

Albania Child Notice

2021



Child Notice Albania 2021

Authors:

Christopher Cuninghame and Veronika Duci

With support from:

David Gvineria (UNICEF Albania), Eida Denaj (UNICEF Albania), Dragan Nastic (UNICEF UK), Desiree Weber (UNICEF Germany), Eva van Aalst (UNICEF Netherlands), Melanie Teff (UNICEF Migration Team), Anna Knutzen (UNICEF ECARO), Aaron Greenberg (UNICEF ECARO) and Elizabeth Wabuge (UNICEF PFP).

Design:

Blossom.it

For further information, please contact:

Elizabeth Wabuge

UNICEF

Email: ewabuge@unicef.org



The Child Notice Albania has been produced in cooperation with UNICEF Albania. Child Notice describes the situation of children in the countries of origin and provides legal and practical information on education, health care, child protection, armed conflict, juvenile justice, trafficking etc. The Child Notice has been developed based on the Methodology Guidance on Child Notice.

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LIST OF ACRONYMS

ADHS	Albania Demographic and Health Survey
ALL	Albanian lek
CCJC	Code of Criminal Justice for Children
CPD	Commissioner for Protection from Discrimination
CPED	Convention for Protection of all Persons from Enforced Disappearance
CPU	Child protection unit
CRC	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organization
DCM	Decision of the Council of Ministers
EC	European Commission
EU	European Union
GDP	Gross domestic product
GIATO	Global Initiative against Transnational Organized Crime
GRETA	Group of Experts on Action against Human Trafficking
GREVIO	Group of Experts against Violence against Women and Domestic Violence
ICF	International Classification of Functioning and Health
ILO	International Labour Organization
INSTAT	Institute of Statistics
IOM	International Organization for Migration
LGBTQI+	Lesbian, gay, bisexual, transgender, queer and intersex
MEYS	Ministry of Education, Youth and Sports
MHSP	Ministry of Health and Social Protection
NACR	National Agenda for Children's Rights
NCCRP	National Council on Children's Rights and Protection
NCMEC	National Centre for Missing and Exploited Children
NER	Net enrolment rate
NGO	Non-governmental organization
NRCAS	National Reception Centre for Asylum Seekers
OSCE	Organization for Security and Co-operation in Europe
Para	Paragraph
PHC	Primary health care
SARPC	State Agency for the Rights and Protection of Children
SDG	Sustainable Development Goals
SOP	Standard operating procedure
TIP	Trafficking in persons
TLAS	Tirana Legal Aid Society
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UNHCR	UN High Commissioner for Refugees (UN Refugee Agency)
UPR	Universal Periodic Review
USD	US dollars
VAWG	Violence against women and girls
WHO	World Health Organization

NOTES ON EDITORIAL CONVENTIONS

The Child Notice Albania follows UNICEF style guide. The following editorial decisions diverge from the style guide.

Conversion currency: The comparison currency used for converting Albanian lek (ALL) is the US dollar (USD).

Footnote numbers in main text: The citations for numbers inside a full-stop only refer to the information in that sentence. The citations for numbers outside a full-stop refer to all the information provided up to the previous footnote number.

Kosovo: All references to 'Kosovo' in this report are made in the context of the 'Kosovo UN Security Council Resolution 1244'. No other meaning is intended.

Roma: We have followed the convention of referring to 'Roma and Egyptian' communities as 'Roma' unless some special distinction needs to be made between the two groups.

Short form citations: These are given to documents referenced more than once in the text. The bibliography provides a complete citation.

DISCLAIMER

The information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC 1989). The research has been done according to the Guidelines for the development of a Child Notice (December 2014). The Child Notice has been researched and presented taking into account the quality standards and principles formulated in the ACCORD Manual Researching Country of Origin Information (2013 edition)¹ and the EASO COI Report Methodology.²

The main text of the Child Notice contains the most up to date publicly available information as at August 2021. Any other events taken place after this date, are not included in the Child Notice. The information in this Child Notice is limited to that which could be identified from publicly available source documents and persons. If a certain event, person or organization is not mentioned in the report, this does not mean that the event has not taken place or that the person or organization does not exist.

Different types of sources have been used (non-governmental organizations, international organizations, the civil society, government, media and academia). Information was also obtained from interviews with different stakeholders in the countries of origin who have given information based on their expertise and experience. All sources have been checked and crosschecked and are mentioned in the report.

UNICEF has sought to provide relevant, accurate, up to date, balanced and impartial information on the position of children in countries of origin. The necessity to keep the Child Notice a concise report, so that it is useable for the target group, means that choices have been made in the amount of information that is given. Though the intention is there, UNICEF does acknowledge that it is not possible to be exhaustive in the information that is presented.

The Child Notice provides useful information for immigration/asylum officials, border staff, law enforcement staff, social workers, case managers, guardians, service providers (educators, health staff), interpreters, lawyers and judges in assessing the situation and position of children in asylum and migration procedures.

UNICEF does acknowledge the fact that the information in this Child Notice is time-bound. Regular updates are important but have not been feasible in the duration of the project "Better information for durable solutions and protection".

¹ The training manual is developed by the Austrian red cross/ACCORD and can be downloaded here: <http://www.ecoi.net/blog/2013/10/new-accord-training-manual-on-researching-country-of-origin-informationpublished/?lang=en>.

² European Asylum Support Office EASO Country of Origin Information Report Methodology July 2012.

INTRODUCTION

Child migration occurs everywhere in the world and for different reasons. Migration might be forced through natural disasters or war. It might be the result of exploitation, in the case of victims of trafficking. It might be induced because children and/or their parents fear for their lives in their countries of origin because of persecution. Also, children might migrate because they are looking for a better future life. Migrant children may be accompanied by their parents or guardians, by other adults (separated children) or alone (unaccompanied children), and children may migrate in regular or irregular ways. Whatever the reason for children to migrate and whatever the way children migrate, the best interest of the child should be a primary consideration during all stages of the migration process. Article 3 of the UN Convention on the Rights of the Child states that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

Decisions on status, care and residency and on return should be informed by a documented best interest of the child assessment and determination. Whatever the way and reasons for children to migrate and to arrive in Europe, a durable solution should be sought, taking the best interest of the child into account. Careful and thorough procedures to determine the best interest of the child and a durable solution are necessary. Information on the situation of the involved child, be it separated, unaccompanied or travelling with his or her family, is paramount. This involves both specific information on the situation of the particular child involved as well as information about the local situation of children in countries of origin.

The European Commission calls in its Action Plan on Unaccompanied Minors (2010–2014)³ to collect data and to develop country of origin information and analysis relevant for assessing the protection needs of unaccompanied minors, with a view to better supporting quality decisions. Authorities in most countries of destination use Country of Origin Information (COI) reports. These reports are used to assess the situation in the country of origin and help determine whether a person has the right to international protection through a refugee status or a subsidiary protection status. COI reports also give valuable information for decisions in which the possibilities for a safe return have to be weighed. Objective country of origin information increases the opportunity of safe return and decreases the chances of re-trafficking. It should inform risk assessments and reintegration programmes.

Some COI reports do contain information on, for instance, the position of unaccompanied minors, the existence of female genital mutilation or the recruitment or involvement of children in armed conflicts. However, the information provided often lacks detail, focuses solely on the position of children outside the family and does not provide, in general, enough information to assess child-specific forms of persecution, the best interest of a child or safe conditions for return.

The Child Notice foresees the need for more information on child-specific circumstances in the country of origin. The Child Notice gives elaborate information on the local living conditions of children, including information on the existing or non-existing child protection services in the country involved. It also gives information on the access to education and health care, on the occurrence of gender- and children-related violence, such as FGM, forced marriages, honour killings, exploitation and human trafficking.

This information is paramount in a best interest of the child assessment, which is the basis for decisions on the granting or non-granting of international protection and in considering conditions for a safe return.

³ European Commission Action Plan on Unaccompanied Minors (2010–2014) COM (2010) 2313/3.

READER'S GUIDE

How to read the Child Notice?

This Child Notice report is a Country of Origin Information Report providing information on the living conditions of children in Albania. The Child Notice contains valuable background information for policy-makers as well as case workers, lawyers and other professionals in Europe who work with children coming from and/or going to Albania, primarily in the fields of asylum and migration.

The 2021 Child Notice follows from the 2015 Child Notice Albania which was developed and published as part of the project 'Better information for durable solutions and protection', which was financially supported by the European Return Fund of the European Commission.

The Child Notice Albania was written between February and September 2021. The Child Notice starts with a summary which gives an overview of the most important findings of the research on circumstances in which children live, trends, actual events, the difficulties children face in the country, the political context and political responsibility towards children. The child rights information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC - 1989). As the UN Convention is a comprehensive document, with rights being inter-linked, so is this report. This means that each section of the report should be read in the context of the other sections. For instance, a failing education system and a weak child protection system encourages child labour and child exploitation. Where appropriate, references have been made between the different sections. In general, the Child Notice has the following structure:

- 1 Demographic information/statistical data on children
- 2 Basic legal information
- 3 General principles
 - a Non-discrimination
 - b Best interests of the child
 - c Right to life and development
- 4 Civil rights and freedom
- 5 Basic rights (health/water/food/education)
- 6 Family environment and alternative care
- 7 Special protection measures
 - a Children in conflict with the law
 - b Refugee children and internally displaced persons
 - c Unaccompanied and separated children
 - d Children in armed conflict
 - e Female genital mutilation/cutting
 - f Early and forced marriage
 - g Domestic violence
 - h Victims of child trafficking
 - i Child labour and other forms of exploitation
 - j Children in street situations
- 8 Returning separated or unaccompanied children and families

How to use the Child Notice?

The information in the Child Notice can be used:

1. To obtain background information on the situation of children in the country of origin.
2. To identify potential (child and gender-specific) forms and manifestations of persecution.
3. To identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.
4. As input for a Best Interest of the Child Determination; to make sure decisions concerning children have been given due consideration to the best interest of the child.

Child-specific asylum and migration policy

With many children applying for an international protection status, the need for child-specific asylum and migration legislation and policies, guided by the principles and provisions of the UN Convention on the Rights of the Child, is clear. At the heart of the protection of children who apply for asylum is article 22 of the UN Convention which states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.
3. These rights are intertwined with the right to special protection for children who live outside the family (article 20), the right to health care (article 24) and the right to education (article 28). The basis of the child protection for each minor asylum seeker is formed by the following articles:

Article 2: non-discrimination

Article 3: the best interest of the child

Article 6: the development of the child needs to be promoted

Article 12: the rights of children to be heard

Child-specific grounds for persecution

Each child has the right to make an independent refugee claim, regardless of whether he or she is accompanied or unaccompanied. Even being part of a family and at a young age, a child might be considered the principal asylum applicant. A child can derive a refugee status from the recognition of his or her parents as a refugee. At the same time, parent(s) can derive status from their child's refugee status.

In order to assess children's claims to asylum and make decisions, one needs to have an up-to-date analysis and knowledge of the child-specific circumstances in the country of origin, including of existing child protection services. Children themselves might not be the perfect source of information. This information can be derived from the Child Notice.

Just as adults, child applicants for a refugee status must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion conform the 1951 Refugee Convention. As the UN Committee on the Rights of the Child⁴ and the UNHCR⁵ have pointed out age and factors such as rights specific to children, a child's stage of development, knowledge and/or memory of conditions in the country of origin, and vulnerability, also need to be considered to ensure an appropriate and child-friendly application of the eligibility criteria for refugee status. The 2011/95 EU Qualification Directive states in article 9.2 that "Acts of persecution can take the form of... (f) acts of a gender-specific or child-specific nature"⁶

UNHCR's Executive Committee has recognized that children may be subjected to specific forms of persecution that are influenced by their age, lack of maturity or their vulnerability. The sole fact that the claimant is a child might be principal in the harm inflicted or feared. The UNHCR Guidelines on international protection⁷ highlight child-specific forms of persecution as under-age recruitment, child trafficking and female genital mutilation, as well as family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography, and violations of economic, social and cultural rights.

Best Interests Determination

In all decisions taken in procedures concerning children the best interests of the child should be a primary consideration. In a migration procedure a durable solution should be sought for the child involved. A durable solution will be long-term and sustainable and ensures that the child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the UN Convention and will not put the child at risk of persecution or harm. The durable solution will be informed by the Best Interest Determination (BID).

⁴ UN Committee on the Rights of the Child General Comment No.6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin CRC/GC/2005/6 (September 2005).

⁵ UNHCR Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees HCR/GIP/09/08 (22 December 2009).

⁶ Directive 2011/95/EU of the European Parliament and the Council of 13 December 2011 on Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

⁷ UNHCR Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees HCR/GIP/09/08 (22 December 2009).

According to General Comment No 14, the specific, factual circumstance of the child is the point of departure for assessing the best interests of the child. Elements, which among other aspects relevant to the specific child, may be taken into account when assessing and determining a child's best interests include:

A. Child's identity

Age, gender, sexual orientation national origin, religion and beliefs, cultural identity, personality, current needs and evolving capacities (including level of education).

B. Child's view

The child's view on his/her identity and on the options available. Include also the view of (foster) parents or (current) caregiver's views.

C. Preservation of the family environment, maintaining relationships

Significant relationships (location), quality and duration of child's close relationships, effect of separation from significant relationships, capacity of parents or other caregivers, possibilities of family reunification, preference of care within family environment in order to ensure the full and harmonious development of a child's personality.

D. Care, protection and safety of the child

Safety from harm, well-being in broad sense (basic material, physical, educational and emotional needs, needs for affection and safety, recognizing that socioeconomic circumstances may be quite diverse in in country of origin, possibility of future risk and harm and other consequences of the decision for the child's safety).

E. Situation of vulnerability

Individual physical or emotional needs, specific protection needs including for victims of trafficking and trauma, role of continuity of feelings of security and stability.

F. Child's right to health

Actions required to provide for his/her health condition, including mental health.

G. Access to education

Educational needs and opportunities for development.

These elements need to be balanced in an assessment of best interests. The content of each element will necessarily vary from child to child and from case to case, depending on such things as the concrete circumstances. Child-specific information on the country of origin, as provided in the Child Notice, will give valuable input for an assessment of above-mentioned elements but cannot provide information on a particular situation of a particular child.

A Best Interests of the Child Determination (BID) results in a recommendation for the child's future based on his or her best interests. A BID procedure is a holistic assessment of all possible long-term solutions that could meet the best interests of the child and address his or her individual rights and needs, particularly any need for international protection and adequate care arrangements. This assessment is holistic in considering many factors and goes beyond an assessment of international protection needs based on existing legal instruments. A BID should be a formal process with strict procedural safeguards.

Child protection systems

The Child Notice includes information about the provision of child protection services by state and non-state actors. Thorough knowledge of the existing child protection system in a country of

origin or the lack of it, is vital while making a decision on international protection, possible return and assessing return conditions or designing reintegration programmes in the country of origin. A child protection system (CP system) consists of “certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children”⁸. The importance of a CP system is to create a protective environment where laws and policies, services, behaviours and practices minimize children’s vulnerability and strengthens children’s own resilience⁹.

There is however not one template for a child protection system that could be copied to every country around the world. A child protection system should consist of a few basic elements:

- Child protection laws and policies should be compliant with the UNCRC and other international and regional standards.
- Governments have an oversight function and the ultimate responsibility over the child protection system, which involves coordination and engagement of multiple CP actors, including civil society.
- There is a centralized data collection system on both prevalence and knowledge of child protection issues and good practices.
- There are preventive and responsive services that are focused on supporting the families in protecting and caring for their child. Prevention should, besides the child at risk, focus on all the risks that play a role.
- Children will be involved and will have the opportunity to express their views in responses and interventions deployed to protect them and in the development of child protection policies.

A protective environment encourages the development of a child, improves their health, education and well-being. Besides, it improves children’s capacities to be parents and productive members of their societies. The main importance of a child protection system is that it provides protection against the risks and vulnerabilities underlying many forms of harm and abuse: “Sexual abuse and exploitation, trafficking, hazardous labour, violence, living and/or working on the streets; the impact of armed conflict, including children’s use of armed forces and groups; harmful practices such as female genital mutilation/cutting (FGM/C) and child marriage; lack of access to justice; and unnecessary institutionalization among others”¹⁰.

The EU Action Plan for Unaccompanied Minors¹¹ states the importance of a functional child protection system as follows: “Finally, the EU will continue promoting the development of child protection systems, which link the services needed across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and to provide protection to children in institutions. The EU will also continue supporting birth registration systems which, through ensuring that all children have a legal identity and thus access to their legal rights, play an important role in child protection.”

⁸ UNICEF, UNHCR, Save the Children, World Vision A Better Way to Protect All Children (2012) Conference report p. 1.

⁹ UNICEF UNICEF Child Protection System UN-Document E/ICEF/2008/5 (2008).

¹⁰ UNICEF UNICEF Child Protection System UN-Document E/ICEF/2008/5 (2008).

¹¹ European Commission Action Plan on Unaccompanied Minors (2010-2014) COM (2010) 2313/3.

Return

The durable solutions that are often considered are geographically shaped:

1. Voluntary or forced return to the country of origin;
2. Local integration in the country of destination; or
3. Resettlement to a third country in situations where it is impossible for a person to go back home or remain in the country of destination.

In order for return to take place in a safe manner, there are many considerations, including child protection needs, to be taken into account. UNICEF published in 2014 a discussion document on children's rights in return policy and practice in Europe. This document enumerates the following considerations for government practice in the return process for children:

1. Assess the security situation carefully, on a country and local basis and specifically for children.
2. Carry out a Best Interest Determination (BID) to identify a durable solution for every separated child.
3. Develop and use child rights-based procedures for tracing and contacting families.
4. Respect the best interest of children in returning to families.
5. Work on possibilities for long-term development and durable solutions.
6. Conduct public consultations now on policy provisions needed to accompany emerging practices.
7. Do not return children to institutional reception unless the recommended safeguards are in place.

Although the discussion document has been written with separated and unaccompanied children in mind, some of these considerations are also valid while considering return of children and their families. In order to assess the security situation and to consider and develop specific reintegration programmes, child-specific country of origin information which can be found in the Child Notice is paramount.

SUMMARY

Demography (chapter 1)

Of Albania's total 2021 estimated population of 2.8 million, those under 19 years' of age (over 656,000) comprise nearly a quarter (23 per cent) according to INSTAT, the official government statistical agency. Since the last 2011 census there was a population decrease in this age group (by nearly a quarter) while those in older age groups showed a smaller population increase. In the younger age groups, population decrease is due to emigration and a decreasing birth rate. INSTAT estimated that over 23,000 young people emigrated between 2011 and 2019. In January 2021 there were 2 per cent more young males (335,000) in the population than young females (321,000).

The population is ethnically homogenous: 83 per cent self-identified as Albanian. Nine national minority groups are officially recognized: Aromanian, Bosnian, Bulgarian, Egyptian, Greek, Macedonian, Montenegrin, Roma and Serbian. The 2017 law on *Protection of National Minorities* gave minority groups special protection rights. Official population estimates are disputed by some minorities, including Roma. Estimates for children with disabilities also vary. Government figures for 2020 and 2021 of around 15,000–16,000 such children are lower than a 2018 estimate of 2.5 to 4 per cent (over 65,000) of the total child population. The planned 2020 national census, last held in 2011, was postponed to 2022 due to COVID-19. National elections did go ahead in May 2021. The results saw the previous administration retain power.

Legal framework (chapter 2)

Albania has a strong record of ratifying international law on children's rights and related issues, including the *UN Convention on the Rights of the Child* in 1992. Albania's Constitution places international law above its national law. It has a developed legislative structure relevant to children's rights. In 2017, two major pieces of legislation were passed: the law on the *Rights and Protection of the Child* (updated from 2010), and the *Code of Criminal Justice for Children (CCJC)*. The *CCJC* and another 2017 law guaranteeing free legal aid incorporated international child-friendly justice standards. They have had some effect, such as by reducing the time children spent in detention, although independent analysis showed that significant gaps in achieving child-friendly justice remain.

Changes to birth registration law in 2018 simplified procedures, but Roma children and others in families returning to Albania have reported difficulties in accessing birth registration. Children born outside marriage have the same rights as all other children but if they cannot be registered, they may not enjoy child rights or the provision of key services associated with them. The minimum age of criminal responsibility is 14 years old, in line with international standards. Children up to 18 years old can be placed in residential care; those with disabilities may stay up to 21 years old. Passports are available to all from birth but only those aged 16 years or above may obtain passports independently.

There are other nuances to the impact of legislative reform in Albania on children's rights. Large scale changes to territorial administration were implemented from 2015 to consolidate good local governance, democracy and the rule of law. This has not yet been fully realized, nor accompanied by the required financial transfers. Child protection workers face difficulties with their roles and responsibilities through lack of resources and support.

Implementation has lagged elsewhere in key child rights areas. The role of the State Agency for the Rights and Protection of Children (SARPC) was strengthened with the Child Rights and Protection

law, but the resources awarded to it, financial and human, have not corresponded to its increased responsibilities, including monitoring children's rights locally. The SARPC has experienced further difficulties in its coordination roles with the different tiers of government.

The *National Agenda for Children's Rights (NACR)*, being renewed, is the closest mechanism Albania has to a child rights policy. It has no dedicated budget at the Ministry of Health and Social Protection (MHSP) or the SARPC. In 2020, analysis showed a *NACR* budget shortfall of 9 per cent. Some child rights-related policies and strategies have elapsed (e.g., on certain health issues) while others (e.g., deinstitutionalization, children's justice, migration) have progressed.

Proactive, independent, national human rights institutions exist in Albania, including a People's Advocate (Ombudsperson) and a Commissioner for Protection against Discrimination. Both have been used by children to complain against rights' abuses. Their offices are available regionally and widely through social media. In only limited numbers of cases have children brought individual complaints through these advocates.

Civil society is an active presence, with national and international organizations working together on a range of child rights issues. This includes areas directly related to supporting the most vulnerable children (e.g., those trafficked, in street situations and in migration flows).

Children's rights principles and civil freedoms (chapters 3 and 4)

Discrimination is prohibited in the Constitution, and this has flowed into other legislation. Nonetheless, girls, Roma children, children with disabilities, and the LGBTQI+ (lesbian, gay, bi-, trans-, queer and inter-sexual) children and others have faced discrimination. Complaints about discrimination have been made about education and residential care settings, the juvenile justice system and elsewhere. Women and girls were found to be at higher risk of poverty and social exclusion than men, and children experienced structural discrimination.

Despite improvements, Roma families experience high levels of poverty and discrimination. Their uptake of free health cards has increased, but Roma women find barriers in accessing primary health care. Schools lack enough trained staff to teach Roma children in their own language. Concerns raised by the UN Committee on the Rights of Persons with Disabilities included insufficiently compliant national legislation, use of a medical model of disability, and violence and offensive language used against people with disabilities. While most children with disabilities live with their families, they are over-represented in care homes. Hate speech was reported against the wider LGBTQI+ population and Roma communities. No reports were found for this report of hate speech against migrants, refugees or asylum seekers.

The *Guaranteed Legal Aid* law specifically includes children within its scope. With free legal aid rationed in practice, minority groups of children, including Roma, have encountered its limited availability. Stateless families also experience practical difficulties accessing this aid if they lack documentation to prove entitlement. Children's difficulties in accessing justice are compounded, for example, by the lack of child-friendly materials about their legal rights and protections.

The best interests of the child is a guiding principle of the *Child Rights and Protection* law and the *CCJC*, but the implementation of secondary legislation to ensure its application (e.g., to enable intersectoral child protection responses) has lagged. Significant concerns have been raised about children's unmet best interests in relation to child (including forced) marriage. Other serious report-

ed harms from traditional practices were through blood feud, honour killing and sex-selective abortion (favouring boys). Instances were reported where children's treatment as witnesses to crime have harmed them.

Children face risks to their lives in other areas, including through trafficking, hazardous labour and in street situations, which interlink. Being a child victim of, or witness to, domestic violence has remained commonplace, but with signs of a decrease in its frequency. Concern has grown over children's risks through online activity, especially exposure to pornography and sexual exploitation, potentially increasing during the COVID-19 outbreak.

Infant mortality has recently increased, with some suggestions that this may relate to the emigration of medical staff from Albania. The rate of teenage pregnancy has also increased. Albania has low reported childhood suicide rates and no cases of homicide against children.

Children in Albania described feelings of happiness within their families and, to a lesser extent, at school. However, social norms are not strongly rights based and children speak of limited real opportunities to participate and to be heard, at home and in public. Children's rights to privacy have been abused in the media, including for children who are prosecuted for, victims of or witnesses to crime.

Family environment and alternative care (chapter 5)

A body of legislation and policy supports children and families, children in alternative care and children's social services. Alongside the *Child Rights and Protection* law are the *Family Code* (revised 2015) and a 2016 law on *Social Care Services*. The *CCJC* complements these with its emphasis on keeping children in family environments. The *NACR* and a new *National Deinstitutionalization Plan 2020–2022* give direction.

There is a well-established child protection hotline operated by a civil society organization (CSO). This obligatory provision is managed in cooperation with the SARPC. In 2020, 1,000 calls (of 35,000) received were referred on for further advice and support. Meeting wider community child protection requirements in practice has been problematic. Insufficient human and financial resources and frequent organizational change—partly due to the 2015 decentralization reforms—mean that laws and policies have not always been well implemented.

Child protection units (CPUs) are established at district level, but many do not fully function. By 2020, 240 CPUs were in place, covering half the country, a slow increase compared to the 196 in 2014. CPUs are particularly scarce in the north of Albania. Many CPUs lack qualified child protection workers (CPWs) that the *Child Rights and Protection* law requires. Of all public-funded social services, only 27 per cent are for children and these are predominantly in Albania's main cities.

Some local staff are without the training to process requests for economic aid, so that families cannot obtain this support when they need it. CPWs lack training over the commercial sexual exploitation of children. Community programmes to reinforce parental responsibility, and to strengthen families have remained weak. CSOs support families and children but CSO's provision can be uneven, geographically and over time.

The Social Fund, an important new local government funding package for social protection services was introduced from 2018. However, social care resources, budgeting and investment, through the

SARPC nationally, and at local levels, have been assessed as insufficient. Only 24/61 municipalities have budgeted social care plans. Alternative care funding has received a consistent, if limited, share of social care funding, although the limited budget for foster care increased between 2014 and 2018 to reflect more children being placed with families.

Albania's nine public residential care institutions mostly look after economically disadvantaged children. Under the *Child Rights and Protection* law, lack of financial means is not sufficient grounds to separate a child from their parents, but 2018/19 Ministry of Health and Social Protection (MHSP) research found that 90 per cent of children in these homes were from poor families. The homes' focus was on physical aspects of childcare, and the homes mainly existed to serve children without parental care, not children who were abused, exploited or neglected.

Government departments took different views on the availability of specialist services for children in residential care. The overriding view seems to be that these are insufficient, with few psychologists and social workers, and a lack of professional supervision of staff that are in place. As in community settings, CSOs fill some gaps, but with similar drawbacks of patchy and non-standardized provision. Information on review procedures for the homes was not found for this report.

The duration of a child's stay in a home increases with age: for children aged 6–18 years, the duration of stay was five to six years. A 2017 reform prioritized keeping siblings together, and another aimed to support the social reintegration of 16- to 18-year-olds. The *Deinstitutionalization Plan* noted the detrimental effects of homes on children who miss out on key parts of their development, and that the drawn-out custody procedures in some homes prolonged stays. Two cases of physical abuse against children in homes were identified between 2015 and 2017.

A core aim of the *Deinstitutionalization Plan* is to move children away from residential care into day care centres and other effective community alternatives. The plan increases provision and capacity for different types of fostering. There is a curriculum for foster carers, who now receive the same salary as residential home carers.

Basic rights (chapter 6)

Access to sanitation in Albania is similar to other Western Balkans countries, but Albania's access to basic water services is the region's second lowest. Roma families have the region's lowest access to piped water and, in the past, Roma families experienced poor housing. This situation has improved, but a rising rate of Roma evictions from homes has caused further concern.

Albania recorded the region's second highest rate of undernourishment, with 11 per cent of children aged 0–5 years were stunted. Public expenditure on health is low and, based on GDP (gross domestic product), is the region's lowest. Primary health care (PHC) receives the lowest share of the health budget with secondary and tertiary services favoured. High rates of out-of-pocket health care spending—58 per cent of total health care expenditure—has disadvantaged the poorest households.

Roma families have low rates of health insurance coverage. Access to health services for Roma, people with disabilities (especially females) and rural families is difficult. The development of a basic PHC package, including free health care for all children, has brought notable successes (e.g., in declining maternal mortality and improved vaccination rates) but elsewhere improvements are needed (e.g., in malnutrition and infant mortality rates). Adolescent-friendly health services are absent and national health strategies and plans for these and other groups of children have lapsed.

The Albanian Government announced its first lockdown measures due to COVID-19 on 10 March 2021, declaring a state of natural disaster two weeks later. By the beginning of August 2021, Albania registered over 133,000 cases and 2,457 deaths, the lowest number of COVID-19 cases and related deaths among the Western Balkans countries. Albania's cumulative vaccination rate of 43 individual doses per 100 people in August 2021 was at the region's lower end. None of these rates were disaggregated.

Compulsory education for children aged 6–15 years is free. Improved access to education has been supported by national free school textbook and transport schemes. However, additional costs remain for families, and participation in education among the poorest children is 20 per cent lower than for others. Distance to school, the poor state of some school premises and combined class teaching in schools with fewer students—all more common in rural areas—have been further disincentives for poorer families.

Official data on primary school enrolment suggests that enrolment rates in Albania are similar to the rates in the European Union (EU) and matches the average enrolment rates in the member states of the Organization for Economic Cooperation and Development (OECD). However, the UN Education Scientific and Cultural Organization's (UNESCO) figures up to 2019 show declining enrolment. Secondary school enrolment is lower in Albania than the EU and OECD averages, with fewer boys than girls enrolled: Dropout increases in parallel with educational level, with more boys leaving the higher grades than girls. Boys completed an average of 1.5 years less education than girls.

Roma children's participation in education has improved, and they have benefitted from the free textbook and related initiatives. Yet Roma education achievements remain low, with low compulsory education enrolment and high dropout rates. Successful provision has been made for more teaching assistants for children with disabilities and the Ministry of Education, Youth and Sports (MEYS) reported an increase in their school attendance. Other data has pointed to high rates of school absenteeism in some municipalities for children with disabilities.

World Bank analysis (May 2020) pointed to longer-term reversals in poverty reduction and improved public health and education outcomes across the Western Balkans because of COVID-19. In Albania, a background of low PHC expenditure, low rates of access to computers in poor households for online learning, and high rates of informal or self-employment were contributing factors. The UN Albania country plan (July 2020) is supporting the Government's COVID-19 response, targeted health, education and economic recovery, especially for the most disadvantaged.

Special protection measures (chapter 7)

The *CCJC* is supported by the *Justice for Children Strategy 2018–2021* and secondary legislation. Delays in implementing the strategy have partly been addressed but the Ministry of Justice agreed that challenges remain (e.g., to achieve child-friendly environments in police stations). The difficulties of accessing free legal aid, especially for Roma and stateless children, have been mentioned. Available official statistics (2015–2019) showed an overall decrease in children (all males) imprisoned.

The Kavaja institution, re-designed as a children's rehabilitation centre in 2019, is now the only imprisonment institution for children. There are pre-trial detention facilities elsewhere in Albania, but Kavaja seems to have been used exclusively for these purposes too, for both girls and boys, since 2018. The People's Advocate regularly monitored Kavaja, and other detention facilities (e.g., police custody cells), and recommended changes: to reduce violence, to improve access to education and health care, and to ensure the separation of children from adults. These recommendations are yet to be fully implemented.

In line with the *CCJC*, there are increased alternatives to detention, but the actual use of alternatives has fluctuated since 2014 based on official sentencing records. Increasing numbers of municipalities have cooperation agreements with the Ministry of Justice to use community centres to provide alternatives to children in conflict with the law: currently 33 municipalities out of the 61 have such cooperation agreements with the Ministry of Justice (by 2020). Local staff capacity to manage both the alternative sentencing and the rehabilitation of children in conflict with the law is limited.

The *Child Rights and Protection* law prohibits violence against children, including corporal punishment, in all settings. A 2018 reform of the *Measures against Violence in Family Relations* law aligned state responsibilities to vulnerable persons with the *Istanbul Convention* and *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW). Amendments to the Family Code and other laws also aimed to benefit survivors of violence.

The Group of Experts against Violence against Women and Domestic Violence (GREVIO) committee noted Albania's solid domestic violence legislative framework but urged amendment to the *Criminal Code's* definition of rape involving children so as not to depend on whether the victim had reached puberty. The 2019 Universal Periodic Review (UPR) found that the definition of rape is not in line with the *Istanbul Convention* as it remains force-based and not consent-based. The UPR and the European Commission (EC) in 2020 stated that relevant legislation needed full implementation as children continued to face violence in different settings.

Few recent surveys directly asked children about domestic violence. Over half of women interviewed for a 2019 violence against women and girls (VAWG) study reported violence against women while children lived with them. The study estimated that a third of Albania's children were exposed to violence. A 2018 survey, that did ask children, reported increasing non-violent punishment by parents, but that half of the children still experienced violent or aggressive forms of punishment. There were reports of violence against children in schools and residential care, and concerns were expressed over the harm to children through blood feuds. During the COVID-19 pandemic lockdown, concerns increased for children, locked in with violent family members, while child protection services were limited.

Legislation exists to protect children against early and forced marriages, but the penalties are small: three months' imprisonment or a fine. National strategies or plans have not been found and official, child-focused data is lacking. GREVIO recommended that courts thoroughly verify a child's willingness to marry. In a case of a 13-year-old girl's forced marriage, the man faced no criminal proceedings.

Child marriage overwhelmingly affects girls, particularly Roma. A 2021 study reported Roma girls from northern Albania being forcibly married into North Macedonian or Kosovan communities. International committees have expressed concerns about ongoing child marriages in Albania and their damaging consequences, especially for Roma girls.

