



ngo group for the crc

STATE PARTY EXAMINATION OF ALBANIA'S SECOND, THIRD AND FOURTH PERIODIC REPORT

61ST SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
17 SEPTEMBER – 5 OCTOBER 2012

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Albania ratified the Convention on the Rights of the Child (CRC) on 27 February 1992. On 25 September 2012, the Committee on the Rights of the Child (the Committee) examined the 2nd, 3rd and 4th combined periodic report of Albania.

Opening Comments

The delegation of Albania was led by Mrs. Filloreta Kodra, Vice Minister of the Ministry of Labour, Social Affairs and Equal Chances. She was supported by a delegation consisting of representatives of the Ministry of Labour, Social Affairs and Equal Chances, the Ministry of Science and Education, the Ministry of Internal Affairs, and of the Permanent Mission of Albania to the United Nations Office in Geneva.

Mrs. Filloreta Kodra recalled the commitment of the government of Albania to improve child rights standards, which was reflected in the ratification of most of the United Nations human rights treaties, including the two Optional Protocols to the CRC.

The head of delegation presented the new law on the Protection of the Rights of the Child issued on 4 November 2010 and the Action Plan for Children 2012-2015. Five main areas were focused on in the Action Plan: the right to social inclusion; the right to protection against abuse; the right to development and education; the right to health care and the right to legal protection. In addition, the Law on the Protection of the Rights of the Child established Child Rights units at the local level. The State Agency for Children, a department of the Ministry of Labour, had been tasked with monitoring the implementation of both the law and Action Plan for Children.

The head of delegation stressed that progress had been made in the areas of health, education, foster care and child protection. She particularly mentioned the decrease of infant mortality,

the improved care for new-borns and the new law on pre-university education.

She also highlighted the good cooperation with civil society, which had been able to provide input during the drafting of the law on the Protection of the Rights of the Child.

Mr Cardona, the Country Rapporteur, welcomed the adoption of the law on the Protection of the Rights of the Child and the ratification of the two Optional Protocols to the CRC. He hoped that Albania would soon ratify the third Optional Protocol to the CRC establishing a Communications Procedure.

Mr Cardona observed the large number of laws, policies and programmes that had been adopted by Albania in a short period of time, which could be the consequence of its candidacy to the European Union. While welcoming the progress, he recalled the need for proper implementation of this important legislative framework.

General Measures of Implementation

Legislation

The Committee welcomed the direct application of the provisions of international conventions in domestic law and asked whether there had been any cases of specific application of the provisions of the CRC in court proceedings. The Committee was also interested in knowing whether customary law was still applied and how a conflict between a customary law and a legal provision on child rights would be solved.

Budget

The Committee asked whether a budget had been allocated to the implementation of the Action Plan for Children. It especially noted the absence of specific budget lines dedicated to child services and welfare of children. The Committee also observed a decrease in the budget allocated for education.

The delegation explained that budgetary procedures were currently being reformed. It acknowledged that there was no explicit budget line for children. The delegation also explained that the slight decrease of the budget for education in the Gross Domestic Product of 2010-2011 was due to the impact of the economic crisis.

Independent monitor

The Committee asked whether a person had been appointed as the People's Advocate (Ombudsman). The delegation explained that the People's Advocate, created in 2002, consisted of three commissioners including one specialised on children's issues. It assured the Committee that the commissioners had all been appointed and were currently implementing the laws and receiving complaints. The Committee asked about the closing of two Ombudsman's regional offices but the delegation could not provide information on this.

Dissemination and training

The Committee was interested in knowing what measures had been taken to promote the knowledge of the CRC among the general public. It was also interested in the manner in which magistrates and other officials working with children were trained on the content of the CRC. The delegation explained that child rights were promoted through leaflets or

advertisements and were disseminated to judges and other professionals working with children. Child rights were also part of the extra-curriculum at school.

The Committee asked whether children were aware that they could complain to Children's Rights units.

