



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-first session

### Summary record of the 1740th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 26 September 2012, at 10 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 10.05 a.m.*

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

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

1. *At the invitation of the Chairperson, the delegation of Albania took places at the Committee table.*
2. **Mr. Zhurka** (Albania), introducing the initial report of Albania on the country's implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ALB/1), said that special protection measures existed for witnesses and victims of trafficking: in 2011, standard operating procedures had been approved for the referral and protection of trafficking victims, defining the measures required to identify, refer and protect possible victims, including children. Another recent piece of legislation related to the treatment of trafficking victims and provided, inter alia, for free medical treatment and shelter- or community-based care. Multidisciplinary teams provided services such as psychosocial, legal and medical assistance, training, financial support and long-term accommodation, and worked to promote family reunification. Monitoring and follow-up measures were implemented on a case-by-case basis.
3. The 2009 law on witness protection measures had introduced special protection programmes, managed by the Directorate for Witness Protection and Justice Collaborators, and Albania was party to international agreements that took the needs of witnesses into account. The Ministry of the Interior, the Ministry of Education and Science, the Ministry of Health and the Ministry of Foreign Affairs had all been involved in drawing up the new standard operating procedures, and the consultation process had included international and national organizations working to combat child trafficking. Appropriate training was being provided to State police officers. A recent review of the referral mechanism for trafficking victims had resulted in the involvement of entities such as the Ministry of Foreign Affairs, the Ministry of Health and non-governmental organizations (NGOs) in its implementation.
4. **The Chairperson** noted that the provisions of the Optional Protocol called for the State party to submit information on abuses in addition to trafficking, such as sexual abuse. Were the same standards of care applicable to all victims? How did the justice system and police force work together with the child protection units at the regional level?
5. **Mr. Zhurka** (Albania) explained that Albanian legislation offered protection commensurate with the requirements of each individual case. Measures had been implemented to improve the interview process for victims, and in 2011 the State party had begun to set up special interview rooms for child victims of prostitution, child abuse and trafficking. The next step was to train police officers on the proper use of the rooms and help them improve their interview techniques. The Ministry of the Interior had signed an agreement with Save the Children to build child-friendly interview rooms in three more police directorates and implement staff training programmes. The competent authorities were also gathering information on best practices in the field from colleagues in other European countries. As to the type of assistance provided to child victims, he explained that 12 regional directorates employed full-time psychologists who were present during the interview process. The State party was taking steps to handle cases better and provide child-friendly care.
6. **Ms. Pashaj** (Albania) said that the referral mechanism for children at risk involved an initial assessment by child protection workers. On the basis of the assessment, a multidisciplinary team comprising psychologists, educational staff, magistrates and

representatives of NGOs was established to provide expert services and advice. Children could accompany their mothers to domestic violence shelters, and special shelters existed for trafficking victims. The Government was also considering setting up specific shelters for children.

7. **Mr. Zhurka** (Albania) said that there were specific legal procedures in place, including police action, to prevent children from being taken out of Albania without parental permission. A law had been adopted on the control of State borders containing specific provisions relating to minors, and the border police had special competence to interview and check the identity documents of unaccompanied minors in facilities specifically designed for that purpose. Police and border control staff had access to information from the national information monitoring system and the international electronic crime information system as well as from national registers. If police or border control staff suspected that a minor might be a trafficking victim, they contacted a special trafficking unit which would arrive with staff from the social services department to handle the case.

8. Under the 2009 Council of Ministers Decision on Standards and Criteria of Checks at Border Crossing Points, the border police were provided with detailed operating procedures for all border checks. Efforts had been made to strengthen the rule of law and regional cross-border cooperation. Border control points were equipped with up-to-date technology and access to biometric data as well as travel document information from third countries. Albanian legislation relating to foreigners was closely linked to the provisions of the European Union's *acquis communautaire*, dealing with issues such as the monitoring of migratory flow, and risk assessments relating to transborder crime were in line with the European Union's Frontex standards. Other steps taken included the creation of a national electronic registry for data pertaining to all foreigners in Albania and the development of measures relating to the issuing of visas and permits.

9. **The Chairperson** asked whether all of the acts defined in the Optional Protocol had been criminalized under Albanian legislation.