No reports on female genital mutilation and cutting were found for this report. This is not understood to be a phenomenon in Albania. No reports have been found about the involvement of children in armed conflict apart from recent, documented cases of the repatriation to Albania of mothers and children from Syrian camps. Albania ratified the *Optional Protocol on the Involvement of Children in Armed Conflict* in 2008 and submitted its latest report to the UN Committee on the Rights of the Child in 2019.

Alongside ratification of the *UNCRC* protocol on the *Sale of Children, Child Prostitution and Child Pornography Children* and the *Palermo Protocol*, Albania has a body of legislation to combat child trafficking, further supported by the 2017 *Child Rights and Protection* law. There is a national Anti-Trafficking Plan 2021–2023, and a 2019 assessment noted that of 42 countries Albania was one of 17 with legal provisions on the non-punishment of trafficking victims. Like other Western Balkans countries, there is no protection plan to address child sexual exploitation in tourism.

Available government data showed that from 2015 to 2017 child trafficking convictions remained constant (at 22 or 23), but a US Government report found that in 2019 they were the lowest: just two convictions since 2014. Shelters for child trafficking victims are available to all, from Albania or abroad, but concerns exist about their adequacy of funding and victim identification. Official data on actual child trafficking victims available for 2018 and 2019 showed very low numbers. A 2020 study found that, of 39 potential child trafficking cases (25 girls), the authorities could only positively identify one victim, even though in 11 cases (eight girls) exploitation continued after completing the identification process.

Albania is a sending, receiving and transit country for trafficking, and it occurs internally. Child trafficking is for multiple purposes with strong reported links to child labour and children on the street. Victims may experience multiple forms of exploitation. The involvement of parents and other relatives is reported and, in 2019, one CSO supporting child victims found that 20 per cent were recruited through social media. A 2021 report identified debt bondage among boys and young men trafficked to the UK.

An international and national legislation and policy apparatus exists to protect children in Albania from hazardous labour and Albania has maintained pathfinder country status under the global *Alliance 8.7*, part of the UN's sustainable development goals to eliminate child labour and trafficking by 2025. In 2020, the Council of Europe (CE) considered Albania's legislation insufficient to protect children against labour hazards and European Commission and US Government reports both found legislative and systematic weaknesses. The latter identified categorical worst forms of child labour including commercial sexual exploitation, sometimes resulting from trafficking.

Hazardous forms of child labour included work in chromium mines, forced begging, sex tourism, prostitution, pornography and drugs' work (including harvesting, trafficking and distribution). These kinds of employment occurred both in Albania and in other countries. Children missed school through labouring and faced further harms, to their health, safety, moral and other development.

A Government-run survey in 2019 identified 272 children in street situations. Based on the provisions of a 2015–2017 national action plan for these children, immediate assistance and other community-led support was offered, including the option of placement into care.

The CE was concerned about the lack of authority's attention to this group of children and their trafficking risks, noting the predominance of Roma children amongst them. Up until July 2021, a CSO shelter reported that 39 out of 45 children they supported had been in street situations and 15 out of 18 potential child trafficking victims were Roma. In another 2021 report, hundreds of Roma children in Tirana were making a living from begging and other street work; the report also referenced Roma boys among them as vulnerable to sexual exploitation in nightclubs. The COVID-19 outbreak increased concerns for children in street situations, as sources of family income diminished.

Albania is a transit country for refugees and asylum seekers, with most asylum requests withdrawn within days. The number of refugees and asylum seekers appear to have increased. In 2020, almost 11,970 people (1,700 children) arrived (2019: 6,667 including 1,602 children), but these figures include migrants. Nearly half were Syrian. The Government describes the National Reception Centre for Asylum Seekers (NRCAS) as the main shelter for children, but most who are unaccompanied and separated stay in two others managed by CSOs. Children have free movement in all these facilities.

There are no Albanian refugee camps and no internally displaced people have been recorded. Three months after the major earthquake in November 2019, it was reported that, of 1,782 children affected, 40 per cent lived in tents, and some children are still in this condition as of September 2021. As mentioned, the requirements to prove legal status may affect asylum-seeking children, but no reports were found over difficulties with children's access to education and health services or reports of violence and abuse towards them. Concerns have been raised about inadequate living conditions in the centres, grown worse during the COVID-19 pandemic, and increasing tension at NRCAS.

Laws and policy affecting unaccompanied and separated children have been developed in the past two years including an internationally standardized *Asylum* law and a *National Strategy and Action Plan on Migration, 2019–2022*. Accurate, disaggregated numbers for these children from other countries are hard to establish and while the increase in overall numbers is large (7 children in 2016; 288 in 2020), the numbers are smaller than elsewhere in the Western Balkans region. Albania recorded the fewest arrivals, and Serbia and Bosnia-Herzegovina the most, up to 2019.

Legislation provides for material, psychological and other support for unaccompanied children from other countries but leaves unclear whether this includes family reunification. A lack of standard operating procedures, and other inadequate support for children in state-managed shelters, was reported. From 2015 to 2017 (no later information found) Albania was the foremost country for the number of returnees—both adults and children—from the EU with significant numbers of Albanian migrant children in public care in EU countries up to 2020. The detention of unaccompanied children has not been practiced since 2016.

The numbers of refugees and asylum seekers entering Albania, including children, reduced during the COVID-19 pandemic but they were still unable to access social assistance and other services without officially recognized documents. A priority of the UN in Albania assessment was to obtain identification for this group of children to guarantee their rights, a process that has begun.

Return and reintegration (chapter 8)

The Albanian Government does not systematically collect returnee data. EU figures for 2020 showed 23,150 Albanians were forcibly returned included 550 children. The UN High Commissioner for Refugees (UNHCR) reported 319 stateless children in 2020. Returnees have the same rights to housing, health, education and other services as other Albanian citizens. No recent reports of general discrimination against them were found. For Roma returnees the situation is more complex, partly due to wider Roma discrimination, but a 2018 report described authorities' failures to meet non-discrimination and best interest of the child principles for these families.

In 2019, the Government pledged to improve birth registration procedures for all Albanian children born outside the country, including Roma, and to reduce the risk of statelessness. Legislative amendments were made to improve these children's registration and citizenship processes.

A new migration strategy included measures to respect all migrant children as vulnerable, improve border infrastructure and support children's reintegration. Localized plans for returnees are absent, however.

The strategy highlighted monitoring lessons from past migration challenges (e.g., lack of standardized data and inadequate exchange with other countries). It is monitored against indicators that include the return and reintegration of children, but Albania has no official post-return or reintegration monitoring systems. Unaccompanied children or adults returning through International Organization for Migration (IOM)-assisted voluntary return channels have benefitted from host country grants, but not if returning voluntarily by independent means. Local CSO initiatives assisted some returning families with basic needs, training and information.

A 2015 directive instructed regional education directorates to prioritize the registration of all returning children and the development of individual education plans for them, among other provisions. Education offices and schools have worked closely with local authorities, the IOM and CSOs to facilitate reintegration and prevent irregular re-emigration.

In practice, teachers and other staff have not been instructed on how to implement the education plans. For non-compulsory secondary education, parents still need school documents to prove which class the child attended whilst abroad. Some children without school documents from their time outside Albania were enrolled in lower grades upon return. Registration difficulties may lead to children dropping out. For children in compulsory education registration has been simpler.

Scope and limits of this report

This Child Notice Albania is an entirely new report following a 2015 one, also published by UNICEF. What is presented here is mostly from published sources since 2015, focused on those in the last two or three years, and key informant sources through direct, personal communications: face to face, telephone interviews or, less often, in writing.

This report has referenced core, pre-2015 material where otherwise such key data would be missing. The documents consulted were in English or Albanian language, including research reports, Government reviews and statements, other analysis by Government and NGOs, and legislative and policy material.

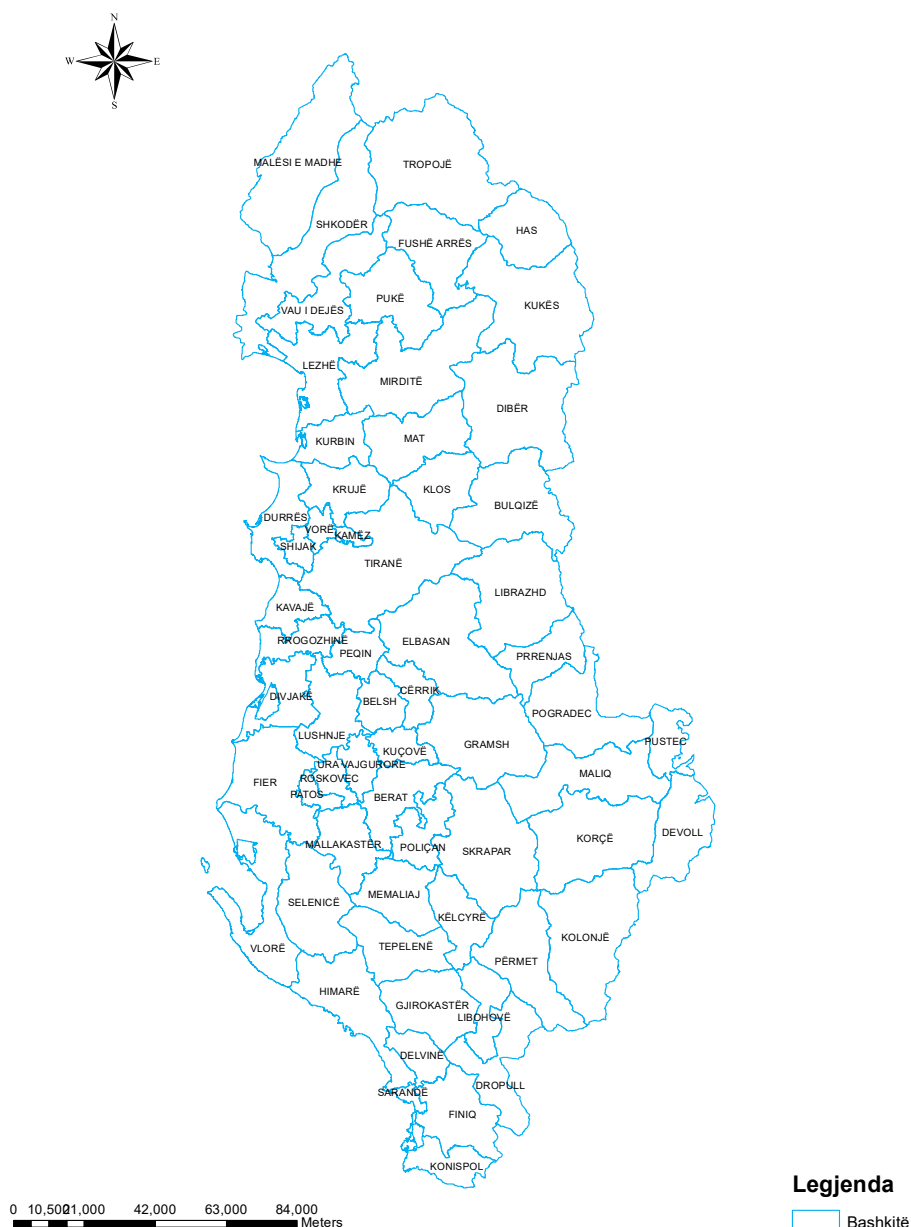
The Notice does not set out to be evaluative or interpretive over the information that was available but aims to report even-handedly and objectively from a range of sources. It has strived to be balanced and comprehensive throughout, but relevant, useful new information will appear sooner or later. In this sense, it is a snapshot of the rights-based situation of children who are living in, and/or who have moved from Albania. In keeping with other UNICEF-published Child Notices, no primary data collection with children and families was conducted.

For some statistical data, the sources referenced were not always current, disaggregated or otherwise complete. These issues are highlighted too.

1. Demographic statistical data on children

1.1 Demographic and statistical data on children

Figure 1. Map of Albania

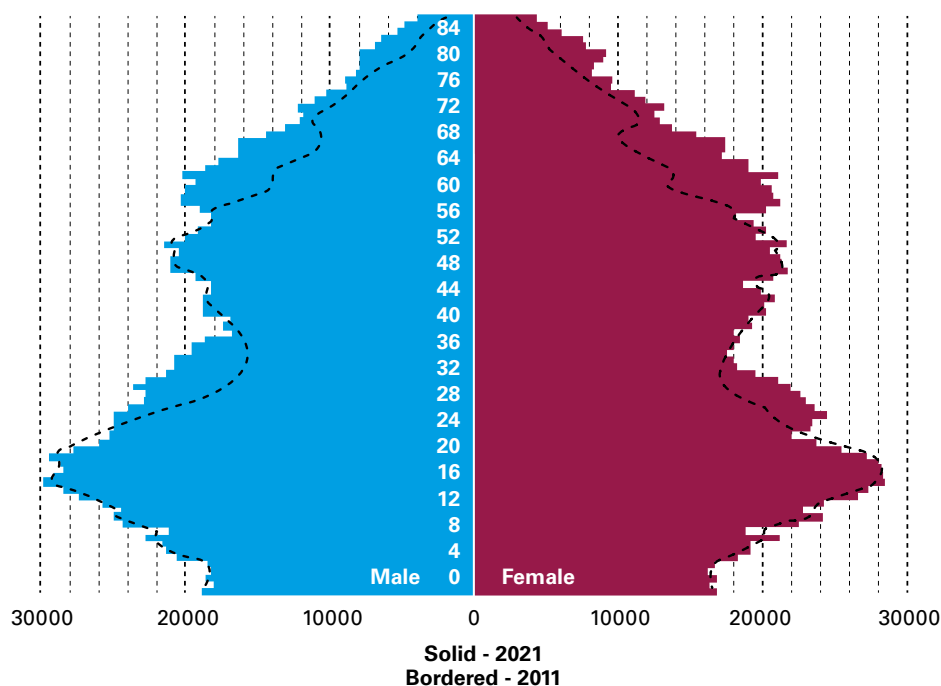


1. According to INSTAT (the Institute of Statistics), the official national statistics agency of Albania, the total population of children aged 0–19 years old (INSTAT figures are not disaggregated to show children between ages 0–18 years) was 656,441 on 1 January 2021. Of these, 335,286 were male (51.07 per cent) and 321,155 (48.93 per cent) were female¹². The total Albanian population estimate on 1 January 2021 was 2,829,741 inhabitants, with 0- to 19-year-olds comprising approximately 23.2 per cent of the whole¹³.

¹² Government of Albania, INSTAT. Population (hereafter: INSTAT, Population 2021). Available at: <http://databaza.instat.gov.al/pxweb/en/DST/?rxid=a00ad8a4-38f6-4440-be38-c0cb9e92bac5> (accessed 25 May 2021).

¹³ INSTAT, Population 2021 (accessed 04 February 2021).

Figure 2. Population pyramid of Albania, 1 January 2021



Source: INSTAT

2. The population of people above 19 years of age has increased since January 2011 (by 163,606 persons), but the population under 19 years of age has decreased significantly according to INSTAT, by 239,060¹⁴. The population pyramid (see Figure 2 above) illustrates how the older population has increased over the same 10-year period with the decrease in the younger age groups, due to emigration INSTAT has reported¹⁵. Total populations, disaggregated by age group and gender, as of 1 January 2021 are shown in Table 1.¹⁶

Table 1. Child population of Albania as at 1 January 2021

Age group (years)	1 January 2021		
	M	F	Total
0 – 4	73,974	69,572	143,546
5 – 9	81,708	80,005	161,713
10 – 14	83,041	79,066	162,107
15 – 19	96,566	92,509	189,075
SUBTOTAL 0 – 19	335,286	321,155	656,441
SUBTOTAL 20 – 85+	1,074,693	1,098,607	2,173,300
TOTAL	1,409,982	1,419,759	2,829,741

Source: INSTAT

¹⁴ Data processed by authors based on INSTAT tables on population 2011–2020.

¹⁵ Government of Albania, INSTAT. Statistical literacy. Available at: <http://www.instat.gov.al/en/statistical-literacy/the-population-pyramid/> (accessed 28 August 2021).

¹⁶ Table adapted from INSTAT cited in population statistics above.

1.2 Ethnicity and religion

3. The existence of ethnic, religious, linguistic minorities/indigenous groups is officially recognized. The *Constitution of the Republic of Albania* (1998) article 20 recognizes the full equality in law of all human rights and freedoms for national minorities but does not define the national minorities¹⁷.
4. To remedy previous legislative gaps, the law on the *Protection of National Minorities in the Republic of Albania*, no. 96 was adopted in 2017, providing for special rights and protection to national minorities, including the Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian communities¹⁸. Yet, the lack of sufficient secondary legislation (or bylaws) prevents the full implementation of this law.¹⁹ (See chapter 3.1, para. 57.)
5. The previous Child Notice 2015 quoted INSTAT data from the 2011 Census of 8,301 Roma people in Albania, and 3,368 Egyptian people but also that Roma groups themselves had estimated their numbers at between 30,000 and 120,000.²⁰ According to informants, the widely differing estimates between official figures and those from other sources has not changed since.²¹
6. A 2020 national population census was planned by INSTAT and postponed due to the COVID-19 pandemic²². The previous 2011 census names the minority ethnic groups mentioned above with population totals for each but not disaggregated by age. Based on official statistics, Albania is one of the most homogenous countries in the region, with 83 per cent of the population self-identifying as Albanian. However, minority groups have questioned the accuracy of official data²³.
7. Other current (2020) INSTAT data does not break numbers down further by age group and prefecture (local area), or by ethnic, religious, linguistic minorities and/or indigenous groups. Albania is a country with large migration flows, starting from the early 1990s and continuing until nowadays. A 2020 INSTAT survey showed that 23,318 children emigrated from 2011 to 2019²⁴. (See chapter 8.1 & 8.2, paras. 345, 348 & 354.)

¹⁷ World Intellectual Property Organization, WIPOlex. Albania: Constitution of the Republic of Albania (hereafter: WIPOlex, Albania constitution.) Available at: <http://www.wipo.int/wipolex/en/details.jsp?id=9481>. (accessed 4 February 2021).

¹⁸ UN General Assembly, Working Group on the Universal Periodic Review (UPR). National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Albania. (Geneva): UPR, 2019 (hereafter: UPR, State report 2019), para. 56. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/048/74/PDF/G1904874.pdf?OpenElement> (accessed 14 February 2021); For the Protection of National Minorities in the Republic of Albania, law 96, 13 October 2017. Available at: <https://qbz.gov.al/eli/fz/2016/146/6c6dda01-80e0-41e8-9618-b4eba35fa05e;q=ligji%20per%20te%20huaj%2074%202016> (accessed 4 February 2021).

¹⁹ European Commission (EC). Albania progress report. Brussels: EC, 2020, p. 36 (hereafter: EC, Albania progress report 2020). Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf (accessed 25 May 2021).

²⁰ Shanaj, H., et al. Child notice Albania. The Netherlands: UNICEF, 2015 (hereafter: Shanaj, Child notice Albania 2015), p. 26. Available at: <https://www.refworld.org/docid/566e68bd4.html> (accessed 6 February 2021).

²¹ Personal communication, Mediterranean University, Lecturer and expert of Constitutional Law and Social Inclusion, Bujar Taho, 28 June 2021.

²² Government of Albania, INSTAT. CENS 2020 January-March. Tirana: INSTAT, 2020, p. 4. (Newsletterno. 7, hereafter: INSTAT, Newsletter 7 2020). Available at: <http://www.instat.gov.al/en/census/activities/activities-for-population-and-housing-census/census-newsletter-no7/> (accessed 5 February 2021).

²³ Krasniqi, G, Report on citizenship law: Albania, Badia Fiesolana, Italy: Global Citizenship Observatory, 2021, p. 17. Available at: https://cadmus.eui.eu/bitstream/handle/1814/70360/RSCAS_GLOBALCIT_CR_2021_5_ALBANIA.pdf?sequence=1&isAllowed=y (accessed 25 May 2021).

²⁴ Government of Albania, INSTAT et al. National household migration survey in Albania, Tirana: IOM, 2020 (hereafter: INSTAT, National household migration 2020). Available at: https://albania.iom.int/sites/albania/files/publication/Zhvillimi_i_anket%C3%ABs_komb%C3%ABtare_t%C3%AB_migracionit_n%C3%AB_familje_ENG.pdf (accessed 25 May 2021). The study indicates that these are the children from households whose head was present in Albania in the 2011 Census.



2. Basic legal framework

2.1 Conventions and protocols on children's and human rights

8. Albania has ratified the nine core United Nations (UN) international human rights treaties including the *UN Convention on the Rights of the Child (UNCRC)* in 1992 with its optional protocols and has signed or ratified other human rights conventions including key child-focused ones of the International Labour Organization (ILO)²⁵. No reservations were made by Albania to any of the core UN treaties and no complaint received under the UNCRC's third optional protocol on communication procedures²⁶. The *Hague Conventions'* website shows that Albania is a contracting party to them but offers no information on its signatory status²⁷.
9. Article 122 of the Albanian Constitution specifies that ratified international agreements, including the UNCRC, are part of domestic law with superior force over domestic legislation. If the Convention contradicts national law, the Convention must be applied. The Government submitted its combined fifth and sixth periodic report on the *UNCRC* and two optional protocols to the UN Committee on the Rights of the Child (CRC) in 2019, but it has not yet been heard by the committee²⁸. The previous Concluding Observations of the CRC were published in 2012²⁹.

²⁵ Please see the Appendices, Table 14 for the full list.

²⁶ For the Convention for Protection of all Persons from Enforced Disappearance (CPED) a blank reservation is recorded about the competence of the relevant Committee: UN Treaty Collection. Multilateral treaties deposited with the Secretary-General. Available at: https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en (accessed 4 February 2021).

²⁷ Hague Conference on Private International Law. Available at: <https://www.hcch.net/en/states/hcch-members/details1/?sid=18> (accessed 4 February 2021).

²⁸ Committee on the Rights of the Child. Combined fifth and sixth periodic reports submitted by Albania under article 44 of the Convention (Geneva): Convention on the Rights of the Child, 2021 (hereafter: CRC, State report 2021). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=801&Lang=en (accessed 1 March 2021). The Government of Albania submitted this report in November 2019, and the UN published it in February 2021.

²⁹ Committee on the Rights of the Child Concluding observations: the combined second to fourth periodic reports of Albania. Geneva: UN Convention on the Rights of the Child, 2012, (hereafter: CRC, Observations 2012). Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=ALB&Lang=EN (accessed 20 February 2021).

10. The *Constitution* includes provisions that apply regardless of age and other provisions specifically addressing children’s rights. In its 2019 national report to the Universal Periodic Review (UPR) the Government of Albania re-emphasized its commitment to protecting human rights and fundamental freedoms³⁰.

2.2 National legislation

11. Replacing a 2010 law with a similar title, the law on the *Rights and Protection of the Child* no. 18/2017 came into force in June 2017. This new law was developed following thorough consultation with stakeholders, and reviews of child rights in Albania and gaps that existed in the previous law³¹. It defines the duties, institutions, structures and mechanisms to ensure respect for children’s rights by individuals, the family, and the state, and strengthening an integrated system of protection of children from violence, abuse, exploitation and neglect, at central and local level.
12. The state party report to the CRC also highlighted that it is aligned with *UNCRC* provisions and comparable with the most advanced European standards in this field.³² In relation to the implementation of the law challenges remain. The law aims to strengthen the role of State Agency for the Rights and Protection of Children (SARPC) but, in practice the resources awarded to the agency, both financial and human, do not correspond to its increased legal responsibilities³³.
13. Also passed in 2017 and complementing the *Child Rights and Protection* law in its rights-based approach, was the *Code of Criminal Justice for Children* (see chapters 3.2, paras. 77–78 & 7.1 paras. 210–212)³⁴. Table 2 summarizes the relevant human and child rights legislative developments noted in Albania’s 2019 UPR report:

³⁰ UPR, State report 2019, para. 4.

³¹ This previous law was titled Protection of the Rights of the Child no. 10347/2010.

³² CRC, State report 2021, paras. 7–9.

³³ European Commission, Albania progress report 2020, p. 34.

³⁴ Rights and Protection of the Child law, 18, 9 June 2017 (hereafter: Child Rights and Protection law). Available at: http://drejtesia.gov.al/wp-content/uploads/2017/11/04_Ligi_18_2017_23.02.2017_Per_te_drejtat_dhe_mbrojtjen_e_femijes.pdf (accessed 25 February 2021); Code of Criminal Justice for Children, 37, 30 March 2017. Available at: <https://qbz.gov.al/eli/fz/2017/92/677c4b4a-06cf-441e-abaf-88d06e58ae33;q=kodi%20i%20drejtesise%20penale%20per%20te%20mitur%2037%2F2017> (accessed 25 February 2021).

Table 2. Recent child rights-related national legislation³⁵

Law	Number/Year	Aims to:
Citizenship	113/2020	Facilitate and streamline citizenship acquisition for children born abroad to Albanian citizens, refugees and others.
Legal Aid Guaranteed by the State	111/2017	Reform procedures and mechanisms providing state-guaranteed primary and secondary legal aid; enable exemption from fees and court expenses; and offer free legal aid to children in contact with the law and in alternative care.
Protection of National Minorities in the Republic of Albania	96/2017	Ensure and guarantee the rights of persons belonging to national minorities.
Code of Criminal Justice for Children	37/2017	Improve protection of children's rights and position of juveniles who were author, witness or victim of a criminal offence.
Child Rights and Protection	18/2017	Define the rights and protection that any child is entitled to, the mechanisms and responsible authorities that guarantee effective exercise of, and promotion of these rights, and special protections.
Social Care Services	121/2016	Regulate social care services; support and fostering well-being and social inclusion of individuals needing social care and their families.
State Police	108/2014 Amended 133/2020	Strengthen actions related to domestic violence and trafficking, child protection measures, and inter-institutional collaboration.
Civil Status	10129/2009 Amended 69/2018	Improve the mandatory reporting requirements for birth registration, including by electronic means.
Protection of Personal Data	9887/2008 Amended by laws 48/2012, 120/2014	Provides rules for the protection of and legal processes for personal data.
Measures against Violence in Family Relations	9669/2006 Amended by laws 9914/2008, 10329/2010, 47/2018 & 125/2020	Strengthen the role of local mechanism for referral of cases of domestic violence and to ensure that survivors are not obliged to leave their homes.
Family Code	9062/2003 Amended 2015	Provide for children who are abandoned by families.
Criminal Code	7895/1995, Amended 2012, 2013, 2017 & by law 35/2020	Provide for criminal offences against children, marriage and family, and to increase punishments for domestic violence offences if they are repeated or committed in a child's presence. ³⁶
Labour Code	7961/1995, Amended 2015	Increase working age to 16 years and introduce protection measures for working children.

³⁵ Based on UPR, State report 2019, pp. 2–3.

³⁶ 25 Burazeri, G., et al., Adolescent and youth abuse in Albania: in depth analysis. Tirana: Nesmark Foundation/UNFPA, 2020, p.15. Available at: https://albania.unfpa.org/sites/default/files/pub-pdf/adolescent_and_youth_abuse_in_albania.pdf (accessed 26 May 2021).

2.3 National strategy and budgeting for children

14. Albania does not have a named child policy or strategy but its National Agenda for Children's Rights 2017–2020 (NACR) is being renewed in line with the UN Sustainable Development Goals (SDGs) of 2015. The NACR does not have legal force. It is aligned with the UNCRC and has three strategic pillars:³⁷
 - a Good governance to promote, implement and protect children's rights by strengthening the regulatory and institutional framework for these rights and for child protection;
 - b Elimination of all forms of violence against children; and
 - c Child and adolescent-friendly systems and services: child development, education, justice, health, nutrition and social protection, and key measures for sectoral strategies that achieve progress in implementing children's rights.
15. The Government agency coordinating, monitoring and implementation the NACR is the SARPC, an executive agency of the Ministry of Health and Social Protection (MHSP)³⁸. SARPC is funded through the national budget and donors, and it is reported that its resources, both financial and staffing, are inadequate to meet its legal obligations³⁹. The NACR does not have a dedicated budget line in either the SARPC or the MHSP⁴⁰.
16. An evaluation of the NACR in 2020 showed that of the 287 measures within it, 235 of them are budgeted through the state budget (64.3 per cent) or donor funding (26.2 per cent), a gap of over 9 per cent⁴¹. As the report states, this data is not robust since it was not possible to track budget allocations and implementation of measures each year. Insufficient state funding of the NACR and of other national strategies relevant for child rights was reported in the previous 2015 Albania Child Notice⁴².

2.4 Governmental child rights coordination

17. The SARPC has not changed structurally much over the past five years or so, but has developed more responsibilities, especially through its focus on child rights including its monitoring role at local level.
18. Child rights and child protection activities are organized at national and local levels (*see Figure 3 and paras. 25–28 below*)⁴³.

³⁷ Ministry of Health and Social Protection, National agenda for children's rights (Agjenda kombëtare për të drejtat e fëmijëve), 2017–2020. Available at: https://justice.childhub.org/en/system/tdf/library/attachments/agjenda-kombetare-per-te-drejtat-e-femijeve_0.pdf?file=1&type=node&id=27393 (accessed 25 July 2021).

³⁸ This report refers to the agency using the acronym SARPC (State Agency for the Rights and Protection of Children): it is also known under different names and acronyms.

³⁹ Government of Albania, Ministry of Health and Social Protection (MHSP). Raporti 4-vjeçar i zbatimit të Agjendës kombëtare për të drejtat e fëmijëve. (Four-year implementation report of the national agenda for children's rights 2017 – 2020), Tirana: MHSP, 2021 (hereafter: MHSP, Raporti i Agjendës kombëtare për të drejtat e fëmijëve 2021 (NACR report 2021)), p. 40. Available at: <https://www.unicef.org/albania/media/3911/file/RAPORTI%204-VJE%20C3%87AR%20I%20ZBATIMIT%20T%20C3%8B%20AGJEND%20C3%8BS%20KOMB%20C3%8BTARE.pdf> (accessed 25 July 2021).

⁴⁰ Personal communication, Ministry of Health and Social Protection, State Agency for the Rights and Protection of Children, 21 July 2021.

⁴¹ Government of Albania, Ministry of Health and Social Protection (MHSP). Executive summary: four-year implementation report of the national agenda for children's rights 2017–2020, Tirana: MHSP, 2021, pp. 4–6. Available at: <https://www.unicef.org/albania/documents/four-year-implementation-report-national-agenda-rights-children-2017-2020> (accessed 26 May 2021).

⁴² Shanaj, Child notice Albania 2015, p. 26.

⁴³ Protection of Children's Rights law, 2010, no. 10347.

19. The National Council on Children’s Rights and Protection (NCCRP), an inter-ministerial council, is the highest-level advisory body to coordinate children’s rights and protection. It also recommends to the MHSP legislative changes and key programmes and policies, coordinates national policy for children and monitors overall implementation of children rights, protection programmes and policies.
20. The MHSP is responsible for policy development and oversees the implementation of laws and coordination of actors and efforts in the field. The SARPC has executive responsibility to:
 - a propose legal changes, policy and guidance for local implementing agencies to the Minister;
 - b coordinate policy development within Government;
 - c monitor the implementation of the framework on children rights and protection at all Government levels;
 - d analyse the need for specific interventions in the area of child protection;
 - e establish and maintain a database to analyse and disseminate information protecting and promoting children rights; and
 - f provide technical support to non-governmental organizations/civil society organizations (NGOs/CSOs)⁴⁴.
21. National Government child rights’ coordination changed little since the previous Child Notice, the differences since 2015 including name changes of the ministry in charge and of the NCCRP, the latter reflecting the title of its new governing law on the *Rights and Protection of the Child*⁴⁵. Both the NCCRP and the SARPC were originally established in 2011 and, besides their budgetary short-falls, have continued to experience limitations in their coordinating roles. The structure, authority and mandate of the SARPC needs strengthening to support cross-sectoral strategic development, and the NCCRP needs better resourcing and its child rights approach needs to be strengthened⁴⁶.
22. Second tier regional councils, responsible for developing regional strategies in line with national policy, also appear so far to have a minimal role in child rights and protection and are not mentioned in the 2017 *Rights and Protection of the Child* law. Such responsibilities now belong to municipalities and local government units (*see paras. 25–28 below*).⁴⁷
23. The state’s social services has 12 regional branches⁴⁸. Its responsibilities are to support and monitor the assessment, planning and delivery of social services by municipalities, to monitor economic aid distribution locally, and manage most residential institutions, including children’s homes. They also assess children and adults for disabilities and associated benefits⁴⁹. (*See chapter 3.2 paras. 65–71 & throughout chapter 5, especially paras. 122, 124, 128 & 140.*)

⁴⁴ The full scope of duties and responsibilities of SARPC is found in the 2017 Child Rights and Protection law, articles 40–43.

⁴⁵ Child Rights and Protection law; Shanaj, Child notice Albania 2015, pp. 27–28.

⁴⁶ Byrne, K., et al. Situation analysis of children and adolescents in Albania. Tirana: UNICEF Albania, 2021 (hereafter: Byrne, et al., Situation analysis 2021), p. 21. Available at: <https://www.unicef.org/albania/media/4071/file/Situation%20Analysis%20of%20Children%20and%20Adolescents%20in%20Albania.pdf> (accessed 1 July 2021).

⁴⁷ Local Self-Government law, 139, 17 December 2015. Available at: https://www.ERRU.al/doc/Ligj_nr.139-2015_date_17.12.2015_Per_vetqeverisjen_vendore.pdf; Child rights and protection law, article 2.

⁴⁸ Decision of Council of Ministers (DCM), On the approval of the status of the State Social Service, 135, 7 March 2018. Available at: <https://qbz.gov.al/eli/fz/2018/34/77818273-0013-4f52-9e9a-a08d9f7c2985;q=veteqeverisja%20vendore> (accessed 25 July 2021).