Coordination and monitoring

The Committee was concerned by the large number of existing bodies and institutions, both at the national and local levels; it was unclear how the coordination by the Ministry of Labour was carried out to avoid duplications.

The delegation indicated that while decision-making power belonged to the Ministry of Labour, the State Agency for Children had the task to coordinate the implementation of the 2010 law on Protection of the Rights of the Child and the Action Plan for Children. Coordination was carried out between the government, the municipalities and the local Children's Rights units through reporting by local level authorities to the central agency. Following the current decentralisation process, some decisions would now also be taken at the regional level.

The Committee asked whether the Action Plan for Children included any midterm evaluation or evaluation indicators. The delegation answered that it was too early to assess the impact of both the law and of the Action Plan for Children

The role of non-governmental organisations

The Committee wondered to what extent inputs from civil society were taken into account in the drafting of laws and policies. It also asked how the capacities of civil society organisations were reinforced by the State. The delegation recalled that inputs provided by civil society organisations had been taken into account for the drafting of the law on the Protection of Rights of Children. It indicated its will to financially support non-governmental organisations since they were currently funded by foreign donors.

Definition of the Child

While the legislation defined the child from birth to the age of 18, the Committee observed that children were inconsistencies in some areas of the law. In particular, children aged 15 were considered adults in the context of alternative care; moreover, girls were only protected from sexual abuse until they were considered to have reached puberty.

General Principles

Non-discrimination

The Committee asked about measures taken to counter discrimination against Roma children and children with disabilities, as well as girls and children living in rural areas. The delegation recognised the prevalence of discrimination toward those groups. It presented the law on anti-discrimination establishing a Commissioner on Anti-discrimination which had been allocated a budget and trained staff for its implementation. As for discrimination against girls, the delegation presented some measures aimed at helping girls from rural areas to reach schools, such as free transportation or reduction of the distance of schools.

The Committee asked whether the Egyptian minority was legally considered as a minority. The delegation replied that Egyptians living in Albania were not considered as a minority since they did not claim such a status. It admitted that it was an unsolved issue that had to be addressed since Egyptians were disproportionately part of the poorest population in the country.

Best interest of the child

The Committee expressed its concern that the concept of the best interest of the child was not explicitly recognised in the legislation. It also observed that the judicial process of cases involving children, especially concerning adoption, was particularly slow. It asked what measures had been taken to ensure that the best interest of the child was always respected.

Survival, development and right to life

The Committee noted the very high rate of child mortality, in particular due to disease, suicides and accidents. It asked what measures were being taken in this regard.

Respect for the views of the child

The Committee asked if children could concretely participate in public debate in Albania and asked how children were selected to participate in the Children's Parliaments. It also asked for the number of judicial cases on family law matters that had referred to the view of the child.

The delegation explained that the Children's Parliaments had been part of a six-year -pilot initiative that functioned well in some schools and constituted good practice examples for other schools. While they were currently only present in large schools in big cities, they would be extended to more schools.

Civil Rights and Freedoms

Birth Registration

The Committee asked about the system of birth registration, in particular about the fees required. The delegation replied that no fee was required for registration; in addition, while the deadline to register a child had recently been lifted, a financial bonus was still granted to parents registering their child within the first 60 days after the birth. In early 2012 the police and municipalities had received the mandate to register current unregistered children and programmes targeting the Roma communities had been adopted.

Answering to a question of the Committee on the registration of children born from unregistered parents, the delegation clarified that those children could still be registered; however, the name of the parents could not appear on the birth certificate unless a court decision on the matter was issued.

Corporal Punishment

The Committee was concerned that the use of corporal punishment was culturally tolerated. It recalled that a legislative ban should be upheld in practice.

The delegation explained that the law on domestic violence covered all types of violence against children in a family environment. It added that centres for domestic violence could also receive children after a judicial order of protection.

The Committee asked for clarification on the government's rejection of the Universal Periodic Review's recommendation to ban corporal punishment in all settings. The delegation indicated that the law on the Protection of the Rights of the Child prohibited all forms of corporal punishment.