10. **Mr. Zhurka** (Albania) said that Albania had recently taken steps to enhance its efforts to combat organized crime, such as the 2009 law on organized crime and human trafficking, as well as a range of preventive measures which broadened the operational scope of the authorities and strengthened the powers of the judiciary to seize criminal assets. The 2009 law on international cooperation in criminal matters had been designed to improve cross-jurisdictional cooperation with other countries, while the 2010 law on a moratorium for speedboats also served as a means to combat human trafficking. A cross-sectoral strategy and an action plan had been formulated to combat organized crime and terrorism; clear objectives had been set, and cooperation between law enforcement agencies was a key element. The State police, the Ministry of the Interior and the Ministry of Finance were involved in the implementation of the strategy.

11. **Ms. Kodra** (Albania) said that the Ministry of Justice was in the process of reviewing all juvenile justice measures. A working group and an interministerial action group had been set up, and the corresponding action plan included a range of objectives, including the establishment of a comprehensive legal framework for children in conflict with the law.

12. **The Chairperson** asked whether all of the offences listed in articles 2 and 3 of the Optional Protocol were criminalized under Albanian law, whether Albanian legislation had been adapted to permit extra-jurisdictional measures and whether the Optional Protocol was used as the basis for such activities. Lastly, he asked the State party to comment on the issue of the criminal responsibility of legal entities.

13. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that States parties had to comply with certain requirements under the Optional Protocol, including amending their national criminal legislation to ensure that the definitions it contained were consistent with those used in the Optional Protocol. For example, subjecting a child to forced labour must be classed as the sale of a child. Although Albania's legislative provisions on matters such as child labour or illegal adoption were broadly in line with the requirements of the Optional Protocol, they did not include the necessary specific definitions. As certain concerns remained with regard to the implementation of the Optional Protocol in the State party, information would be appreciated on measures relating to such offences as the possession of pornographic material, which had yet to be criminalized in Albania, and the criminal responsibility of individuals.

14. **Mr. Pollar** asked whether the sale of children was a crime under the State party's legislation.

15. **Ms. Kodra** (Albania) said that one of the articles in the law prohibiting trafficking in children contained a provision criminalizing the sale of children. Her team would submit written replies to the other questions that had been asked.

16. **The Chairperson** said that it was regrettable that the delegation was unable to provide replies to the Committee's questions during the course of the current dialogue. While the Committee would accept the written replies, it would be difficult to take them into consideration in the concluding observations.

17. **Ms. Pashaj** (Albania), responding to questions on juvenile justice, said that one of the Government's strategic objectives for the period 2012–2015 was to protect children who were in conflict with the law by facilitating their access to justice. Several measures would be implemented, including the setting up of sections for minors in all courts, the provision of training to judges and prosecutors in the juvenile justice system and increased use of alternative punishments. Efforts were also being made to fill legislative gaps concerning juvenile offenders under 14, who were not criminally responsible under the law, and to ensure their successful reintegration in society. A further objective was to ensure the protection of child victims and witnesses of crime by amending the Code of Criminal Procedure to improve the treatment those children received within the judicial system. Steps were being taken to ensure that the entire legal process was conducted in a child-friendly environment and to train all judicial staff who would be dealing with child victims and witnesses of crime.

18. **Ms. Qosja** (Albania), replying to a question from a previous meeting concerning the explosions at the Gërdec military base in 2008, said that the Ministry of Defence had not employed any children on that base. The children had been employed by a private company.

19. **Ms. Sandberg** asked what steps had been taken to prevent such a disaster in the future. It would be useful to learn what information had been provided to the public about those explosions, especially since public awareness was essential in order to safeguard people's rights. She wished to know whether measures were taken to monitor the situation of children employed in hazardous work, such as in the mining industry.

20. **Ms. Kodra** (Albania) said that in August 2012 the labour inspectorate had completed a survey on child labour which had been carried out in cooperation with the Ministry of Labour and the International Labour Organization. The Government would provide the Committee with the results of that survey once they were available. The labour inspectorate was currently in the process of restructuring in order to ensure that in the future, events such as the 2008 explosion could not occur. The explosion was currently

under investigation; the courts would publish the outcome of the investigation, their recommendations and the punishments imposed once the process was finalized.

21. **Ms. Qosja** (Albania) said that the land on which the explosion had taken place had since been designated an environmental pollution “hot spot” in need of rehabilitation. A project was under way to facilitate the necessary cleaning work in cooperation with the United Nations Development Programme. The Council of Ministers had decided to provide financial compensation to all the families that had been affected by the explosion and to build new housing in the surrounding area. The two ammunition companies used by the Ministry of Defence were monitored by the North Atlantic Treaty Organization Maintenance and Supply Agency (NAMSA).