⁴⁹ Massey, C. et al., Evaluation of UNICEF’s contribution to the normative policy framework of the social care services reform 2013–2019 in Albania. Tirana: UNICEF in Albania, 2020 (hereafter: Massey, UNICEF’s contribution to the social care services reform 2020), p. 21. Available at: <https://www.unicef.org/albania/media/2926/file/EVALUATION%20REPORT.pdf> (accessed 24 June 2021).

24. At the local level, the Rights and Protection of the Child law mandates that a full-time child protection worker (CPW) should be appointed for each municipality/local governance unit with more than 3,000 children and a part-time CPW in other cases⁵⁰.

Figure 3. Child rights national and local mechanisms

Institutional mechanisms and structures for Child Rights and Protection (Law on Rights and Protection of the Child 18/2017)	
Mechanisms	Structures
At central level	At central level
National Council for Children’s Rights and Protection Role: Mainly advisory, giving recommendations to SARPC	<ul style="list-style-type: none"> Minister of Health and Social Protection State Agency for the Rights and Protection of Children (SARPC) Each responsible minister according to how their field of work is related to children’s rights and protection
At local level	At local level
Technical Intersectoral Group in each municipality Role: to be a multidisciplinary group (representing e.g., local education, police and justice authorities) responsible for approval of individual child protection plans, case management of children, and coordination with the structures they represent	<ul style="list-style-type: none"> Municipality Responsible social services’ structure in municipalities Child protection unit (CPU) within municipality social services’ structure Needs assessment and referral unit (NARU) at municipality and local administrative unit level Child protection worker at CPU or NARU

Decentralization reform and its impact on child service provision

25. Decentralization reform was implemented in Albania following the ratification of the European Charter for Local Self-Government and the adoption of a *National Decentralization Strategy* in 1999. The country is now divided into 12 primary administrative divisions (counties, formerly prefectures), which are further divided into 61 municipalities with greater institutional capacity. Each municipality has several administrative units, with a total of 373 throughout Albania. Decentralization was included in the *National Strategy for Development and Integration 2015–2020* with the aim of consolidating good governance, democracy and the rule of law with strong, effective and democratic institutions, and to promote a fully functional and open judiciary⁵¹.
26. These reforms also aimed to empower local government, although without clarity on the definitions, duties and responsibilities of the central and local-level actors. While this reform has given increased powers to municipalities to plan and administer preschool, social and child protection services, it has not been accompanied by the required financial transfers and mechanisms for implementation⁵².

⁵⁰ Child rights and protection law.

⁵¹ O’Callaghan, B. et al., Evaluation of the UNICEF Albania country programme 2017-2021. Tirana: UNICEF, 2020, p. 27. Available at: <https://www.unicef.org/albania/media/3586/file/Evaluation%20of%20the%20Country%20Programme.pdf> (accessed 25 February 2021); Council of Ministers, National strategy for development and integration, 2015-2020. Available at: http://dap.gov.al/images/DokumentaStrategjik/NSDI_2015-2020.pdf (accessed 24 June 2021).

⁵² Massey, UNICEF’s contribution to the social care services reform 2020), pp. 17, 49 & 62.

27. Municipalities manage economic aid (i.e., welfare payment or social assistance) distributions and are responsible for the provision of child protection and social services to children and other vulnerable groups (e.g., by establishing multifunctional community centres, employing child protection workers and providing preschool education).
28. While some practical progress has resulted from the reform programme at local levels, problems remain. Legislation is lacking to put in place regional councils specific responsibilities in relation to child protection, family welfare or social services. Neither the *Child Rights and Protection* law, nor the law on *Local Government* no. 139/2015 provide for this. A needs assessment and referral structure foreseen in the Social Care Services law, as an umbrella coordinating structure at municipality and local government unit level, has not yet been established⁵³. Child protection workers face difficulties with their role and responsibilities through lack of logistical support, overload from other duties and challenges in intersectoral collaboration⁵⁴ (see chapter 5.1 & 5.2, paras. 124 & 140).

2.5 Independent national human and child rights institutions

29. Articles 60–63 of the Albanian Constitution define the office of an independent national People’s Advocate (or ombudsperson) and the first postholder was appointed in 2000⁵⁵. Article 60 includes the provision that this postholder has a separate budget, which they administer themselves and is approved by Parliament.
30. The powers of the People’s Advocate are aligned with the Paris Principles according to the Global Alliance of National Human Rights Institutions (GANRHI) assessment in its reports to the UN⁵⁶. The latest 2020 GANRHI assessment was delayed due to the COVID-19 outbreak. There are seven regional offices and the 1999 law on The People’s Advocate was amended in 2014 to establish a Section for Children’s Rights Protection and Promotion with a Commissioner for Children’s Rights Protection and Promotion and three assistants⁵⁷.
31. The Commissioner was appointed in 2018 and has been fully operational since. Between 2014–2018 the approved budget for the People’s Advocate office increased each year but decreased in 2019 and 2020. This did not affect the financing of its children’s rights section, although only because of continued support from UNICEF⁵⁸. Human rights monitoring in Albania has also been strengthened by the establishment of the Commissioner for Protection from Discrimination (CPD)⁵⁹. As well as their main offices in Tirana both advocates have regional offices (People’s

⁵³ Social Care Services law, 121, 24 November 2016. Available at: <http://differentandequal.org/wp-content/uploads/2019/09/Ligj-nr-121-dt.-21.11.16.pdf> (accessed 24 June 2021).

⁵⁴ CRC, State report 2021, p. 23.

⁵⁵ WIPOlex, Albania constitution.

⁵⁶ Republic of Albania, People’s Advocate. Avokati i Popullit të Shqipërisë merr statusin “a” nga OKB si institucioni më i rëndësishëm i mbrojtjes së të drejtave të njeriut. Available at: <https://www.avokatipopullit.gov.al/sq/articles-layout-1/home/news/this-article-is-available-only-in-albanian-597/> (accessed 27 August 2021)

⁵⁷ People’s Advocate Law 8454 4 February 1999 Amended With Law 155, 27 November 2014. Available at: <http://www.dap.gov.al/images/LegjislacioniAP/Ligj%20Nr.8454,%20dat%C3%AB%204.2.1999%20Per%20avokatin%20e%20popullit.pdf> (accessed 27 August 2021).

⁵⁸ Personal Communication, People’s Advocate, Section on Children’s Rights and Protection, 16 July 2021; EC Albania progress report 2020, p. 28.

⁵⁹ Protection from Discrimination law, 10 221, 4 February 2010. Available at: https://www.uart.edu.al/media/150329-Ligji%2010221_%202010%20per%20mbrojtjen%20nga%20diskriminimi.pdf. (accessed 24 August 2021).

Advocate has seven; CPD has three)⁶⁰. The mandate of each institution is discrete and their competences different. The law on The People's Advocate states that “.. *The People's Advocate protects the rights, freedoms and legitimate interests of the individual from unlawful and irregular actions or omissions of public administration bodies and third parties*”⁶¹.

32. The CPD's role is to ensure effective protection against discrimination for all individuals and their protection from any type of conduct promoting discrimination. The People's Advocate's jurisdiction only covers the public sector, but the CPD is also concerned with private enterprises.
33. Both the People's Advocate and the CPD accept individual complaints from children. The People's Advocate accepts complaints through its website, online social media, direct institutional contact and in public meetings, but only by phone (mobile or landline) for detained children, while the CPD accepts complaints through all these means. There is also a Commissioner for Data Protection who does not accept direct complaints from children, only through their parents or legal guardians⁶². (See chapter 4.4, para 111.)

2.6 Non-governmental and civil society organizations

34. Various international and national child rights' NGOs operate in Albania, in service provision and advocacy. The National Network for Children's Rights in Albania produced an alternative UPR report on children's issues⁶³. There are other coalitions of child rights' NGOs but further information on how they work has not been found for this report.
35. Some NGOs (e.g., Terre des Hommes and World Vision) work on the return and reintegration of children and families through economic empowerment and improved access to services through donor-supported projects. Others focus on service provision for unaccompanied children from third countries, such as the Plan & Go project which started in 2020⁶⁴. (See chapter 8.3, para 357.)

2.7 Justice for children

36. Legislation passed in 2017 seeks to provide better protection for children within the legal system, including the *Code of Criminal Justice for Children (CCJC)* and the law on *Legal Aid Guaranteed by the State*⁶⁵. These reforms aim to incorporate international child-friendly justice standards into national law (*CCJC*) and to provide children with free legal aid (*Legal Aid law*) (see para. 13 above, chapters 4, paras. 109–110 & 7.1, paras. 213–215).

⁶⁰ The regional offices for the People's Advocate are in Berat, Dropull, Kukes, Pogradec, Sarande, Shkodra and Vlore. The CPD regional offices are in Gjirokastra, Korca and Shkodra.

⁶¹ The Constitutional requirement of establishing a People's Advocate institution has been executed through Law “On the People's Advocate”, Republic of Albania No. 8454, dated 04.02.1999, supplemented by the law no. 8600, dated 10.04.2000, amended by the law no. 9398, dated 12.05.2005, added to and as amended by the law 155/2014, dated 27.11.2014, “On the People's Advocate”.

⁶² Personal Communication, Commissioner for Data Protection, 7 September 2021.

⁶³ Global Campaign for Education. Final statement on child and youth rights coalition in Albania. Available at: <https://www.campaignforeducation.org/en/2019/04/15/final-statement-on-child-and-youth-rights-coalition-in-albania/> (accessed 15 February 2021).

⁶⁴ Personal communication, Plan &Go, Executive Director, Malbora Shahini, 13 July 2021.

⁶⁵ Legal Aid Guaranteed by the State law, 111, 14 December 2017. Available at: <https://drejtesia.gov.al/wp-content/uploads/2019/02/LIGJ-nr.-111-2017-date-14.12.2017.pdf> (accessed 28 July 2021).

37. Children’s right to justice is integrated in the objectives of the overall Justice System Reform (2015).⁶⁶ The first *National Justice for Children Strategy 2018–2021* was adopted in 2018 by a Decision of the Council of Ministers, reinforcing the legal and policy framework to address both implementation of the *CCJC* and children’s equitable access to justice⁶⁷. In 2016, the Commissioner for Protection from Discrimination found that when children tried to access justice they were often faced with “.. *Laws, policies and practices that are not tailored to children’s experiences that do not support the right of the child to be heard or that otherwise lead to unjust, inequitable and inappropriate outcomes in administrative, civil and criminal cases*”⁶⁸.
38. These legislative reforms have started to have some effect by decreasing the number of days in pre-detention or detention for children and increasing the use of alternatives to detention. However, both official sources and independent analyses have demonstrated that major gaps in achieving child-friendly justice remain (*see chapter 3.1, paras. 74–76, chapter 4.3, paras. 109–110 & chapter 7.1, paras. 213–215*)⁶⁹.

2.8 Birth registration

39. The Government of Albania made major legislative changes relating to birth registration, including amending the law on *Civil Status* no.10129/2009 with 69/2018 by which registry offices are charged with registering any unregistered birth reported by maternity clinics. These amendments also removed barriers for unregistered children and for those born in other countries that might lack some of the required documents.⁷⁰
40. The registration rate in Albania is 98 per cent for children born between 2012–2017⁷¹. A 2018 report found 1,031 persons at risk of statelessness, mostly through difficulties in confirming their nationalities with the main obstacle being access to birth registration⁷². Members of the Roma communities were most at risk, but so were Albanian returnees whose children were born abroad (*see chapter 7.1 para. 212, & chapter 8.1 & 8.2, paras. 345 & 348–349*).

2.9 Legal ages for rights and responsibilities

41. *Table 3* summarizes the ages at which Albanian children are held to be legally entitled to rights or responsible for their actions. Notes on children’s specific entitlements and responsibilities follow.

⁶⁶ Special Parliamentary Commission for Justice System Reform, Decision no. 15, 30.07.2015 “Strategy on Justice System Reform”. Available at: http://www.reformanedrejtesia.al/sites/default/files/draft_strategjia_versioni_shqip.pdf (accessed 20 July 2021).

⁶⁷ Ministry of Justice, National justice for children strategy, 2018-2021. Available at: <https://www.unicef.org/albania/media/1501/file/National%20Justice%20for%20Children%20Strategy%20Alb.pdf> (accessed 5 September 2021).

⁶⁸ Commissioner for Protection from Discrimination (CPD), et al. Children, access to justice and discrimination: an overview of judicial decisions in relation to children from the point of view of discrimination and equality. Tirana: CPD, 2016 (hereafter: CPD, Children access to justice and discrimination 2016), p. 11.

⁶⁹ Data on children in pre-trial/detention collected from <http://statistikafemijet.gov.al/>; Byrne, et al, Situation analysis 2021, p 51.

⁷⁰ Civil Status law 10129 11 May 2009 Amended with Law 69, 11 October 2018 (hereafter Civil Status 2018 law). Available at: <https://qbz.gov.al/eli/fz/2018/152/10c50506-aed4-44bb-8a08-4189224c7c02;q=per%20statusin%20civil%20i%20ndryshuar%2069%2F2018>, (accessed 29 May 2021); UPR, State report 2019, para. 84.

⁷¹ Government of Albania, INSTAT et al. Albania demographic and health survey 2017-18. Tirana: INSTAT, 2018 (hereafter: INSTAT, ADHS 2017–18), p. 12. Available at: <https://dhsprogram.com/pubs/pdf/FR348/FR348.pdf> (accessed 25 February 2021).

⁷² Tirana Legal Aid Society, et al. Mapping of the population at risk of statelessness in Albania Tirana: UNHCR, 2018 (hereafter: Tirana Legal Aid Society. Mapping statelessness in Albania 2018), p. 8. Available at: <https://www.refworld.org/docid/5b59e36b7.html> (accessed 17 March 2021).

Table 3. Legal ages for children

Right or responsibility	Age (years)	Key legal source	Further text reference
Age of majority ('legal age')	18	Rights and Protection of the Child	Not applicable
Minimum age of criminal responsibility	14	Criminal Code	Chapter 7.1, para. 210
Voting age	18	Constitution	Not applicable
Identity documents	0–16: (biometric passport and birth certificate) 16+: ID and biometric passport	Civil Status law	Para. 45 below
Marriage age	18 (or below)	Family Code	Chapter 7.6, para. 266
Sexual consent	14 (or above)	Criminal Code	Chapter 7.6, para. 266
Compulsory education	6	Pre-University Education law	Chapter 6.3, para. 190
Military service	19	Constitution	Chapter 7.4, para. 259

42. According to the 2017 *CCJC*, a child can be deprived of their liberty from the age of 14 years old but not for more than three years. The detention of unaccompanied children has not been a practice since 2016, although a few cases have been sporadically reported and addressed by the authorities⁷³. Neither the *CCJC* nor the *Child Rights and Protection* law specifically address this type of detention. The latter addresses it indirectly, and there are more specific measures in a Decision of the Council of Ministers on *Procedures and regulations for return and readmission of children* no. 111/2019.⁷⁴
43. Children can be placed in residential care institutions from birth according to the age classification criteria of each particular institution (either from ages 0–3, 0–6, 6–15 or 15–18 years). Children with disabilities can be placed in institutions from birth to 21 years of age (*see chapter 5.2, para. 154*)⁷⁵. If returning children of Albanian-origin unaccompanied or separated children are not accepted by their families, they can also be detained by being placed in these same closed residential institutions. This is not the case for children of third countries who are usually accommodated in open (i.e., the children are free to come and go) NGO shelters (*see chapter 7.3, para. 244*).
44. Biometric passports are available from birth, and biometric identity cards are issued to everyone over 16 years of age. Those aged 16 years or older may apply for passports when they apply for identity cards and can obtain these documents independently. A parent, legal guardian or 'representative with special proxy' (i.e., a legally approved carer) must accompany children below 16 years old applying for biometric passports⁷⁶.

⁷³ United National Country Team, Albania Common Country Analysis, 2020, p. 103. https://albania.un.org/sites/default/files/2021-02/Web_CCA_2020_final.pdf (accessed 26 May 2021).

⁷⁴ Child Rights and Protection law, articles 31 & 57; Decision of the Council of Ministers (DCM), Procedures and regulations for return and readmission of children, 111, 6 March 2019. Available at: <http://femijet.gov.al/al/wp-content/uploads/2021/03/vendim-2019-03-06-111.pdf> (accessed 19 July 2021).

⁷⁵ Decision of the Council of Ministers (DCM), Social care community and residential services, criteria, benefit procedures and for the amount of personal expenses for beneficiaries of organized service, 518, 4 September 2018. Available at: http://www.sherbimisocial.gov.al/wp-content/uploads/2014/03/VKM-518_dt_04.09.2018.pdf (accessed 19 July 2021).

⁷⁶ UNHCR <http://www.refworld.org/docid/4f5f1c642.html> (accessed 8 February 2021).

45. The *Civil Status* law specifies that evidence of status can only be provided by the individual concerned, family members, guardians, legal representatives or to legitimate heirs named in the will of a deceased person. Article 8 of the 2017 law on Rights and Protection of the Child grants a child who is separated from one or both parents the right to request detailed information about their whereabouts (or of other family members if the parents are arrested, detained or dead).
46. An exception is when the sharing of such information may harm the child's well-being. It is unclear if the child can request such information independently, or if a guardian needs to do so. It is also unclear who determines if providing the child with such information would cause harm.



3. General principles

3.1 Non-discrimination

47. Article 18 of the Constitution guarantees non-discrimination, and both the Constitution and other legislation provides for the protection of all *United Nations Convention on the Rights of the Child (UNCRC)* rights (see chapter 2.1, para. 9). However, the Commissioner for Protection from Discrimination (CPD) managed 66 complaints and 22 *ex-officio* wide-ranging cases of discrimination involving children between 2015–2021⁷⁷. Issues identified related to juvenile justice, access to education, minorities, violence and other matters.⁷⁸
48. Beyond these numbers from the CPD, further information, such as from the People's Advocate, the CPD (see chapter 4.4, para. 113), and from other sources reported below in this section, indicates that there are larger numbers of children who continue to face discrimination. The Universal Periodic Review (UPR) report noted that despite legal developments to promote non-discrimination, discrimination against lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) persons persisted⁷⁹.

Differences between girls and boys in law and policies

49. Legislation supports the *Constitution's* prohibition of discrimination and promotion of gender equality (in article 18). This includes the law on *Gender Equality in Society*, no. 9970/2008, that no one should be unjustly discriminated against for gender reasons, and the law on *Measures against Violence in Family Relations no. 9669/2006 Amended by Law No. 47/2018* which guarantees family members protection against domestic vi-

⁷⁷ Ex-officio here means initiated by the CPD office themselves, not by an external complainant; Personal communication, Commissioner for the Protection from Discrimination, Director, 16 July 2021.

⁷⁸ CRC, State report 2021, para. 53.

⁷⁹ UN General Assembly, Working Group on the Universal Periodic Review (UPR). Compilation on Albania. (Geneva): UPR, 2019 (hereafter: UPR, Summary 2019), para. 6. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/048/44/PDF/G1904844.pdf?OpenElement> (accessed 16 February 2021).

olence with special regard to children, persons with disabilities and older people (see chapter 7.7, paras. 274–275)⁸⁰.

50. The fourth *National Strategy and Action Plan on Gender Equality 2021–2030 and the National Strategy for Development and Integration 2015–2020* drive a cross-cutting policy-making agenda including greater equality through increased social and economic opportunities⁸¹; the latter is being renewed. In practice though, social stereotypes and norms continue to be a major obstacle to gender equality in Albania and women and girls face particular discrimination and risk of violence, abuse and exploitation⁸². The UPR recommended that Albania strictly prohibit child marriage and raise awareness of its negative impact on the health and development of children, particularly girls (see para. 94 below & chapter 7.6 para. 273)⁸³.

Discrimination against certain groups of children

51. People with disabilities continue to face multiple barriers in accessing public services with weak law and policy implementation through lack of budgeting in all sectors, secondary regulations and plans, and comprehensive disability rights monitoring. Children with disabilities face specific difficulties in accessing education and social services (see paras. 66–72 below)⁸⁴.
52. A 2016 UN Development Programme (UNDP) study in four municipalities showed that almost 82 per cent of Roma families self-assessed as ‘very poor’ and ‘poor’, double that of the majority population, with 11 per cent experiencing extreme poverty (not enough income for food), material deprivation and discrimination⁸⁵.
53. Targeted assistance by Government has increased, but with under-funded services for children and with Roma families and people with disabilities in Albania experiencing high levels of poverty and discrimination⁸⁶. The European Commission (EC) observed that the gap between Roma and non-Roma children living in the same areas remains significant and segregation in schools remains an issue that needs to be systematically addressed⁸⁷. The UPR noted some positive developments in governmental response to issues for Roma children and their families, but a range of concerns exist over their housing, health, education and other protection rights⁸⁸ (see chapter 6.1, 6.2 & 6.3, paras. 177, 185 & 203–205 & chapter 7.1, para. 212).

⁸⁰ Gender Equality in Society law, 9970, 24 July 2008. Available at: https://www.mod.gov.al/images/PDF/barazia_gjinore_shogeri.pdf; Measures against Violence in Family Relations law, 9669, 18 December 2006 Amended with Law 125, 15 October 2020. Available at: <https://www.parlament.al/Files/Akte/20201020140600ligj%20nr.%20125%20dt.%2015.10.2020.pdf> (accessed 24 June 2021).

⁸¹ Ministry of Social Welfare and Youth, National strategy and action plan on gender equality, 2021–2030 was endorsed in 30 June 2021 with the DCM no 400. Available at: <https://qbz.gov.al/eli/fz/2021/112/09a2849b-98f1-4800-8b90-fd824b449346;q=barazise%20gjinore%202021%202030> (accessed 17 July 2021).

⁸² Government of Albania, INSTAT. 2018 National population survey: violence against women and girls in Albania. Tirana: INSTAT, 2019. (hereafter: INSTAT, VAWG 2019), pp. 63–67. Available at: <http://www.instat.gov.al/media/6123/publication-violence-against-women.pdf> (accessed 19 March 2021).

⁸³ UPR, Summary 2019, para. 39.

⁸⁴ UPR, Summary 2019, paras. 41–42.

⁸⁵ Gedeshi, I. et al. Mapping the skills and employment opportunities undertaken by Roma and Egyptian communities in the municipalities of Tirana, Durrës, Berat and Shkodra. Tirana: UNDP 2016 (hereafter: Gedeshi, Mapping skills 2016), pp. 13 & 64.

⁸⁶ Byrne, Situation analysis 2021, pp. 8 & 31.

⁸⁷ EC, Albania progress report 2020, p. 38.

⁸⁸ UPR, Summary 2019, paras. 22 & 44.

54. The 2020 EC report on Albania was concerned about hate speech and discriminatory language against the LGBTQI+ wider community as a continuing problem in the media, especially online and social media.⁸⁹ This was similarly highlighted in the EC's 2019 annual report and in the UPR summary of that year⁹⁰.
55. Hate speech against Roma was highlighted by the EC. In 2018, the Council of Europe found that no data was systematically collected in Albania on the prevalence of racially and ethnically motivated crimes or cases related to incitement of racial hatred.⁹¹ In 2019 an alliance to prevent hate speech was established among Albanian agencies, between the People's Advocate, the CPD, the Audio-visual Media Authority and the Council of Media⁹². No information has been found for this report on whether hate speech has been used against migrants and refugees in Albania, including children.
56. There is evidence, too, that children are experiencing structural discrimination. Institute of Statistics' (INSTAT) three annual Income and Living Surveys between 2017 and 2019 found that the highest poverty risk among the entire Albanian population was within the 0–17 years' age group. These surveys also rated girls and women at higher risk of poverty or social exclusion compared to men in both 2017 and 2018.⁹³

Cultural, religious and linguistic development for children in minority groups

57. The 2019 UPR compilation (or summary) of its findings recognized that the adoption of the law on Protection of National Minorities, eliminated the distinction between national minorities and linguistic minorities⁹⁴ (*see chapter 1.2, para. 4*) Secondary legislation on use of minority languages and education in minority languages, to allow full implementation of the law remains to be adopted⁹⁵.
58. A Decision of the Council of Ministers (DCM) "*On adequate measures for the promotion of culture, history, language and religion of national minorities in the educational and scientific activity of the institutions of higher education*" was adopted in 2018⁹⁶. The UPR's Special Rapporteur on Religion stressed the importance of transparency in such programmes, with a need for separation between political mobilization and religion, while nurturing an inclusive national identity⁹⁷.

⁸⁹ EC, Albania progress report 2020, p. 36.

⁹⁰ UPR, Summary 2019, para 6.

⁹¹ EC, Albania progress report 2020, p. 37; Council of Europe (CoE), Advisory Committee on the Framework Convention for the Protection of National Minorities. Fourth opinion on Albania adopted on 11 October 2018. (Strasbourg: CoE, 2018), para. 15. Available at: <https://rm.coe.int/4th-op-albania-en/168093903b> (accessed 2 March 2021).

⁹² Personal communication, Commissioner for Protection from Discrimination, Director, 16 July 2021; Personal Communication, People's Advocate, Section for Children's Rights and Protection, 16 July 2021.

⁹³ Government of Albania, INSTAT. Women and men in Albania. Tirana: INSTAT, 2020 (hereafter: INSTAT, Women and men 2020), p. 138. Available at: <http://www.instat.gov.al/en/publications/books/2020/women-and-men-in-albania-2020/> (accessed 27 February 2021).

⁹⁴ UPR, Summary 2019, para. 43.

⁹⁵ EC, Albania progress report 2020, p. 36.

⁹⁶ UPR, State report 2019, para. 109; Decision of the Council of Ministers (DCM), Adequate measures for the promotion of culture, history, language and religion of national minorities in the educational and scientific activity of the institutions of higher education, 562, 29 October 2018. Available at: <https://unitir.edu.al/wp-content/uploads/2021/04/Vendimi-I-KM-Nr.-562-dat%C3%AB-29092018.pdf> (accessed 22 June 2021).

⁹⁷ UPR, Summary 2019, para. 18.

Education in minority languages

59. In 2018 the Government adopted a DCM on equipping students with textbooks and other resourcing for them⁹⁸. The Government's report to the Committee on the Rights of the Child (CRC) foresees the development of a Roma language curriculum for basic education (Grades 6–9) in the *National Action Plan on Roma and Egyptian Integration 2016–2020*⁹⁹. The language programme contains information on Roma history and culture.¹⁰⁰
60. At present, the practical options to enable Roma language and culture to be taught in primary and secondary schools are lacking with few qualified Roma teaching staff. A bachelor's degree programme was established in Elbasan, but with limited take-up¹⁰¹. Whilst the EC noted specific examples of progress in participation among Roma children in the education system, it notes that the educational gaps between Roma children and their non-Roma and Egyptian peers still remain large¹⁰².
61. The law on *Pre-University Education* foresees that national minorities should have an enabling environment to be educated in their own language (article 10)¹⁰³. So far this is offered only for the Greek and Macedonian minorities¹⁰⁴. No reports on education in other minority languages have been found for this report.

Access to health care among minority groups of children

62. Measures reported by Government to improve health access for Roma families included the development of mobile teams providing information, basic diagnostics and first aid to reach informal settlements. Under the free-of-charge national immunization programme, screening for non-vaccinated Roma children is carried out annually in the nearest health, or mother and child centre in areas in which Roma families live.¹⁰⁵
63. The EC found that the number of Roma families receiving free health cards has substantially increased, as did those in informal settlements benefitting from mobile health services. However, they continue to experience access barriers partly because no decision has yet been taken on appointing health mediators in public hospitals for Roma. Their health insurance coverage remains low, compared to the whole population, due to the informal nature of employment most of Roma people undertake.¹⁰⁶

⁹⁸ Decision of the Council of Ministers (DCM), Equipment of students with school texts, continuous professional development of teachers, and creation and functioning of school classes in the language of the national minorities, 561, 29 September 2018. Available at: <http://www.iss.gov.al/wp-content/uploads/2020/04/fz-2018-143.pdf> (accessed 22 June 2021).

⁹⁹ Ministry of Social Welfare and Youth, National action plan on Roma and Egyptian integration, 2016–2020. Available at: https://shendetesia.gov.al/wp-content/uploads/2017/03/Plani_kombetar_i_veprimit_per_integrimin_e_Romeve_dhe_Egjiptianeve_2016-2020.pdf (accessed 22 June 2021).

¹⁰⁰ CRC, State report 2021, para. 209.

¹⁰¹ Personal communication, Ministry of Education, Sports and Youth, 19 July 2021.

¹⁰² EC, Albania progress report 2020, p. 37.

¹⁰³ Pre-University Education law, 69, 21 June 2012. Available at: http://arsimi.gov.al/wp-content/uploads/2017/10/Ligji_Parauniversitar.pdf (accessed 3 July 2021).

¹⁰⁴ Personal communication, Ministry of Education, Sports and Youth, 19 July 2021.

¹⁰⁵ CRC, State report 2021, paras. 74–75.

¹⁰⁶ EC, Albania progress report 2020, pp. 29 & 37.

64. Roma women continued to have limited access to primary health care and sexual and reproductive health care services and were often unaware of the availability of those services (see chapter 6.2, para. 186)¹⁰⁷. No reports on health care issues for other minority ethnic groups have been found for this report.

Children with disabilities

65. Albania ratified the *UN Convention on the Rights of Persons with Disabilities (CRPD)* in 2013 (see Appendices, Table 14) and reformed its legislation, including by adopting the law on *Inclusion and Accessibility of Persons with Disabilities* (no. 93/2014) and the new National Action Plan for Persons with Disabilities 2021–2025¹⁰⁸. The *Child Rights and Protection* law guarantees children with disabilities the right to health, social services, education and any other services, as determined by disability assessment. A National Council on Persons with Disabilities was established in 2015, including Civil Society Organizations (CSOs) representing disabled children and their parents, to guide inter-ministerial efforts on disabilities.¹⁰⁹
66. The UN CRPD Committee expressed concerns in 2019 on Albania’s submitted report, such as on insufficient efforts to bring legislation in line with the *CRPD*; the lack of a harmonized concept of disability; and the absences both of disability-specific services and of a comprehensive gender equality strategy to address multiple discrimination faced by women and girls with disabilities. It specified that state institutions at national and local levels had failed to regularly collect disaggregated data and make them available to the National Council on Persons with Disabilities.¹¹⁰
67. Ministry of Health and Social Protection (MHSP) figures gave the number of children certified with a disability as 15,731 for 2020 and 15,425 for 2021¹¹¹. Estimates in 2018 were higher: between 2.5 to 4 per cent of Albanian children have a certified disability (i.e., developmental delay). The number of children receiving disability payments fell between 2015 and 2017, from 17, 560 to 14,155, and then increased more slowly to 15,321 in 2019. Medical assessment for disability can be supplemented by an educational one but there is no systematic connection between the two procedures.¹¹²
68. The fall in numbers of children receiving these payments is linked to the 2015 Government reforms of disability allowance assessment criteria for both children and adults. The application of stricter rules resulted in fewer recipients.¹¹³ This reform categorized payments according to the severity of disability and aimed to move the assessment from a medical to a broader ‘bio-psycho-social’ model with a further pilot project that began in Tirana in 2017¹¹⁴.

¹⁰⁷ UPR, Summary 2019, para 24.

¹⁰⁸ Inclusion and Accessibility of Persons with Disabilities law, 93, 24 July 2014. Available at: https://platforma-pak.al/wp-content/uploads/2019/03/1.-ligj_nr_93_dt_24_7_2014-converted.pdf; Action plan for persons with disabilities, 2021–2025. Available at: <https://qbz.gov.al/eli/vendim/2021/05/12/276/0426afc6-f905-4823-b2dd-1947a8fab811;q=plani%20kombetar%20i%20veprimit%20per%20personat%20me%20aftesi%20te%20kufizuara> (accessed 24 June 2021).

¹⁰⁹ CRC, State report 2021, paras. 161–163.

¹¹⁰ Committee on the Rights of Persons with Disabilities. Concluding observations on the initial report of Albania. Geneva: UN Convention on the Rights of Persons with Disabilities, 2019 (hereafter: CRPD Concluding observations 2019), paras. 5–7. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=ALB&Lang=EN (accessed 27 February 2021).

¹¹¹ Personal communication, Ministry of Health and Social Protection, 23 July 2021.

¹¹² Rogers, *We all matter* 2018, pp. 4 & 146; Government of Albania, State Agency for the Rights and Protection of Children. Të dhënat statistikore për të drejtat dhe mbrojtjen e fëmijëve (Statistical indicators for children) (hereafter: SARPC, Të dhënat statistikore (Statistical data)), indicator 6. Available at: <http://statistika.femijet.gov.al/#treguesit> (accessed 3 June 2021).

¹¹³ Rogers, *We all matter* 2018, p. 147.

¹¹⁴ CRC, State report 2021, paras. 163–164.

69. The CRPD Committee was concerned about Albania's use of the bio-psycho-social model in reforming disability assessment, including that the index used negatively affected persons with disabilities, especially migrants and Roma, and that data collection was based on a medical model and was not disaggregated¹¹⁵. The CRPD observations did not address use of the International Classification of Functioning and Health (ICF) disability system but elsewhere it is reported that Albania's adoption of this standard remains unclear¹¹⁶.
70. State social services data indicated that more children with disabilities accessed social services, up from 3 to 8 percent from 2015 to 2017. However, half of all such services is provided outside the public sector, for which CSOs report declining external funding trends¹¹⁷. A 2018 study indicated that only 7.8 per cent of children with disabilities received a social service in the last 12 months. Access to social services, such as specialized centres, day-care centres, mental health centres and social care residential centres was low¹¹⁸. As with others with disabilities in Albania, children's full social inclusion is limited by lack of systematic access to affordable assistive devices, Braille or sign language. The CRPD report recommended that Albania should adopt legislation to recognize Braille and sign language.¹¹⁹
71. About a half of children receiving disability allowances were in mainstream schools but many did not receive adaptive education. The CRPD Committee concluded that there should be a legal definition of such provision at all educational levels. It recommended that all children with disabilities be provided with sufficient social and health care services, including early intervention and development services, in cooperation with representative children's organizations.¹²⁰
72. More generally, the CRPD Committee was concerned about derogatory language used against people with disabilities, about reports of violence, especially in institutions, and the lack of remedial measures, especially for children and women with disabilities. Access to appropriate social housing was insufficient for independent living, and health service access was especially difficult, including for Roma families, women and girls, those needing extensive support, or those with intellectual disabilities.¹²¹ (*See chapter 5.2, paras. 153–154.*)
73. A 2018 report asked children with disabilities for their views on their lives, whether they lived with their families or elsewhere, and on their type of disability. Children reported that they were leading busy, ordinary lives and were enthusiastic for their futures. Their parents were less hopeful, potentially limiting their children's ambitions¹²².