Access to appropriate information

The Committee observed that there were very few provisions in place to regulate the mass media and the internet in compliance with the CRC. It noted the absence of a monitoring mechanism to scrutinise the appropriateness of programmes dedicated to children. The delegation explained that a law on the Protection of Children within the Media was currently being discussed.

Respect of privacy

The Committee asked about the protection from the press of minors involved in judicial procedures.

Child abuse

The Committee asked about the training of staff working in Children's Rights units. It observed that these units had been created with the assistance of UNICEF and inquired whether the State would continue to support these initiatives.

The delegation explained that child protection workers were part of the administration of municipalities and communes but also worked within Children's Rights units. Support and training of social workers to deal with children at risk was provided by civil society organisations while a State national training programme dedicated to social workers was being discussed. The delegation added that the initiative of Children's Rights units would be institutionalised.

The delegation explained that when responding to the needs of children at risk, in case of emergency, the child at risk was removed from his or her home for 48 hours while the situation was evaluated by a multidisciplinary team in accordance with the best interest of the child concerned.

The Committee asked whether the existing helpline was available to children throughout the country and asked about the training of the persons answering the calls. The delegation answered that the helpline was supported by UNICEF and run by NGOs. Psychologists and police members received the calls and reported periodically to relevant institutions.

Early and forced marriage and harmful practices

While the legislation established the minimum age for marriage at 18, the Committee observed that unregistered marriage at a younger age was common in rural areas and within Roma communities. It asked what government measures had been taken to address this.

The delegation stated that early marriages were not common in rural areas but were of concern in Roma communities as it was an element of their culture. Efforts had been made to address this trend, including a National Action Plan for Roma inclusion in education.

The Committee asked for clarification on the honour killing of a 14 year-old girl that had reportedly occurred in early 2012. The delegation assured the Committee that anyone found to have committed an honour crime was prosecuted and imprisoned. The government had tried to involve civil society to change the mind-sets of the population and was providing social assistance to women and children involved in crimes resulting from customary law.

Family Environment and Alternative Care

Adoption

The Committee noted the length of the adoption proceedings despite the existence of a very good law on adoption. It asked about measures taken to reduce the duration of the process.

Foster care

The Committee asked what kind of family support was provided to avoid the placement of children from low income families in foster care. It also asked whether brothers and sisters were separated when placed in institutions. The delegation explained that the social welfare system was currently being reformed. Financial aid was now directly sent to the families most in need. A process of deinstitutionalisation was underway through a pilot project aimed at entrusting children to the care of foster families. The delegation added that in assessing the situation of children at risk, the removal from the child's home was a measure of last resort.

The Committee was concerned that the leaving-care age was 15 and asked what kind of preparation was provided before leaving. It asked whether there were discussions about raising this age in line with the UN guidelines on Alternative Care.

Divorce

The Committee was interested by children's relationship with both their parents after a divorce and whether fathers could be obliged to pay alimony. It also mentioned the customary practice within the Kanun group to prevent contact between the children and their mother after a divorce. The delegation answered that alimony should be paid by one of the parents, to the parent supporting the children.

Basic Health and Welfare

Children with disabilities

The Committee welcomed the law on Social Aid and Services but was concerned by the existence of very strong stereotypes toward those children, including by their parents who were often ashamed of their disabled children. It asked whether schools were accessible to children with a disability.

The delegation reported that there were about 8,495 children with disabilities in Albania, who were provided with social assistance and cash benefits. Children going to school received double the initial amount and triple if they went to university. While there was an inclusive education law, most of the children were educated in specialised schools. The delegation

recognised that inclusive education remained a challenge and added that the monitoring of the law was done by a non-governmental organisation, supported by UNICEF. The delegation recognised the prevalence of stigmatisation of children with disabilities but assured the Committee that there was a will to change social attitudes. It also informed the Committee that the government was currently considering the ratification of the Convention on the Rights of Persons with Disabilities.

