July (for the conclusions of the first term), follows, analyses and takes concrete measures for the further improvement of attracting children in the education process, attendance and progression of the Roma children at school. For the academic year 2011-2012 and on a specialist has been appointed for the digitalisation of the information for Roma at institutional level. In the academic year 2010-2011, preschool education is attended by 516 Roma children, whereas the basic education is attended by 2,888 Roma pupils, of which 1,228 are girls. DRE/EO where the Roma community is settled during 2011 have trained 630 teachers to advise Roma parents and have run 257 awareness campaigns with the participation of more than 1,300 Roma parents.

38. The second chance is attended by 417 Roma children, equal to 66.6% of all the number of the children that attend this form of education. During the year 2011 in order to teach in an intercultural setting 210 trained teachers were working in classes where even the Roma children are integrated. In cooperation with the basic units of local government and with different associations, free transport service is ensured for all the Roma pupils that have their school away from their living centers. The interior regulations of kindergartens and public schools provide the inclusion of Roma children in and out of the education process without any distinction from the other children. Only for the period January-September 2010 in 91 schools of the country 206 intercultural activities are organized with the participation of over 4,100 pupils, including the Roma pupils.

39. DRE/EO in the schools and classes that are attended even by Roma children have appointed experienced teachers, known for their professionalism, job commitment, ethics in

communication. So there are 939 teachers in all who work with Roma children: 798 with university education; 137 with pedagogic education. The educational institutions in cooperation with the community itself have provided for the participation of Roma parents in the decision taking structures and in collegial bodies that function at school. Currently in 67 boards take part 94 Roma parents. During this year, the Institute of Educational Development realized the review of the content of the school curricula for the pre university education with respect to the insulting and ignoring treatments in educational programs. At the end of the study it is achieved the preparation of a summarizing material in which on the base of judges and evaluations are given the necessary recommendations that may serve the improvement and enrichment of sections of a good part of programs.

40. Years ago a guideline was prepared for the teachers of the 9 year education with the support of UNICEF and the Roma Education Fund. There have been trainings in subjects like: history and Roma culture; the methodology used for the involvement of Roma students and children in the classrooms etc. Also the Ministry of Education and Science is considering the possibility to include in the faculty curricula, in the teaching branch, the Roma language program as an optional subject. In the Faculty of Foreign Languages in the University of Tirana within the department of Balkan languages, the group of language and Roma culture will be established and will function, meanwhile the pre-university levels will create the possibility for the development of a curriculum to learn the Roma language and culture.

41. In cooperation with UNICEF during the period February-December 2011 it is worked for the identification of Roma children in order to attract them in the educational system within September 2012. All Roma children that are grown up but want to complete the compulsory education, will be given the possibility to register in the part time schools. The guideline of the Minister of Education no. 35, dated 31.08.2011, for the attendance of mainstream schools even by Roma children. The MES will open accelerated courses for the Roma youth near the professional schools in order to provide them with a certificate for the labour market. Soon will be aimed the opening of courses in the struggle against illiteracy near the 9 year schools, based on the demands of the Roma community itself. The Institute of Education Development for 2011-2012 is aiming the realization of some activities that focus on the improvement of educational services that the educational institutions offer to Roma children. Specifically it has almost reached to the end the study of legal documentation in the field of education for Roma in Albania and in other countries of the region. Also the foreign experiences are being studied with respect to the inclusion of Roma culture in the education process. A guideline will be drafted for the teachers to ease their work with Roma children and their parents. This guideline will be accompanied with additional materials to help parents and teachers who work with Roma pupils. At the same time the qualification of teachers who work with Roma children will be enhanced. Reforms in the field of curricula have created the necessary spaces for learning the Roma language in the schools where the number of pupils is bigger, a space which is not exploited properly by the Roma minority because of the lack of information. Recently a good job has been done mainly by the Roma associations such as: the Union "Amaro Drom", "Romani Baxt", "Roma for integration" etc to raise Roma awareness for the registration of their children in kindergartens.

Reply to the issues raised in part I, paragraph 6

42. Law no.10399, dated 17.3.2011 "On some amendments and annexes of law no.9355, dated 10.03.2005 'On the assistance and social services'" provides a series of changes regarding :

- (a) Expanding the target group as victims of domestic violence and orphans;
- (b) Better management of the program of economic assistance at local and central level;
- (c) Ensuring social inclusion and non discrimination of some individuals and groups in need;
- (d) The functionality of domestic custody services as an alternative service for children.

43. Economic assistance will be conditionalized with the participation in work or services, which contribute in better targeting of individuals in need, coverage with higher income for the family, the benefit of the community where these jobs or services are offered, the reduction of the level of poverty and the return of the scheme of Economic Assistance from passive scheme to active one. More the improvement of this law defines the support with a fee over that provided for the structure of the family for the children of the families in the scheme of economic assistance who attend the compulsory education encouraging in this way the families that benefit economic assistance (EA) to send their children at school.

44. Pursuant to the Strategy of Social Protection 2007-2013 taking into consideration the fast rhythm of social change over the two last decades in Albania, in November 2010 was organised the National Conference on the Social Services with the support of UNICEF. At the end of the conference came out the recommendations in relation with the type of services that should be offered, different roles of central and local government and the civil society, administration and financing of these services and the demands for human resources for a comprehensive model in offering social integrated services in Albania. On the base of these recommendations was established the working group (with representatives of institutions of the line, coordinated and based technically by a foreign expert), who prepared the draft bill of the action plan for the reformation of social services at local level. This draft project includes concrete measures for the regulations, policies, structures, procedures, capacities, systems and social services aiming the protection of groups and individuals in need. This document beyond the reform of social services in continuance of the process of decentralisation and deinstitutionalization including health, educational services etc at local level, ensures a unique possibility to give shape to the future of social services in Albania in a comprehensive and integrated way. The plan will be discussed with all the interested actors in order to be valid and feasible in the Albanian context. The completed plan is provided to be presented in the second National Conference of Social Services, which may be held in September 2012.

45. Also in the framework of the recommendations drawn by the conference of "Reformation of Social Services" it was organised even the seminar "On the alternative care of children" where the experiences of piloting the custody service for children in two municipalities (Tirana and Shkodra) 2008-2010 and the continuance in other municipalities. Soon after that the DCM no. 89, dated 26.01.2012 "On the determination of criteria, documentation and procedure of the custody service" was approved. For the year 2012 there are 150 children of which 80 are financed by the project of UNICEF, which should continue their financial support. The financial effects for the implementation of this project-decision in the amount of 19.2 million leks (ALL) a year will be borne by the Funds of programs of the MLSAEO, in the program "Social Protection", Title 10430, chapter 1, Article 606 provided in the project-budget of 2012.