¹¹⁵ CRPD, Concluding observations 2019, paras. 1, 45 & 51.

¹¹⁶ Byrne, Situation analysis 2021, p. 35. ICF is the WHO framework for measuring health and disability at both individual and population level officially endorsed by all 191 WHO Member States at the 2001 54th World Health Assembly as the international standard to describe and measure health and disability. Available at: <https://www.who.int/classifications/icf/en/> (accessed 15 March 2021) ICF classification of health and health-related domains includes environment factors, because a person's functioning and disability occurs in a context.

¹¹⁷ Rogers, *We all matter* 2018, pp. 106–110.

¹¹⁸ Voko, K., et al, *Child disability in Albania: disability prevalence, access to services and quality of services*. Tirana: World Vision/Save the Children, 2018, p. 6. Available at: https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/press_PV%20FINAL_ENG.pdf (accessed 6 June 2021).

¹¹⁹ CRC, State report 2021, para 164; Rogers, *We all matter* 2018, p.4; CRPD, Concluding observations 2019, para 38.

¹²⁰ Rogers, *We all matter* 2018, p.5; CRPD, Concluding observations 2019, para 16.

¹²¹ CRPD, Concluding observations 2019, paras. 5, 13, 33 & 41.

¹²² Rogers, *We all matter* 2018, p. 6.

Ethnic, linguistic and religious minority group children's access to legal aid

74. Everybody can be heard in proceedings affecting them, regardless of ethnic, religious, linguistic or indigenous group¹²³. Among other reforms, the 2017 law on *Legal Aid* guarantees free legal aid to all children in contact with the law and in alternative care following recommendations by the Council of Europe on simplifying the system¹²⁴.
75. The CPD noted in 2016 that ethnic origin (and other factors, e.g., sex or a disability) can prevent children from accessing justice¹²⁵. Albania's 2019 submission to the CRC does not disaggregate legal aid beneficiaries under the new law by age or ethnicity¹²⁶. While age disaggregation is foreseen, there is no mention in the report of plans to disaggregate by ethnicity¹²⁷.
76. There is limited availability of appropriate legal assistance services for family and civil law problems affecting people from minority groups, thus compromising their chances of realizing their full legal entitlements¹²⁸. No reports on access to hearings for any other of these minority groups have been found for this report. (See chapter 4.3, para. 110.)

3.2 Best interests of the child

Best interests of the child principle in law

77. The Albanian Constitution does not refer to a child's best interests, but the 2017 *Rights and Protection of the Child* law makes their best interests a guiding principle, developing this further from its predecessor law. It states that the best interest of the child shall be the primary consideration in any child-related actions. In its 2012 concluding observations, the CRC expressed concern that major pieces of legislation (Criminal Code, the Code of Criminal Procedure and Code of Administrative Procedures) did not uphold children's best interests¹²⁹. (See chapter 2.2, paras. 11–13.)
78. The Government has since developed relevant, core legislation, by-laws and policies on children, such as the *Code of Criminal Justice for Children (CCJC)*, the law on Social Care Services, amended *Criminal Code*, and their strategies and national action plans in harmony with the best interests principle¹³⁰. The UPR noted the adoption of the *Rights and Protection of the Child* law but also noted that the Government had to adopt secondary

¹²³ The Albanian Constitution 1998 article 31.

¹²⁴ Council of Europe Commissioner for Human Rights. Available at: <http://www.coe.int/sl/web/commissioner/-/albania-should-make-its-legal-aid-system-more-accessible;jsessionid=3E674244F720FFBD7A08B351B835D27F> (accessed 18 February 2021).

¹²⁵ CPD, Children access to justice and discrimination 2016, p. 10.

¹²⁶ Committee on the Rights of the Child. Annexes to the fifth and sixth State Periodic Report of the Republic of Albania to the Committee on the Rights of the Child. (Geneva): Convention on the Rights of the Child, 2021 (hereafter: CRC, State report annexe 2021), p. 82. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=ALB&Lang=EN (accessed 20 February 2021). The statistical assumption made in the report is that 10 per cent were 'juveniles'.

¹²⁷ CRC, State report 2021, para. 279.

¹²⁸ Albanian Rehabilitation Centre for Trauma and Torture (ARCTT). Uncertain pathways: bridging practice policy gaps in enabling access to justice for children in Albania. Tirana: ARCTT, 2019 (hereafter: ARCTT, Uncertain pathways 2019), p.69. Available at: <https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/Children%20with%5Bin%5D%20Judiciary%20system%20-%20ARCT.pdf> (accessed 16 June 2021).

¹²⁹ CRC, Observations 2012, p. 6; Criminal Procedure Code 7905 21 March 1995 Amended with Law 35, 30 March 2017. Available at: <https://qbz.gov.al/eli/fz/2017/97/5c30a368-837d-49d6-91d2-4b77ad727c0d;q=kodi%20i%20procedurave%20penal%20i%20ndryshuar%2035%2F2017> (accessed 24 June 2021).

¹³⁰ CRC, State report 2021, para. 61.

legislation to implement an effective inter-sectoral child protection approach. While that legislation was absent, children in Albania were exposed to a range of forms of violence.¹³¹ All related secondary legislation has since been adopted but challenges still exist in providing full child protection services (*see chapter 5.2, paras. 140–147*)¹³².

Best interests of the child in decision-making

79. According to Albania's 2019 CRC submission, children's best interests and their practical application, as formulated in the key laws, is also integrated into textbooks, manuals, trainings of the relevant professionals working with and for children¹³³.
80. Research published in 2018 found that courts allowed marriage for girls before the age of 18 years on the following grounds: pregnancy, childbirth and cohabitation¹³⁴. The findings indicated that often courts did not make these decisions in the best interests of the children concerned. Within the UPR's recommendation that Albania strictly prohibit child marriage (*see para. 94 below & chapter 7.6, para. 273*), the UPR specified that in the very limited and clearly defined exceptions where courts might authorize unions for those under 18 years of age, the consent of both partners should be obtained¹³⁵.
81. Based on the *Quality Standards for Social Care Services for Residential Institutions for Children*, there are only limited opportunities for children to be involved in decisions made for them. Children can voice their wishes about weekly food menus and are asked to confirm discussions made with them during the preparation of their re-integration plans¹³⁶.
82. The CPD report on children's access to justice was published before the new *Rights and Protection of the Child* law was passed, but in a national legislative framework which already established children's best interests' principles. These findings make several references to the lack of regard during legal proceedings in protecting the best interests of the child¹³⁷. No information was found for this report on children from third countries and best interests' decision making. (*See throughout chapter 4. for further general information on children and decision making.*)

¹³¹ UPR, Summary 2019, para. 36.

¹³² Personal communication, Ministry of Justice, Directorate of Free Legal Aid, 23 July 2021.

¹³³ CRC, State report 2021, para. 62.

¹³⁴ Observatory for Children and Youth Rights. Child marriage: knowledge, attitudes and perception among affected communities, Tirana: UNICEF, 2018 (hereafter: Observatory, Child marriage 2018), p. 16. Available at: https://www.unicef.org/albania/media/1031/file/Child_marriage_report_2018.pdf (accessed 17 March 2021).

¹³⁵ UPR, Summary 2019, para. 38.

¹³⁶ Decision of the Council of Ministers (DCM), Quality standards for social care services for residential institutions for children, 659, 17 October 2005. Available at: http://www.sherbimisocial.gov.al/wp-content/uploads/2016/12/Vendim-i-KM_659_17.10.2005-femijet-rezidencial.pdf. (accessed 24 June 2021).

¹³⁷ CPD, Children access to justice and discrimination 2016, pp. 10–12.

3.3 Right to life and development

Legislation

83. The state party CRC report describes the 2017 *Rights and Protection of the Child* law as re-evaluating structures and coordination mechanisms for the full enjoyment of children's rights, indicating that the rights to life and development are fully embedded in law (see chapter 2.2, para. 12).

Birth and children's death rates

84. Overall birth and death rates show a natural overall increase in the Albanian population over the period 2017–2020 (see Table 4) but birth rates are declining, and the 2020 infant mortality rates have risen since 2019 to about 11.2 for boys and 9.2 for girls¹³⁸. INSTAT data shows that the overall raw number of infant deaths per 1,000 live births has climbed since 2017 (see chapter 6.2, para 183). It records the main infant mortality causes as being during pregnancy and childbirth.

Table 4. Overall birth and death rates 2017–2020¹³⁹

Years	Births	Deaths	Natural increase
2017	30,869	22,232	8,637
2018	28,934	21,804	7,130
2019	28,561	21,937	6,624
2020	28,075	27,605	470

Source: INSTAT

Teenage pregnancy

85. The national Albania Demographic and Health Survey (ADHS) in 2017–18 recorded less than 4 per cent of teenage women who had started childbearing (3 per cent of whom had a child already or were pregnant at the time of the survey). Compared to the previous ADHS (2008–09) women aged 15–19 years who had begun childbearing increased from 2.8 to 3.5 per cent.
86. Girls and young women in rural areas in this age group were somewhat more likely to become pregnant than in urban ones (5 versus 3 per cent), and those with only basic (up to eight years) education were more likely than those with further education to be pregnant (8 versus 1 per cent).¹⁴⁰ For 2019 the rate declined to under 2 per cent¹⁴¹.

Teenage suicide

87. For both the years 2018 and 2019, the number of teenagers committing suicide was 12. Data for 2019 indicates that two of these children were under 14 years old. Suicide attempts were similar for 2018 and 2019, at 28 and 27 respectively¹⁴².

¹³⁸ INSTAT, Women and men 2020, p. 19. The infant mortality rate is measured per 1,000 births.

¹³⁹ Government of Albania, INSTAT. Births, deaths and marriages. Available at: <http://www.instat.gov.al/en/themes/demography-and-social-indicators/births-deaths-and-marriages/#tab2> (accessed 20 February 2020).

¹⁴⁰ ADHS 2017–18, p. 73.

¹⁴¹ SARPC, Të dhënat statistikore (Statistical data), indicator 3. Available at: <http://statistikafemijet.gov.al/#treguesit> (accessed 22 July 2021).

¹⁴² SARPC, Të dhënat statistikore (Statistical data), indicator 27. Available at: <http://statistikafemijet.gov.al/#treguesit> (accessed 3 June 2021).

Homicide against children

88. The General Directorate of State Police records crimes against children ('juveniles') but no acts of homicide against children (officially termed as 'infanticide') were recorded in 2020. The highest number of crimes recorded against children, after 'violation of traffic rules' and 'slight', 'intentional damage' or 'other' was for 'domestic violence' (90 cases in 2020). Of 1,035 child victims of criminal offences, 765 were boys and 270 girls. The rate (per 100,000) of children (0–17 years old) becoming victims decreased from 203 in 2019 to 176 in 2020¹⁴³.

Specific severe childhood risks

89. The severe risks faced by some groups of children are all issues mentioned in the latest EC progress report. Its pattern follows the previous 2015 Albania Child Notice and the CRC's 2012 observations:¹⁴⁴
- a Being sold, trafficked or abducted;
 - b Being in street situations, e.g., to beg, sell items or provide services;
 - c Being employed in hazardous forms of labour; and/or
 - d Being sexually abused.
90. All these issues are mentioned in the latest EC progress report¹⁴⁵. Concerns have increased in Albania over online risks to children through their exposure to, or involvement in child pornography and sexual abuse, and were raised both in the UPR and EC progress reports¹⁴⁶. (See chapter 4.2, paras. 105–106, chapter 7.8, paras. 301 & 318 & chapter 7.9, para. 331.) Police administrative data in 2017 shows that 61 per cent (70 children) of all sexual abuse cases in Albania were committed against children¹⁴⁷.
91. A UNICEF survey of 1,000 children aged 9–17 years and their internet use explained how unwanted online sexual experiences can precede sexual abuse or exploitation. A few children (just over 1 per cent) were subject to the serious crimes of revenge pornography and blackmailed over their stolen, private images.¹⁴⁸
92. Another 2020 UNICEF study found that the Albanian police cybercrime unit received 5,000 to 20,000 referrals a year from international partners, such as Interpol, Europol and the US-based National Centre for Missing and Exploited Children (NCMEC), indicating possession,

¹⁴³ Government of Albania, INSTAT. Statistika për krimin dhe drejtësinë penale (Crimes and Criminal Justice), Table processed by the authors. Available at: http://databaza.instat.gov.al/pxweb/sq/DST/START_CRIME_JSYS_INJ/INJ01/table/tableViewLayout1/?rxid=6f8860c2-d6bf-4b70-b808-f75b74ad6b47 (accessed 28 August 2021).

¹⁴⁴ EC, Albania progress report 2020, pp. 34, 42 & 89. Children living/working on the street (p. 34) was raised in the context of a current national plan; CRC, Observations 2012, paras. 79, 81 & 83.

¹⁴⁵ EC, Albania progress report 2020, pp. 34, 42 & 89. Children living/working on the street (p. 34) was raised in the context of a current national plan.

¹⁴⁶ UPR, Summary 2019, para. 37; EC, Albania progress report 2020, p. 39.

¹⁴⁷ Government of Albania, INSTAT. Krimet dhe drejtësia penale, (Crime and Criminal Justice Statistics) 2016–2017, Tirana: INSTAT, 2018, pp: 2&3 Available at: <http://www.instat.gov.al/al/temat/treguesit-demografik%C3%AB-dhe-social%C3%AB/krimet-dhe-drejt%C3%ABsia-penale/publikimet/2017/statistikat-e-krimeve-t4-2017/> (accessed 23 June 2021).

¹⁴⁸ Dunja, A., et al. One click away: children's experience of internet use in Albania. Tirana: UNICEF Albania, 2019, (hereafter: Dunja, One click away 2019), p. 52. Available at: https://www.unicef.org/albania/sites/unicef.org.albania/files/2020-01/report_oneclickaway.pdf (accessed 25 February 2021).

distribution, production and use of child sexual abuse material. NCMEC alone referred 6,300 cases of indecent images of children from January to October 2019 (1,200 in 2017).¹⁴⁹

Harmful traditional practices

93. Harmful traditional practices affecting children continue in Albania: significant are blood feuds, early/forced marriage (*see throughout chapter 7.6 & chapter 7.7, paras. 290–291*), honour killing and sex selective abortion. All four practices were of concern to the UPR; and the EC highlighted early marriage and sex selection as practices of concern¹⁵⁰.
94. The 2012 CRC observations refer to blood feuds and early/forced marriage, which the state party's submission addresses, as well as abortion issues. The whole of 2012 CRC's chapter on 'right to life' was on blood feuds¹⁵¹. Though other reports continue to express doubt about overuse of the blood feud rationale as a reason for applying for asylum in other countries, as has been previously reported also¹⁵².
95. The long term and widespread problem of how domestic violence affects children directly and indirectly was previously referred to in the CRC's observations, addressed in the state party's latest response, and highlighted in the UPR and EC reports¹⁵³. (*See throughout chapter 7.7*)
96. Albanian law allows voluntary abortion for up to 12 weeks of pregnancy, or 22 weeks in rape and certain other cases¹⁵⁴. There are reports of sex selection by abortion to favour male children. In 2018, medical staff reported preferences for boys of 88 per cent in rural areas over 12 per cent in urban settings¹⁵⁵. The sex ratio at birth has remained constant over the period 2015–2020 at about 1.09, higher than the same-period averages for Bosnia-Herzegovina, Montenegro, North Macedonia and Serbia (at around 1.06 and in line with the European average) but a progressive decrease since 2000 from 1.12¹⁵⁶.

Gang violence

97. There were no reports found from any source inside Albania on the level and prevalence of gang violence and its impact on children and adolescents, as this information is not recorded. A 2021 report from the UK Government Home Office noted that young men who returned to Albania may be at risk of exploitation both from those who exploited them originally as teenagers, or from other gangs¹⁵⁷.

¹⁴⁹ Ali, S., et al. The lost cases: findings and recommendations from an in-depth assessment of gaps in the investigation of online child sexual abuse cases in Albania. Tirana: UNICEF Albania, 2020 (hereafter: Ali, The lost cases 2020), p. 12. Available at: <https://www.unicef.org/albania/media/3361/file/The%20lost%20Cases.pdf> (accessed 20 June 2021).

¹⁵⁰ UPR, Summary 2019, paras. 12, 27 & 31; EC, Albania progress report 2020, pp. 33 & 35.

¹⁵¹ CRC, Observations 2012, paras. 32 & 48; CRC, State report 2021, paras. 63–70, 71–72 & 129–130. The state report does not specify sex selection concerns in its references to abortion.

¹⁵² Government of the United Kingdom, Home Office. Country policy and information note: Albania blood feuds (London): Home Office, 2020, p. 9. Available at: <https://www.justice.gov/eoir/page/file/1252886/download> (accessed 28 August 2021); Shanaj, Child notice Albania 2015, p. 72.

¹⁵³ CRC, State report 2021, paras. 102–111; UPR, Summary 2019, para. 27; EC, Albania progress report 2020, p. 27.

¹⁵⁴ Interruption of Pregnancy law, 8045, 7 December 1995. Available at: <https://shendetesia.gov.al/wp-content/uploads/2018/06/8-1.pdf> (accessed 23 June 2021).

¹⁵⁵ Together for Life (TL). Sex selective abortion in Albania, Tirana: TL, 2018, p. 8.

¹⁵⁶ UN Department of Economic & Social Affairs Population Dynamics. World population prospects 2019. Available at: <https://population.un.org/wpp/DataQuery/> (accessed 20 February 2020). Sex ratio at birth is a ratio of male birth rate to female.

¹⁵⁷ Government of the United Kingdom, Home Office. Country policy and information note: Albania human trafficking. (London): Home Office, 2021 (hereafter: UK Home Office, Albania human trafficking 2021), p. 21. Available at: https://www.ecoi.net/en/file/local/2046019/Albania_-_Trafficking_-_CPIN_-_v10.0_FEBRUARY_2021_.pdf (accessed 4 June 2021).

Cultural, social, and traditional norms and practices

98. Stereotyped gender roles and patriarchal social norms prevail throughout many Albanian communities and homes, and there are still significant issues to be addressed in relation to gender equality, family roles and community expectations of engagement. Social norms in relation to children are neither rights-based nor child-focused. Children's dependence is usually emphasized over their agency and/or citizenship.¹⁵⁸
99. However, surveys of children's own views also reveal significant levels of contentment with their lives. Research into the experiences of over 2,000 children aged 9–14 years, from both rural and urban parts of Albania, reported that over 80 per cent of children were completely happy with their families, the support they had, and how safe they felt within their families¹⁵⁹. (See chapter 4.1, para. 101.)

¹⁵⁸ Byrne, Situation analysis 2021, pp. 57–58.

¹⁵⁹ University of Tirana, et al. Children's world: a national survey of children's wellbeing. Tirana: Save the Children, 2018 (hereafter: University of Tirana, et al. Children's world 2018), p. 35. Available at: <https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/Children%27s%20world%2C%20national%20survey%20of%20children%27s%20well-being.pdf> (accessed 8 March 2021).



4. Civil rights and freedom

4.1 Freedom of expression, other freedoms and information access

100. Articles 22–24 of the Constitution guarantee the rights to freedom of expression, thought, conscience, religion, association and peaceful assembly for all people, as does the law on *National Minorities*¹⁶⁰. The *Child Rights and Protection* (Article 12) law foresees freedom of expression for children¹⁶¹.
101. In practice, most Albanian families provide a safe, nurturing and protective environment for the child but children themselves are not really considered rights-holders in Albanian society. Adults may consider children as parental property, and children are often not encouraged to express their opinions.
102. A 2017 Save the Children study found that up to about half of the children (aged 14–17 years old) said they had few opportunities to be heard¹⁶². In another study, most children aged 10 and 12 years old said that their families took care of them, helped them and that they had a good time together but were up to 25 per cent less likely to feel that they were heard and participated in important family decisions¹⁶³.

Freedom of expression in practice

103. In Albania there have been increasing recent examples of children's wider participation for example, in surveys, research and practical action. A 2020 review found 23 such documents, all

¹⁶⁰ WIPOlex, Albania constitution; Law 96/2017 on the "Protection of National Minorities at the Republic of Albania".

¹⁶¹ Child Rights and Protection law.

¹⁶² Ymeraj, A. *Young voices 2017 Albania*, Tirana: Save the Children, 2017 (hereafter: Ymeraj, *Young voices 2017*), p. 9. Available at: https://resourcecentre.savethechildren.net/node/12562/pdf/young_voice_albania_2017_eng.pdf (accessed 26 February 2021).

¹⁶³ University of Tirana, et al, *Children's world 2018*, p. 12.

published since 2016, each with child participatory elements, some Government-led, some by national Civil Society Organizations (CSOs) and some undertaken internationally. The extent to which these give children influence over issues of concern to them remains questionable. The review found that none of these initiatives fully reflected child participation principles.¹⁶⁴

4.2 Access to adequate information

104. Children have adequate access to information, for example through television, computers, mobile phones and internet access. Most children surveyed in a 2018 study of 9- to 14-year-olds had access to all of these, although boys somewhat more so than girls¹⁶⁵. Little information is available about access to books.
105. The use of internet is increasingly common among children, and with it an increasing exposure to online risks. These were found to increase with the child's age¹⁶⁶. The Universal Periodic Review (UPR) was concerned that the legal framework was insufficient to protect all children from online risks or to prosecute perpetrators for acts of online abuse and exploitation and recommended its updating¹⁶⁷.
106. Regional concerns about increased internet exploitation of children and other related cyber-crimes have also been raised in reports that address organized crime throughout the Western Balkans, including Albania. These highlight, for example, the dissemination of child sex abuse material¹⁶⁸. The Albania domain name, (called .Al) hosts Europe's third (and the world's eighth) highest number of indecent images of children. Within Albania, Non-Governmental Organizations (NGOs) report that adolescents (11–17 years old) are most affected by technology-facilitated commercial sexual exploitation with girls being most at risk.¹⁶⁹
107. The state party report does not address concerns in paragraph 37 of the 2012 concluding observations and recommendations concerning too much inappropriate programming on television and the need for quality child programming. Based on a 2020 report of the Audio-visual Media Authority on inappropriate broadcasting, the Complaints Council in Albania reflected on its child protection priorities¹⁷⁰.
108. The 2008 law on *Personal Data* was last amended in 2014 and children are within the original law's scope. A Decision of Parliament to appoint a Commissioner for the Protection of Personal Data (no. 95/2019, 12 September 2019) was passed. This role and office are operational. A 2016 study supported by the Commissioner highlighted the need to protect children's privacy online¹⁷¹.

¹⁶⁴ Cuninghame, C. Child rights issues in child participatory documents: a short review. Tirana: UNICEF in Albania, 2020, p.16. Available at: https://www.unicef.org/albania/media/3421/file/Review_child_views_Albania.pdf (accessed 20 February 2021).

¹⁶⁵ University of Tirana, et al, Children's world 2018, pp. 38–39.

¹⁶⁶ Dunja, One click away 2019, pp. 11–12.

¹⁶⁷ UPR, Summary 2019, para. 37.

¹⁶⁸ UN Office on Drugs and Crime (UNODC). Measuring organized crime in the Western Balkans. Vienna: UNODC, 2020, p. 70. Available at: <https://www.unodc.org/documents/data-and-analysis/OC/Measuring-OC-in-WB.pdf> (accessed 10 September 2021).

¹⁶⁹ Global Initiative against Transnational Organized Crime (GIATO). Exploited in plain sight: an assessment of commercial sexual exploitation of children and child protection responses in the Western Balkans. Geneva: GIATO, 2021 (hereafter GIATO, Exploited in plain sight) pp. 29 & 31.

¹⁷⁰ Audio-visual Media Authority (AMA), Annual report, 2020. (Tirana): AMA, 2020., p. 10. Available at: http://ama.gov.al/wp-content/uploads/2021/05/ENGLISH_Raporti-Vjetori-i-AMA_2020_revised-final2.pdf (accessed 23 July 2021).

¹⁷¹ Arapi, I., et al. Privatësia dhe siguria e të dhënave personale gjatë përdorimit të rrjeteve sociale (Privacy and safety of personal data during navigation in social media) Tirana: Information and Data Protection Commissioner, 2016, p. 27. Available at: https://www.idp.al/wp-content/uploads/2017/02/Studimi_privatesia_dhe_siguria_e_te_dhenave_botim_2016.pdf (accessed 16 June 2021).

4.3 Access to appropriate legal advice

109. The entry into force of the 2017 law on Legal Aid with its specific provisions for free legal aid for children is designed to improve access to legal advice for children¹⁷². Despite this, in 2019 only three children benefitted from free legal aid and, in 2019, Albanian NGOs similarly reported few individuals receiving this support¹⁷³. The Directorate of Free Legal Aid in the Ministry of Justice considered that a main reason for this was the lack of approved secondary legislation. In 2020, 172 children received this aid, while in 2021, up to July, 138 had benefitted¹⁷⁴. (See chapter 7.1, para. 213.)
110. There are important concerns about children's wider access to justice, and the discrimination reported by the Commissioner for Protection from Discrimination (CPD) that some groups of children face, such as around their sex, ethnicity or if they have a disability, when they try to access justice (see para. 76 above). These are reinforced by the lack of child-friendly materials about children's legal rights and protections¹⁷⁵.

4.4 Access to independent complaints procedures

111. The functional establishment of the children right's section within the People's Advocate office in 2018 and the work of the CPD on child rights issues are milestones in supporting increased access to human rights complaints by children (see chapter 2.5, para. 33).
112. The CPD has dealt mainly with issues of access to education (including preschools) and the related segregation of Roma children, and of children with disabilities¹⁷⁶. The child rights' concerns of the People's Advocate have been broader, including internet protection concerns, online education access during the COVID-19 outbreak, child protection within families, and issues for children living in residential institutions and those in conflict with the law¹⁷⁷.
113. Children themselves have usually not come forward to complain. From 2014–2019, the People's Advocate addressed more than 440 cases where children were included, but several involved groups of children. Only two individual complaints by children were registered during this period.¹⁷⁸ These numbers have started to grow with 15 cases in 2020, and then nearly doubling by July 2021. The People's Advocate has been increasingly proactive by conducting open days and meetings with children in which they receive complaints directly from children¹⁷⁹.

¹⁷² Law no. 111/2017 on Legal Aid Guaranteed by the State.

¹⁷³ US Department of State. 2020 Country reports on human rights practices: Albania. 2021. Available at: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/albania/> (accessed 3 June 2021); SARPC, Të dhënat statistikore (Statistical data), indicator 47. Available at: <http://statistikafemijet.gov.al/#treguesit> (accessed 22 July 2021).

¹⁷⁴ Personal communication, Ministry of Justice, Directorate of Free Legal Aid, 23 July 2021.

¹⁷⁵ Stephenson, P. Children's consultations on child friendly materials Albanian National Child Rights and Protection Law 18. Tirana: UNICEF, 2018, p. 6.

¹⁷⁶ Commissioner for the Protection from Discrimination (CPD), Summary of annual report 2019, Tirana: CPD, 2020, p. 11. Available at: <https://www.kmd.al/wp-content/uploads/2021/04/5-Englisht.pdf> (accessed 3 June 2021).

¹⁷⁷ Republic of Albania, People's Advocate. Raporti vjetor: për veprimtarinë e institucionit të Avokatit të Popullit, viti 2020. (Annual Report on the Activities of People's Advocate for 2020), Tirana: People's Advocate, 2021 (hereafter: People's Advocate, 2020 Raporti vjetor 2021), p. 84. Available at: <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20Vjetor%20i%20veprimtarise%20se%20institucionit%20te%20Avokatit%20te%20Popullit%20-%20viti%202020.pdf> (accessed 3 June 2021).

¹⁷⁸ CRC, State report 2021, para. 42.

¹⁷⁹ Personal communication, People's Advocate, Section for Children's Rights and Protection, 16 July 2021.

114. The state party Committee on the Rights of the Child (CRC) report refers to children’s right to be heard in public residential institutions and the use of locked mailboxes to enable children to submit complaints in both residential institutions and in prisons: the latter are administered by the People’s Advocate. Other mechanisms for children are also in place (e.g., through information on how to complain, 24-hour phone lines, mobile apps, and a social media webpage of the People’s Advocate). In 2020, there were two complaints from detained children in the Institute for Minors in Kavaja¹⁸⁰. In residential institutions an annual average of 20 complaints are received, and children are involved in the complaints process¹⁸¹. (See chapter 5.1, paras. 130–131.)

4.5 Legal protections on privacy

115. Children are legally protected against interference with their privacy (through the laws on *Child Rights Protection and Personal Data*, the *Criminal, Criminal Procedures and Civil Codes*)¹⁸². Culturally however, privacy is not commonly respected, and there are no monitoring mechanisms to guarantee children’s privacy rights. Children’s rights to privacy continue to be abused in the media and child-related issues and situations are marginalized, misrepresented and sensationalized¹⁸³.
116. In residential institutions for children, the most recent privacy regulations date back to 2005, concerning separate rooms and private space for individual activities but not addressing more recent concerns, such as over the potential for online abuse.¹⁸⁴

4.6 Legal protection against torture or cruel, inhuman or degrading treatment or punishment

117. Legislation has been amended to prevent ill-treatment of children in state institutions including to the *State Police* law in 2014¹⁸⁵. The 2016 CPD’s report on children’s access to justice reviewed individual cases. It considered how the deprivation of liberty of child offenders, or children’s treatment as witnesses to crime has a direct impact on their psychological and social development.
118. For example, in one case of a 17-year-old girl’s rape, a male doctor examined her and the subsequent trial lacked consideration of the psychological trauma she faced, either from the attack itself or its investigation, and of the statements she herself had made.¹⁸⁶ A 2016 report by the People’s Advocate into three prisons with child inmates found that conditions in two of them were poor enough (e.g., because of lack of segregation of children from adults and unhygienic living conditions) for the People’s Advocate to demand the immediate removal of children. This was done, and facilities for the detention of children have also been reformed (see chapter 7.1 para. 219)¹⁸⁷.

¹⁸⁰ Personal communication, People’s Advocate, Section on Children’s Rights and Protection, 16 July 2021.

¹⁸¹ CRC, State report 2021, paras. 78, 134–135, 139.

¹⁸² Protection of Personal Data law, 9887, 10 March 2008 Amended with Law 120, 18 September 2014. Available at: https://www.ildkpkj.al/wp-content/uploads/2018/11/Ligji_9887_date_10_-03_2008_i_ndryshuar-2.pdf (accessed 24 June 2021).

¹⁸³ Kolgeci-Sulce, V. Portretizimi i fëmijëve në median elektronike (Children’s portrayal in electronic media), Tirana: Albanian Media Institute, 2019, pp. 14 – 44. Available at: <http://www.institutemedia.org/wp-content/uploads/2020/01/Portretizimi-i-Femijeve-ne-Median-Elektronike-Valbona-Sulce-Kolgeci.pdf> (accessed 15 September 2021).

¹⁸⁴ Decision of the Council of Ministers (DCM), Quality standards for social care services for residential institutions for children, 659, 17 October 2005.

¹⁸⁵ CRC, State report 2021, para. 133.

¹⁸⁶ CPD, Children access to justice and discrimination, 2016, pp. 11 & 47–48.

¹⁸⁷ Republic of Albania, People’s Advocate, et al. With the voice of children deprived of their liberty, Tirana: People’s Advocate, 2016 (hereafter: People’s Advocate, et al, With the voice of children 2016), pp. 58–59. Available at: https://www.avokatipopullit.gov.al/media/manager/website/reports/2017%20monitoring_report_%20with%20the%20voice%20of%20children.pdf (accessed 5 March 2021).

4.7 Harassment, intimidation, detention or threats against children

119. There are no general reports of children who are harassed, intimidated, detained or threatened because they or their relatives hold memberships or affiliations (including political ones). An exception is in the case of children whose relatives are involved in blood feuds, and whose lives are at risk from other families that are engaged in the conflict. There are ongoing concerns that Albania should do more to protect children in this respect. These concerns were shared by Albanian children. There are also general reports of hate speech against certain groups, but not specifically against children.¹⁸⁸ (See chapter 3.1, paras. 54–55 & chapter 7.4, para. 261.)

¹⁸⁸ United Nations General Assembly. UPR, Summary 2019, para. 12; (Voice 16+, et al.) Universal Periodic Review children's report Albania: summary of children's issues of concern and recommendations. (Tirana): s.n., 2019 (hereafter: Voice 16+, UPR children's report 2019), pp. 2–3. Available at: <https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/Advocacy%20Brief%20Albania%201803019.pdf> (accessed 27 February 2021).



5. Family environment and alternative care

5.1 Legislation and policy framework

120. The Committee on the Rights of the Child (CRC) state report names several pieces of legislation and policy to support children and families, and children in alternative care. Heading these are the 2015 amended 2003 *Family Code* and the 2017 *Rights and Protection of the Child law*. Article 6 of the latter requires consideration of the following in child-related actions:
- a needs of the child for physical and psychological development, education and health, security and sustainability as well as the upbringing/belonging in a family;
 - b views of the child depending on age and maturity of the child;
 - c background of the child considering special situations of abuse, neglect, exploitation or other forms of violence against the child and the potential risk of occurrence of similar situations in the future;
 - d ability of the child or persons caring for the child to respond to the needs of the child; and
 - e continuity of personal relations between the child and persons with whom they have kinship, social and/or spiritual relations.
121. The *Family Code* amendments in 2015 revised the law on abandoned children¹⁸⁹. Otherwise, parental responsibility is defined to include a set of rights and obligations aimed at assuring a child's emotional, social and material well-being, taking care of them, maintaining personal relations with them, ensuring that they receive nurture, education, legal representation, and looking after their property and wealth. The definition is open to interpretation and does not relate to situations that the child might encounter (e.g., in the case of an unaccompanied child).