Health services

The Committee noted high disparities in access to health services between urban and rural areas and asked if anything had been done to reduce this trend. It also pointed out that the majority of Roma children did not have a health card and wondered how they could access health services. The delegation presented the system of referral of patients by the family physicians to other levels of care. Health centres were open in every village and consisted of general physicians, paediatricians, midwives and nurses. Furthermore, campaigns of immunisation were conducted regularly to reach out to particular groups. The delegation assured the Committee that public health care and vaccinations were accessible to all.

Infant mortality

The Committee asked about measures taken to address the high rate of infant mortality. The delegation reported a slight decrease in the infant mortality rate. The occurrence of respiratory and congenital diseases had been addressed through the introduction of vaccinations.

Child nutrition and breast-feeding

The Committee observed the existence of both child under-nutrition and obesity. The delegation presented a three-year programme funded by the World Health Organisation and UNICEF on nutrition, security and safety, which addressed stunting and included the provision of supplements. In 2011, the government had launched a campaign to address malnutrition.

Observing the low level of breastfeeding, the Committee asked whether the implementation of the International Code on Marketing of Breast Milk Substitutes was being actively monitored. The delegation indicated that the rate of breastfeeding was currently 39 per cent; this low percentage was being addressed by the training of health staff, the introduction of a law on breastfeeding and monitoring the prohibition of advertising of formula. Steps were also being taken to establish baby-friendly hospitals in accordance with this Code.

Adolescents' health

The Committee asked for information on substance abuse and access to reproductive health services for adolescents. The delegation reported efforts to consolidate school health services, consisting of a nurse or a physician, a psychologist and a dental care specialist. These teams were also used in identifying suicide risks and mental disorders. The delegation also described centres for counselling on HIV/AIDS, which were available to adolescents.

Child poverty

The Committee observed that although there was no official way to measure poverty, it was concerned that 30 per cent of the population reportedly lived below the poverty line. It asked about measures taken to address child poverty. The delegation indicated that the percentage of

people leaving under the poverty line – defined as living with less than two dollars per day – was in fact 12 per cent.

HIV/AIDS

The Committee asked for more information on the prevalence of HIV/AIDS in the country and on rates of mother-to-child transmission. The delegation reported that Albania had a low HIV/AIDS prevalence rate and low mother-to-child transmission; the government's goal was maintain this trend. All cases of HIV and AIDS had been referred to the central hospitals.

Education, Leisure and Cultural Activities

Education for Roma children

The Committee observed that Roma children were the most deprived group in education attendance. It asked what measures were being taken to improve their attendance, including transportation to reach city centre schools. The delegation mentioned the National Action Plan for Roma inclusion in education. As part of this, text books were provided by the State; social aid was provided to low income families (defined as those earning less than 300 dollars a month) and families in which at least one parent had a disability.

School enrolment and attendance

The Committee welcomed the “zero drop-out” objective but asked whether children with no birth certificate could register at school. It asked up to what age education was compulsory. The delegation replied that education was free for all children from 3 to 18 years old and compulsory from 6 to 14. According to statistics, 90 per cent of children finishing compulsory education were registered in high school. The delegation presented a policy aimed at orientating children into vocational training instead of general schools.

Corruption and school violence

The Committee asked for clarification on information about the payment of bribes to teachers to pass exams. It was also concerned about reports of teachers imposing paid private lessons on children. The Committee asked whether the low salary of teachers could be the cause of such practices and whether teachers were sufficiently qualified and appropriately compensated for their positions. The delegation indicated that a new final exam system had been put in place and included a completely confidential evaluation. It stated that a university degree was required in order to become a teacher; the training of teachers included a year of practical training and the successful completion of a State exam. Life-long training was provided throughout a teacher's career and salaries were regulated by examination every five years.

Concerning protection against school violence, the delegation presented a national programme on the elimination of school violence. Measures taken in all schools in the country included school activities, training of teachers on fight against violent behaviours, communication between children and schools and family sensitisation.