46. Also on 8 September 2010 are approved with DCM even the Standards of the Custody for children in need.

- Standards of Custody are drafted for the first time
- They are based in General Standards of Social Services that are implemented by the all the service providers
- Custody as an alternative social service for children in need should provide:
 - Continuance of upbringing children in difficulties in a family setting through a substitute family where the children feel surrounded with attention and family care
 - Care and development for the children in difficulty in compliance with the age, individual needs and standards of custody service
 - Socialization and reintegration of the child with the biological family to the relatives, foster family and in community

Reply to the issues raised in part I, paragraph 7

47. With respect to the hearing of the children in a judicial process we let you know that in the Criminal Procedure Code it is provided the right to testify, ways and measures which are taken in cases when the witness is a child. The letter ç) of para 1 of the article 340, provides the cases of hearing with closed doors when the witness is a child for his protection. Also the para 5 of the article 361, provides the way of the testimony of a child taking into consideration his psychological condition, always in the presence of a member of his family or a specialist of the field of child education. Only in the cases when the psychological condition of the child is not damaged by the questioning it is operated according to the procedure provided in the article 360 of the Criminal Procedure Code. However the general analytical plan of the Ministry of Justice provides the review of the Criminal Procedure Code, which will be made in special working groups for different aspects of this Code. One of the working groups will treat in a specific way the issues of children and the Juvenile Justice.

48. With respect to administrative rulings there is no specific arrangement for the simple fact that it can not be identified such a procedure that involves a child.

49. With respect to the right of expression that the child enjoys, in the Law no.10347, dated 04.11.2010 “On the protection of children’s rights”, article 11 provides this right expressly. Pursuant to this law the child has the right to express freely, individually and collectively the viewpoints and his opinion for every issue that concerns him, evaluating them in compliance with his age and maturity. The child has also the right to take and convey information and ideas of any kind or by every means by him chosen, excluding the cases when a public interest or the rights of others are infringed.

Reply to the issues raised in part I, paragraph 8

50. In the article 21 of Law no.10347, dated 4.11.2010 “On the Protection of Children’s Rights” it is determined the right of the child for protection against all forms of violence:

- Physical and psychological violence
- Body punishment and humiliating and denigrating treatment
- Discrimination, exclusion and insult
- Ill-treatment and abandonment
- Disregard and neglect

- Exploitation and abuse
- Sexual violence

51. Pursuant to this law, when the child is not guaranteed and protected one of his rights recognized by the above mentioned law it is the State Agency for the Protection of the Rights of the Child (SAPRC) that serves as a mechanism of complaint in the cases when the violation of one of the rights provided by this law constitutes administrative offence according to the definitions of the article 40 of the above mentioned law. SAPRC reviews/controls the case of the violated right through the complaint or the request of the subjects provided in the paragraphs 1, 2 and 3 of the DCM no. 264, dated 12.04.2012 “On the procedures of performing control and sanctions by the State Agency for the Protection of Children’s Rights”. In the cases where the Agency verifies the violation of one of the rights provided in the above law (including even the children protection from all the kinds of violence so even his protection from the body punishment) one of the measures that the Agency may take is to order the public administration body, any other natural or legal person that has violated the child right to take all the needed measures to establish his right. Another measure is even a fine toward the public administrative body/person in public functions, natural or legal person that has done this violation.

52. At local level through this law is settled another mechanism existing even before but not been in able to be present in all the municipalities/communes/districts. There are The Units for the Children’s Rights (established in 16 municipalities and 12 communes) which have a key role in the evaluation and monitoring in continuity of the situation of children in danger and their family, and in the identification and coordination in a multidisciplinary way of protection, referral and analysis of the cases of the children in danger (a child in danger is the one who is violated/denied one of the rights provided by law, so even the children who are not protected by physical punishment or any other form of violence) in the territory of municipality/commune/district.

53. Procedures of intervention in the cases of children in danger, the structures that will cooperate, the subjects which have the right to refer the case are clearly determined in DCM no.265, dated 12.04.2012 “On the creation and functioning of the mechanism of work coordination between the Responsible State Authorities with reference to the Children in Danger and its way of proceeding”. This decision sets a mechanism of work for a series structures mainly at local level to identify, refer, intervene in the cases of the children in danger.

54. At the same time even in the DCM no.334, dated 17.02.2011 “On the mechanism of work coordination with reference to the cases of domestic violence and its way of proceeding”, it is clearly determined the procedure of intervention in protection of victims of domestic family as well as the functioning of the mechanism of work coordination between the responsible state authorities with reference to the cases of domestic violence (one of its forms is even the physical punishment) where the children are often object of this violence.

Reply to the issues raised in part I, paragraph 9

55. Pursuant to the article 21 of Law no.9355, dated 10.03.2005 “On the assistance and social services” amended, the units of local government have the right to approve specific criteria to give economic assistance or to offer care services (in this case to prevent the establishment of children in residential institutions because of the difficult economic situation of the family and to take care of them at home settings) with the funds of local

budget and up to 3% of the fund conditionalised for the economic assistance for the families with a lot of members or families in need.

Reply to the issues raised in part I, paragraph 10

56. Law no.10399, dated 17.3.2011 “On some annexes and amendments in Law no.9355, dated 10.03.2005 “On the assistance and social services””, and DCM no.89, dated 26.01.2012 “On the determination of criteria, documentation and procedure of custody service”, enable the offer of temporary custody service by the local government authorities financed by the state budget. The Service of temporary custody is one of the main measures undertaken by the MLSAEO for the protection of children over 15 years who is guaranteed: (i) the right to raise them with happiness in a sustainable family setting; (ii) the right for protection from physical, psychological, or sexual abuse; (iii) the right to offer different alternatives of family based care in the cases of biological family absence. For the year 2012 it is proposed to be 150 children who will be financed by the state budget and 80 children who are financed by the project UNICEF for the year 2010-2011, and their financial support will continue even for 2012. Also the above mentioned legal changes enable even the inclusion of orphans in the scheme of Economic Assistance even in the cases when they (orphans with status) live at their relatives.

Reply to the issues raised in part I, paragraph 11

(a) Legislative amendments regarding domestic violence and the prosecution of domestic violence as an offence in the penal legislation

57. Law no.9669, dated 18.12.2006 “On the measures against domestic violence” (amended) is of administrative-civil character. Since entering into force the law (1 June 2007) is completed with respective subsidiary legislation. Law has undergone some changes in the year 2010 which enabled the establishment of some new mechanisms and structures in support of the victims of domestic violence such as: (a) National Center of Victims of Domestic Violence and (b) National Referral Mechanisms of the Cases of Domestic Violence at local level. Another change in respect with the protection of children’s rights in the framework of this law is even the increase of subjects like police/prosecution that ask an immediate protection order for the abused children and also the change of the term when the Court decides in relation with the request for immediate protection of a child which is done within 24 hours after submitting the request.

58. Until February 2012 when some annexes and amendments were done to the Penal Code the Albanian legislation did not treat the domestic violence as a special criminal offence, but in the article 50 of the Penal Code the aggravating circumstances paragraph (g) provides that “the circumstances when the offence is committed benefiting by the family relations, friendship, or hospitality aggravate the punishment”.