¹⁸⁹ Family Code 9062 8 May 2015 Amended with Law 134, 5 December 2015. Available at: <https://qbz.gov.al/eli/fz/2015/220/29f99967-2614-4ca4-a6c4-834dd9dd7d41;q=per%20disa%20shtesa%20dhe%20ndryshime%20ne%20kodin%20e%20familjes%20134%202015> (accessed 25 June 2021).

122. The law on *Social Care Services* no. 121/2016 aims to regulate these services and support the well-being and inclusion of individuals and families who need social care. It provides that the child has the right to not be separated from their parents against their will, unless the court decides that is in the child's best interests¹⁹⁰. Theoretically, a judge can ask from an independent psychosocial expert of the court (the court has a list of its own experts) to conduct an assessment, but in practice this happens very rarely¹⁹¹.
123. The same law appears to exclude children without legal documents in Albania, and asylum-seeking children not granted asylum status. At the same time the *Child Rights and Protection* law guarantees that any child in Albania can enjoy social services. In some cases, the first law is used to deny children their right to care and support through the social services (see chapter 7.3, para. 239)¹⁹². It includes measures to prevent child institutionalization through providing community services and direct support to families in need. It also seeks to transform residential institutions into services providing alternative care.¹⁹³
124. The key policy instruments for this legislation above are the *National Agenda for Children's Rights* (NACR), in the process of renewal, and the *Social Protection Strategy 2020–2023*¹⁹⁴. Legislation is lacking on regional councils' specific rights and responsibilities in relation to child protection, family welfare or social services. (See chapter 2, para. 28.)
125. A 2014 Decision of the Council of Ministers (DCM) extended the age limit for placement in residential care for children aged 15–18 years¹⁹⁵. There is also a *National Plan of De-Institutionalization 2020–2022* that was developed by the Ministry of Health and Social Protection (MHSP) in collaboration with UNICEF and approved by the Council of Ministers in September 2020¹⁹⁶ (see paras. 132 & 171–172 below).
126. The 2017 *Code of Criminal Justice for Children (CCJC)* emphasizes assessment in the family environment, as part of the process for children who come into conflict with the law, and in Article 120 it enables regular contact with family and friends to reintegrate them into society and to “...Reduce the negative social consequences of restriction of liberty, and guarantees regular and frequent relations with the family, the person of their choice and friends as well as the right to receive correspondence, unless this contradicts the best interest of the child.”

Legislation protecting children from violence and abuse

127. The Constitution (article 54/3) guarantees every child “the right to be protected from violence, ill treatment, exploitation...,” and the *Child Rights and Protection* law contains specific provisions concerning violence including article 3 para. 8 on “the prevention of and response to violence, abuse, exploitation and neglect of the child” and article 6c quoted above.

¹⁹⁰ These are the cases when children might want to continue staying with their parents, even though they might be at risk.

¹⁹¹ Personal Communication, Tirana Municipality, Child Protection Worker, 6 September 2021.

¹⁹² Personal communication, UNICEF in Albania, Child Protection Specialist, David Gvineria, 9 September 2021.

¹⁹³ CRC, State report 2021, paras. 10 & 144.

¹⁹⁴ CRC, State report 2021, para. 143.

¹⁹⁵ DCM, Definition of the criteria, documentation necessary for the admission of persons to residential, public and non-public institutions of social care DCM 425/2012, amended by DCM 839, 3 December 2014. Available at: <https://qbz.gov.al/eli/fz/2014/190/682f19c9-8cf3-4fd0-8599-6a9cf2e5f0b2-q=P%C3%8BR%20PRANIMIN%20E%20PERSONAVE%20N%C3%8B%20INSTITUCIONET.%20REZIDENCIALE,%20PUBLIKE%20DHE%20JOPUBLIKE,%20T%C3%8B%20P%C3%8BRKUJDESJES%20SHOO%C3%8BRORE.%20> (accessed 9 September 2021).

¹⁹⁶ Ministry of Health and Social Protection (MHSP). National plan of de-Institutionalization 2020-2022, (Tirana): MHSP, 2020 (hereafter: MHSP, Deinstitutionalization plan, 2020-2022). Available at: <https://qbz.gov.al/eli/fz/2020/166/28dec370-0c46-467b-b43d-7fd-be2595347.q=deinstitutionalizim> (accessed 8 May 2021).

128. Other laws to support these rights include those on Social Care Services, which defines a child needing protection as “An individual below the age of 18, who might be a victim of abuse, neglect, exploitation, discrimination, violence or a criminal activity” (article 3). Amendments to the 1995 Criminal Code provide more severe sentencing for gender-based violence and sexual exploitation against children, and those to the 2014 State Police law aim to strengthen sentencing for domestic violence and other measures¹⁹⁷. Article 37 of the *CCJC* foresees protective measures for child witnesses or victims of crime.
129. The State Agency for the Rights and Protection of Children (SARCP) is tasked with protecting children from abuse and violence with one of three strategic pillars of its NACR being to eliminate all forms of violence. Both the Universal Periodic Review (UPR) and the European Commission (EC) reports noted that secondary legislation and full implementation of all relevant legislation was needed since children continued to face violence in different settings (see chapter 7.7, para. 278)¹⁹⁸.

Children’s hotlines and other services

130. There is a well-established free hotline called ‘ALO 116111’ for children to report abuse and child protection cases. Its provision is obligatory, and the service is operated by a Civil Society Organization (CSO) in a cooperation agreement with the SARPC. The state CRC report also refers to CSO-managed online counselling offered since 2016 and, in Durres municipality, an app to allow anonymous reporting of cases of violence, but no further information about the latter was found for this report.¹⁹⁹ The CSO continues its online counselling activities for young people with mental health issues²⁰⁰.
131. In 2020 ALO 116111 received 34,912 calls; and 18,297 calls up to July 2021. There were 983 cases managed by ALO in 2020 with 842 being referred mainly to mobile teams supporting children in street situations, the SARPC, Child Protection Units (CPUs) and CSOs. The difference in numbers between calls received, cases managed or referred are explained by factors such as callers who require information only, or who want to thank operators for help previously received.²⁰¹ (See chapter 4.4, para. 114.)

Legislation on adoption and fostering

132. International conventions ratified by Albania, the law on *Private International Law*, no. 10428/2011, recent amendments to previous laws, and the regulations of the Albanian Adoption Committee (AAC), guide adoption and fostering procedures²⁰². Amended law includes Article 250 of the *Family Code*, revised in 2015 to set new timeframes for the issuing of a declaration of abandonment of a child to facilitate resolution of such cases in a reasonable time, and the 2007 law on Adoption Procedures and the *Albanian Adoption Committee*

¹⁹⁷ Criminal Code 7895, 27 January 1995 amended with law 35, 24 April 2020. Available at: <https://qbz.gov.al/eli/fz/2020/72/5df961aa-5898-41fb-8722-2cd822f8772f;q=kodi%20penal%2035%2F2020%20in%20ndryshuar> (accessed 22 June 2021).

¹⁹⁸ UPR, Summary 2019, para. 36; EC, Albania progress report 2020, p. 34.

¹⁹⁹ CRC, State report 2021, paras. 131–132.

²⁰⁰ The website of this service is: <https://www.nukjevetem.al/per-ne/> (accessed 24 June 2021).

²⁰¹ Personal Communication, ALO 116111, Executive Director, Mirgit Vataj, 7 July 2021.

²⁰² Private International law, 10428, 2 June 2011. Available at: https://drejtesia.gov.al/wp-content/uploads/2019/02/ligji_drejtenderkombetare_private_1_571.pdf (accessed 25 June 2021).

Amended by law no. 132/2015.²⁰³ These amendments appear to follow on from recommendations of the 2012 CRC observations concerning undue delays in the adoption process and the lack of established adoption procedures²⁰⁴.

Legislation on abduction and sale of children

133. Article 3 of the *Child Rights and Protection* law specifically aims to prevent trafficking. Article 20 of the *Social Care Services* law requires institutions to provide specific treatment, support and other measures to trafficked children based on their full recovery. The law on State Police offers additional protection and support to these children, and the Criminal Procedure Code aims to improve access to criminal procedures (to all trafficked persons)²⁰⁵. Article 51 of the *CCJC* provides for consular assistance to any child, including foreign nationals, who are victims of trafficking, kidnapping or wrongful retention. (See chapter 7.8, paras. 294–295.)

Legislation and international standards

134. The 2019 Terre des Hommes child protection research comprehensively reviewed legislation including that on family and alternative care law. It found both the *Child Rights and Protection* law and the *CCJC* compliant with international standards, specifically those of the *UN Convention on the Rights of the Child (UNCRC)*. It also pointed to the *NACR* as compliant with international standards, and to a pilot project on child rights' friendly centres that was based on international models of good practice.²⁰⁶ The state party *CRC* report likewise quotes the *CCJC* as such an example²⁰⁷.

Parental responsibilities, duties and rights

135. Article 30 of the law on Child Rights and Protection states that parents or legal guardians “*Shall have the obligation to secure the child’s emotional, physical, social and material well-being by caring for them and by taking the necessary measures for the child to exercise every right under this law.*” The law also references parental rights (e.g., in articles 9, 30 and 61), but the implementation of any system to ensure that adults meet their parental obligations has remained weak.
136. This is mainly due to the lack of programmes offered by local government units to support good parenting, and the management and treatment of abusive or aggressive parents or those with drug-related dependencies²⁰⁸. In Tirana and Shkodra such programmes have been provided by community multi-functional centres using a “family strengthening” approach, but these are mainly donor-funded and are thus less sustainable. Family strengthening is an umbrella approach that includes good parenting.²⁰⁹

²⁰³ Based on CRC, State report 2021, paras. 157 & 159; Adoption Procedures and the Albanian Adoption Committee Amended law, 132, 5 December 2015. Available at <https://qbz.gov.al/eli/ftz/2015/220/29f99967-2614-4ca4-a6c4-834dd9dd7cd41;q=P%C3%8BR%20PROCEDURAT%20E%20BIR%C3%8BSIMIT%20DHE%20KOMITETIN%20SHQIPTAR%20T%C3%8B%20BIR%C3%8BSIMIT> (accessed 25 June 2021).

²⁰⁴ CRC, Observations 2012, para. 57.

²⁰⁵ CRC, State report 2021, para. 257.

²⁰⁶ Xhafferlari, M, et al. Child protection measures for children below the age of criminal responsibility who are in conflict with the law in Albania. Tirana: Terre des Hommes, 2019 (hereafter: Xhafferlari, Child protection measures 2019), pp.13 & 17). Available at: https://childhub.org/sites/default/files/library/attachments/study_child_protection_below_14_web.pdf (accessed 15 March 2021).

²⁰⁷ CRC, State report 2021, para. 11.

²⁰⁸ Byrne, Situation analysis 2021, p. 55.

²⁰⁹ Tahsini, I., et al. Rapid assessment on family strengthening practices and frameworks in Albania, Terre des Hommes, 2020 (hereafter: Tahsini, Rapid assessment on family strengthening practices 2020), unnumbered fifth and sixth pages.

Specific groups of children in need of protection

137. There are identifiable groups of children who are likely to need child protection services. The 2017 *Child Rights and Protection* law defines such groups as children who are victims of abuse, neglect, exploitation, discrimination, violence or criminal activity, children in conflict with the law, and those under the age of criminal responsibility who are suspected of an offence. More specific information about these and other most vulnerable groups of children is found elsewhere in this report (*see throughout chapter 7*).
138. Children born outside marriage have the same rights and responsibilities as children born within a marriage. However, if the children are not registered, they may be excluded from receiving services and exercising their rights. Non-Governmental Organizations (NGOs) may provide information and assistance for late registration²¹⁰. Under orphan status legislation based on the *Status of the Orphan* law, no. 8153, this group of children are now a recognized category and can benefit from support, such as economic aid²¹¹. They are also prioritized for housing and employment, academic scholarships and placement in care institutions²¹².
139. The *Family Code* states that parents have joint guardianship and responsibilities toward a child born out of marriage if both parents recognize the child as their own. If the parents are not able or willing to take care of children, they are placed in residential care, but this is a measure of last resort after exhausting other options, such as placement in kinship or foster care²¹³. This includes children abandoned at birth or where there is no information about their parents.

5.2 Provision, availability and equality of access in child protection and social services

140. The law on *Social Care Services* mandates each municipality to dedicate one social worker per 6,000–10,000 inhabitants and to provide social services through a general social work team responsible for the provision of a range of social care, family support, child protection and financial assistance services. A 2016 mapping of the Albanian child protection system confirmed that CPUs—the only specialized structure with a referral mechanism at the local level—were established but often not fully functional (*see chapter 2.4, para 28*).²¹⁴
141. As has been referred to in sections above, external review committees (e.g., the UPR process, the EC, and previous CRC's observations) report that Albania's family and alternative care laws are often inadequately implemented and are not fully enforced. The 2019 Terre des Hommes report summarized the continuing shortfalls that exist in child protection in general as:
- a lack of human resources and of proper training;
 - b limited financial resources for services that follow up on a child's needs;
 - c professional workload leaving little time for training and reduced personal motivation;
 - d continuous structural changes at governmental level; and
 - e frequent legislative changes that challenge ability to build capacity and establish good practice.²¹⁵

²¹⁰ Personal communication, Tirana Legal Aid Society, Director, 21 July 2021.

²¹¹ Status of the Orphan law, 8153, 31 October 1996. Available at: <https://www.infocip.org/al/?p=3366> (accessed 26 June 2021).

²¹² CRC, State report 2021, para. 149.

²¹³ Child Rights and Protection law.

²¹⁴ Lai, A. Future of an integrated child protection system in Albania. Strasbourg: Council of Europe, 2016, pp. 32-33. Available at: <https://rm.coe.int/1680681ebb> (accessed 4 March 2021).

²¹⁵ Xhafferlari, Child protection measures 2019, pp.13 & 17, p. 68. The study focused on juvenile justice aspects of child protection but its findings apply to the wider system.

142. The number of CPUs has increased albeit slowly. In 2020, there were 240 CPUs, against 196 in December 2014, which covered just over half of the country²¹⁶. The CRC state report provides more evidence of CPU's insufficiency. They are not established in all municipalities that have more than 3,000 children, as the *Child Rights and Protection* law requires, and their functioning is affected by:
- a high staff turnover;
 - b non-compliance with CPU staff employment criteria (including education and training requirements);
 - c overlap of the CPU role with other work;
 - d lack of effective reporting mechanisms for local information to reach national level;
 - e poor funding; and
 - f in remote areas, particular difficulties in finding skilled and experienced staff²¹⁷.
143. By law, all Government staff must prove that they have not been convicted of a criminal offence²¹⁸. Publicly funded social care services are limited and 27 of 61 municipalities are not providing any social services at local level. Most such services are provided by CSOs funded on a voluntary basis or through project funding by development partners. Most services (90 per cent) are located in the largest urban areas with 75 per cent in the western and central regions of the country. Institutional mechanisms and standardized community-based care services are mostly lacking locally, which could help prevent institutionalization and to redirect cases into foster family based services.²¹⁹
144. Other analysis supports this view. Service provision is particularly scarce in the north of Albania. Elsewhere, some CPUs do not even have a work telephone number, so that social workers must use their personal phones and numbers to contact families. Only 240 (57 per cent) of the required number of child protection workers (CPWs) were in place in July 2021, an increase from 223 in September 2018. In 2020, SARPC stated that only 33 per cent of those 223 CPWs were trained social workers, with just 45 of them solely performing this duty.²²⁰
145. Child protection workers have faced specific challenges regarding recent trends in the commercial sexual exploitation of children. Besides a lack of basic funding for case management, challenges arise as staff lack knowledge about online safety for children. Coordination between the wider child protection system and the specialized police unit investigating cybercrime, including this form of child exploitation, has also been insufficient. This may prevent victims from receiving services to which they are entitled (*see chapter 7.8, paras. 294–295 & 297*).²²¹

²¹⁶ Shanaj, Child notice Albania 2015, p 53. CRC, State report 2021, para. 93. Territorial reform from 2014 has cut the number of local authorities from 384 'local government units' to 61 municipalities. Comparison of CPU numbers by those of local authorities over this time period is not meaningful but the rate of increase in CPUs to 2017 indicates that parts of the country remain geographically distant from a CPU; Personal communication, MHSP, State Agency for the Rights and Protection of Children, 21 July 2021.

²¹⁷ CRC, State report 2021, paras. 96–97.

²¹⁸ Civil Servants law, 153, 7 June 2013, article 21. Available at: <https://qbz.gov.al/eli/fz/2013/95/eabda600-7462-4acf-8ecf-c886525ec91b;q=ligji%20per%20nepunesit%20civile%20153%2F2013> (accessed 28 June 2021).

²¹⁹ MHSP, Deinstitutionalization plan, 2020–2022.

²²⁰ Child Rights and Protection law; MHSP, Raporti 4 – vjeçar i zbatimit të Agjendës kombëtare për të drejtat e fëmijëve 2021 (NACR report 2021), p. 35.

²²¹ GIATO, Exploited in plain sight, p. 49.

146. The state party CRC report also acknowledges the general shortage of sufficient, specialized services for children who need them with existing services located in the main cities²²². Specific reports on unequal access for particular groups of children have not been found. The wider limitations in social services and child protection services provision appears to be the major concern.
147. Of all public social services only 27 per cent, in 69 centres, are for children. Although in 50 municipalities, out of the 61, have approved social care plans: 43 municipalities (71 per cent) do not provide any social services for children and 37 municipalities (61 per cent) do not provide services for people with disabilities.²²³ No specific information on how municipalities work with returnees has been found for this report.

Social services financing

148. The Albanian Government reported to the CRC on the Social Fund, a funding mechanism and package for local government for social care services, enabled through a 2018 Decision of the Council of Ministers (DCM).²²⁴ This was the first time that such funding had been allocated and tied to the *Social Care Services* law.
149. Elsewhere allocations for the economic aid and disability allowance scheme (established 2014) are noted, and the new social fund to support municipalities is foreseen, alongside other support to specific groups (e.g., people with disabilities).²²⁵ This funding cannot be accessed by families directly and local staff lack knowledge of the application procedures that they must complete. Even with completed applications there is no guarantee that the municipality will receive funding, increasing vulnerability risks for families.²²⁶
150. The 2020 EC assessment found that the resources awarded to the SARPC, both financial and human, did not correspond to its increased legal responsibilities; as did its 2019 report. It further noted the inadequacy of local budgeting and investment in social care services, staff and other resources with, for example only 24 out of the 61 municipalities had budgeted social care plans.²²⁷

National policy on alternative care

151. The *Deinstitutionalization Plan* aims to move provision away from residential institutions and into day care services and other effective, community-based alternatives. Its focus is on integrating children into families, either their own or through fostering, and involving appropriate community-based services and wider social structures, while respecting the best interests and ensuring the protection of each child²²⁸.

²²² CRC, State report 2021, para. 100; The 2016 Social Care Services law defines these services as those from specialist professionals, provided regionally or locally to children with pervasive developmental disorders, intellectual delay, communication disorders, in need of physical rehabilitation, who are sexually abused, those in conflict with the law, abused/trafficked women and girls, and others who need these services.

²²³ Ymeraj, A., et al. Vlerësimi i nevojës për shërbime shoqërore në 12 qarqet e Shqipërisë (Needs assessment report for social services in 12 regions in Albania). Tirana: MHSP, 2019, p. 6. Available at: <http://www.sherbimisocial.gov.al/wp-content/uploads/2020/02/Raport-vleresimi-i-nevojës-per-sherbime-shoqerore.pdf> (accessed 7 June 2021).

²²⁴ CRC, State report 2021, para. 36; Decision of the Council of Ministers (DCM), Establishment and functioning of social fund, 111, 23 February 2018. Available at: <https://qbz.gov.al/eli/vendim/2018/02/23/111> (accessed 24 June 2021).

²²⁵ CRC, State report 2021, paras. 29-30 & 190-199. The DCM is Referral and case management procedures, drafting the contents of the individual protection plan, financing the costs of its implementation, and implementing safeguards, 578, 3 October 2018. Available at: <http://differentandequal.org/wp-content/uploads/2019/09/VKM-nr.-578-dt-3.10.2018.pdf> (accessed 24 June 2021).

²²⁶ Tahsini, Rapid assessment on family strengthening practices, unnumbered fourteenth page.

²²⁷ EC, Albania progress report 2020, pp. 34 & 92.

²²⁸ MHSP, Deinstitutionalization plan, 2020-2022, unnumbered first page.

152. This plan's definition explains how it is aligned with the frameworks of national and international law and practice. It was developed with the support of UNICEF. According to its latest monitoring report, the plan has so far been sufficiently implemented (70 per cent of activities have been implemented) considering the impact of COVID-19. Twelve children were identified as having potential to return to their biological families and 27 were adopted, from public residential institutions²²⁹.

Availability/accessibility of alternative care and review arrangements

153. There are nine public social care residential institutions for children, five developmental centres and 18 private residential care institutions in Albania. During 2018–2019, a Government-led needs assessment of children (by the MHSP) in the nine public institutions found that over 90 per cent of children came from underprivileged, or economically disadvantaged families, and had parents who were unemployed, had mental health problems, and/or with no access to essential care services. In most cases at least one parent was alive.²³⁰
154. Most children with disabilities live with their family but are over-represented in public residential institutions. They are at risk of remaining there through a combination of lack of family support, stigma and a medical model of disability. Because numbers of children with disabilities are small (45 in 2017) there may be a realistic possibility of achieving family based care for all children with disabilities.²³¹ Families living in remote areas with a member with disability regularly migrate because access to basic services is difficult²³².
155. The MHSP assessment found that over 30 per cent of children in residential homes had previously been victims of neglect, abuse and exploitation²³³. The Deinstitutionalization Plan describes services provided in residential care institutions as mainly focused on physical care rather than individual development services, and that they are usually set up to serve children without parental care, but not those abused, exploited, neglected or harmed²³⁴. No information about review arrangements has been found.

Qualifications/training of alternative care staff

156. Concerns about staff capacities in alternative care are widely shared (as recorded elsewhere in this chapter although the CRC state party report portrays a positive view (*see paras. 140–146 above*)).
157. The CRC report refers to a range of specialist staff (e.g., social workers, psychologists, medical staff) and activities (e.g., learning, awareness raising) for children in the National Reception Centre for Victims of Domestic Violence (NRCVDV). It says less about staff capacity in other institutions but does emphasize the opportunities and support available to all children preparing to leave to lead independent lives.²³⁵

²²⁹ MHSP, Progress monitoring report for the Deinstitutionalization plan 2020. Tirana: MHSP, 2021 p.6; Personal communication, Technical Expert on Deinstitutionalization, Zino Kore, 30 June 2021.

²³⁰ MHSP, Deinstitutionalization plan, 2020–2022, unnumbered third page.

²³¹ Rogers, J., et al. We all matter: situation analysis of children with disabilities in Albania, UNICEF, 2018. (hereafter: Rogers, We all matter 2018.), p. 56. Available at: <https://www.unicef.org/albania/reports/we-all-matter> (accessed 10 March 2021).

²³² Personal Communication, Terre des Hommes, Country Director, Enkelejda Kallciu, 6 July 2021.

²³³ MHSP, Deinstitutionalization plan, 2020–2022, unnumbered seventh page.

²³⁴ MHSP, Deinstitutionalization plan, 2020–2022, unnumbered eighth page.

²³⁵ CRC, State report 2021, paras. 108 & 154.

158. By contrast, the *Deinstitutionalization Plan* comments on the lack of supportive and specialist services for children, such as psychotherapists, special teachers, speech therapists and physiotherapists in residential care. Some institutions lack qualified psychologists and social workers, directly affecting the childcare quality, and professional supervision of the staff is also lacking. It aims to develop a comprehensive training package.²³⁶
159. A 2019 study pointed out that specialist services in institutions (e.g., legal or psychological) are often provided by NGOs because of the limited staff and other resource provision on the statutory side²³⁷. *Ad hoc* provision like this may be non-standardized and spread unevenly geographically²³⁸.

Alternative care financing

160. Information on alternative care funding in the CRC state party report is relatively detailed, but funding sources are not given. The MHSP explained that public residential institutions are funded by the state budget. Between 2013–2018, the allocations for these homes remained fairly constant. From 2014–2018, allocations for foster families (in 12 regions) increased by about five-fold to reflect the increased number of children placed in foster/kinship families, and for children with orphan status by over three times (also meaning increased funding per child). The NRCVDV's funding nearly doubled. It is noted that tracking local budgets remains a challenge.²³⁹
161. Nonetheless, as described above from different sources, financial and other resources for alternative care are limited, and providers have to make do, or rely on support from NGOs and other private sources to attempt to meet their service aims and obligations. There is detailed budgeting, including re-allocating portions of existing state budgets from institutional care, in the *Deinstitutionalization Plan*²⁴⁰. Of the allocated budget for 2020, 70 per cent has been disbursed²⁴¹.

5.3 How children become placed in institutions

162. The 2017 *Child Rights and Protection law* (article 30) details the rights of children to be with family: lack of financial means is not grounds for state authorities to separate the child or remove parental responsibility. In an emergency, children can be placed in alternative care through an administrative decision from the relevant local social services' authority. Theoretically, other cases require a judicial decision²⁴². However, from independent legal analysis, a 2018 DCM about the criteria for residential placement contradicts the *Child Rights and Protection law* by creating two different placement procedures for children: one with a judicial procedure and another that bypasses it²⁴³.

²³⁶ MHSP, *Deinstitutionalization plan, 2020–2022*, unnumbered eighth and eighteenth pages.

²³⁷ Xhafferlari, *Child protection measures 2019*, pp. 32–33.

²³⁸ MHSP, *Deinstitutionalization plan, 2020–2022*, unnumbered seventh page.

²³⁹ CRC, *State report 2021*, paras. 33–35.

²⁴⁰ MHSP, *Deinstitutionalization plan, 2020–2022*, unnumbered seventh page. Xhafferlari, *Child protection measures 2019*, pp. 32–33.

²⁴¹ Personal Communication, Ministry of Health and Social Protection, 24 July 2021.

²⁴² *Child Rights and Protection law*.

²⁴³ Decision of the Council of Ministers (DCM), *Social care community and residential services, criteria, benefit procedures and for the amount of personal expenses for beneficiaries of organized service*, 518, 4 September 2018; Personal communication, UNICEF Albania, Child Protection Specialist, David Gvineria, 9 September 2021.

163. The Government's CRC submission reports poverty as a cause for children's placement in institutions. It ascribes the declining numbers of children placed in institutions (between 2014 and 2017 from 76 to 50 children) to its poverty alleviation, day care provision and other measures. Average length of stay for children placed rises with age, from two to three years for those up to 6 years of age, to four to five years for children aged 6–18 years.²⁴⁴
164. DCM 106/2017 changed, by age groups, which institutions children go to (ages 0–5, 6–15 and 16–18 years), but prioritized keeping siblings together²⁴⁵. The accommodation challenges this poses means that siblings may be placed into private care (90 per cent of children housed by the NGO SOS in its 'villages' were siblings). Another 2017 reform puts emphasis on special support for 16- to 18-year-olds to return to families and wider society.²⁴⁶
165. It is not clear from the state report how much has changed since the 2012 CRC observations. The CRC had expressed concern about children being in institutions for economic reasons (and not in a family environment), the length of time children stayed, and disruptions to their lives caused by frequent moves resulting from age-group segregated care²⁴⁷. The MHSP survey reported that nearly all institutionalized children came from economically disadvantaged families, or where other major family related difficulties had occurred (*see para. 153 above*).
166. The *Deinstitutionalization Plan* observed how vulnerable children are exposed to the detrimental effects of institutionalization because they are not offered a suitable environment for key aspects of their development, and that children's prolonged stays result from lengthy child custody procedures that some institutions follow²⁴⁸. The UPR noted that many children, most with at least one parent alive, were in residential institutions due to poverty issues, and the EC looked for further efforts to prevent children's unnecessary separation to provide appropriate family and community-based care if children are separated, and to reduce and eliminate the use of institutions²⁴⁹.

Corporal punishment in alternative care institutions

167. Corporal punishment is explicitly prohibited in all care settings, but concerns were expressed in the 2012 CRC review about widespread corporal punishment at home, in schools and in other institutions²⁵⁰. Cases of physical violence against children were identified in children's care facilities in Shkoder and Durres between 2015 and 2017 and the authorities' response included measures to better identify and prevent the potential for such cases in future (*see chapter 7.7, para. 292*)²⁵¹.

²⁴⁴ CRC, State report 2021, para. 148.

²⁴⁵ Decision of the Council of Ministers (DCM) For changes in the DCM no 425, date 27.6.2012 "For the determination of the criteria and necessary documentation for the placement of individuals in residential institutions, public and non-public, of social care" changed, 106, 15 February 2017.

²⁴⁶ CRC, State report 2021, paras. 148 & 150–153.

²⁴⁷ CRC, Observations 2012, para. 54.

²⁴⁸ MHSP, Deinstitutionalization plan, 2020-2022, unnumbered seventh and eight pages.

²⁴⁹ UPR, Summary 2019, para. 38; EC, Albania progress report 2020, p. 35.

²⁵⁰ CRC, Observations 2012, para. 41.

²⁵¹ CRC, State report 2021, para. 138.

Family support systems in place for families in need

168. The law on the *Rights and Protection of the Child* foresees measures for parental rehabilitation, enabling children in alternative care to return to their families by empowering and supporting the family or by intervening to improve family relationships if the child still lives with the family²⁵².
169. The vision of the *Deinstitutionalization Plan* offers children a family friendly environment to support their “*biological or temporary caregivers*.” Local support services for children and families would be provided in each municipality where their families live and a support network of local public services (e.g., CPUs, social, health, and education services) would be established.
170. Achieving this in practice could be through the provisions of DCM no. 518 (04.09.2018) which defines a standard basket of social care services that local government units (LGUs) are obliged to offer²⁵³. The MHSP assessment showed no standard working system of local social care services. Given the parental backgrounds of the children currently in care, the DCM could be used to provide better parenting programmes (e.g., treatment of abusive, aggressive and/or exploitative behaviour and dependencies management).²⁵⁴

Foster care system

171. Foster care, understood in a modern sense, is rare in Albania. When the Deinstitutionalization Plan was produced in 2020 there were fewer than 10 non-kin foster placements in the whole country. No local government unit has been able to compile and approve an inclusive list of foster families who are not related by blood to children in need of foster/kinship care. The plan aimed to increase the number of fostering families by 50 per cent and to set up a cross-sector monitoring committee (established in 2020, through an order of the Minister of Health and Social Protection).²⁵⁵
172. In 2019, 583 children were reported to be either in kinship or non-kin foster care arrangements, indicating a very large bias to the former type, and a large increase overall since 2012 when there only were 66 such cases²⁵⁶. A separate order by the Health and Social Protection Minister has regulated the recruitment and training of foster families and the monitoring of children who are placed²⁵⁷. A curriculum for foster care families has been completed, and salaries for foster parents have been increased to the same levels as for carers in residential institutions²⁵⁸.

²⁵² CRC, State report 2021, para. 146.

²⁵³ Decision of the Council of Ministers (DCM), Social care community and residential services, criteria, benefit procedures and for the amount of personal expenses for beneficiaries of organized service, 518, 4 September 2018.

²⁵⁴ MHSP, Deinstitutionalization plan, 2020–2022, unnumbered third and thirteenth pages.

²⁵⁵ MHSP, Deinstitutionalization plan, 2020–2022, unnumbered seventh, nineteenth and twentieth pages; Minister of Health and Social Protection, Order, Establishment and functioning of the steering committee for the implementation of national deinstitutionalization plan 2020–2022, 548, 1 October 2020.

²⁵⁶ CRC, State report 2021, para. 155.

²⁵⁷ Minister of Health and Social Protection, Order, Criteria, documentation and procedures for identification of foster care families for children without parental care and the amount of funding a child’s expenses when placed in a foster family, 149, 13 March 2018. Available at: <https://shendetesia.gov.al/wp-content/uploads/2019/02/VKM-nr.-149-date-13.3.2018.pdf> (accessed 24 June 2021).

²⁵⁸ Personal communication, Technical Expert on Deinstitutionalization, Zino Kore, 30 June 2021.



6. Basic rights

6.1 Food, water and housing

173. From the 2017–18 Albania Demographic and Health Survey (ADHS), 83 per cent of households had access to improved drinking water, and 96 per cent used improved toilet facilities. The ADHS survey does not offer information on families without any accommodation, but 0.4 per cent of the sample lived in houses where the floor was “earth, sand” and 16.8 per cent had only one room for sleeping²⁵⁹. Social housing services receive the lowest rating of all the public services, reflecting limited availability and poor quality of social housing²⁶⁰.
174. Geographical wealth distribution measured by the Gini coefficient varied markedly by municipality: from 0.06 in Durrës to 0.26 in Diber²⁶¹. Albania compares to other Western Balkans countries for access to basic sanitation services (97.7 per cent in 2017) but has least access to basic water services after Serbia (91.4 per cent) and the lowest access to improved piped water source for urban populations²⁶².
175. Children’s nutritional status from the ADHS estimated that 11 per cent of children aged 0–59 months were stunted (thin for age) and that only 29 per cent were fed the minimum acceptable diet in the 24 hours before the survey. In the two-week period before the survey was undertaken, 10 per cent of children in households with unimproved drinking water had a diarrheal episode, against 5 per cent of children with improved drinking water.

