



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

**List of issues concerning additional and updated information related to
the consideration of the initial report of Albania
(CRC/C/OPAC/ALB/1)**

Addendum

Written replies of Albania*

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

Reply to the issues raised in paragraph 2 of the list of issues (CRC/C/OPAC/ALB/Q/1)

1. Since September 2009, no national is recruited in armed forces for carrying out compulsory and active military service because the Albanian Army has focused on becoming a professional army based on standards required by a member country of the NATO. Statistical reports on recruitments, made over the period from 2009 to 2011, show that there is no case of recruitment of persons under the age of 18 years. The Guidance of the Minister of Defense, no. 2, dated 12.02.2008, determines the criteria, documentation and procedures for recruitment of professional soldiers in the Armed Forces.

2. Educational system for the staff of the Armed Forces in the Republic of Albania is carried out in compliance with main laws on the Armed Forces in the Republic of Albania. The minimal age for enrolment in military schools is 19 years. The needs required for education and training of officers, non-commissioned officers and professional soldiers of the Armed Forces are governed primarily under law no. 8671, dated 26.10.2000, "On Powers and Authorities for Command and Strategic Direction in the Armed Forces", revised, (Articles 27, 31); the Order of the Minister of Defense No.1042, dated 11.07.2008, "For management of Educational and Training Policies of the staff of the Armed Forces in the Republic of Albania". Actually, an Education Plan is worked out for all institutional and functional courses carried out within the country, which is compiled based on the needs of every command and on the capacities of educational institutions following consultations with all interested structures.

3. There are numerous training activities and courses carried out before dislocation of peace-keeping missions covering mainly themes about international humanitarian actions, humanitarian operations in events of disasters and the fight against the trafficking in of human beings. For more detailed information there is a table below which shows exactly the countries where these training and courses are carried out by the Armed Forces, each year, since 2007 until 2012.

Countries

Year 2007

Program I.P.P Oberamergau	Peace-keeping Operations
Greece	Basic course for Multinational Operations
Turkey	1. Fight against the Trafficking in of human beings 2. Management of refugees
Switzerland	International Humanitarian Laws
Czech Republic	Instructors on Peace-keeping Operations
Romania	Courses on peace-keeping operations
Bosnia and Herzegovina	Courses on peace-keeping operations

Countries

Turkey	Fight against the trafficking in of human beings
Czech Republic	Planning course on peace-keeping operations Training course on evaluation of peace-keeping operations
France	Specialization course on management of individual and collective emergencies.
Year 2011	
QM	Specialization course on management of individual and collective emergencies.
Turkey	Fight against the trafficking in of human beings
Czech Republic	Course on evaluation of peace-keeping operations
Canada	High course for management of integrated missions in peace-keeping operations.
Bosnia and Herzegovina	Course with new non-commissioned officers in peace-keeping operations Course on management of extraordinary situations in the event of rebellion or uprising.
Year 2012	
Turkey	Course on humanitarian operations in the event of disasters.
Bosnia and Herzegovina	Course with new non-commissioned officers on peace-keeping operations.
Malaysia	International management of crisis.
Sarajevo	Course on peace-keeping operations with new non-commissioned officers.

Reply to the issues raised in paragraph 3 of the list of issues

4. The legal framework of the Republic of Albania, which prescribes the procedures and practices for recruitment of Albanian citizens in national armed forces, includes: Law no. 9047, dated 10.07.2003, "On the military service in the Republic of Albania", revised (Article 9); Law no. 9210, dated 23.03.2004, "On the status of servicemen or servicewomen in the Armed Forces of the Republic of Albania"(Article 4); Law no. 9171,

dated 22.01.2004, "On grades and military career in the Armed Forces of the Republic of Albania" (Article 5). These acts constitute the guarantee for effective implementation of the Optional Protocol and prevention of forced or voluntary recruitment in Armed Forces of children under the age of 18 years.

5. All by-laws adopted by the Ministry of Defense and its subordinate structures dealing with recruitments in the Armed Forces, are made in conformity with above-mentioned laws and in compliance with the Optional Protocol on the involvement of children in armed conflict within the framework of the Convention on the Rights of the Child. Recruitment age may be reduced by law or by the Decree of the President of the Republic in the event of general or partial mobilization. This is specified in Article 9, point 1, of the law no. 9047, dated 10.07.2003, "On the military service in the Republic of Albania", revised. In such case, recruitment age can be reduced up to 18 years.