59. The National Strategy for the Gender Equality and Reduction of Gender Based Violence and Domestic Violence 2011-2015, approved with DCM no.573, dated 16.06.2011, in one of its specific objectives (4.1.1) stipulates the amendment of the Penal Code for the punishment of Domestic Violence including spouse rape and domestic violence as separate felonies.

60. In the amendments that were done to the Penal Code of the Republic of Albania with the Law no.23, dated 1.3.2012 “On some annexes and amendments in Law no.7895, dated 27.1.1995 “Penal Code of the Republic of Albania”, domestic violence is sanctioned as a criminal offence (article 130/a). Such offences like beating, serious threat for murder or

serious injury, intentional injury of persons in close family relations or affinity etc are sentenced to 2- 5 years of imprisonment.

61. Also, annexes with respect to domestic violence including even the violence against children are made in relation to the loss of parental responsibility (article 43/a); Security period (article 65/a); persecution (article 121/a); as well as the amendment of the first paragraph of the article 124/b which punishes the physical or psychological maltreatment of the child by parents, sister, brother, grandparents, legal guardian or any other person who is obliged to take care of him/her is sentenced to 3 months of imprisonment up to 2 years.

(b) Provision of housing services for the victims of domestic violence

62. Pursuant to the law no. 9669, dated 18.12.2006 “On the measures against domestic violence” in order to support the victims of domestic violence and amendments to this law a year ago was enabled the establishment and functioning of the first National Center of the victims of domestic violence. Until now this center has treated over 20 cases of women victims of domestic violence together with their 16 children.

63. This center offers the victims all the needed health, psychological and legal care and they are also involved in rehabilitation and reintegration programs. The establishment and functioning of this center was supported by the United Nations Development Programme in the framework of the program “One UN”. Women victims of domestic violence or children are accommodated in this Center after taking the Order of Protection (OP) or the Immediate Order of Protection (IOP) by the Court or even by the Police. There are also centers led by NPOs licensed by the MLSAEO which act at local level.

64. With respect to the social accommodation, the Ministry of Public Works and Transport is in process of reviewing the Law no.9232, dated 13.05.2004 “On the social programs for the accommodation of the inhabitants of urban zones”, amended. The MLSAEO among other proposals has asked some amendments to “The criteria of selection of beneficiaries”, where are added as a category that benefit accommodation even the women victims of domestic violence. Currently the draft is in under discussion in the Parliamentary Commissions.

(c) Supporting programs for the victims of domestic violence pursuant to the National Strategy for the Gender Equality and Domestic Violence 2007-2010

65. Pursuant to the Program of the Government of Albania 2009-2013, implementation of Albanian legislation and specifically of the law no.9669, dated 18.12.2006 “On measures against domestic violence”, and of the implementation and monitoring of the National Strategy of Gender Equality and Domestic Violence 2007-2010, it is concluded that the struggle against women violence and domestic violence has undergone positive changes.

66. Fulfilment of the strategic objective for the elimination of Domestic Violence is enabled through the completion of legal framework for the prevention and struggle against domestic violence through the establishment and strengthening of responsible structures at central/local level and establishment of supporting services; enhancing the capacities of professionals: police forces, judges, prosecutors and other specialists of education, health institutions, social workers etc.; awareness of public opinion on the issues of violence against women and the elimination of gender stereotypes etc, realized through every year campaigns in the international days of activating the violence against women and domestic violence 25 November-10 December. However the best achievement during the implementation of this strategy has been the establishment of the National Center for victims of domestic violence and establishing the National Mechanism of Reference, a

process which will continue even during the implementation of National Strategy for Gender Equality, Reduction of Violence Gender Based and Domestic Violence 2011-2015. Until now the mechanism is settled in 19 municipalities.

Reply to the issues raised in part I, paragraph 12

67. The answer to this question is a summary of most points treated in the first part, specifically in the first paragraph of the first part in which is given an information for the Action Plan for Children 2012-2015, but at the same time will be treated in the second part of the replies to the list of issues (the legal initiatives that are undertaken and institutional mechanisms that are established).

Reply to the issues raised in part I, paragraph 13

68. The family care for the disabled children in order to avoid their institutionalization and to give the possibility to live in community is realized through the promotion of alternative services in the residential care services for disabled children and their families. We can mention daily services, counselling centers for disabled children and their families. This is made possible even through the approval of subsidiary legislation and the attendance with priority of the implementation of the Strategy for Social Protection 2007-2013. The following includes information regarding institutional and budgetary arrangements for the implementation of deinstitutionalization.

(a) Deinstitutionalization

69. De-institutionalization of social services in essence is a process of movement from residential social services to community services. This process relies on four components:

- Prevention of unnecessary admissions and attitudes in the residential institutions
- Providing other alternatives for accommodation, treatment, education and rehabilitation of individuals that do not need to stay in the residential service
- Improvement of conditions, care and treatment for those who need care in the residential centers
- To guarantee the children establishment in residential institutions for a very short period.

70. The institutions of residential social care for disabled children will be reformed having inside the structure new types of services: (a) home – family, (b) daily services, (c) alternative care services in the custody family.

71. Transformation of the institutions of residential social care at home-family that offer services of social care for disabled children. In the institutions of social care for disabled children the new types of home-family services are being implemented in: the Center of Development in Vlora, Shkodra and Tirana.

72. Alternative services of social care for the disabled children. The custody service is approved with DCM no.89, dated 26.01.2012 “On the setting of criteria, documentation and procedure of custody service”.

(b) The setting of new services in community

73. Based on the competences and responsibilities provided by law no.9355, dated 10.03.2005 “On the assistance and social services”, the units of local government identify the needs and in compliance with these needs establish new kind of social services.

Although the municipalities with greater incomes have a greater possibility to establish and support social services this has not proved very efficient. As a result of this problem, with the law no.10399, dated 17.3.2011 “For some annexes and amendments in Law no.9355, dated 10.03.2005 “On the assistance and social services” the units of local government are encouraged to undertake measures to establish social services in their community using 3% of the fund of social protection allocated near the units of local government from the state budget in order to add this fund even a percentage from the fund of incomes budget of the unit itself.

74. The municipalities in mountainous zones and with poor infrastructure that have less income are supported with funds from the state budget to offer basic social services. Established with the initiative of the local government units and supported by the budget funds the centers: Balash Center, in Elbasan that offers daily services for the disabled persons; daily center for the disabled children in Kukës, Kuçova, the center that offers home-family services for the disabled persons Berat; the center of the project “Shpresa” that offers home-family services for the disabled persons in Shkodra.