²⁵⁹ INSTAT, ADHS 2017–18, pp. 7, 18, 134 & 155.

²⁶⁰ Eurofound. European quality of life survey: data visualisation. Available at: <https://www.eurofound.europa.eu/data/european-quality-of-life-survey> (accessed 7 June 2021).

²⁶¹ INSTAT, ADHS 2017–18, p. 10. The Gini coefficient measures wealth inequality where 0 is complete equality and 1 complete inequality.

²⁶² Sustainable Development Report. Dashboard: statistics for SDG 6 clean water and sanitation, Available at: <https://dashboards.sdgindex.org/explorer/population-using-at-least-basic-sanitation-services/table> (accessed 24 July 2021).

176. A 2018 study of health behaviour in school aged children found that 23 per cent never had breakfast during weekdays and 9 per cent never at weekends²⁶³. Albania had the second highest prevalence of undernourishment in the Western Balkans after Serbia (3.6 per cent) in 2018, with the highest prevalence by far of stunting in children under 5 years of age in 2019 (24.8 per cent)²⁶⁴.
177. Minority groups were represented in the 2017–18 ADHS but their circumstances do not stand out. Other data shows that less than half of Roma have access to piped water in their dwellings—the lowest coverage observed in the Western Balkans—and the gap vis-à-vis neighbouring non-Roma is increasing. Access among the marginalized Roma population in Albania to the public sewerage system deteriorated between 2011 and 2017, and the gap vis-à-vis non-Roma living in the vicinity increased. A very small proportion of marginalized Roma and neighbouring non-Roma reported that waste is never collected in their neighbourhood in 2017, a significant improvement from 2011²⁶⁵. (See chapter 3.1, para. 53.)
178. Both the Universal Periodic Review (UPR) and European Commission (EC) reports noted that the law on Social Housing enabled provision of better housing for Roma households (and other groups including children) but the UPR expressed concern about evictions of these families²⁶⁶. The EC noted that the 5 per cent housing allocation to this community under the law's provisions has been met but that the adoption of all its secondary legislation is required²⁶⁷. The Committee on the Rights of the Child's (CRC) state party submission reported that the caseload of the Commissioner for Protection against Discrimination (CPD) included complaints involving children in poor housing conditions²⁶⁸. The EC also found malnutrition to be a critical issue for children and pregnant women in the whole population²⁶⁹.

6.2. Health

179. Total health care expenditure has averaged about 9.5 per cent of the state budget since 2012 (9.6 per cent in 2017, lower than World Health Organization (WHO) estimates of the upper middle-income country average of about 12 per cent)²⁷⁰. The EC reported that health expenditure at 2.9 per cent of the Gross Domestic Product (GDP) in 2019 remains disproportionately low, with the primary health care element even more poorly resourced, especially maternal and child health services²⁷¹.

²⁶³ Hyska, J., et al. Assessment of nutritional status and nutrition-related knowledge, attitudes and practices among school-aged children in Albania: survey report 2017-2018. Tirana: Institute of Public Health, 2018, p. 5.

²⁶⁴ Sustainable Development Report. Dashboard: statistics for SDG 2 zero hunger, Available at: <https://dashboards.sdgindex.org/explorer/prevalence-of-undernourishment/table> (accessed 24 July 2021).

²⁶⁵ UN Development Programme (UNDP). Roma at a glance: Albania. (s.l.): UNDP, 2018. (in: Regional Roma survey 2017: country fact sheets). Available at: <https://www.eurasia.undp.org/content/rbec/en/home/library/roma/regional-roma-survey-2017-country-fact-sheets.html> (accessed 7 June 2021).

²⁶⁶ Social Housing law, 22, 3 May 2018. Available at: <https://financa.gov.al/wp-content/uploads/2018/12/ligj-nr.-22-dt.-3.5.2018.pdf> (accessed 10 June 2021).

²⁶⁷ UPR, Summary 2019, para. 22; EC, Albania progress report 2020, p. 27.

²⁶⁸ CRC, State report 2021, para. 53.

²⁶⁹ EC, Albania progress report 2020, p. 109.

²⁷⁰ CRC, State report annexe 2021, p. 26; Chkhatrashvili, K., et al., Assessment of sexual, reproductive, maternal, newborn, child and adolescent health in the context of universal health coverage in Albania. Copenhagen: WHO Regional Office for Europe; 2019 (hereafter: Chkhatrashvili, Assessment of health in Albania 2019), p. 5. Available at: <https://apps.who.int/iris/bitstream/handle/10665/330457/9789289054706-eng.pdf> (accessed 15 March 2021).

²⁷¹ EC, Albania progress report 2020, p. 108.

180. This is the lowest percentage of GDP on investment in health among Western Balkans countries except Kosovo²⁷². However, a 2020 World Bank assessment including global health security (ability to e.g., prevent, detect and respond to illness) during the COVID-19 pandemic, ranked Albania highest in these terms regionally (39/195 globally). Like its neighbours, consistent weaknesses were identified in the robustness of Albania's health system, capacity to treat the sick and to protect health workers.²⁷³
181. Whilst the *National Health Strategy 2016–2020* demonstrates Albania's willingness to achieve universal health care for all, Government figures reported to the CRC show that most (71 per cent, up from 68 per cent in 2017) of the health budget was for secondary and tertiary care, against around 20 per cent for primary care, and the remainder for public health and emergency services²⁷⁴. This trend continued in 2020, while Albania responded to the COVID-19 pandemic, with its Primary Health Care (PHC) services in the frontline²⁷⁵.
182. External agencies have noted the Government's further development in 2015 of a basic PHC package with a focus on maternal health, child and adolescent health²⁷⁶. Some cumulative results of this commitment are apparent: the principle of free health care for children (ages 0–18 years), pregnant women and vulnerable groups; declining maternal mortality (from 1990 to 2019 from 22.7 to 3.5/100,000); population-wide childhood immunization rates at 99 per cent; improvements in contraceptive and other family planning services; and laws, policies, standards and other regulations to reflect the wider national intention²⁷⁷.
183. Implementation and delivery of some of the key health targets and programmes has proved more challenging. Neonatal, infant and under-five mortality rates are all high for the region (6, 8 and 9/1,000 respectively) and child malnutrition problems (*see paras. 175–176 above*) are rated as "critical" by the EC²⁷⁸. Adolescent-friendly health services, including for mental health, are absent and there are concerns that the current system of young people being referred through family doctors lacks privacy, especially in rural areas where office space may be shared²⁷⁹.

²⁷² Regional Cooperation Council (RCC). Regional overview of Western Balkan economies regarding the European Pillar of Social Rights. (Sarajevo): RCC, 2020, p. 12. Available at: <https://www.rcc.int/docs/549/regional-overview-of-western-balkan-economies-regarding-the-european-pillar-of-social-rights> (accessed 24 July 2021).

²⁷³ World Bank Group. 'The economic and social impact of COVID-19: health systems'. Western Balkans regular economic report no. 17, Spring 2020 (hereafter: World Bank. COVID-19: health systems). Available at: <https://documents1.worldbank.org/curated/en/650491590681594215/pdf/The-Economic-and-Social-Impact-of-COVID-19-Health-Systems.pdf> (accessed 25 July 2021).

²⁷⁴ CRC, State report annexe 2021, p. 26; Chkhatarashvili, Assessment of health in Albania 2019, p. vi. Universal health care for all is a key target of the UN Sustainable Development Goals.

²⁷⁵ Open Data Albania. Shpenzime shëndetësi, buxheti i shtetit 2020 dhe pandemia Covid-19 (Budget expenses in health, state budget and COVID-19 pandemic). Available at: <http://ndiqparate.al/2021/02/19/shpenzime-shendetesi-buxheti-i-shtetit-2020-dhe-pandemia-covid-19/> (accessed 24 July 2021).

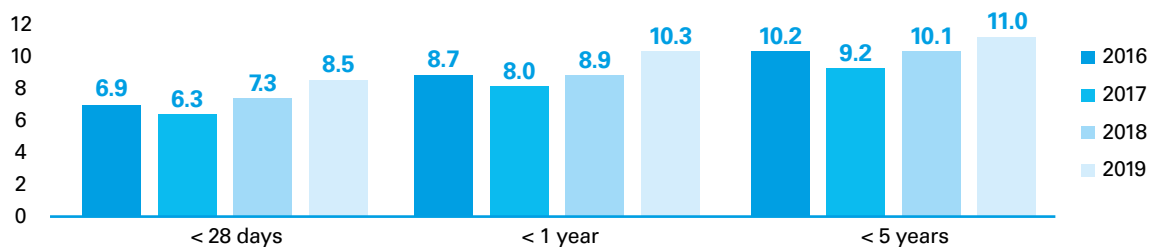
²⁷⁶ CRC, State report 2021, paras. 168 & 171; UPR, Summary 2019, para. 24; EC, Albania progress report 2020, p. 108.

²⁷⁷ Chkhatarashvili, Assessment of health in Albania 2019, pp. 15, 19, 21 & 29.

²⁷⁸ EC, Albania progress report 2020, pp. 108–109.

²⁷⁹ Chkhatarashvili, Assessment of health in Albania 2019, pp. 23–24.

Figure 4. Child mortality rate by age group²⁸⁰



Source: INSTAT

184. The *Primary Health Care Strategy 2020–2025* aims to address the health care needs of all communities and population groups more efficiently. In relation to children, its purpose is to reduce the fragmenting of existing PHC models and to align the different professional categories with international standards, aiming to provide integrated services²⁸¹.
185. High out of pocket health expenditure (nearly 58 per cent of total health expenditure according to the WHO) means that low-income households can be prevented from accessing care²⁸². Although measures to increase take-up have shown some success, Roma families and their children have low health insurance coverage rates and face discrimination and other barriers in accessing care, including to primary health care and reproductive health services and hospitals²⁸³. (See chapter 3.1, para. 53.)
186. Children and families from other disadvantaged groups experience access difficulties. The EC stated that Albania should continue to improve access to health and services including for Roma, people with disabilities, and populations in rural areas, this being of particular importance to women and girls from these groups, who are often subject to multiple forms of discrimination²⁸⁴.
187. In terms of providing functioning, accessible and quality health services for all children it seems relevant that of all the national strategies and plans named in the state party CRC submission, three have elapsed (one in 2016, two in 2020). The new draft agenda for children’s rights is aligned with other strategies related to children²⁸⁵.
188. There are limited studies on mental health of children and adolescents in Albania. Specialized services are very limited and concentrated in urban areas. The new draft action plan of Children’s Rights notes the necessity to establish discrete mental health services for children and adolescents.²⁸⁶

²⁸⁰ Government of Albania, INSTAT, et al. Children, adolescents and youth-focused wellbeing indicators 2016 – 2019. Tirana: INSTAT, 2021 (hereafter: INSTAT, Children wellbeing indicators 2021), p. 7. Available at: https://www.unicef.org/albania/media/3811/file/INSTAT_UNICEF_2021_STATISTICS_Publication.pdf (accessed 16 September 2021).

²⁸¹ Ministry of Health. National strategy for the development of primary health care services in Albania, 2020 – 2025. Available at: <https://qbz.gov.al/preview/f61689e7-a6b0-4e0a-95a1-ec652c465d3f/fz> (accessed 14 September 2021).

²⁸² Chkhatarashvili, Assessment of health in Albania 2019, p. 8.

²⁸³ UPR, Summary 2019, para. 24; EC, Albania progress report 2020, pp. 37 & 109.

²⁸⁴ EC, Albania progress report 2020, p. 107.

²⁸⁵ CRC, State report 2021, paras. 171, 180, 185, 189 & 193. These are: the Sexual and reproductive health strategy & action plan, 2017–20, on Youth 2015–20 and a Drug control strategy 2012–2016.

²⁸⁶ Ministry of Health and Social Protection (MHSP), Draft national agenda for children’s rights (Agjenda kombëtare për të drejtat e fëmijëve) 2021–2026 (hereafter: MHSP, Draft national agenda for children’s rights, 2021–2026), p.26. Available at: <https://www.konsultimipublik.gov.al/Konsultime/Detaje/408> (accessed 15 September 2021).

6.3 Education

Legal ages and compulsory schooling

189. The *Pre-University Education* law no 69/2012 defines compulsory education as lasting for nine years from ages 6 years old to 15- to 16-year-olds²⁸⁷. Compulsory education is free, and this is enshrined in Albania's *Constitution* that states that everyone has the right to education and that basic education is mandatory for all. Preschool, upper secondary and tertiary education are all optional.²⁸⁸
190. Preschool and university education require fees for meal provision, determined by municipalities, with some exemptions for children from vulnerable groups (e.g., Roma minorities)²⁸⁹. The national *Strategy on Education 2021–2026* is in the process of public consultation. For the first time, all levels of education are included in the same strategy, which aims for a system of inclusive education, based on the principles of equality and lifelong learning²⁹⁰.
191. Amendments were made to the law, in 2015 and 2018, but have not changed these aspects of the framework of compulsory education²⁹¹. Further information from the EC's Eurydice network defines the minimum instruction time for compulsory education in Albania as 6,025 hours, lower than in most EU countries, but higher than in Serbia, Bosnia and Herzegovina, and Montenegro²⁹².
192. Provision of the nine years of basic education is free (i.e., both at primary and lower secondary levels). Previous years' concerns over the costs of 'extras' (e.g., school uniforms, textbooks and transport) that had a direct impact on the ability of poorer children to go to school continue. The 2017/18 preschool participation rate was 70 per cent for the poorest children and 90 per cent for the wealthier ones. This gap declines for basic education but rises again at the secondary level.²⁹³
193. The Government has introduced measures to provide free school transport (including for preschool) more than two kilometres from home, for free school meals and textbooks for poorer children²⁹⁴. In the 2019/2020 academic year, some 225,000 free textbooks were delivered including 155,000 to primary school children²⁹⁵.

²⁸⁷ Pre-University Education law, 69, 21 June 2012.

²⁸⁸ Education Audiovisual & Culture Executive Agency, National Policies Platform Eurydice. Available at: https://eacea.ec.europa.eu/national-policies/eurydice/content/fundamental-principles-and-national-policies_en (accessed 5 March 2021).

²⁸⁹ Tirana Municipality Council, Order, Taxation system and determination of local fees for municipality of Tirana, 59, 30 December 2015, p. 18; Available at: <https://dpttv.gov.al/wp-content/uploads/2018/02/VKB-Nr-59.pdf> ; (accessed 15 September 2021) Higher Education and Scientific Research in Higher Education Institutions of the Republic of Albania law, 80, 22 July 2015. Available at: https://www.unitir.edu.al/images/dokumenta/Legjislacion/Liqj_80-2015_22.07.2015.pdf (accessed 14 September 2021); Wort, M., et al. Appraisal of the current strategy of pre-university education 2014-2020. Tirana: UNICEF, 2019, p. 23. (Short form: Wort, et al., Appraisal of PUES 2019.) Available at: <https://www.unicef.org/albania/reports/appraisal-pre-university-education-strategy-2014-2020> (accessed 24 July 2021).

²⁹⁰ Ministry of Education, Youth & Sports, Draft national strategy on education, 2021–2026 (hereafter: MEYS, Draft national strategy on education, 2021–2026). Available at: <https://www.konsultimipublik.gov.al/Konsultime/Detaje/349> (accessed 24 July 2021).

²⁹¹ Wort, et al., Appraisal of PUES 2019, p.11.

²⁹² Education Audiovisual & Culture Executive Agency. Recommended annual instruction time in full-time compulsory education in Europe 2018/19. Luxembourg: European Commission, 2019, p. 11. Available at: https://eacea.ec.europa.eu/national-policies/eurydice/content/recommended-annual-instruction-time-full-time-compulsory-education-europe-%20-201819_en_en (accessed 5 March 2021).

²⁹³ MEYS, Draft national strategy on education, 2021–2026, p.35.

²⁹⁴ CRC, State report 2021, paras. 201–202.

²⁹⁵ EC, Albania progress report 2020, p. 101.

Enrolment rates

194. Some official Government data on school enrolment is available, but it is not up-to-date and nor is it disaggregated by gender, age or region. An adapted version is given in *Table 5* which shows increasing overall net enrolment rates (NER) between the 2014/15 and 2016/17 school years, except at lower secondary school level²⁹⁶. Primary school rates in 2017 were comparable to that of EU and OECD countries (both 96 per cent). At lower secondary level, Albania's NER (86 per cent) was below that of the EU and OECD (91 per cent) and also at upper secondary education levels²⁹⁷.

Table 5. Net enrolment ratio as per cent of all children by education level

Education level	2014–15	2015–16	2016–17	2017–18	2018–19
Pre-school	75.4	76.9	77.7	71.9	75.9
Primary	96.2	96.0	97.5	95.8	93.1
Lower secondary	91.4	89.7	86.8	87.7	87
Upper secondary	75.6	74.7	77.1	77.4	76.2

Source: Ministry of Education, Youth and Sports/INSTAT

195. The United Nations Educational, Scientific and Cultural Organization's (UNESCO) Institute of Statistics more recent information portrays a decline in primary education between 2017 and 2019. Its 2017 data indicates a lower 96.5 per cent total NER and, for 2019, a rate of 93.6 per cent. Secondary education data (undivided by specific level) from UNESCO is shown in *Table 6*, is gender-disaggregated and indicates that, over these past three years, boys have enrolled less than girls—whose rates appear to have stayed fairly constant, and increasingly so.²⁹⁸

Table 6. Secondary school NER 2017–2019/UNESCO Albania data

Secondary school NER	2017	2018	2019
All children	86.7	86.6	85.7
Female	88.5	89.2	88.7
Male	85.1	84.3	83.1

Source: UNESCO Institute of Statistics

196. Compared to other Western Balkans countries, participation of children in preschool education for 2018 in Albania was higher than for Serbia (61.9 per cent), Montenegro (67.3 per cent) and North Macedonia (35.5 per cent)²⁹⁹. However, Albania has the lowest net partici-

²⁹⁶ CRC, State report annexe 2021, p. 68.

²⁹⁷ Maghnoouj, S. et al. OECD reviews of evaluation and assessment in education: Albania. Paris: OECD, 2020. Available at: <https://www.oecd-ilibrary.org/docserver/d267dc93-en.pdf?expires=1628720779&id=id&accname=guest&checksum=83DCF83C4F76FB98C-9562BE5EB3D7C8A> (accessed 7 June 2021).

²⁹⁸ UN Educational Social and Cultural Organization (UNESCO), Institute of Statistics. Data for the sustainable development goals: Albania (hereafter: UNESCO, Data for SDGs). Available at: <http://uis.unesco.org/en/country/al?theme=education-and-literacy> (accessed 5 March 2021).

²⁹⁹ MEYS, Draft national strategy on education, 2021-2026, p. 33.

pation in primary education in the region for 2019³⁰⁰, and is ranked a little lower than other states for participation in lower secondary education³⁰¹.

197. Both the EC progress report and the UPR committee acknowledged the general trends in increased school enrolment, although the EC also noted that in the two years prior to 2020 enrolment in preschool and secondary education declined slightly (no figures given)³⁰².
198. For dropout rates from compulsory education (2015–2017), Government figures are gender-disaggregated. Table 7 demonstrates a small overall decrease during this time, but a small overall increased primary school dropout rate, increasing dropout rates with education level, and that boys more than girls leave school early in both primary and lower secondary education. A 2017 study reported that 15,000 children were out of school.³⁰³

Table 7. Dropout rates from compulsory education

Year	Total			Primary			Lower secondary		
	Total	Girls	Boys	Total	Girls	Boys	Total	Girls	Boys
2014 - 2015	0.60	0.58	0.62	0.46	0.44	0.47	0.70	0.67	0.72
2015 - 2016	0.55	0.53	0.56	0.47	0.46	0.47	0.59	0.53	0.66
2016 - 2017	0.57	0.53	0.61	0.52	0.50	0.53	0.64	0.56	0.71

Source: Ministry of Education, Youth and Sport

199. UNESCO's Albania education statistics for 2019 show that boys completed about one-and-a-half years less overall school education than girls did, and the UPR report commented on the lack of real-time data and limited monitoring of dropouts from schools.³⁰⁴ The World Bank highlighted high functional illiteracy rates across the Western Balkans, for 15-year-olds of over 50 per cent in Albania (similar to Montenegro and North Macedonia) and in-between Kosovo (78 per cent) and Serbia (38 per cent)³⁰⁵.

Availability and accessibility of education for all children

200. The *Pre-University Education Strategy, 2014–2020* (PUES, adopted 2016) sets an overall goal to ensure inclusiveness and equitable access to education for all. Its 2017 review found that major gains had been made, especially in access to education.³⁰⁶ The new draft Strategy on Education, 2021–2026 aligns with this, aiming to increase participation at all

³⁰⁰ Sustainable Development Report. Dashboard: statistics for SDG 4 quality education. Available at: <https://dashboards.sdgindex.org/explorer/net-primary-enrollment-rate/table> (accessed on 24 July 2021).

³⁰¹ MEYS, Draft national strategy on education, 2021-2026, p. 33.

³⁰² EC, Albania progress report 2020, p. 58; UPR, Summary 2019, para. 29.

³⁰³ CRC, State report annexe 2021, p. 70; Psacharopoulos, G. Albania: the cost of underinvestment in education and ways to reduce it. (New York): UNICEF, 2017. (hereafter: Psacharopoulos, G. Albania underinvestment in education, 2017), p. 7. Available at: <https://ec.europa.eu/research-roma-children/?publications/354/> (accessed 17 March 2021).

³⁰⁴ UNESCO, Data for SDGs; UPR, Summary 2019, para. 27.

³⁰⁵ World Bank Group. 'The economic and social impact of COVID-19: education'. Western Balkans regular economic report no. 17, Spring 2020 (hereafter: World Bank, Covid 19 education 2020), pp. 6-7. Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/33670/The-Economic-and-Social-Impact-of-COVID-19-Education.pdf?sequence=10&isAllowed=y> (accessed 5 August 2021).

³⁰⁶ Wort, et al., Appraisal of PUES 2019, pp. 4–5.

educational levels and to reduce dropouts through an early warning system and the identification of at-risk children³⁰⁷.

201. Despite increased access to education concerns continue, some of them are poverty related. Distance from school reduces access, especially in rural and isolated areas and among poorer communities. Some children are aware of the additional financial burdens on their families for their education, and also report that they do not feel safe on school transport. Although parents can be fined by law if their children do not attend school, in practice this has not been reported to happen.³⁰⁸
202. Some other general education access concerns in rural areas also exist. Schools' physical state is a concern: premises have often been found to be in poor conditions. Smaller schools are more common in rural and remote areas, although there is a policy to phase them out. A tradition of running combined classes continues with children in different age groups taught together, including for example, mixing preschool and primary school classes.³⁰⁹
203. The overall trend of participation of Roma children in education has been positive, with 14,515 students in pre-university education and 2,996 children in kindergartens. Children benefit from free textbooks and transport to remote schools³¹⁰. However, the gap in access to education for Roma children remains large, including in their access to preschool, and between these children and other non-Roma and Egyptian children living in the same areas³¹¹.
204. Roma compulsory education enrolment rates are low, especially in rural areas. Roma children have the highest national dropout rates, at around 50 per cent, and only 13.5 per cent of children aged 3–5 years participate in preschool education. Overall education achievements of Roma children are lower than for other students.³¹²
205. An incentive to Roma families, whose children regularly attend school and are vaccinated, is that they will benefit from an additional amount of economic aid (very low at US\$ 3.8 per month). Although an evaluation of the *Strategy of Social Protection, 2015–2020* indicated that these incentives are regularly provided, there appears to be no assessment of their impact.³¹³ (See chapter 3.1, para. 53.)
206. The policy of increasing access to mainstream education, in line with PUES, has seen a decrease in the use of special schools and an increase in inclusive education. According to the Ministry of Education, Youth and Sports (MEYS), the number of children with disabilities attending mainstream classes increased from 75 to 85 per cent between 2014 and 2018.³¹⁴ Other MEYS data indicated an increase in assistant teachers from none in 2013 to 1,069 for 2019–20.³¹⁵

³⁰⁷ MEYS, Draft national strategy on education, 2021-2026, p. 33.

³⁰⁸ UPR, Summary 2019, para. 28; Ymeraj, Young voices 2017, pp. 9-10; University of Tirana, et al, Children's world 2018, p. 6.

³⁰⁹ EC, Albania progress report 2020, p. 102; Wort, et al., Appraisal of PUES 2019, p. 22.

³¹⁰ EC, Albania progress report 2020, p. 37.

³¹¹ UPR, Summary 2019, para. 27; EC, Albania progress report 2020, p. 101.

³¹² Wort, et al., Appraisal of PUES 2019, pp. 39-40; Psacharopoulos, Albania underinvestment in education 2017, p. 18.

³¹³ CRC, State report 2021, para 205; Ministry of Health and Social Protection, National strategy on social protection and action plan, 2020-2023, p. 5; Government of Albania, Ministry of Health and Social Protection (MHSP). Raporti progresit 2019: Strategjia Kombëtare e Mbrojtjes Sociale 2015-2020 (Progress report 2019: Social Protection Strategy, 2015-2020). (Tirana: MHSP), 2020 (hereafter: MHSP, 2019 raporti progresit 2020 (2019 progress report 2020)), p. 5. Available at: <https://shendetesia.gov.al/shqip/> (accessed 24 July 2021).

³¹⁴ Wort, et al., Appraisal of PUES 2019, p. 22.

³¹⁵ MEYS, Draft national strategy on education, 2021-2026, p. 33.

207. Independent analysis in 2018 found only 56.7 per cent of children aged 6–17 years who are registered to receive disability allowances were at school, while MEYS' own analysis found a lower number, 43.2 per cent, of these children were enrolled³¹⁶. According to the EC, in Vlora and Lezha municipalities over 60 per cent of children with disabilities are not in school³¹⁷. Children with disabilities experience difficulties accessing the free school transport and, although the Government has made provisions for schools to be accessible in terms of buildings, infrastructure and equipment, lack of access also continues to be a barrier to children with disabilities (*see chapter 3.2, para 71*).³¹⁸
208. No recent reports have been found on the quality of education for children in detention since the reforms of detention centres for children in conflict with the law, and none on education for immigrant children. Informants from MEYS said that Albanian returned migrant children can attend school without any delays while waiting for documentation on their past education in other countries, and that children from third countries are entitled to education, for the length of their stay in Albania. (*See chapter 7.3, paras. 250 & 255, chapter 7.8, paras. 305–306 & chapter 8.3, paras. 359–362.*)

³¹⁶ Wort, et al., Appraisal of PUES 2019, p. 22.

³¹⁷ EC, Albania progress report 2020, pp. 35–36.

³¹⁸ Wort, et al., Appraisal of PUES 2019, p. 218; CRC, State report 2021, para 205; UPR, Summary 2019, para. 43.



7. Special protection measures

7.1 Children in conflict with the law

Criminal responsibility

209. The minimum age of criminal responsibility is 14 years, which was established by article 6 of the 1995 *Criminal Code* and is in line with international standards including what the Committee on the Rights of the Child (CRC) deemed in 2019 to be an absolute minimum³¹⁹. In most European Union (EU) countries the minimum age is 14 or 15 years old, but it can be as low as 12 years (e.g., in England).³²⁰ Albania's *Criminal Code* distinguishes between felonies (criminal offences) and misdemeanours (contraventions of the law) for which the ages of responsibility are 14 and 16 years respectively. Capital punishment is prohibited at any age³²¹.

Juvenile justice system, including equal access and over-representation issues

210. The 2017 *Code of Criminal Justice for Children (CCJC)* and the *Justice for Children Strategy, 2018–2021* provide the framework of a specialized juvenile justice system. The *CCJC* is the first in the Albanian legal canon specifically dedicated to children's criminal justice. It complements the *Child Rights and Protection law*. Among other measures, *CCJC* makes the best interests of the child a primary consideration (art.10), promotes restorative over retributive justice (art.14), protects children in conflict with the law from discrimination (art. 11), requires that all legal proceedings support the harmonious development of the child (art. 12) and affirms the principle of child participation (art. 16).

³¹⁹ Committee on the Rights of the Child (CRC). General comment no. 24 (2019) on children's rights in the child justice system, (Geneva): CRC, 2019, para 22. Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yh-sqlkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0R-PR9UMtGkA4> (accessed 29 August 2021).

³²⁰ Xhafferlari, *Child protection measures 2019*, p. 22.

³²¹ Constitutional Court, Decision, 65, 10 December 1999. Available at: http://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php.

211. The adoption of the *CCJC* and its strategy represents an advance in access to juvenile justice, together with the relevant secondary legislation that has now been passed³²². Implementation of the strategy in terms of structures and human resources were delayed, such as establishing special child sections in each district court, use of new technology tools during trial testimony, and having child-friendly environments in place during interviews on the premises of the police or prosecution³²³. The Ministry of Justice (MJ) reported that, since 2018, some of these improvements have been made, but it agreed that challenges remain for the full and comprehensive implementation of the strategy³²⁴.
212. No specific recent reports, since the *CCJC*'s introduction, have been found on unequal access to juvenile justice or over-representation in proceedings among certain children's groups. Stateless children who were born abroad, or whose families live illegally in Albania, experience legal difficulties because of their unrecognized status³²⁵. The Tirana Legal Aid Society (TLAS) indicated that, in 2020, of 481 cases related to birth registration handled by them, 289 were for Roma children, and of 272 children born abroad, 162 were Roma (*see chapter 3.1, para 53 & chapter 8.3, para. 358*)³²⁶.
213. The 2017 law on *Legal Aid Guaranteed by the State* is meant to ensure free and equal access for all children to legal advice (*see chapter 4.3, para. 109*). Data for 2011–2017 in the CRC state report on total legal aid applications, adults and children, show a large increase from 2016 onwards (2015: 290; 2017: 828). The MJ did not disaggregate these numbers by age, but their practice has since changed and now MJ disaggregates data by age.³²⁷
214. In its 2019 *National Justice for Children Strategy* report, the MJ recognized that it had not advanced in ensuring children's free legal aid, although 23 cases were referred to its Free Legal Aid Directorate³²⁸. Although this department is now functional [e.g., with full staffing, a regular case management workload, 10 local centres and collaboration with Civil Society Organizations (CSOs)] the MJ accepts that the law is still in early implementation and is seeking more evidence about its effectiveness.³²⁹ In 2020, its Free Legal Aid Directorate responded to 172 cases involving children and two decisions for children's representation in court³³⁰.
215. The TLAS identified children and others from vulnerable groups, particularly Roma, as facing major challenges in access to free legal aid. Even the small numbers who receive free legal aid risk ineffective legal representation, often lacking documentation (e.g., proof of residence or income) to establish eligibility. In practice, the system does not provide legal aid to stateless families. The law only allows this where the claimant receives social assis-

³²² EC, Albania progress report 2020, p. 35.

³²³ ARCTT, *Uncertain pathways* 2019, p. 53; Personal Communication, Ministry of Justice, Head of Juvenile Justice Section, 16 July 2021.

³²⁴ Personal Communication, Ministry of Justice, Head of Juvenile Justice Section, 16 July 2021.

³²⁵ UPR, Summary 2019, para. 53; Tirana Legal Aid Society, *Mapping statelessness in Albania* 2018, p. 8.

³²⁶ Personal communication, Tirana Legal Aid Society, Executive director, Rajmonda Bozo, 26 July 2021.

³²⁷ CRC, State report annexe 2021, p. 82.

³²⁸ Government of Albania, Ministry of Justice (MJ). *Raport monitorimi Janar-Qershor 2019: Strategjia e Drejtësisë për të Mitur* (Monitoring report for the Criminal Justice for Children Strategy January–June 2019). (Tirana): MJ, (2019). Available at: <https://drejtesia.gov.al/wp-content/uploads/2019/10/Draft-Raporti-janar-qershor-2019-i-Strategjise-se-Drejtise-per-te-Mituri-sakte.pdf> (accessed 24 July 2021).

³²⁹ Personal communication, Ministry of Justice, Directorate of Free Legal Aid, Director, 23 July 2021; Personal communication, Tirana Legal Aid Society, Executive director, Rajmonda Bozo, 26 July 2021.

³³⁰ Personal communication, Ministry of Justice, Directorate of Free Legal Aid, Director, 23 July 2021.

tance or can prove inability to pay. Those who are stateless or undocumented are ineligible for such assistance. Instead, legal aid for some civil registration and nationality cases is provided ad hoc by CSOs.³³¹ The Universal Periodic Review also reported that stateless families without documentation and their children, are likely to experience such difficulties³³². (See chapter 3.1, para. 74 & chapter 8.1, para. 347.)

Numbers of children in detention and reasons

216. Reasons for the children’s detention are not given in the CRC state report, but it does record a very small proportion of criminal offending among all offences recorded against children up to 2017 (0.8 per cent, with the largest share being for property theft and driving offences)³³³. More recent data, in this case on the proportion of children suspected of criminal offences against total suspected offences show a declining pattern: 4.8 per cent in 2017, 3.3 per cent in 2018 and 2.5 per cent in 2019³³⁴.
217. Available official statistics on the numbers of children in detention, disaggregated by male and female, show an overall decrease between 2015 and 2018, as shown in *Table 8*, which continued for 2019: 19 children in pre-trial detention and 4 children were detained³³⁵. For parts of 2020, due to the COVID–19 pandemic, there were periods when no children were detained at Kavaja institution³³⁶.

Table 8. Children in detention 2014–2018 (adapted from CRC state report annexe)³³⁷

Year	2015	2016	2017	2018
Male	80	61	43	21
Female	0	1	1	0
Total children in pre-trial detention	80	62	44	21
Male	13	9	10	5
Female	0	0	0	0
Total children in prison	13	9	10	5
3. OVERALL TOTAL OF DETAINED CHILDREN	93	71	54	26
OVERALL DETAINED MALE CHILDREN	93	70	53	26
OVERALL DETAINED FEMALE CHILDREN	0	1	1	0

Source: General Directorate of Prisons, Ministry of Justice

³³¹ Personal communication, Tirana Legal Aid Society, Executive director, Rajmonda Bozo, 26 July 2021.