Early childhood education

The Committee asked whether there was a national early childhood education programme. The delegation indicated that it had recently, and for the first time, targeted early childhood

development and was aiming at designing standards, building nurseries and implementing programmes on good parenting.

Technical training

The Committee asked about the outcome of the “second chance” programme set up by the State. The delegation presented the programme as a new approach to encourage children that had dropped out school, to come back. The delegation recognised that results had been inconsistent and that deeper assessment was needed to analyse how to improve the situation.

Special Protection Measures

Expulsion of Roma communities

The Committee asked for clarification on the recent expulsion of 45 Roma communities after the dismantlement of their camps. The delegation answered that social assistance had been provided for families in order to raise their standard of living; their children were also sent to school. The delegation assured the Committee that all 45 families had been rehoused and were receiving social benefits.

Street children

The Committee asked about the situation of street children and especially whether they were treated as victims, for example of trafficking, when arrested for begging. The delegation stated that the law on the protection of street children was being enforced. An action plan had been prepared to coordinate actors dealing with those issues. Among the 84 cases identified, there were 16 cases of prosecution and six cases that had resulted in the prosecution of parents while other cases had been dealt with by non-governmental representatives. Protection orders were issued when required.

Migrant and asylum seeking children

The Committee asked about the border policies in regard to children and especially asked whether children could be detained and how interview processes were conducted. For those children identified as irregular migrants, the Committee asked whether housing and health care were provided. The Committee also asked how migrant children or children whose parents had migrated for economic reasons received assistance, including emotional support. The delegation reported that specific provisions dealt with the treatment of unaccompanied minors in borders areas; minors are kept in specific areas while their details are checked and supervised by trained officials.

Child labour

The Committee observed that children were permitted to work from the age of 16 and noted the existence of a substantial informal sector that employed children. It asked about policies to address the needs of children in street situations, to prevent their exploitation. Furthermore, the Committee was concerned about reports of children working in mines in rural parts of Albania and asked whether these sites were monitored by Labour Inspectors.

The delegation indicated that the inspection system was currently being reformed; an agency for the monitoring of regulations would be created and all issues identified by the Committee would be taken into consideration.

The Committee asked about the 2008 explosion of an ex-military ammunition depot in Tirana, which had killed two children of 12 and 17 who were employed there. The Committee asked what was being done to permit public access to information about the circumstances of the event, as well as steps being taken by the State to prevent such accidents in the future. The delegation indicated that the children had been employed by private security companies and not by the State.

.Juvenile justice

The Committee recalled that 60 per cent of the children that were currently being deprived of their liberty were in pre-trial detention and asked about measures being taken by the State to reduce the length of the process. The Committee also asked for clarification on the information that children could be detained and interrogated for up to 48 hours without charge. Furthermore, the Committee was interested to learn whether children were always detained separately from adults.

The delegation indicated that the juvenile justice system was currently being reformed and that a framework on children in conflict with the law would be adopted. The strategy goals set in the Action Plan for Children 2012-2015 included provisions for better access to justice for children, the creation of a justice system for minors, the increase of the use of alternative forms of punishment, the protection of child victims and witnesses and the adaptation of police facilities for children. The delegation also mentioned that police officers were being trained on the CRC and how to appropriately handle children involved in court proceedings.

Deprivation of liberty

The Committee asked for clarification on the case of children detained after demonstrations in January 2011 and reports of torture and ill-treatment during their detention.

Children in prison with their mothers

The Committee asked about alternatives to detention for mothers in order to avoid bringing their children into detention facilities.

Concluding Remarks

Mr Cardona thanked the delegation for a fruitful dialogue but regretted the absence of a representative of the Ministry of Justice as many questions, particularly on juvenile justice, had remained unanswered. While the government showed political will to implement the CRC and the Committee's concluding observations, Mr Cardona stressed the need for improvements in terms of implementation of the current legislative framework.

Mrs.Kodra apologised for the absence of a representative of the Ministry of Justice and reiterated the political will of the government toward the achievement of a better life for Albanian children. Finally, Mrs. Kodra thanked the Committee for the informed dialogue.