(c) Guaranteeing the quality of services for PAK, ensuring continuity, establishing new services and sustainability for the existing social services for people with disabilities

75. It is provided the application of services standards in decentralized institutions, along with those services at national level and services offered by NGOs. Implementation of standards of social care for children with disabilities and their putting into practice has increased the quality of service delivery for these categories and has made new types of services that are currently being implemented in public and private institutions of social care. Also, strengthening the instruments for monitoring and inspection of offered services in Public and Non-public Social Care Institutions by the General Inspectorate of the Ministry of Labour, has realized the improvement of living conditions in these daily and residential centers, having an impact directly in the strengthening of the capacity of staff that offer services.

(d) Treatment of behaviour and emotional disorders of disabled children

76. The evaluation of behaviour and emotional disorder of the disabled children is still a new practice for our country. This process because of the great importance that it has in the prevention of disabilities to children has led the government of Albania and non-government organisations to develop trainings with the physicians of the primary care at country level referring to this practice. Still there is not a specific program for the early diagnosis of these disorders for the children but efforts are being made to enhance the professional capacities among doctors. There are social centers where children in need take different forms of specialized therapeutic services. In these centers serve even doctors who make the diagnosis of the children that go there.

77. According to the data of the Ministry of Education there are about 2,000 disabled children determined with medical-legal description, who attend the basic education in comprehensive schools. At the same time teachers’ trainings are held to better accommodate special needs of these children. There are also curricula of how to build individual educational plans for the children with disability. At country level there are about 100 children with disabilities that are taught individually by teachers who go to their houses because of the children’s incapacity of moving. In this direction Albania has made steps forward in compliance with the completion of objectives that the National Strategy for the rights of disabled persons sets.

Reply to the issues raised in part I, paragraph 14

78. In the year 2010 the National Plan HIV/AIDS realized a study for the needs of children with HIV/AIDS, where resulted that 1 child (Fier city) does not attend the 9 year education process (obligatory education) for health reasons and not because of obstruction by educational personnel associated with the stigma against them. Also even the association of persons who live with HIV/AIDS organizes regular meetings with the parents of infected children and from these meetings results not to have problems with the school attendance of these children. There were 2 cases that represented a problem (Belsh and Ishëm). These were result of community reaction. In both of the cases there were organized some meetings and information sessions with parents, educational personnel and in both cases the children now attend school and kindergarten regularly. It should be underlined that the educational staff has in all the cases worked closely with the parents of the other children to inform them and find out a solution to the problem.

Table 1/a:

The number of children who live with HIV according to age-groups when interviewed

| Age-group | <1 year old | 1-4 years | 5-9 years | 10-14 years old | 15-18 years old | Total |
|-----------|-------------|-----------|-----------|-----------------|-----------------|-------|
| Cases (%) | 0 (0%) | 4 (21%) | 7 (37%) | 4 (21%) | 4 (21%) | 19 |

Table 1/b

The number of children who live with HIV according to age-groups when diagnosed

| Age-group | <1 years old | 1-4 years old | 5-9 years old | 10-14 years old | 15-18 years old | Total |
|-----------|--------------|---------------|---------------|-----------------|-----------------|-------|
| Cases (%) | 1 | 9 | 6 | 1 | 2 | 19 |

Table 2:

The distribution of children who live with HIV, according to sex

| Sex | Males | Females | Total |
|-----------|----------|---------|-------|
| Cases (%) | 12 (63%) | 7 (37%) | 19 |

79. *Children with HIV/AIDS and their education.* Pursuant to the Law no. 9952, dated 14.7.2008 “On the prevention and control of HIV/AIDS”, in paragraph b of the article 8 children with HIV/AIDS in Albania enjoy the right to receive an education in all the educational institutions. Actually, for the 19 children that are included in this evaluation we may say that: 2 children attend preschool education, 8 children attend the 9 year education process, 1 child attends the high school, 1 child attends the university, 5 children are at home, 1 child is abroad, 1 lost his life in 2010, after his inclusion in our study case.

80. For the cases of 5 children that are at home: 2 are small children not old enough for kindergarten, parents or members of family take care of them; 1 lives in the village and does not go to kindergarten; 2 children suffer from thalassemia, one of them does not attend school for health reasons even though he tried hard for two years, whereas the other child does not have the possibility because the place where he lives lacks a high school.

Reply to the issues raised in part I, paragraph 15

81. The Action Plan for Children 2012-2015 stipulates the measures that will be undertaken for the protection of children against violence, abuse and economic exploitation, taking into consideration even the recommendations of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016. Tasks are assigned to municipalities/communes, State Inspectorate of Labour, new units for children that are being established at local level pursuant to Law “On the protection of children’s rights”. DCM no.265, dated 12.04.2012 “On the creation and functioning of work coordination mechanism between the state authorities responsible with reference to the cases of children in danger, and the way of proceeding”, adjusts the way of cooperation and interaction of different actors to manage the cases of children in danger (including even the children in the streets and those forced to work).

Reply to the issues raised in part I, paragraph 16

82. The Ministry of Justice provided in its general analytical plan (approved with DCM no.30, dated 18.01.2012), the drafting of “The Sectoral Strategy of Juvenile Justice”. This act is aims at the solution of problems related to the juvenile justice administration (juvenile in conflict with law and juvenile under the age of penal responsibility), juvenile victims of crime and juvenile witnesses.

83. Also in relation to free legal assistance, Law no.10039, dated 22.12.2008 “On legal assistance”, determines the conditions, types, ways and procedures of giving legal assistance by the State for the protection of human rights and fundamental freedoms and other legitimate interests. This law provides for giving the legal assistance to juveniles in conflict with law. Specifically in paragraph 2 of article 13, in the third chapter “Legal assistance services and its beneficiaries”, of the law it is determined explicitly that “the legal aid is benefited even by the juvenile whose protection in Criminal proceeding is compulsory by law”. This provision is made to meet the Criminal Procedure Code dispositions and in the framework of children’s rights protection, in which the State of Albania is a Party with full rights and obligations.

84. Pursuant to the above law, long ago it has started the functioning in full capacity of the Legal Assistance State Committee, which provides legal aid for the persons in need. In the category of persons that have the right to benefit legal assistance are even the juvenile to whom the protection in Criminal proceeding and during trial is compulsory by law.

85. To reduce the length of pretrial detention for children and to ensure that children are only detained as a measure of last resort, the Criminal Procedure Code provides reduced terms of the persons kept in pretrial detention when the detainee is a child. Also pursuant to para 3 of the article 255 of the Criminal Procedure Code, if the arrested/detained is a child, the court decides to keep him/her in surveillance in his/her dwelling or in another surveilled place.

86. Also in the general analytical plan of the Ministry of Justice it is provided the review of the Criminal Procedure Code which will be carried out by specific working groups for different issues of the Criminal Procedure Code. One of the working groups will cover specifically the juvenile issues and juvenile Justice.

Part II

87. With respect to the update of the information submitted in the respective report, the following information is provided.