³³² UPR, Summary 2019, para. 53.

³³³ CRC, State report 2021, para. 271.

³³⁴ INSTAT, Children wellbeing indicators 2021, p. 10.

³³⁵ SARPC, Të dhënat statistikore (Statistical data), Indicator 40. Available at: <http://statistikafemijet.gov.al/charts.php?ind=40> (accessed 16 September 2021).

³³⁶ Government of Albania, Ministry of Interior General Prison Directorate, Të dhëna statistikore të sistemit të burgjeve (Statistics for the system of prisons), 2021. Available at: <http://www.dpbsh.gov.al/newweb/?fq=brenda&gj=gj1&kid=72> <http://www.dpbsh.gov.al/newweb/?fq=brenda&gj=gj1&kid=72> (accessed 16 September 2021).

³³⁷ CRC, State report annexe 2021, p. 80.

218. The Commissioner for Protection from Discrimination (CPD) reported on juvenile justice in 2016 before the passage of the *CCJC* [Figures from the General Directorate of Prisons for 2019 showed 27 boys (no girls) in detention, of which three boys were in pre-trial detention³³⁸]. The People's Advocate and the CPD from *CCJC* both criticised existing rehabilitation services, including at the Kavaja institution, that was specifically designed for the rehabilitation of children in conflict with the law³³⁹.
219. The Kavaja institution, re-designed as a children's rehabilitation centre in 2019, is now the only imprisonment institution for children. There are pre-trial detention facilities elsewhere in Albania but since 2018, Kavaja seems to have been used exclusively for these purposes too, for both girls and boys. The People's Advocate regularly monitored Kavaja, and other detention facilities (e.g., police custody cells), and recommended changes: to reduce violence, to improve access to education and health care, and to ensure the separation of children from adults. These recommendations do not appear to have been fully implemented.³⁴⁰
220. The UPR committee recommended in 2019 that young female offenders should not be put in the same detention facilities as adult females³⁴¹. The *CCJC* (articles 110 and 113) requires separation in pre-trial detention and segregated rooms for children who are defendants or are convicted. Recent inspections by the People's Advocate indicated that this happens³⁴².

Alternatives to detention

221. In line with the principles of the *CCJC*, there are increased alternatives to custodial sentencing for children. Albania's CRC report records 48 per cent of juveniles being given alternative sentences in 2016 compared to 53 per cent in 2017 (it also says that the length of juvenile prison sentences has decreased)³⁴³. Specific alternative sentences given between 2014 and 2019 in Table 9 below show fluctuating use of these alternatives.

Table 9. Alternatives to custodial sentencing (adapted from CRC state report 2019 annexes)³⁴⁴

YEAR	2014	2015	2016	2017	2018	2019
Juveniles given alternative sentence/probation (under article 59 of Criminal Code)	455	415	390		290	218
Community service work	54	49	37	252	234	46
Imprisonment suspension and placement in probation	401	365	352	59	56	171
Home arrest	-	-	1	1	-	1

Source: Ministry of Internal Affairs

³³⁸ SARPC, Të dhënat statistikore (Statistical data), Indicator 40. Available at: <http://statistikafemijet.gov.al/#treguesit> (accessed 28 July 2021).

³³⁹ People's Advocate, et al, With the voice of children 2016, pp. 32 & 40.

³⁴⁰ People's Advocate, Raporti vjetor i veprimtarisë së Avokatit të popullit (Annual report People's Advocate activities), 2020, p. 50. Available at: <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20Vjetor%20i%20veprimtarise%20se%20institucionit%20te%20Avokatit%20te%20Popullit%20-%20viti%202020.pdf> (accessed 15 September 2021); Personal communication, University of Tirana Faculty of Social Sciences, Professor in Social Sciences, 14 September 2021.

³⁴¹ UPR summary 2019, para. 14.

³⁴² People's Advocate, 2020 Raporti vjetor 2021, p. 49.

³⁴³ CRC, State report 2021, para. 285.

³⁴⁴ CRC, State report annexe 2021, p. 81.

222. A total of 33 local cooperation agreements (11 in 2019) have been signed with municipalities with the aim of treating juveniles with alternative measures in multi-disciplinary social centres. According to the European Commission (EC) these municipalities have all been using their functional structures and multi-disciplinary centres to treat children in conflict with the law³⁴⁵. In 2019, two pilot municipalities (Berat and Gjirokastra) began a project to assist 296 such children. The children received free legal aid, financial support, psychosocial counselling, restorative justice services and were referred to education, vocational training and healthcare service providers³⁴⁶.
223. However, a 2018 Non-Governmental Organization (NGO) report found that there was a need to raise the capacity of community-based staff for such services to be able to manage both alternative sentencing and the rehabilitation of these children (*see para 224 below*)³⁴⁷. When children aged 14–18 years from the general population took part in a consultation for the national CRC report, they reported a preoccupation over juvenile justice and sentencing issues as they said they hear of no other alternatives apart from imprisonment³⁴⁸.

Rehabilitation services and discrimination

224. The *CCJC* aims to adapt the criminal justice system to child-friendly approaches including through community-based rehabilitation for children both above and below the minimum age of criminal responsibility³⁴⁹. Community staff to manage community rehabilitation are needed (*see para 223 above*).
225. Rehabilitation services have also been developed in pre-detention centres and prisons³⁵⁰. Following a decision in April 2019, the Kavaja institution was transformed into a “Multidisciplinary Institute for Juvenile Rehabilitation”. A Juvenile and Youth Crime Prevention Centre under the Ministry of Justice was established in May 2019 to develop preventive programmes and to supervise young offenders for six months after the end of their sentence. It is operational but has dealt with very few cases because of delays caused by the COVID-19 pandemic³⁵¹. The draft *Agenda for Children’s Rights 2021–2026* highlights the need to align its operation with State Agency for the Rights and Protection of Children (SARPC) and local child protection units³⁵².
226. In a 2016 report, the People’s Advocate found a complete absence of children’s rehabilitation services and noted that the Kavaja institution had too many uniformed to non-uniformed staff to support good rehabilitation (*see para. 218 above*)³⁵³. The institution has since reduced the numbers of uniformed staff.
227. After a child’s release from Kavaja, the CPD noted that the children are referred to their local Child Protection Unit (CPU) to continue rehabilitation and reintegration. Previously, Kavaja staff undertook this responsibility and the CPD was concerned about Kavaja staff’s

³⁴⁵ EC, Albania progress report 2020, p. 35.

³⁴⁶ Personal communication, Ministry of Justice, Head of Juvenile Justice Section, 16 July 2021.

³⁴⁷ Xhafferlari, Child protection measures 2019, p.54.

³⁴⁸ CRC, State report annexe 2021, p. 86.

³⁴⁹ Xhafferlari, Child protection measures 2019, pp. 15 & 18.

³⁵⁰ CRC, State report 2021, paras. 280–281.

³⁵¹ EC, Albania progress report 2020, p. 35; Personal communication, Ministry of Justice, Head of Juvenile Justice Section, Ministry of Justice, 16 July 2021.

³⁵² MHSF, Draft national agenda for children’s rights, 2021–2026, pp: 64 & 65.

³⁵³ People’s Advocate, et al, *With the voice of children* 2016, pp. 32 & 40.

insufficient training in this role³⁵⁴. However, CPUs face challenges in managing this reintegration process, including through case overload, lack of training and insufficient reintegration services³⁵⁵. No recent reports on discrimination experienced by children during rehabilitation have been found for this report.

7.2 Refugee and internally displaced children

Numbers of child refugees and internally displaced persons.

228. In 2020, 11,970 people including more than 1,700 children arrived in Albania compared to 2019 (6,667 total; 1,602 children) which was also a 52 per cent increase over 2018³⁵⁶. These figures combine refugees and migrants. Most asylum seekers leave the country after a few days with the great majority of asylum applications being withdrawn.³⁵⁷ The United Nations High Commissioner for Refugees (UNHCR) classes Albania mainly as a transit country for refugees. In 2021 to the end of March, UNHCR figures showed that 1,328 refugee and asylum seekers arrived³⁵⁸. Available data on unaccompanied and separated children is provided in *chapter 7.3 below*.
229. The UNHCR found that Syrians made up about half of both arrivals and asylum requests, and that increasing numbers of women and children had arrived in 2018 (18 per cent of the total, or 1,031 people)³⁵⁹. According to the IOM there are no internally displaced people in Albania. There are no Albanian refugee camps.
230. The 2019 CRC report states that refugee children are housed at the National Reception Centre for Asylum Seekers (NRCAS) at Babru, near Tirana, where children have freedom of movement³⁶⁰. It hosts up to 240 refugees and asylum seekers, but with a current capacity of 27 beds due to refurbishment needs. However, unaccompanied and separated children usually live in either of two NGO shelters. Children who request to stay at the NRCAS (e.g., because they already have a relative there) are also then allowed to stay at the NRCAS. Children have free movement in all these shelters³⁶¹.
231. New facilities opened in October 2019 by the International Organization for Migration (IOM) at the Kapshtica border crossing, and UNHCR opened another in June 2020 at Erseka; these facilities can take 60 and 30 people respectively. Another closed reception centre is in Karrec. This one does not permit the free movement of the 100 irregular migrants it accommodates, but there are no reports of children being in Karrec (children are at the NRCAS).
232. The population of all these centres, including children, is dynamic because many migrants do not stay long in Albania. Migrants are either returned to the country they came from, move on to another country (as they are free to come and go in the centres) or, much less often, they apply

³⁵⁴ CPD, Children access to justice and discrimination 2016, p. 55.

³⁵⁵ Tahsini, Rapid assessment on family strengthening practices, unnumbered pages twenty and twenty-one.

³⁵⁶ UNHCR, Western Balkans refugees, asylum-seekers and other people in mixed movements: key figures at regional level, 2021 (hereafter: UNHCR, Western Balkans refugees 2021), p.1. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR_SEE_WB_Overview_MM_AS_20210331.pdf (accessed 29 August 2021; Personal communication, UNHCR, 13 September 2021.

³⁵⁷ EC, Albania progress report 2020, p. 46.

³⁵⁸ UNHCR, Western Balkans refugees 2021, p.1.

³⁵⁹ UNHCR, Fact sheet Albania 2019, p. 2.

³⁶⁰ CRC, State report 2021, para. 228.

³⁶¹ Personal communication, UNHCR, 13 September 2021.

for asylum. Children can be accommodated in one of four temporary reception centres at Gerhot, Kapshtica, Erseka and Gjirokastra. The preference is to accommodate children in either of these last two, officially defined as social centres (i.e., they can provide emergency care for up to 72 hours).³⁶² These centres are understaffed, and children do not have access to interpreters³⁶³. International protection was granted for two children in 2020, neither of them unaccompanied nor separated³⁶⁴.

233. Following the major earthquake in Albania in November 2019, children lived in temporary shelters with their parents. A report in February 2020 found that, of 1,782 affected children and their families contacted, 40 per cent of children (713) still lived in tents, 351 of them in “informal tent shelters”, with some still in this condition in September 2021³⁶⁵. Neither Government nor international reports were found that described these children and families as internally displaced, but both types of sources refer to their temporary accommodation (including living in tents).³⁶⁶

Protection for internally displaced children and their families

234. The 2020 post-earthquake situation assessment reported that the most vulnerable children and families were those living in tents and in their own damaged houses, particularly given safety and protection concerns; violence and conflict fears were expressed by 17 per cent of families. Tented accommodation was considered “highly problematic” for families with younger children, especially as two thirds of families lived in rural areas. Families and children gave their priority needs as housing, direct cash support, and food and water (94, 61 and 44 per cent respectively).³⁶⁷

Right to education and other services

235. Asylum-seeking children have a right to education and can attend the preschool, primary or secondary school nearest to the centre where they stay. They do not need to have legal status or a birth certificate for school enrolment but require proof of vaccinations from a health centre and, for upper secondary education, a school certificate to show which last class they attended.³⁶⁸
236. There are concerns about how requirements to prove legal status affect children (e.g., relating to birth certificates), but no reports were found on problems over access to education. The Ministry of Education, Sport and Youth reported that these documents are not a prerequisite, and that children can attend school while they are being obtained³⁶⁹.
237. UNHCR confirmed that children receive Albanian language classes, through the schools or from UNHCR itself³⁷⁰. During the COVID-19 outbreak, teaching was provided to eight refu-

³⁶² Personal communication, UNHCR, 13 September 2021, the definition of social centres is from article 18 of law 121/2016. At the time of interview there were no children at the NRCAS but, in early June 2021, 16 children lived there.

³⁶³ Personal communication, UNICEF, Child Protection Specialist, David Gvineria, 9 September 2021.

³⁶⁴ Personal communication, UNHCR, 13 September 2021.

³⁶⁵ Personal communication, UNICEF, Child Protection Specialist, David Gvineria, 9 September 2021.

³⁶⁶ MHSP, 2019 Raporti i progresit 2020 (2019 progress report 2020), p. 12; Pasha A., et al. Assessing the post-earthquake situation of families with children residing in temporary shelters in Albania. Tirana: UNICEF, 2020 (hereafter: Pasha, Assessing the post-earthquake situation 2020), pp. 8-9. Available at: <https://www.unicef.org/albania/media/3411/file/Post%20Earthquake%20Assessment%20Report.pdf> (accessed 23 March 2021).

³⁶⁷ Pasha, Assessing the post-earthquake situation 2020, p. 10.

³⁶⁸ CRC, State report 2021, para. 225; Personal communication, UNHCR, 13 September 2021.

³⁶⁹ Personal communication, Ministry of Education, Sports and Youth, 19 July 2021.

³⁷⁰ Personal communication, UNHCR, 13 September 2021.

gee and migrant children through a new online, distance learning platform (*Akelius*). The draft *Agenda for Children's Rights* aims to strengthen access to this teaching resource.³⁷¹

238. While access and provision of social services is a right for all children based on the Child Rights and Protection law, there appears to be a contradiction in the *Social Services* law, article 7. This excludes asylum-seeking children from benefitting from social services and is used by state authorities to not grant access to accommodation, psychosocial, legal, interpreting and other services.³⁷²

Protection against violence and abuse for children and families.

239. Measures exist to support refugee and asylum-seeking children (who may have experienced violence and abuse) upon arrival in Albania. Albania's CRC report explains that children identified at border crossings, or inside the country, with families or unaccompanied, are interviewed in the presence of a social worker and a psychologist, after being assisted and accommodated. On arrival at the NRCAS, children are provided with psychosocial assistance, legal aid and health care.³⁷³
240. No reports on violence and abuse of refugee and asylum-seeking children and their families, once in centres, have been found but there is cause for concern. The EC reported in 2020 that in late 2019 and early 2020 the NRCAS was filled to capacity several times. It needed maintenance and improved living conditions, and its worsening security situation remained unaddressed. Twenty-seven bedrooms were refurbished recently to meet adequate living standards, but the others remain inadequate, due to overcrowding and under-resourcing³⁷⁴.
241. The EC considered that Albania should establish alternatives to what its report termed "detention" for children, women at risk and people with serious medical conditions, as provided for in the *Law on Foreigners*³⁷⁵. In this context it is important to note that the NRCAS is an open centre, allowing for free movement and the two other NGO-run centres where children are accommodated (*see para. 230 above*).³⁷⁶

Access to safe water, food and health care

242. An analysis of media reporting indicated that asylum-seekers complained of inadequate living conditions in reception centres. Some were obliged to beg for food, clothing or slept in parks or in the street. The situation was worse for unaccompanied and separated children and has further declined in the COVID-19 pandemic.³⁷⁷ The UNHCR and its partners

³⁷¹ MHSP, Draft national agenda for children's rights, 2021–2026, pp: 22 & 56.

³⁷² MHSP, Raporti i Agjendës kombëtare për të drejtat e fëmijëve 2021 (NACR report 2021), p. 52.

³⁷³ CRC, State report 2021, paras. 227-228 referring to an order of the Minister of Interior on Procedures for treatment of foreign citizens in irregular residence in the Republic of Albania, 293, 4 June 2015, governing the standards and processes of identification and registration of children, including unaccompanied children, and further developed in the standard procedures of border police and migration, order, 146, 2018 of the General Directorate of State Police.

³⁷⁴ Personal communication, UNHCR, 13 September 2021.

³⁷⁵ Foreigners' Law 108 28 March 2013 Amended with Law 74, 14 July 2016. Available at: <https://qbz.gov.al/eli/fz/2016/146/6c6dda01-80e0-41e8-9618-b4eba35fa05e;q=ligji%20per%20te%20huaj%2074%202016> (accessed 22 July 2021).

³⁷⁶ EC, Albania progress report 2020, p. 46. Here the EC report specifically names the Karrec centre, which is a 'closed' (i.e., does not allow the free movement of inhabitants) detention centre but does not accommodate any children; Personal communication, UNHCR, 13 September 2021.

³⁷⁷ Brakaj M. 'Kushtet dhe të drejtat e refugjatëve në Shqipëri' ('Conditions and rights of refugees in Albania'). Voice of America, June 20, 2020. Available at: <https://www.zeramerikes.com/a/5470608.html> (accessed 16 September 2021) quoted by Byrne, Situation analysis 2021, p. 56; MHSP, Raporti i Agjendës Kombëtare për të drejtat e fëmijëve 2021 (NACR report 2021), p. 51.

have complemented services provided at NRCAS through material support and specialized services, especially because of the increase of asylum requests³⁷⁸. The specific support and services provided are not detailed.

7.3 Unaccompanied and separated children

243. This section is divided into parallel parts: firstly, on unaccompanied and separated children in Albania but from other countries, and secondly on Albanian unaccompanied and separated children. The subheadings explain which group of children is being referred to, and include the issues of family tracing and reunification, and alternative care.

Responsibility and care of unaccompanied children from other countries

244. An Instruction of the Minister of the Interior governs procedures for unaccompanied and separated children from third countries. It indicates that the regional authorities have the responsibility to place these children in public residential social care institutions, or those managed by international organizations³⁷⁹. In practical terms, what happens to children and who takes the immediate responsibility, depends on children's identification by police and other local officials at border points and crossings.
245. Important legislative and policy changes have occurred in the last two years that affect unaccompanied and separated children. The legislation includes article 52 of the internationally standardized law on *Asylum*, a *National Strategy on Migration and Action Plan, 2019–2022*. Based on the principles of the *Child Rights and Protection Law*, there is a Decision of the Council of Ministers (DCM) on 'Procedures and regulations for return and readmission of children' (no. 111/2019), which aims to guarantee best interests of the child in these processes and to provide children with integrated protection services.³⁸⁰

Number of unaccompanied and separated children from other countries

246. Accurate, current numbers for unaccompanied and separated children from other countries are hard to find, either in total or for children in centres. Annual trends identifying all such children are fairly clear and are dramatic from a starting point of only 7 children in 2016 to 150 children in 2018³⁸¹. UNHCR data show further overall increases: 182 in 2019; 288 in 2020; but then only 30 up to the end of June 2021³⁸².

³⁷⁸ UNHCR, Fact sheet Albania 2019, p. 2.

³⁷⁹ Minister of Interior, Order, Procedures for treatment of foreign citizens in irregular residence in the Republic of Albania, 293, 4 June 2015.

³⁸⁰ Asylum in the Republic of Albania law, 10, 24 February 2021. Available at: <https://qbz.gov.al/eli/fz/2021/28/62c0651f-26d3-449f-b8c2-4bebb00dd49d;q=azil> (accessed 22 July 2021); Ministry of Interior (MI), National strategy on migration and action plan, 2019–2022 (hereafter: MI. Migration strategy, 2019-2022). Available at: <https://albania.iom.int/sites/albania/files/publication/THE%20NATIONAL%20STRATEGY.pdf>; European Union External Action Service. EU Delegation and UNHCR in Albania welcome the adoption of a new law on Asylum by the Parliament of Albania, 2021. Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/92403/eu-delegation-and-unhcr-albania-welcome-adoption-new-law-asylum-parliament-albania_en (accessed 24 July 2021); Unijat, J. ed. Common western Balkan migration policy: borders and returns regional policy paper II. Skopje, North Macedonia: Group 484, 2020 (hereafter: Unijat, Common western Balkan migration policy 2020), pp. 11 & 14. Available at: https://www.grupa484.org.rs/h-content/uploads/2020/04/FV-Borders_and_Returns_BRMC-grupa-484.pdf (accessed 15 May 2021).

³⁸¹ Xhaho, A., et al. Vulnerable asylum seekers and irregular migrants in Albania: trends, challenges, and policy solutions. (Tirana): Institute for Democracy and Mediation, 2019. pp. 6-7. Available at: <https://idmalbania.org/wp-content/uploads/2019/09/policy-brief-Vulnerable-asylum-seekers-and-irregular-migrants.pdf> (accessed 20 March 2021); UNHCR, Fact sheet Albania 2019, p. 2.

³⁸² Personal communication, UNHCR, 13 September 2021.

247. According to the Government of Albania, most unaccompanied and separated children are first accommodated in the Erseka and Gjirokastra centres and then moved to the NRCAS when applying for asylum. Children are accommodated separately from adult asylum seekers. A separate analysis found 124 children (of 1,602 altogether) housed at this centre in 2019³⁸³. There are indications that some children may be returned to Greece³⁸⁴.
248. A *National Agenda for Children's Rights* four-year implementation report found that the border police identified 72 unaccompanied and separated children in 2020³⁸⁵. The NGO Plan & Go started a project in 2020 to help prevent the smuggling and trafficking of unaccompanied children from third countries, offering them 21 days' emergency support (e.g., psychosocial, legal and interpretation) in shelters³⁸⁶.
249. The Global Initiative against Transnational Organized Crime (GIATO) identified an important Balkan route for both adult and unaccompanied minor migrants and refugees into Western Europe, used since 2015. There is a central corridor, from Greece through North Macedonia, Kosovo and Serbia to Hungary, and a western one through Albania, Montenegro and Bosnia-Herzegovina to Croatia. Data quoted by GIATO from UNHCR to the end of 2019, show few arrivals into Albania (fewest of all), while Kosovo, Montenegro and North Macedonia received about 500 people and hardly any children. By contrast, over 10,000 (and some 500 children) arrived in Serbia or Bosnia-Herzegovina.³⁸⁷

Counselling and mediation services for children from other countries

250. The CRC state report refers to support for refugee and asylum-seeking children, including those who are unaccompanied, both when identified at borders and at the NRCAS. These arrangements include the presence of a psychologist and social worker, with additional educational provision, health care, legal aid and other services. Unaccompanied children are not assigned a legal guardian, putting them at greater trafficking risk and making them ineligible for social and other services³⁸⁸. An unaccompanied child with a remand order is designated to be held elsewhere (e.g., at one of the two NGO-managed shelters mentioned), but so far this has not happened in practice according to UNHCR.³⁸⁹
251. The CRC state report does not say whether these services help an unaccompanied child to re-establish their family links. A DCM on 'Procedures and regulations for return and readmission of children' no. 111/2019 describes the important role of CPUs and SARPC in the process of family reunification.³⁹⁰ The 2020 *Asylum* law (article 72) makes some provision for these children to request family reunification.
252. Standard operating procedures (SOPs) at these levels are lacking, particularly for unaccompanied and separated children from third countries or stateless children who are not

³⁸³ National Reception Centre for Asylum-Seekers, Raporti vjetor 2019, (Annual report 2019), Tirana: NRCA, 2020, p. 5. Available at: <https://mb.gov.al/wp-content/uploads/2020/06/RAPORT-VJETOR-2019-QKPA.pdf> (accessed 16 September 2021).

³⁸⁴ Personal communication, UNHCR, 27 July 2021.

³⁸⁵ MHSP, Raporti i Agjendës kombëtare për të drejtat e fëmijëve 2021 (NACR report 2021), p. 48.

³⁸⁶ Personal communication, Plan&Go, Executive Director, Malbora Shahini, 13 July 2021.

³⁸⁷ GIATO, *Exploited in plain sight*, p. 33. The UNHCR data provided in this reference is in graph form and does not give exact numbers.

³⁸⁸ Personal communication, Initiative for Social Change-ARIS, Executive Director, 8 September 2021.

³⁸⁹ Personal communication, UNHCR, 13 September 2021.

³⁹⁰ CRC, State report 2021, paras. 227–230.

asylum seekers in Albania, so they cannot benefit. The DCM only refers to asylum-seeking children and victims or potential victims of trafficking³⁹¹.

253. In the context of what services may actually be available to unaccompanied children and others in state-managed refugee accommodation, several reports have portrayed the situation bleakly. A 2019 inspection of the NRCAS by the People's Advocate, reported in the Albanian Law Journal, found no maintenance there, a lack of psychologists and social workers, and that refugees were not given sufficient money for their food needs³⁹².
254. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the Karrec centre in November 2018. As described in a 2020 report by the Balkans Refugee and Migration Council, they found it to be in an extremely unhygienic condition and were glad that the authorities did not allow the accommodation of unaccompanied and separated children there³⁹³. The EC has specifically referred to the ongoing absence of, and need for, specific accommodation for these children.³⁹⁴

Responsibility and care of unaccompanied and separated Albanian children

255. The policy and legal framework for Albanian unaccompanied and separated children is the same as for children from third countries, except in the important aspect that Albanian children have the same rights as all Albanian citizens (*see chapter 2.1, para. 10*). The DCM no. 111/2019 (*see para. 251 above*) describes the procedure for return and reintegration of Albanian unaccompanied and separated children. The SARPC and the local CPU are responsible for receiving a child at the border crossing point and should have contacted the child's family in advance. If the family is not found, or refuses to take the child back, the child should be placed in a public residential care institution (*see Appendices, Figure 5*).

Number of unaccompanied and returnee Albanian children

256. While it is difficult to record unassisted voluntary returns to Albania, due to their nature, earlier statistics with respect to involuntary return demonstrate a decrease in returns from EU countries. The majority of involuntary returns from EU and neighbouring countries have been made through repatriation operations (by land and air). In 2017, there was a significant increase in the return of unaccompanied children. A total of 452 were readmitted by the border authorities in cooperation with state social services.³⁹⁵
257. Between 2015–2017, Albania was top of the list of countries for the number of returnees – both adults and children—from EU countries and significant numbers of Albanian migrant children were in public care in European countries, with 1,393 Albanian unaccompanied

³⁹¹ MHSP, Raporti i Agjendës kombëtare për të drejtat e fëmijëve 2021 (NACR report 2021), p. 52.

³⁹² Hoxha, E. 'Asylum-seeking in Albania' Albanian Law Journal, September 2020, p. 8. Available at: <http://lawjournal.al/sites/default/files/pillar%203%2C%20Emila%20Hoxha%20-%20Unyt.pdf> (accessed 26 March 2021).

³⁹³ Unijat, Common western Balkan migration policy 2020, p. 10.

³⁹⁴ EC, Albania progress report 2020, p. 46.

³⁹⁵ MI, Migration strategy, 2019–2022.

children in Italy in June 2020.³⁹⁶ No information was found on numbers of returnees since 2018, or for children who may have returned to Albania with their families as there is no requirement at the border crossings for families to declare that they are permanently returning. (See chapter 8.1, para. 344.)

7.4 Children in armed conflict

258. Albania ratified the *Optional Protocol on the Involvement of Children in Armed Conflict* in 2008 and submitted its latest report to the CRC (as part of its fifth and sixth reports) in 2019. The legal age of voluntary recruitment into armed forces is 19 years, stipulated in the Constitution. No reports have been found for this report concerning the involvement of children in any armed conflict situation, either through their recruitment into armed forces in direct fighting or for any indirect purpose.
259. Regarding the identification, treatment, rehabilitation and reintegration of child soldiers there are no relevant measures of immediate concern, but the Albanian Government has reported on wider measures. These are in relation to overall aspects of global security, Albania's progressive steps towards EU accession, and its responsibilities as a signatory to the optional protocol.
260. At the legislative level the *Child Rights and Protection* law provides for the protection of the child from involvement in armed conflict and civil emergency situations, including prohibiting direct or indirect involvement of the child in an armed conflict. No other legislation has been introduced to specifically prohibit voluntary and forcible recruitment and use in hostilities of those under the age of 18 years by non-state armed groups.³⁹⁷
261. On awareness raising and prevention, civic education is taught in schools and integrates the principles of human rights including peaceful settlement of conflicts. The Universal Periodic Review (UPR) committee noted the launch of a schools' pilot programme to provide students with knowledge on religious coexistence and to support them in building resilience against violent extremist narratives. Human rights standards, including the *UNCRC* and its optional protocols, are included in soldier training.³⁹⁸
262. Between 2012–2018, 38 children from Albania travelled to conflict-afflicted areas with their parents, not to take part in conflicts but mostly to reunite with families, or children were born in conflict-affected areas. By 2018, 30 children remained in these areas, the other eight having returned with their parents and have since lived normal lives. After such returns, through a draft action plan, children can be provided with individualized reintegration programmes to support their social and educational needs.³⁹⁹
263. In 2021 the Coordination Centre for Countering Violent Extremism in Tirana reported that 144 Albanian citizens joined conflicts in Syria and Iraq, and that Albania repatriated four

³⁹⁶ Government of Italy, Ministry of Labour and Social Policy (MLSP). Report mensile minori stranieri non accompagnati (MSNA) in Italia (Monthly report for unaccompanied foreign minors (UASC) in Italy.) Rome: MLSP, 2020, p.2. Available at: <https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Documents/Report-MSNA-mese-giugno-2020.pdf> (accessed 16 September 2021).

³⁹⁷ CRC, State report 2021, paras. 298 & 306.

³⁹⁸ CRC, State report 2021, paras. 303–304; UPR, Summary 2019, para. 9.

³⁹⁹ CRC, State report 2021, paras. 307–308. The plan's full name is the Inter-institutional action plan on the reception, treatment of Albanian citizens returned from the Syria and Iraq conflict, 169, 1 November 2018.

children and their mothers from the Kurdish-controlled al-Hawl camp in north-eastern Syria in October 2020. UNICEF Albania has provided psychosocial services to this family. A further repatriation from this camp of 14 children and five women was reported in August 2021.⁴⁰⁰ (See throughout chapter 8. for further information on repatriated children.)

7.5 Female genital mutilation/cutting

264. No reports related to female genital mutation and cutting have been found for this report. This is not understood to be a phenomenon in Albania and amongst its people.

7.6 Early and forced marriage

Legislation, policy and prevention

265. Legislation is in place to protect children against forced and underage marriage. The minimum ages of marriage, for females and males, and of sexual consent are 18 and 14 years old respectively (see chapter 2.9, para. 41, Table 3). The *Criminal Code* criminalizes both kinds of forced marriage that are defined in the *Council of Europe's 'Istanbul Convention'* that Albania ratified (see *Appendices, Table 14*): forcing a person into marriage, or luring a person to a third country for this purpose. Actual penalties for forced marriage offences are very small, with a maximum of three months' imprisonment or a fine.⁴⁰¹
266. National policies that focus on child or forced marriage have not been found. For example, neither the 2019 state party CRC report nor the official 2017 baseline evaluation of the Group of Experts against Violence against Women and Domestic Violence (GREVIO) committee monitoring Albania's commitment to the *Istanbul Convention* mention any specific instruments of this sort. It appears that where relevant policy does exist it may be part of others, for instance on gender equity, violence against women and children, or human trafficking response.
267. The GREVIO committee found that court practices in this respect would improve if they thoroughly verified a child's free will to enter into marriage. It noted shortcomings in civil law, in particular the absence of provisions to set a minimum age below which derogations to the legal age of marriage must not be allowed (see chapter 3.2, para. 50). It encouraged the development of guidelines for judges and the coordination of court proceedings with child protection services.⁴⁰²
268. An example of such court guidance, developed by a national NGO that monitored relevant court decisions from 2011–2017, and being used as a manual for magistrate training, is quoted in annexes to the state CRC report. The Government accepted the need to un-

⁴⁰⁰ Coordination Centre for Countering Violent Extremism. Exploring the development of a strategic communication on P/CVE in Albania: a research-based approach, p.40. Available at: <https://cve.gov.al/wp-content/uploads/2021/05/Exploration-of-P-CVE-strategic-communication.pdf> (accessed 10 June 2021); UNICEF Albania. Annual Report 2020, Tirana: UNICEF, 2021, p. 21. Available at: <https://www.unicef.org/albania/media/3781/file/COAR%20Report.pdf> (accessed 10 June 2021); Government of Albania, Prime Minister's Office Newsroom. Available at: <https://kryeministria.al/newsroom/kater-femije-shqiptare-nxirren-nga-kampi-al-howl-ne-siri-neser-ne-atdhe/> (accessed 1 September 2021).

⁴⁰¹ GREVIO. Baseline evaluation report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: Albania. Strasbourg: 2017 (hereafter: GREVIO, Baseline evaluation 2017, p. 48 (. Available at: <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7> (accessed 17 March 2021).

⁴⁰² GREVIO, Baseline evaluation 2017, p. 49.

derstand child marriage concerns better and to develop monitoring and response mechanisms, seeing the issue as of particular importance in Roma communities. It reported conducting some training activities with judges and prosecutors.⁴⁰³

Reports of child marriage

269. Studies refer to a general lack of data on child marriage⁴⁰⁴. This is further demonstrated in a lack of current official data. The 2017–18 Albania Demographic Health Survey (ADHS), for example, disaggregated this information by age, municipality and other aspects, but it only surveyed adults. Overall, 11 per cent of women and 2 per cent of men aged 20–49 years had married below 18 years—an increase from 9 and 1 per cent respectively from the previous 2008–2009 ADHS. The biggest increase in early marriage was among women with little education.⁴⁰⁵
270. There are reports of both early and forced marriages. The official data only refer to early marriage, but independent reporting has identified cases of the forced marriage of girls. Qualitative research has indicated that child marriage is an issue overwhelmingly affecting girls, particularly from the Roma minority.⁴⁰⁶ A 2021 study quoted reports of Roma girls from northern Albania being forcibly married into communities from North Macedonia or Kosovo⁴⁰⁷.
271. A 2015 qualitative study involved around 2,000 Roma children aged 13–18 years. It estimated that about 24 per cent were, or had been, in “marriage-like relationships” with 14 per cent cohabiting, 9 per cent formally married, and 1 per cent divorced. A much smaller proportion of the general Albanian child population were in similar situations: 3 per cent, but among 15- to 18-year-olds.⁴⁰⁸
272. A follow-up study compared attitudes in 10 municipalities towards child marriage between the Roma and the whole population. It confirmed positive attitudes towards child marriage among Roma but that the practice also occurred more generally, and that girls living in rural areas, in remote, mountain communities, and in border areas might be at particular risk. It pointed to the likelihood that most child marriages were not registered (through courts) and that people’s preferences for and against child marriage were well-informed and complex.⁴⁰⁹
273. An Organization for Security and Co-operation in Europe (OSCE) review of 45 potential child trafficking cases identified two cases where forced marriage was involved and one case of forced betrothal⁴¹⁰. The GREVIO, UPR and EC reports all expressed concerns about ongoing child marriages in Albania and their potentially damaging consequences, especially for Roma children⁴¹¹.