22. **Mr. Cardona Llorens** requested additional information on the specific measures that would be taken to deal with children under the age of 14 who were in conflict with the law. He asked whether children over the age of 14 were given the same punishments as adults.

23. **Mr. Gastaud** asked whether there were currently any specialized juvenile courts in operation in the State party. It would be useful to learn exactly which alternative punishments were applied to juvenile offenders. He would welcome additional information on those areas of the justice system that were currently undergoing reform.

*The meeting was suspended at 10.55 a.m. and resumed at 11.10 a.m.*

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

24. **The Chairperson** recalled that questions had been asked at the previous meeting about the monitoring body for the Optional Protocol, training for the armed forces on the provisions of the Optional Protocol and human rights in general, and regulations governing non-State actors, such as private security companies.

25. **Ms. Qosja** (Albania) said that the Ministry of Defence was not in charge of monitoring the implementation of the Optional Protocol. For training purposes, the Ministry of Defence had agreements with military academies and training centres in Munich and Geneva which delivered courses in humanitarian law and law enforcement in peacekeeping operations in accordance with the standards of the North Atlantic Treaty Organization (NATO). Training on the Optional Protocol would be incorporated into the military training curriculum as of 2013.

26. **Mr. Zhurka** (Albania) said that private security companies were regulated under a 2001 law which stipulated that such companies must apply to the General Directorate of State Police for a licence to operate. It was illegal for those companies to employ children. Police checks were carried out in respect of all potential employees, who were given a minimum of 50 days’ special training before sitting an entry test.

27. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether the recruitment of children by non-State actors was explicitly prohibited in the State party, regardless of whether there had ever been such a case to date. The Optional Protocol required that such legislation should be in place. In addition, further information relating to the issues of extraterritorial jurisdiction and extradition was needed. He asked whether there were any refugee or asylum seeking children in the State party who might have been involved in armed conflict abroad and, if so, what care was provided for them.

28. **Ms. Qosja** (Albania) said that the monitoring system of the Ministry of Defence had not identified any cases of children under the age of 18 who had been involved in armed

conflicts in the Balkans or in European States with which Albania had bilateral agreements. Under NATO rules, members of the Albanian armed forces who were involved in peacekeeping missions were prohibited from approaching any person under the age of 18 who was involved in armed conflict.

29. **Ms. Pashaj** (Albania) added that the involvement of children under the age of 18 in armed conflicts was prohibited under the law on protection of the rights of the child.

30. **The Chairperson** said that many unaccompanied refugee children from countries in conflict, such as Afghanistan or Iraq, had entered countries in the Balkan region. It was therefore possible that such children might have entered the State party. Since those children could well be former child soldiers, it was important to know whether the State party had mechanisms in place to identify them and provide them with the appropriate care.

31. **Mr. Zhurka** (Albania) said that there were no refugee children from Afghanistan or Iraq in his country. Albania had bilateral agreements with most of the other countries in the region, which facilitated the return of illegal immigrants. Illegal immigrants were provided with health care and were interviewed to ascertain their situation. They were either authorized to stay in Albania for a prescribed period of time, or arrangements were made for them to be sent back to the country from which they had crossed into Albania. Accommodation was provided for illegal immigrants.

32. **Mr. Pollar** recalled that article 6 of the Optional Protocol required States parties to identify any former child soldiers who were on their territory and to provide them with appropriate trauma treatment and assistance.

33. **Mr. Zhurka** (Albania) said that there had been no cases of children entering Albania illegally. Under existing legislation, all unaccompanied minors arriving in Albania, legally or illegally, had the right to legal and social assistance, including counselling and accommodation. Every effort was made to trace the children's families and return them, often with the help of bilateral agreements with the children's countries of origin.

34. **The Chairperson** recalled that, in addition to the measures it was already implementing, the State party was also required under the Optional Protocol to provide any former child soldiers within its jurisdiction with appropriate assistance for their physical and psychological recovery and their social reintegration. While that situation might well be hypothetical at the current time, the Government should ensure that it was prepared to provide such assistance should it be necessary in the future. He invited Committee members to ask additional questions on the implementation of the Convention.

35. **Mr. Cardona Llorens** asked what measures had been taken to punish acts committed under customary law and traditional codes (Kanun), such as the killing of a teenage girl in 2012. It would be useful to know whether the perpetrators of such acts were punished under the ordinary judicial system and whether the "Second Chance" education project had been successful in rehabilitating children who had been involved in or affected by blood feuds.