1. Laws and other subsidiary legislation with respect to children's rights (part II (a) of the list of issues):

88. Laws:

(a) Law no.10347, dated 4.11.2010 "On the Protection of Children's Rights" in coherence with the Convention on the Rights of the Child and the implementation and monitoring mechanisms stipulates clearly the responsibilities of the local and central government, provides the establishment of responsible institutions and aims at conveying the spirit of collaboration between all actors.

(b) Law no.10252, dated 11.03.2010 "On some amendments in Law no.9355, dated 10.3.2005 "on the assistance and social services", (amended).

(c) Law No.10399, dated 17.3.2011 "For some annexes and amendments of law 9355, dated 10.03.2005 "On the assistance and social services".

89. A series of subsidiary legislation are approved pursuant to Law no.10347, dated 04.11.2010 "On the protection of the Rights of the Child":

- DCM no.201, dated 16.03.2011 "On the approval of the regulation of the functioning of the National Council for the Protection of the Rights of the Child"
- DCM no.346, dated 29.04.2011 "On the approval of the regulation of the organization and functioning of the State Agency for the Protection of Children's Rights"
- DCM no. 182, dated 13.03.2012 "On the approval of the Action Plan for Children 2012-2015"
- DCM no.265, dated 12.04.2012 "On the creation and functioning of the coordination of work mechanism between the state authorities responsible with reference to cases of the children in danger and its way of proceeding"
- DCM no.264, dated 12.04.2012 "On the control and sanctioning procedures of State Agency for the Protection of Children's Rights "
- DCM no.267, dated 12.04.2012 "On the types, manner of exchange and elaboration of the information and statistical data asked by the State Agency for the Protection of Children's Rights SAPCR and by the responsible state structural level"
- DCM no.266, dated 12.04.2012 "For the coordination of the activity of mechanisms at central and local level for the issues related to the protection of children's rights"
- DCM no.263, dated 12.04.2012 "For the definition of detailed rules through the institutional mechanisms and non-profit organizations for the realization of local policies for the protection of children's rights"
- DCM no.89, dated 26.01.2012 "to set the criteria, documentation and the procedures of custody services"
- DCM no.752, dated 08.09.2010 "On the Standards of Custody Service for the children in need"
- DCM no.582, dated 27.07.2011 "On the approval of Standard Procedures of the Action for the identification of victims/potential victims of trafficking"
- Order of the Prime Minister no.73, dated 03.08.2011 "On the establishment of the National Council for the Protection of the Rights of the Child"

- Order of the Prime Minister no.30, dated 18.03.2011 “On the approval of the Structure and Cadre of the State Agency for the Protection of Children’s Rights”
- Guideline of the Minister of Interior no.07, dated 10.01.2012 “On the approval of procedures and the registration of the data to be completed by the representatives of the state Police and the Units of local government (municipalities and communes), in the cases where unregistered children are found in the Civil Register”
- Guideline no.15, dated 28.05.2010 for the selling of textbooks for the students of pre university education who have the status of orphans, students coming from the orphanages, who get social assistance and unemployment assistance from the employment offices, students with disability who come from the orphanage get support from the state budget to compensate the price of textbooks

2. New institutions (and their mandates) or institutional reforms (part II (b) of the list of issues)

90. Pursuant to the law “For the protection of children’s rights” the establishment of institutional mechanisms at national and local level has started.

91. At central level are set:

(a) *The National Council for the Protection of Children’s Rights* is an ad-hoc advisory body. In compliance with the government programme it coordinates and stipulates the policies that should be followed for children and monitors the implementation of the national strategy for the rights of the child. It consists of 13 members and it is chaired by the Minister of Labour, Social Affairs and Equal Opportunities;

(b) *The State Agency for the Protection of Children’s Rights* is an executive institution depending on the minister that coordinates the work for the protection of children’s rights. Among the main functions of the agency are: to monitor and control the enforcement of law no.10347, dated 4.11.2010 and its subsidiary legislation; to evaluate the efficiency of policies followed in the field of the children’s rights and their protection and to present proposals for new policies or legal amendments; to cooperate and support the Units for Children at district and municipality level, to draft methodological guidelines for their work; to promote and to pursue the cooperation between different institutions at the local level for the realization of children's rights, to exchange information, to collect and process statistical data; to promote, respect and protection for the children’s rights, to establish penalties against the persons who break the law , pursuant to article 40 of the law;

(c) *Minister that coordinates the work for the issues of the protection of the rights of the child*, who referring to the field of activity that is actually exercised, Minister of Labour, Social Affairs and Equal opportunities will be the minister that will cover the duties provided for in the articles of the above cited law.

92. At local level currently are set 28 Units for the Protection of Children at municipality/communes level (16 municipalities and 12 communes) and 10 Units for the Protection of Children’s Rights at district level. The present experience showed that these models have had a positive impact in the life of children in need.

(a) Unit for the Children’s Rights in the Council of District

93. This unit functions within administrative structure of the Council of District. The main duties of the unit are: to monitor and evaluate the realization of children’s rights in the district territory; to identify and coordinate with the State Agency for the Protection of Children’s Rights SAPCR, with reference to the cases of violation, abuse or misuse of

children's rights; to cooperate with the Unit of Children Protection in municipality/commune for the identification, analysis and reference to the cases of children in danger in the district territory; to report in the Council of District for the continuance of respect of children's rights; periodic reporting in SAPCR, statistic data for the condition of rights, information on the situation of implementing children's rights in the district.

(b) Unit for the Protection of Children's Rights in Municipality/Commune

94. The Unit for the Protection of the Child in municipality/commune functions within the administrative structure of municipality/commune: it is the first contact with the child in danger and has the responsibility for the case identification, managing and his attendance until the children is considered to be "out of danger", cooperates with the Unit for the Children's rights in the district within the jurisdiction of municipality/commune can not offer the appropriate assistance for the child and different actors to improve the situation of the child in danger.

3. Policies, programmes and action plans, their scope and financing (part II (c) of the list of issues)

95. "National Action Plan for the struggle against trafficking in human beings", as well as its supplementary document "National Action Plan for the struggle against trafficking of children, protection of children victims of trafficking 2011-2013", approved with DCM no.142, dated 23.2.2011, are the main strategic documents for the prevention and struggle against human trafficking.

96. The National Coordinator in the struggle against human trafficking has drafted "Standard Operating Procedures in the Identification of Victims/Potential Victims of Trafficking", approved with DCM no.582, dated 27.7.2011. These procedures enable the full identification and good coordination. Implementation of procedures adding even the special trainings have made the improvement of identifying abilities of the law enforcement personnel, social services and advisory of the public health, education personnel and High Inspectorate of Labour. During the year 2011 are identified, referred to, protected and assisted 84 victims/potential victims of trafficking of which 39 are children.

97. Action Plan for Children 2012-2015, approved with DCM no.182, dated 13.03.2012, as a strategic objective has the attendance of policies set out in the previous National Strategy for children 2005-2010. These policies are grouped according to the rights of the child: (a) the right for protection and social involvement, (b) the right of children for protection against violence, abuse, and economic exploitation, (c) the right for development and education, (d) the right for health care.