6. Having regard to Article 4 of the Optional Protocol, Article 54 of the Constitution of the Republic of Albania assures, among others, that children are entitled to special protection by the state. Each child has the right to be protected against violence, exploitation and use for work, especially when they are under minimum age of child labour, which might destroy their health, moral or endanger their life and their development.

7. Having regard to involvement of children in armed conflicts, their protection is governed under Law no. 10347, dated 04.11.2010, "On protection of children rights". Article 25, "Protection against involvement in armed conflicts", specifies that: (1) the child is not allowed to be involved directly or indirectly in an armed conflict; (2) in the event of an armed conflict, the child is guaranteed special respect and protection against any form of illegal attack. During the armed conflict, the child is ensured special care and support complying with the age and with any other reasons; (3) if the child is arrested or detained because of reasons related to the armed conflict, the child is kept in separate premises from the adults, except the case when the child is detained along with its family.

8. Adherence of the Republic of Albania to a considerable number of international conventions on human rights and derived obligations for their incorporation in Albanian domestic legislation, have made sure the strengthening of the implementation of provisions of the Optional Protocol in the Republic of Albania.

Reply to the issues raised in paragraph 4 of the list of issues

9. The procedural penal legislation on foreign jurisdictional relations (the Penal Code, the Code of Penal Procedures and Law no. 10193, dated 03.12.2009, "On jurisdictional relations with foreign authorities on penal issues"), stipulates that the surrender to a foreign state of a person under investigation, a defendant or a convict, is carried out in conformity with the requirements of Albanian legislation and international agreements in which Albanian is a party. The Penal Code lays down that extradition is allowed only then when it is explicitly specified under international agreements in which the Republic of Albania is a party. Extradition is allowed when the penal offence, which comprises the subject matter of the request for extradition, is prescribed as such concurrently by both, Albanian and foreign legislation. Extradition is not allowed:

- (a) If the person to be extradited is an Albanian national, except cases when the agreement specifies it differently;
- (b) If the penal offence, which constitutes the subject matter of the request for extradition, has political or military character;

(c) When there are doubts that the person to be extradited is to be persecuted, punished or demanded because of his/her political, religious, national, racial or ethnical convictions and beliefs;

(d) When the person to be extradited is adjudicated by a competent Albanian law court for the penal offence which extradition is demanded for.

10. Extradition is allowed under the expressed condition that the extradited person won't be persecuted, punished or surrendered to another state for a penal offence occurred before the demand for the surrender and which is different from that the extradition is given for. This condition is not taken into account when:

(a) The asylum state explicitly agrees that the extradited person can be prosecuted even for another penal offence and the extradited person has no objections;

(b) The extradited person, even if he has had the opportunity, has not left the territory of the demanding state after the passing of forty five days following his/her release or after leaving the demanding state he has returned voluntarily.

11. The Ministry of Justice of the Republic of Albania might put forth other conditions which consider them to be appropriate.

12. Extradition is not allowed:

(a) For an action of political character, or when it results that the person is demanded for political purposes;

(b) When there are reasons to believe that demanded person will be subjected to prosecution or discriminations because of race, religion, gender, citizenship, language, political convictions, personal or social status, or to cruel, inhumane and degrading treatment and punishment, or actions which constitute violation of one of fundamental human rights;

(c) When the demanded person has committed a penal offence in Albania;

(d) When proceedings are initiated or adjudication is carried out in Albania, even though the penal offence was committed abroad;

(e) When the penal offence is not prescribed as such under Albanian law;

(f) When the Albanian state has granted amnesty to such penal offence;

(g) When the demanded person is an Albanian citizen and there is no agreement stipulating otherwise;

(h) When penal proceedings or punishment are established complying with the law of the demanding state.

13. In addition, according to the Constitution of the Republic of Albania, international agreements ratified by law prevail over domestic laws that do not comply with them and it lays down that each ratified international agreement becomes part and parcel of domestic judicial system. In the circumstances when the Republic of Albania is a State party with full rights and obligations to the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict, the provisions of these legal acts are implemented directly in the practices of jurisdictional relations with foreign authorities.

Reply to the issues raised in paragraph 6 of the list of issues

14. No case is identified for exportation, exchange of firearms and military assistance to those countries where children are involved in armed conflicts. The Republic of Albania

follows international conventions and adheres to the resolutions of the United Nations Organization with all those countries where risks exist for including children in armed conflicts.