36. He requested details of the steps that the Office of the Ombudsman was taking to investigate the reports of acts of torture committed against children in the wake of the demonstrations of 21 May 2011 and to punish the perpetrators. The Committee would also welcome information on action being taken to prevent children from resorting to living on the streets and to recover and reintegrate those already doing so. It would be interesting to learn about the fate of the 120 children who, with their families, had been removed from a Roma camp near Tirana station in 2010.

37. **Ms. Kodra** (Albania) said that customary law was followed in some parts of northern Albania. The Government was bringing to trial individuals who had committed crimes involving customary law. In some cases negotiators strove to reconcile parties so

that blood feuds could end. Social services legislation stipulated that mothers who headed families — a situation that could result from vendetta killings — should receive full social assistance.

38. **Ms. Kamani** (Albania) said that there was a special budget for the provision of homeschooling by travelling teachers. The Government, in collaboration with civil society, had supported homeschooling in subjects such as music, painting and information technology.

39. **The Chairperson** said that the question that had been raised was whether the perpetrators of the recent killing of a teenage girl had been prosecuted.

40. **Ms. Kodra** (Albania) said that the perpetrators of that killing had indeed been tried and imprisoned. Such killings often received wide media attention and were stigmatized as crimes.

41. Regarding the events of 21 January 2011, she said that her delegation would submit written replies as soon as it received further information from the Government. The same would be done with regard to the question regarding the Office of the Ombudsman.

42. On the subject of the 120 displaced Roma children, she said that as some of the families in question had been unregistered, a Government working group had been created to register them. All those individuals, including the children, were now living in a Roma community near Tirana and receiving the social services and benefits to which they were entitled.

43. **Ms. Nonaj** (Albania) said that a draft action plan had been prepared outlining the responsibilities of all actors working with street children.

44. **The Chairperson** said that some street children begged or committed petty crimes, often at the instigation of adults. He asked what measures the State party was taking to address that issue.

45. **Mr. Zhurka** (Albania) said that starting in 2010 the State police had prepared yearly plans to deal with that situation. During the period 2010–2011 some cases involving adult instigators of child begging had been referred for prosecution, while in other cases court orders had been sought to protect children from the adults who were forcing them to beg. A new action plan to combat the use of children for begging and other criminal purposes had been drawn up.

46. **Mr. Gastaud** asked whether studies had been conducted to establish the profile of the street child population and ascertain why children ended up in the street. Were awareness campaigns conducted on television and radio to sensitize the population to the issue?

47. **Mr. Zhurka** (Albania) said that in 2010 the State police had analysed its statistics on street children, and subsequent action plans were based on the findings of that analysis.

48. **Ms. Kamani** (Albania) said that a recently concluded eight-year project on child labour had included nationwide studies of child labour and its causes. The “Second Chance” programme enabled children who had left school in order to work to resume their studies. Teachers received training in dealing appropriately with such students, and cooperation with municipal governments made it possible for social services to be provided to pupils and their families.

49. **Mr. Cardona Llorens** said it was his understanding that the programme was also targeted at other children in special circumstances. Had its effectiveness been evaluated? The Committee had received information that the programme did not systematically take children’s psychological needs into account.

50. **Ms. Kamani** (Albania) said that the programme served about 800 children. In 2012 the Ministry of Education and Science, working with the United Nations Children's Fund (UNICEF), had begun assessing the outcomes of the programme.

51. **Mr. Cardona Llorens**, summing up his impressions of the meetings held with the Albanian delegation, said that the State party had demonstrated the necessary political will to implement the Convention's provisions and was building an appropriate legislative framework. The major challenge lay in implementing the various laws and plans. The regrettable absence of a representative of the Ministry of Justice had meant that some questions had not been answered satisfactorily. He reminded the delegation that it should submit any further written replies to questions by the agreed deadline.

52. **Ms. Kodra** (Albania) said that the Office of the Ombudsman had a special section on children's rights, and regional ombudsmen also handled children's issues. Replying to an earlier question about the sustainability of Albania's efforts to implement the Convention, she said that the Government was working to decentralize social services and had delegated some to private providers. A public agency overseen by the Council of Ministers had been set up to provide financial support to civil society organizations, which had been supported mainly by foreign donors to date.

53. Stressing her Government's commitment to improving the situation of Albanian children, she said that her delegation would make every effort to ensure that replies to any unanswered questions were transmitted to the Committee by the agreed deadline.

*The meeting rose at 12.25 p.m.*