4. Recent ratifications of human rights instruments (part II (d) of the list of issues)

98. Albania is a party to various international acts in the field of human rights:

- European Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (2007), signed in 17.12.2008, ratified by Law no.10071, dated 9.2.2009, and entered into force in 14.04.2009
- Council of Europe Convention on the Legal Status of Children Born out of Wedlock, signed in 20.1.2011, and entered into force for Albania in 10.12.1011
- Council of Europe Convention on the Exercise of Children's Rights, signed on 20.1.2011, ratified by law 10425, dated 02.06.2011 and entered into force in 01.02.2012

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, ratified by Law no.63/2012, and for Albania it has not entered into force yet
- Also are in process of completion all the interior legal procedures for Albania ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

Part III

Reply to the issues raised in part III, paragraph 1

99. For the children in care, below are given the data (according to sex, age, reason for placement and type of care) for the years 2009, 2010, 2011 on the number of children deprived of a family environment and taken into care.

Table 3

The number of centers for children in need and the number of people who benefit care services

| Year 2009 public/nonpublic centers | | Type of centers | | | According to age-group | | | Family care | |
|---|-------|-----------------|-------|---------|------------------------|-------------------|-----------------------|----------------|-------------------|
| Title | Total | residential | daily | Females | 0-6 years old | 6-15 years old | 15-18 years old | With family | Without family |
| Number of centers | 49 | 25 | 26 | n/a | n/a | n/a | n/a | n/a | n/a |
| Number of clients | 3160 | 457 | 2514 | 1477 | 889 | 1806 | 445 | 2969 | 191 |
| Year 2010- Public/nonpublic centers | | Type of centers | | | According to age-group | | | Family care | |
| Title | Total | residential | daily | Females | 0-6 years old | 6-15 years old | 15-18 years old | With family | Without family |
| Number of centers | 55 | 24 | 33 | n/a | n/a | n/a | n/a | n/a | n/a |
| Number of clients | 2828 | 377 | 2451 | 1387 | 889 | 666 | 1938 | 2640 | 184 |
| Year 2011- public/nonpublic centers | | Type of centers | | | According to age group | | | Family care | |
| Title | Total | residential | daily | Females | 0-6 years | 6-15 years | 15-18 years | With family | Without family |
| Number of centers | 62 | 24 | 45 | n/a | n/a | n/a | n/a | n/a | n/a |
| Number of clients | 5373 | 579 | 4794 | 2501 | 1200 | 3155 | 1018 | 5198 | 175 |

Note: The data are classified depending on the change of typology of services in different centers during the process of decentralization.

100. In the Institutions of Execution of Penal Decisions (IEPD) are kept detained juveniles in compliance with the Law no.8331, dated 21.04.2008 “For the execution of penal decisions”, Law no.8323, dated 16.04.1998 “For the rights and the treatment of the prisoners and detainees” amended, and General Regulation of Prisons. Juveniles that have committed criminal offences are put into institutions of detention from the moment of taking the security measure “prison custody” from the District Court and stay in detention until sentencing. The length of their stay in detention varies by days of stay, by the kind of the measure of security that the court decides and from the kind of the criminal offence committed. During their stay in the institutions of detention the juveniles are created conditions to get in touch with their family and also are offered legal and psychological assistance for free. The meetings are held with a frequency 8 times a month keeping their family in continuous contact with regard to the juvenile’s welfare.

Table 4

Number of detained juveniles accommodated in the Institutions of Executing Penal decisions for the years 2009, 2010, 2011

| <i>Gender</i> | <i>No. of convicted juveniles</i> | | |
|---------------|-----------------------------------|-----------|-----------|
| | Year 2009 | Year 2010 | Year 2011 |
| F | 3 | 2 | 1 |
| M | 187 | 193 | 134 |

Table 5

Age of detained juveniles accommodated in the Institutions of Executing Penal decisions for the years 2009, 2010, 2011

| <i>Age</i> | <i>No. of detained juveniles</i> | | |
|--------------|----------------------------------|------|------|
| | 2009 | 2010 | 2011 |
| 14 years old | 5 | 4 | 6 |
| 15 years old | 32 | 22 | 18 |
| 16 years old | 30 | 60 | 30 |
| 17 years old | 82 | 69 | 45 |
| 18 years old | 41 | 40 | 36 |
| Total | 190 | 195 | 135 |

Table 6

Number of the detained and convicted juveniles accommodated in the Institutions of Executing Penal Decisions for the years 2009, 2010, 2011

| | <i>No. of detained juveniles</i> | <i>No. of the convicted juveniles</i> |
|-----------|----------------------------------|---------------------------------------|
| Year 2009 | 190 | 16 |
| Year 2010 | 195 | 44 |
| Year 2011 | 135 | 32 |

Table 7

The length of stay in days for the youth in pretrial detention for the years 2009, 2010, 2011

| <i>Length of stay in days</i> | <i>No. of detained juvenile</i> | | |
|-------------------------------|---------------------------------|------|------|
| | 2009 | 2010 | 2011 |
| from 1 -30 days | 29 | 45 | 28 |
| 31 - 60 days | 16 | 20 | 15 |
| 61 - 90 days | 9 | 18 | 12 |
| 91 - 120 days | 12 | 25 | 15 |
| 121 - 150 days | 20 | 15 | 7 |
| 151 - 180 days | 23 | 14 | 14 |
| 181 - 210 days | 27 | 9 | 12 |
| 211 - 270 days | 27 | 20 | 15 |
| 271 - 365 days | 11 | 14 | 10 |
| over 365 days | 16 | 15 | 7 |

Table 8

Length of stay in months for the category of youth in pre trial detention for the year 2009, 2010, 2011

| <i>Length of stay in months</i> | <i>No. of convicted juvenile</i> | | |
|---------------------------------|----------------------------------|-----------|-----------|
| | Year 2009 | Year 2010 | Year 2011 |
| > months | | 5 | 4 |
| 1 to 3 months | 2 | 11 | 7 |
| 3 to 6 months | 3 | 7 | 8 |
| 6 to 12 months | 8 | 16 | 10 |
| over 12 months | 2 | 4 | 2 |
| over 24 months | 1 | 1 | 1 |

Reply to the issues raised in part III, paragraph 2

101. Below are listed the data on the number of children with disabilities identified in 2008, 2009, 2010 (disaggregated by age, sex, type of disability, ethnic origin and the geographic location and the percentage of children with disability who have access in mainstream education.

Table 9

Number of children with disabilities, by prefecture

| <i>Location</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> |
|---------------------|-------------|-------------|-------------|
| Total | 17,397 | 18,122 | 18,154 |
| Prefecture of Berat | 688 | 705 | 769 |
| Prefecture of Dibër | 1,561 | 1,556 | 1,513 |

| <i>Location</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> |
|---------------------------|-------------|-------------|-------------|
| Prefecture of Durrës | 1,433 | 1,532 | 1,661 |
| Prefecture of Elbasan | 2,375 | 2,514 | 2,530 |
| Prefecture of Fier | 2,429 | 2,479 | 2,455 |
| Prefecture of Gjirokastrë | 363 | 336 | 341 |
| Prefecture of Korça | 1,198 | 1,138 | 1,241 |
| Prefecture of Kukës | 777 | 799 | 761 |
| Prefecture of Lezha | 1,111 | 1,109 | 1,051 |
| Prefecture of Shkoder | 1,761 | 1,833 | 1,892 |
| Prefecture of Tirana | 2,942 | 3,253 | 3,145 |
| Prefecture of Vlorë | 759 | 868 | 795 |

Table 10

Total disability – The number of children (0-18 year old) blind, para-tetraplegic and with physical and mental disabilities

| <i>Distribution of children with disabilities</i> | | | | |
|---|-----------------------------------|--------|--------|--------|
| No.. | Title | 2008 | 2009 | 2010 |
| I | No. of children with disabilities | 17,397 | 18,122 | 18,154 |
| | According to age groups: | | | |
| | 0 - 6 years old | 4,433 | 4,804 | 4,885 |
| | 6 - 15 years old | 8,879 | 9,053 | 9,025 |
| | 15 - 18 years old | 4,085 | 4,265 | 4,244 |
| II | The number of females | 7,524 | 7,820 | 7,747 |
| | 0 - 6 years old | 2,098 | 2,294 | 2,279 |
| | 6 - 15 years old | 3,658 | 3,683 | 3,669 |
| | 15 - 18 years old | 1,768 | 1,843 | 1,799 |
| III | The education system they attend | 8,552 | 8,952 | 8,977 |
| | Pre schooling education | 2,110 | 2,222 | 2,383 |
| | 9 year education | 5,169 | 5,447 | 5,356 |
| | Secondary education | 1,273 | 1,283 | 1,238 |

Reply to the issues raised in part III, paragraph 3

Reply (a)

102. Law no. 9669, dated 18.12.2006 “On the measures against domestic violence” does not consider the State Police as one of the subjects which may ask the order for protection in the court in the case when the victim of domestic violence is an infant. To solve this gap the State Police/the Department for the Infant Protection and Domestic Violence, initiated the amendment of the above law in order to improve the procedures for the protection of infants. The amendment of this law was realized with the Law no.10329, dated 30.9.2010, where among others the police are legitimated as one of the competent and responsible

subjects to ask the release of the order of protection and the limitation of the time of release of the order of protection from 48 hours to 24 hours.

103. Statistical data for infant victims of domestic violence:

- Year 2008 -- 77 infants aged 0-18 years old
- Year 2009 -- 49 infants aged 0-18 years old
- Year 2010 -- 120 infants aged 0-18 years old

Reply (b)

104. During the year 2010 (and the first quarter of the year 2011) the structures of the Directorate of Investigation and Crime Prevention at national level identified 85 children in total who are from Roma and Egyptian community.

105. Statistical data according to age-group:

- 17 (0 - 6 years old),
- 51 (6 - 14 years old),
- 17 (14 - 18 years old)

106. According to gender: 33 females, 52 males.

107. According to geographic location:

Table 11

| <i>No.</i> | <i>District</i> | <i>Identified children</i> |
|------------|-----------------|----------------------------|
| 1 | Tirana | 36 |
| 2 | Shkodra | 12 |
| 3 | Elbasan | 10 |
| 4 | Durrës | 8 |
| 5 | Dibër | 6 |
| 6 | Kukës | 5 |
| 7 | Lezha | 3 |
| 8 | Vlora | 3 |
| 9 | Korça | 2 |
| 10 | Fier | 0 |
| 11 | Berat | 0 |
| 12 | Gjirokastrë | 0 |
| 13 | Total | 85 |

108. Statistics according to results:

- 15 cases sent to prosecution, based on the article 124/b “Minors ill-treatment”

- 25 cases treated in cooperation with other government agencies and NPOs.

Reply (c): Data for the employed children in the formal market labour according to the data of the Labour State Inspectorate (LSI)

(i) Year 2008

109. Based on the inspection of Institute of Public Health (IPH) during the year 2008 there are identified 234 employees under 18 years old.

110. Breakdown by age:

| | | |
|--------------|-----|----------|
| 15 years old | 4 | children |
| 16 years old | 69 | children |
| 17 years old | 142 | children |
| 18 years old | 19 | children |

111. Breakdown by economic activities where they are focused:

| | | |
|----------------------------------|---|--------------|
| Agriculture, forest, fishing | - | 37 children |
| Manufacturing enterprises | | 165 children |
| Trade and Hotel-Bars-Restaurants | - | 4 children |
| Construction | - | 5 children |
| Other activities | - | 23 children |

112. According to their education it results that:

| | |
|----------------------|--------------|
| Elementary education | -17 children |
| 9 year education | -05 children |
| Secondary education | -2 children |

113. With regard to identified children with or without IPH authorization, it results that 71.3% of children identified working worked with the authorization of IPH and 67 children or 28.7% worked without IPH authorization.

114. With regard to children identified with or without medical examination, from the inspections results we come to the conclusion that only 165 or 70.5% of identified children at work had medical examination whereas the other part did not (or 69 children).

115. With regard to the gender factor, during the year 2008 females under 18 years old employed are 188 (80.3%) and males under 18 years old are 46.

116. Employees under 18 years declared in the tax authorities resulted to be 192 or 82% of this employees category meanwhile the other part (that is the other 42 children) were not declared in the tax authority.

(ii) Year 2009

117. For the year 2009 it results that there are 418 children in total who work.

118. Breakdown by age:

16 years old 58 children, 13.8 %.

17 years old 282 children, 67.5 %.

18 years old 74 children , 17.7 %.

15 years old 1 child

14 years old 1 child

13 years old 1 child

119. Activities where these children are focused are:

- Manufacturing enterprises respectively – 352 children, 84 %
- Construction – 3 children, 0.7 %
- Transport, storage, telecommunication – 6 children, 1.4 %.
- Other activities – 30 children, 7.2 %
- Wholesale and retail – 24 children. 5.7 %.
- According to sub activity – 2 children, 0.5 %
- Forests, agriculture, fishing –7 children, 1.6%

120. Breakdown by education:

- Elementary education – 9 children, 2 %.
- 9 year education – 368 children, 88 %.
- General secondary education – 40 children, 9.5 %.
- No education at all – 1 child.

121. Gender information:

Children identified at work result to be mainly girls 78.7%

122. Insurance coverage:

368 insured children, 88%

50 uninsured children, 12%

123. Children identified with or without the authorization of the Institute of Public Health:

With authorization – 346 children 2.7 %.

Without authorization – 72 children, 17.3%.

(iii) *Year 2010*

124. In the year 2010, from 14,642 private subjects inspected there were 348 children at work.

125. According to age:

16 years old 48 children, 13.8 %.

17 years old 278 children, 79.9 %.

18 years old 20 children, 5.7 %.

15 years old 1 child

14 years old 1 child

126. Activities where these children are focused are:

- Manufacturing enterprises respectively – 258 children, 74%
- Construction – 5 children, 1.4 %
- Transport, storage, telecommunication – 6 children, 1.7 %
- Other activities – 12 children, 3.4 %
- Wholesale and retail – 36 children, 10 %
- According to sub activity – 17 children, 4.8 %
- Agriculture, forest, fishing – 13 children, 3.7 %
- Mining – 1 child.

127. Education:

Elementary education – 23 children 6.6%;

9 year education – 301 children 86 %;

General secondary education – 18 children 5 %;

Without education – 6 children 2 %.

128. The children identified at work seem to be mostly girls or about 79.5% of children at work. Also there are 326 insured children (93.6 %) 22 uninsured children (6.4 %).

129. Identified children with or without the Institute of Public Health authorization:

With authorization – 305 children 87.6 %.

Without authorization – 43 children 12.3 %.

Reply to the issues raised in part III, paragraph 4

130. The statistical data for the institutions of Institution of Minors in Kavaja, Institutions of Executing Penal Decisions (IEPD) Jordan Misja, Lezha, Vlora, Durrës and Korça for the years 2008, 2009 and 2010 are given as follows.

Table 12

The age of detained juveniles accommodated in the Institutions of Executing Penal Decisions for the years 2008, 2009, 2010

| <i>Age</i> | <i>No. of the youth in pretrial detention</i> | | |
|--------------|---|------------|------------|
| | 2008 | 2009 | 2010 |
| 14 years old | 6 | 5 | 4 |
| 15 years old | 22 | 32 | 22 |
| 16 years old | 35 | 30 | 60 |
| 17 years old | 57 | 82 | 69 |
| 18 years old | 33 | 41 | 40 |
| Total | 153 | 190 | 195 |

Table 13

The number of detained juvenile accommodated in the Institutions of Executing Penal Decisions according to sex for the years 2008, 2009, 2010

| <i>Gender</i> | <i>No.</i> | | |
|---------------|------------|------|------|
| | 2008 | 2009 | 2010 |
| F | 1 | 3 | 2 |
| M | 152 | 187 | 193 |

Table 14

The length of stay in days for the detained juvenile in years 2008, 2009, 2010

| <i>Length of stay in days</i> | <i>No. of the youth in pretrial detention</i> | | |
|-------------------------------|---|------|------|
| | 2008 | 2009 | 2010 |
| from 1-30 days | 36 | 29 | 45 |
| 31-60 days | 12 | 16 | 20 |
| 61-90 days | 16 | 9 | 18 |
| 91-120 days | 20 | 12 | 25 |
| 121-150 days | 14 | 20 | 15 |
| 151-180 days | 16 | 23 | 14 |
| 181-210 days | 12 | 27 | 9 |
| 211-270 days | 12 | 27 | 20 |
| 271-365 days | 11 | 11 | 14 |
| over 365 days | 3 | 16 | 15 |

Table 15

Type of alternative sentencing received by the detained juvenile for the years 2008, 2009, 2010

| <i>Alternative sentencing obtained according to type</i> | <i>No.</i> | | |
|--|------------|-----------|-----------|
| | 2008 | 2009 | 2010 |
| Obligatory presence | 17 | 8 | 18 |
| House arrest | 17 | 8 | 12 |
| Diversion | 12 | 10 | 24 |
| Completion of time | 7 | | 0 |
| Restitution | 4 | 4 | 10 |
| Suspended sentences | 3 | | 0 |
| Total | 60 | 30 | 64 |

Table 16

The number of detained juveniles according to the type of the criminal offences committed in the years 2008, 2009, 2010

| <i>Type of criminal offences</i> | <i>No.</i> | | |
|----------------------------------|------------|------|------|
| | 2008 | 2009 | 2010 |
| Illegal possession of arms | 8 | 5 | 9 |
| Minor crimes | 19 | 20 | 28 |
| Injuries | 6 | 8 | 12 |
| Substances trafficking | 8 | 10 | 16 |
| Robbery | 72 | 71 | 70 |
| Armed robbery | 3 | 0 | 3 |
| Attempted theft | 0 | 10 | |
| Theft with violence | 8 | 3 | 13 |
| Theft in collaboration | 24 | 14 | 0 |
| Murder | 4 | 13 | 22 |
| Rape | 0 | 7 | 2 |
| Attempted murder | 1 | 0 | 20 |
| Others | 0 | 30 | 0 |

Reply to the issues raised in part III, paragraph 5

131. Regarding the requested information with respect to the drafting of a list of issues that the State Party should address for the conditions of children which are considered to be a priority in relation with the implementation of the Convention on the Rights of Children, we confirm that the Albanian government considers the following as priority fields:

- Protection of human rights and fundamental freedoms of persons with limited freedom in compliance with the requirements of democratic development and European integration of the Republic of Albania. In focus of humane treatment and respect for the rights of this category is certainly even the treatment with dignity of the convicted and detained minors. Continuous efforts have been made to guarantee the right for learning and education for the detained minors as a possibility for inclusion in learning processes in the institutions of detention. The educational process is carried out only in the Institutions of Rehabilitation for the juvenile in Kavaja and in cooperation with the Ministry of Education it is in process of making available the education process even in the IEPD where the youth in pretrial detention are accommodated.
- The Protection and continuous improvement of children's health in the Albanian health system.

132. The main objectives set until the year 2015 are:

- Reduce infant mortality rate with less than 10 per 1,000 live births
- Reduce infant mortality rate, under 5 years in less than 10 per 1,000 live births
- Reduce the neonatal mortality rate with half of the current level
- The percentage of breastfed children should reach over 60% (actual level 35%)

- The percentage of 6-month-old children that begin the complementary feeding in time should be over 90% (actual level 70%)
- The percentage of children that continue breastfeeding in their second year of life should reach 80%
- The reduction with 30% of the actual level of acute respiratory illnesses in children up to 5 years old
- The percentage of vaccinated children should reach over 98%

133. To achieve these objectives the necessary measures are undertaken to: provide essential health care for every newborn baby, to set a national system to monitor and evaluate health services for mother and the newborn baby; to train the staff that offer obstetrical, neonatal care/ perinatal care on the practices (evidence based) of the newborn. Every health care institution for mother and baby should provide efficient and contemporary care for breast feeding, prevent malnutrition and deficits from micronutrients in their early childhood, prevent contagious illnesses through children's vaccination by enhancing their immune system , prevent problems of ill treatment and violent behaviours between children, teenagers, draft and implement intersectoral activities to improve the provision of food for the children of families in need, prepare the protocols unified for the regular monitoring of children growth and development by the staff of primary health care.