⁴⁰³ CRC, State report annexe 2021, p. 52; CRC, State report 2021, paras. 129-130; Personal communication, Observatory for Children and Youth Rights, Executive director, Elma Teršana, 19 July 2021.

⁴⁰⁴ Observatory, Child marriage 2018, p. 10; Child marriage in Albania: specific view to Roma community. Tirana: OCR, 2015 (hereafter: Observatory, Roma child marriage 2015), p. 12. Available at: http://observator.org.al/wp-content/uploads/2015/03/2015-Child_marriage_in_Albania.pdf (accessed 20 July 2021).

⁴⁰⁵ INSTAT, ADHS 2017–18, p. 56.

⁴⁰⁶ Observatory, Child marriage 2018, p. 79.

⁴⁰⁷ GIATO, Exploited in plain sight, p. 26.

⁴⁰⁸ Observatory, Roma child marriage 2015, pp. 13–14.

⁴⁰⁹ Observatory, Child marriage 2018, pp. 11 & 79.

⁴¹⁰ McQuade, A., et al. A typology of child trafficking in Albania (Tirana): OSCE, 2020 (hereafter: McQuade, Typology of child trafficking 2020), pp. 25 & 27. Available at: <https://www.osce.org/files/f/documents/9/9/457546.pdf> (accessed 23 March 2021).

⁴¹¹ GREVIO, Baseline evaluation 2017, p. 48; UPR, Summary 2019, para. 39; EC, Albania progress report 2020, p. 35.

7.7 Domestic violence

Legislation, policy and practice

274. The Institute of Statistics (INSTAT) conducted its third national survey of violence against women and girls (VAWG, published 2019, researched in 2018)⁴¹². Since the last 2013 VAWG survey and Albania's 2012 ratification of the Istanbul Convention, the evaluation visit by the GREVIO committee noted an accelerated pace of legal and policy change (*see chapter 7.6, para. 266*). Built on existing provisions in the *Criminal Code*, the *Family Code* and elsewhere, new legislation has been introduced.
275. The 2018 reform of the Measures against Violence in Family Relations law included definitional changes to state institutions' responsibilities to vulnerable persons, including those with disabilities, and other changes in line with the *Istanbul Convention* and the *Convention for the Elimination of All Forms of Discrimination against Women (CEDAW, see Appendices, Table 14)*. Provisions to better protect women and children in immediate danger were made, crisis management centres in hospitals for victims of sexual violence were established, and judicial procedures were improved. The latest changes to this law foresees that the abuser, not the victim, be removed from a family home, based on a court decision (*see chapter 2.2, para. 13, Table 2*).
276. The *Child Rights and Protection law*, article 23, prohibits all forms of violence against children in all settings, including corporal punishment. Other legislation aimed to benefit those who survive violence includes the introduction of the law guaranteeing free legal aid and amendments to the *Code of Criminal Procedures, the Criminal Code and the Family Code*⁴¹³.
277. Even before this new or changed legislation was in place, the GREVIO committee had noted Albania's solid legislative framework to address domestic violence, both in civil and criminal law, but it urged amendment to the *Criminal Code's* definition of rape involving children aged 14–18 years and it did not depend on whether or not the victim has reached puberty⁴¹⁴. Important too is the UN finding that Albanian criminal legislation is not fully in line with the *Istanbul Convention* in its definition of rape since it remains force-based instead of consent-based⁴¹⁵.
278. The VAWG survey also named areas where legislation was lacking, for instance in circumstances not involving domestic violence, including forms of sexual violence, and it pointed out that Albanian law did not fully accord with international definitions, such as for rape cases. It confirmed that the Government still needed to enforce VAWG-based legislation and policies, provide adequate funding for them, and strengthen judicial capacities to enforce their implementation⁴¹⁶. These points have also been made by others, specifically including on children's exposure to violence⁴¹⁷.

⁴¹² INSTAT, VAWG 2019.

⁴¹³ INSTAT, VAWG 2019, pp. 30–32.

⁴¹⁴ GREVIO, Baseline evaluation 2017, pp. 8 & 47.

⁴¹⁵ UN Albania, Country analysis 2020, p. 63.

⁴¹⁶ INSTAT, VAWG 2019, p. 32.

⁴¹⁷ UPR, Summary 2019, paras. 32 & 34; EC, Albania progress report 2020, p. 29.

279. The Human Rights Commissioner for the Council of Europe (CE) visited Albania in 2018. She was concerned about the impact of domestic violence on children and shortcomings in prosecution hearings. Noting the earlier GREVIO findings, she highlighted how in court decisions for protection orders, a determination was also needed on protecting children who were witnesses to violence.⁴¹⁸
280. The VAWG report gave additional examples of progress, including awareness raising activities, and the development of the model UNDP-supported sexual violence Liliium referral centre, opened in 2018. This is Albania's first such crisis management centre, providing integrated services to victims of sexual violence: health care services, forensic examination, evidence gathering, and psychosocial services⁴¹⁹. The centre provided services to 17 girls and 1 boy in 2020 (23 girls/6 boys in 2019). VAWG also described, among structural, resourcing and other concerns the needs to:
- a ensure free legal aid to encourage women and girls to report gender-based violence;
 - b train lawyers adequately for an effective legal aid system for VAWG survivors;
 - c support and recognize NGOs specialized in providing legal assistance to survivors needed; and
 - d recognize the under-reporting of domestic violence due to safety and other fears.⁴²⁰

Reports on domestic violence and related issues

281. The 2019 VAWG survey only included adult women aged 18–74 years, but it asked about their histories from when they were 15 years old, and about their children's experience as witnesses to violence. In these ways it contains references directly and indirectly to girls', and indirectly to boys' experiences⁴²¹.
282. Of 3,443 women interviewed, almost half reported experiencing domestic violence whilst their children lived with them. The study extrapolated the results for Albania's whole population, estimating that about a third of children could be exposed to such violence in their childhoods. It reported that women who had ever experienced childhood sexual abuse, compared to those who had not, were over one and a half times more likely to experience gender-based violence as adults. About 3 per cent of women reported childhood sexual abuse.⁴²²

⁴¹⁸ Council of Europe (CE), Commissioner for Human Rights. Report by Dunja Mijatovic Commissioner for Human Rights of the Council of Europe following her visit to Albania 21-25 May 2018. Strasbourg: CE, 2018 (hereafter: CE, Human Rights Commissioner 2018), p. 8. Available at: https://www.ecoi.net/en/file/local/1443524/1226_1537256604_commdh-2018-15-report-on-albania-en-pdf.pdf (accessed 19 March 2021).

⁴¹⁹ Decision of the Council of Ministers (DCM), Approval of standards of services and functioning of crisis management centres in cases of sexual abuse, 816, 27 November 2018. Available at: <https://childhub.org/sites/default/files/library/attachments/udhezim-nr-816-date-27.11.2018-per-miratimin-e-standardeve-te-ofrimit-te-sherbimeve-te-qendrave-te-menaxhimit-te-krizes-per-rastet-e-dhunes-seksuale.pdf> (accessed 21 July 2021); Childhub. LILIUM: crisis management centre for cases of sexual violence. Available at: <https://childhub.org/en/child-protection-online-library/lilium-crisis-management-center-cases-sexual-violence> (accessed 27 July 2021); Personal Communication, LILIUM Centre, Coordinator, 29 July 2021.

⁴²⁰ INSTAT, VAWG 2019, pp. 32 & 34.

⁴²¹ INSTAT, VAWG 2019, p. 13. pp 10–12 list 14 different forms of violence, with a variety of international and national definitional sources, some unreferenced.

⁴²² INSTAT, VAWG 2019, pp. 16 & 18. The approximate calculations are made by the authors from the data presented in this report.

283. A 2021 report by the Albanian Network for Women Empowerment (AWEN) interviewed 1,086 young women and men (588 females and 488 males) and found that 1 in 10 young women (aged 20–24 years) had their first sexual experience without their consent⁴²³.
284. The 2017–18 ADHS sampled some children (ages 15–19 years). Of 1,684 young women interviewed, 0.1 per cent ever reported intimate partner violence versus 2.5 per cent of all women (10,970/ages 15–49 years). Eleven per cent of boys, against 5 per cent of girls in the 15 to 19 years age cohort said that men were ever justified in beating their wives. Among all women, the chances of intimate partner violence increased with having more children: reported cases were 1 per cent for women without children, and 5 per cent for women with three or more children.⁴²⁴
285. Another 2018 national survey, conducted with adolescents (boys and girls) of ages 16–19 years, found that 22 per cent of those in a relationship had experienced intimate partner violence, and that girls were three times more physically abused than boys⁴²⁵.
286. The ADHS asked how parents disciplined children. Compared with the 2008–09 survey it found an increase in non-violent methods (from 22 to 37 per cent) and declines in use of physical (41 to 32 per cent) or psychological (75 to 48 per cent) aggression. These figures suggest that about a half of children experienced some form of violent or aggressive disciplining at home.⁴²⁶
287. Two studies of children (one with ages 9–14 years, the other with ages 14–17 years) asked how safe they felt at home. Nearly all felt safe, but 4 per cent said they had experienced domestic violence.⁴²⁷ The CE’s Human Rights’ Commissioner had serious concerns about the levels of violence faced by children in Albania, with 70 per cent of 8- to 11-year-olds reported as being subject to physical violence in a 2016 report (unnamed), and the national child helpline receiving on average 200 calls per day⁴²⁸.
288. The VAWG survey described the problems experienced by children aged 5–17 years who witnessed “current” (in the past 12 months) domestic violence against their mothers. Mothers said that children’s most frequent problems, as rounded percentages, were nightmares (25), timidity (22), bed-wetting (20), running away from home (18) and aggression towards mother/other children (7). In all cases, except running away, children without current experience were about three times less likely to experience any of these symptoms.⁴²⁹
289. Children without current experience of domestic violence were more likely to run away from home than children with current experience: 29 against 18 per cent⁴³⁰. The OSCE found of the 31 potentially trafficked girls in its study all had backgrounds of domestic violence and abuse

⁴²³ Arqimandriti, M. et al. Intimate partner violence in adolescence in Albania, Tirana: AWEN, 2018 (hereafter: Arqimandriti, Intimate partner violence in adolescence in Albania 2018). Available at: <http://awenetwork.org/wp-content/uploads/2019/04/Research-report-in-English-INTIMATE-PARTNER-VIOLENCE-IN-ADOLESCENCE-IN-ALBANIA.pdf> (accessed 10 June 2021).

⁴²⁴ INSTAT, ADHS 2017–18, pp. 261 & 275–277.

⁴²⁵ Arqimandriti, Intimate partner violence in adolescence in Albania 2018.

⁴²⁶ INSTAT, ADHS 2017–18, p. 137.

⁴²⁷ Ymeraj, Young voices 2017, p.19.; University of Tirana, et al, Children’s world 2018, p. 35.

⁴²⁸ CE, Human Rights Commissioner 2018, p. 6; World Vision in Albania and Kosovo (WV). Child well-being report FY 2016–FY 2017. (Tirana): WV, 2017, p. 10. Available at: <https://www.wvi.org/sites/default/files/CWB%20Report%20FY16-17%20final%20protected.pdf>. (accessed 10 June 2021).

⁴²⁹ INSTAT, VAWG 2019, p. 95–96.

⁴³⁰ INSTAT, VAWG 2019, p. 96.

and similar experiences. Half (16) of these girls had permanently left or frequently abandoned their home (see chapter 7.8, para. 317).⁴³¹

Other domestic violence-related reports

290. Limited reports were found on blood feuds and honour killings. The only statistical data found on feud was from the state party CRC report. It shows that there were no prosecutions after 2015 that 40 children did not attend school because of feud in the period 2012–2018, not disaggregated by year, and the disaggregated data the Ministry of Education, Youth and Sports (MEYS) shown in *Table 10* below⁴³².

Table 10. Confined children receiving education at home

Academic year	2013–2014	2014–2015	2015–2016	2016–2017
NUMBER OF CHILDREN	15 [8 girls]	16	5	3

Source: MEYS

291. The UPR committee stated that blood feuds continue and stressed the isolating impacts of this harmful practice on women and children. In their UPR contribution a collective of Albanian children said that steps taken by the Government to prevent feuding were too slow⁴³³. No other specific reports on violence against children through blood feud were found. No information at all was found on honour killing except in the GREVIO report on the need for legislative change so that judicial blame could not be attached to women and children in this respect⁴³⁴. (See chapter 3.3, para. 93.)
292. The CE Human Rights' Commissioner expressed concern about the reported levels of both physical and psychological violence against children in schools including the ongoing use of corporal punishment by teachers. She was also concerned by the People's Advocate's reports of violence against children in residential institutions, including one case of sexual abuse.⁴³⁵ When children (aged 9–17 years) were asked most said they felt safe at school, but less so than in their own homes. The children's UPR submission highlighted bullying, violence and fear of violence in, or on the way to school as reasons on why they felt unsafe at school.⁴³⁶ There are also some local NGO reports of sexual violence by teachers against female students⁴³⁷.

7.8 Victims of child trafficking

Ratified protocols and legislation

293. Albania ratified the optional protocol to the *UNCRC* on the *Sale of Children, Child Prostitution and Child Pornography* (2008, reported within its latest 2019 CRC submission), and the *UN Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo protocol, see Appendices, Table 14)*.

⁴³¹ McQuade, *Typology of child trafficking* 2020), p. 22.

⁴³² CRC, *State report annexe* 2021, p. 47.

⁴³³ UPR, *Summary* 2019, para. 12; *Voice 16+*, *UPR children's report* 2019, p. 3.

⁴³⁴ GREVIO, *Baseline evaluation* 2017, p. 51.

⁴³⁵ CE, *Human Rights Commissioner* 2018, pp. 7 & 9.

⁴³⁶ Ymeraj, *Young voices* 2017, p. 19.; University of Tirana, et al, *Children's world* 2018, p. 35; *Voice 16+*, *UPR children's report* 2019, p. 2.

⁴³⁷ ECPAT International. *ECPAT-country overview: Albania*. Bangkok: ECPAT, 2020 (hereafter: ECPAT, *Country overview* 2020), p. 5. Available at: <https://www.ecpat.org/wp-content/uploads/2020/08/ECPAT-Country-Overview-Report-Sexual-Exploitation-of-Children-Albania-August-2020-ENGLISH.pdf> (accessed 3 April 2021).

294. Provisions that stem from the *Constitution* make trafficking illegal (see chapter 2.2, para. 9), including further tightening of the 2013 *Criminal Code* which increased the sentences for adults who trafficked children to between 10 and 20 years⁴³⁸. Other legislative reform in this area have included amendments to strengthen anti-trafficking response through the 2014 *State Police* law and the 2017 *Child Rights and Protection Law* to reinforce the protection of children from violence, abuse, exploitation at central and local levels⁴³⁹.
295. The 2019 GRETA (Group of Experts on Action against Trafficking in Human Beings) review reported that, of 42 countries evaluated, Albania was one of 17 that had specific legal provisions concerning the non-punishment of victims of trafficking (i.e., to protect those who might have conducted unlawful activities while trafficked)⁴⁴⁰. The 2017 amendments to the *Criminal Procedure Code* (article 39) provides victims with extended rights: to be heard without delay, not to answer questions about their personal life not related to the criminal offence, and to give evidence audio-visually.
296. The 2021 global trafficking in persons (TIP) report of the US Department of State also stated that the Albanian Government did not knowingly penalize any trafficking victims over the previous year, unlike its findings in prior reports, although it may have done so unknowingly, due to inadequate victim identification⁴⁴¹.
297. A new *Anti-Trafficking Plan 2021–2023* is being finalized. Its draft version has a focus on prevention and identification of potential child victims of trafficking at borders, through obligatory document checks for all children, whether they cross irregularly or not. It also highlights the needs to improve interview conditions for trafficked children; to better accommodate unaccompanied children from other countries; and capacity building for border police, school staff and other professionals concerned with the issues of child trafficking, unaccompanied and separated children, and related matters.⁴⁴²
298. Albania lacks legislation criminalizing travel companies that explicitly or implicitly facilitate opportunities for engaging in sexual exploitation with children. While this does not mean that a company cannot be held accountable if such offences occur (e.g., through a fine or loss of legal personality) there have been no indications that this has happened.⁴⁴³ Like other Western Balkans countries, Albania has no child protection plan to address child sexual exploitation in tourism. Sexual exploitation is a separate objective in the new draft child rights' agenda, but not specifically for the tourism sector.

⁴³⁸ Government of the United States of America, Department of State (USDS). Trafficking in persons report 2021. Washington DC, USDS, 2021 (hereafter: US Department of State, TIP 2021.) Available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/albania/> (accessed 15 September 2021).

⁴³⁹ CRC, State report 2021, paras. 7 & 13.

⁴⁴⁰ GRETA. 9th general report on GRETA's activities. Strasbourg: Council of Europe, 2020 (hereafter: GRETA, 9th general report 2020), p. 62. Available at: <https://rm.coe.int/9th-general-report-on-the-activities-of-greta-covering-the-period-from/16809e128b> (accessed 20 March 2021).

⁴⁴¹ US Department of State, TIP 2021.

⁴⁴² Government of Albania, Ministry of Interior, Draft national action plan against trafficking in persons, 2021-2023. Available at: <https://www.konsultimpublik.gov.al/Konsultime/Detaje/354> (accessed 28 August 2021).

⁴⁴³ GIATO, Exploited in plain sight, p. 57.

Prosecution and witness protection

299. The official figures for prosecution of child traffickers from the Ministry of Interior (MI) remained constant between 2015 and 2017 but had increased over the preceding years (see Table 11).

Table 11. Criminal offences and offenders for ‘trafficking of minors’⁴⁴⁴

	2012	2013	2014	2015	2016	2017
Offences	3	10	8	17	22	20
Offenders	3	12	8	23	22	23

Source: Ministry of Interior

300. The 2020 TIP report provides more recent data and lower figures, showing that sentencing for child trafficking was at its lowest since before 2012. In 2020, 13 child trafficking cases were investigated (compared to six cases in 2019), 11 defendants prosecuted (compared to two in 2019). No child trafficker was sentenced (while two were sentenced in 2019). According to the TIP analysis, the Government decreased its law enforcement efforts in 2020, although penalties for child trafficking were stringent enough (but none were actually enforced).⁴⁴⁵

301. No other recent information on witness protection in trafficking cases involving children has been found. The Cybercrime Unit of the Criminal Police Department deals with child online sexual exploitation⁴⁴⁶. No such cases have been prosecuted as child trafficking. (See chapter 4.2, para. 106.)

Identification and protection

302. Practical measures to protect and support victims, or potential victims, of trafficking have increased. These include updated Standard Operating Procedures (SOPs) in 2018 to identify and refer victims through a national referral mechanism. The SOPs are used by Government agencies and NGOs and cover all children, Albanian, foreign or stateless, from domestic and international exploitation. In 2020, 58 of 86 victims identified (potential or actual) were children⁴⁴⁷.

303. The Government continues to operate one shelter for trafficking victims and supports three that are NGO-operated. They all shelter women and child victims and are managed on the basis that all victims, potential or actual, have equal access. Foreign victims have the same access as domestic ones. The Government allocated 29.3 million Albanian leks (US\$ 291,980) to the Government-run shelter, a significant increase compared with 20.9 million leks (US\$ 208,270) in 2019. The Government also transferred 4.6 million leks (US\$ 45,840) to a fund of seized criminal assets for victim support services (none in 2019).⁴⁴⁸

304. Concerns exist over underfunded NGO-run shelters, including through delays in receiving their Government grants. Further concerns were raised about inadequate victim identifica-

⁴⁴⁴ CRC, State report annexe 2021, p. 74.

⁴⁴⁵ US Department of State, TIP 2021. The comparative 2019 figures given are from the 2020 TIP report, available at: <https://reliefweb.int/report/world/trafficking-persons-report-2020> (accessed 15 February 2021).

⁴⁴⁶ Dunja, One click away 2019, pp. 11-12; Ali, The lost cases 2020, p. 12.

⁴⁴⁷ CRC, State report 2021, para. 255; US Department of State, TIP 2021.

⁴⁴⁸ US Department of State, TIP 2021.

tion processes, such as in the screening of vulnerable populations including those in mixed migration flows and inconsistent implementation of the SOPs. GRETA urged Albania to step up efforts to prevent and detect human trafficking during border controls, paying particular attention to unaccompanied children. More training of police, labour inspectors and others on the frontline was also needed to identify potential victims.⁴⁴⁹

305. Services provided in the shelters include food, counselling, legal aid, health care (including mental health) employment services and vocational training, recreational activity, long-term accommodation, support to victims' children and support for post-reintegration. The need for more mobile victim identification units, reintegration services, educational access for victims' children, and improved victim-centred approaches and victim-witness protection has been identified.⁴⁵⁰
306. Examples of shortfalls in education services were that no Government funding was approved for a part-time teacher in the Government shelter, and in some regions free textbook provision was not available. A national scheme for children in "socioeconomic difficulties" were denied to child trafficking victims. The CRC state report recognized that compensation of trafficking victims remains challenging, while the US Government reported that no victims pursued compensation in 2020.⁴⁵¹

Numbers, disaggregation and registration of victims

307. Apart from the data above (*see paras. 302–306 above*), the CRC state report provides further information on child trafficking, not disaggregated by gender. Table 12 is adapted to show that data from 2015⁴⁵². The UPR committee was concerned about overrepresentation of Roma women and children among trafficking victims⁴⁵³.

Table 12. Victims/potential victims of trafficking⁴⁵⁴

Year	Total		All Children			
	All trafficked	All children	Victims	Potential victims	Roma/Egyptian	Albanian
2015	109	48	11	37	-	46
2016	95	44	9	35	20	41
2017	105	56	8	48	10	52
2018	59	38	1	37	4	38
2019	103	67	1	66	4	10 ⁴⁵⁵
2020	86	58				

Source: Ministry of Interior

⁴⁴⁹ UPR, Summary 2019, para. 20; EC, Albania progress report 2020, p. 42; US Department of State, TIP 2020, pp. 68-69; GRETA, 9th general report 2020, p. 50.

⁴⁵⁰ CRC, State report 2021, para. 257; US Department of State, TIP 2021.

⁴⁵¹ US Department of State, TIP 2021; CRC, State report 2021, para. 263.

⁴⁵² CRC, State report annexe 2021, pp. 73–74. The 'Albanian' and 'Roma/Egyptian' distinction is in the original source.

⁴⁵³ UPR, Summary 2019, para. 19.

⁴⁵⁴ Data for 2018 and 2019 "All trafficked" and "All children" were collected from US Department TIP report (2020) and from SARPC Dashboard, Statistika për fëmijët (Statistics for children). Data for 2020 were collected from US Department TIP report 2021.

⁴⁵⁵ The difference in numbers between the total number of children potential victims of trafficking and their disaggregation in Roma/Egyptian and non-Roma, is due to a third category of children with "unknown" ethnicity.

308. Standard operating procedures include the use of a database (called SIVET) for victims of trafficking and potential victims, which is functional⁴⁵⁶. From some of the data and findings already mentioned here, and from elsewhere, the Government and others know the timely identification of child trafficking victims to be an issue which is not yet fully resolved⁴⁵⁷.
309. Data gathered from child protection workers, analysed by the OSCE in 2016–2019 reviewed 45 cases of potential victims of child trafficking: 31 girls and 14 boys. Most (41 children) had no international trafficking connection but were found through Albanian night clubs and bars. The research found evidence of coordination in the authorities' response but that in 39 of the 45 cases identified as potential victims, only one was conclusively identified as a victim. In 11 of these cases (eight were sexually exploited girls) the exploitation continued after identification.⁴⁵⁸

Types and patterns of exploitation

310. A key issue to emerge from different findings is that trafficked children in and from Albania experience multiple forms of exploitation. These may include one or several issues: sexual exploitation (including prostitution, still a statutory crime for children according to the Albanian *Criminal Code*); enforced begging; other kinds of forced labour (which may also involve crime) and early marriage.⁴⁵⁹
311. Reports also show that child trafficking happens both within, and internationally from, and probably to, Albania. The OSCE research points to local night clubs as a hub for domestic child trafficking, and this exploitation is also reported to be especially associated with Albania's tourist season⁴⁶⁰.
312. The TIP report states that foreign victims are trafficked to Albania for sexual exploitation, forced labour from other European countries and the Philippines, and for domestic work from Asia but does not specify if children are among them. It identifies Albania as a transit country for Middle Eastern, Central Asian and African migrants who are vulnerable to trafficking. International sex trafficking (including of children) from Albania is prevalent in several other European countries.⁴⁶¹

Anti-trafficking authorities and reporting

313. The Office of the National Anti-Trafficking Coordinator (ONAC), in the Ministry of Interior, is the focal point for anti-trafficking activity. Continuously increased funding to the ONAC was reported in the CRC state report but, according to the TIP report, between 2018 and 2021 it

⁴⁵⁶ Decision of the Council of Ministers (DCM), Standard operating procedures for the protection of victims of trafficking and potential victims of trafficking, 499, 29 August 2018. Available at: <https://www.mb.gov.al/wp-content/uploads/2019/12/PROCEDURAT-STANDARDE-T%C3%8B-VEPRIMIT-PER-MBROJTJEN-E-VIKTIMAVE-TE-TRAFIKIMIT.pdf> (accessed 28 July 2021); Personal Communication, IOM, 7 September 2021.

⁴⁵⁷ CRC, State report 2021, para. 263; US Department of State, TIP 2021; EC, Albania progress report 2020, p. 42.

⁴⁵⁸ McQuade, Typology of child trafficking 2020), p. 7.

⁴⁵⁹ Hynes, P. et al. Vulnerability to human trafficking: a study of Vietnam, Albania, Nigeria and the UK. (s.l.) University of Bedfordshire, 2018 (hereafter: Hynes, Vulnerability to human trafficking 2018) p. 25; McQuade, Typology of child trafficking 2020, pp. 21-25; US Department of State, TIP 2021.

⁴⁶⁰ Hynes., Vulnerability to human trafficking 2018, p. 25; US Department of State, TIP 2021.

⁴⁶¹ US Department of State, TIP 2021, . Of the 'trafficked from' countries the report names Kosovo, North Macedonia, Greece, Italy, Switzerland, Germany, Belgium, the Netherlands, the United Kingdom and Norway.

fell by about 20 per cent (from the equivalent of US\$ 102,190 to US\$ 81,710). The Government dismissed the national coordinator in July 2020 but appointed a deputy interior minister as the new coordinator.⁴⁶² Anti-trafficking policy is monitored and developed through separate bodies, a multidisciplinary group and an anti-trafficking task force. From 2017, 12 regional anti-trafficking committees were established, comprising local officials and CSOs, to coordinate protection and prevention activities.

314. Besides the reports from Government and independent organizations on identification, protection, referral and other aspects already referred to, other anti-trafficking prevention efforts have continued. These include awareness-raising in schools and communities; free hotlines and apps to report concerns; and training of police including border police, prosecutors, judges and court staff and others⁴⁶³. There is a recognized need for improved awareness raising, through formalizing training of the different cadres of local officials.⁴⁶⁴ A 2020 UNICEF study raised concerns about the low levels of awareness among young people (ages 15–29 years on) on how to report trafficking concerns⁴⁶⁵.

Other reports

315. There are important common links between child trafficking, child labour and children in street situations in Albania, as in other countries. Besides specific connections mentioned here *see chapter 7.9 & chapter 7.10 below* for other relevant reports.
316. A conference in Tirana identified enforced begging in Albania as a type where “*parents, close relatives and other kin*” were involved. Of the cases in the OSCE research, 13 of the 45 cases were identified as children begging (12 boys, one girl), most of them where the child was forced or encouraged by their parents or legal guardians. Although these instances could be defined as child labour, how children were procured meant they were also treated as trafficking cases.⁴⁶⁶
317. The OSCE found that all 31 cases involving girls also involved elements of parental neglect, abuse, domestic violence, forced/early marriage, or violence from boyfriends/possible traffickers. There is a close association between difficult, dangerous family environments, the decisions of girls and young women to leave home and their chance of being trafficked. Of these 31 girls, 16 had left home often or permanently, and eight of the girls were identified as trafficking victims.⁴⁶⁷
318. An analysis of 99 cases between 2015–2017 by Psycho-Social Centre Vatra found that 68 per cent of traffickers had close family or other close ties. In 19 per cent of all cases the victims were exploited by Facebook friends. These findings were not disaggregated by age.⁴⁶⁸ In 2019 Vatra reported that 20 per cent of their new trafficking cases were children under 14

⁴⁶² CRC, State report 2021, para. 34; US Department of State, TIP 2021.

⁴⁶³ CRC, State report 2021, paras. 259–260.

⁴⁶⁴ CRC, State report 2021, para. 263; US Department of State, TIP 2021.

⁴⁶⁵ Davy, D, et al. First wave survey study on youth knowledge, attitudes and practices with regard to human trafficking in four regions in Albania: report on findings, Tirana: UNICEF Albania, 2020, p. 13. Available at: <https://www.unicef.org/albania/media/3616/file/First%20Wave%20Survey%20Study%20on%20Youth%20Knowledge.pdf> (accessed 15 September 2021),

⁴⁶⁶ Hynes, Vulnerability to human trafficking 2018, p. 25; McQuade, Typology of child trafficking in Albania 2020, pp. 23–24.

⁴⁶⁷ McQuade, Typology of child trafficking in Albania 2020, p. 26.

⁴⁶⁸ Hynes, Vulnerability to human trafficking 2018, p. 25.

years of age, and 39 per cent were between ages 15 and 18 years. The overall numbers of such children had increased, with 20 per cent recruited through social media⁴⁶⁹.

319. The OSCE report identified a case of forced marriage of a 13-year-old girl, but the case was not officially recorded as a case of child trafficking since no criminal proceedings were taken against the man (*see chapter 7.6, para. 273*).⁴⁷⁰ The GRETA committee urged Albanian authorities to review the application of the guardianship system and pay increased attention to children who are trafficked by their parents or family members⁴⁷¹. On the wider aspects of duty-bearing towards children and others who are trafficked, the TIP report prioritized more vigorous investigation and prosecution of complicit officials⁴⁷².
320. A 2021 United Kingdom Government report identified debt bondage involving male children. Traffickers told boys and young men that they owed traffickers a debt for bringing them to the UK, and that the boys and young men had to engage in illegal means to pay this off as they were unable to work legally. It cited a 2019 report on boys who felt threatened because of this debt and were fearful of returning home. The analysis considered that such children are often recruited into Albanian organized crime gangs that have a significant role in cocaine trafficking in the UK.⁴⁷³

7.9 Child labour and other forms of exploitation

Legislation and policy

321. Albania has ratified all key international child labour conventions, including the UNCRC and its optional protocols, the two relevant International Labour Organization (ILO) ones, the *Palermo Protocol* and the *European Social Charter* (*see Appendices, Table 14*). National labour law provisions are in the *Labour Code*, the *Criminal Code*, the *Child Rights and Protection Law* and elsewhere. The *Labour Code*, article 98 sets the minimum employment age at 16 years, but with exceptions, including children older than 14 years of age who may do “light” work (meaning not a risk to the child’s health) in the summer holidays.
322. Amendments in 2015 to the Labour Code raised this minimum age to 15 years and the minimum age for hazardous labour remains at 18 years old⁴⁷⁴. A Decision of the Council of Ministers (DCM) on “*Protection of children at work*” no. 108/2017 sets out the protection requirements for all working children under 18 years old including provisions against their economic exploitation, work that may harm their health, safety and developmental capacities or that violates their rights to education and participation.⁴⁷⁵ The main relevant policy is

⁴⁶⁹ Qendra Psiko Sociale Vatra. Raport vjetor 2019. (Annual report 2019). Tirana: Vatra, 2020, pp. 24–32. Available at: <http://www.qendravatra.org.al/> (accessed 25 July 2021).

⁴⁷⁰ McQuade, Typology of child trafficking in Albania 2020, p. 26.

⁴⁷¹ Group of Experts on Action against Human Trafficking (GRETA). 6th general report on GRETA’s activities. Strasbourg: Council of Europe, 2017 (hereafter: GRETA, 6th general report 2017), p. 51. Available at: <https://rm.coe.int/1680706a42> (accessed 19 March 2021).

⁴⁷² US Department of State, TIP 2021.

⁴⁷³ UK Home Office, Albania human trafficking 2021, pp. 14 & 42.

⁴⁷⁴ Labour Code, 7961 12 July 1995 Amended with Law 136, 5 December 2015. Available at: <https://qbz.gov.al/preview/c1c18a6c-5f3e-457d-b931-de505b3c7ed0> (accessed 8 September 2021).

⁴⁷⁵ Council of Europe (CE), European Committee of Social Rights. 10th national report on the implementation of the European Social Charter submitted by the Government of Albania article 7, 8 and 19 for the period 01/01/2014- 31/12/2017. (Strasbourg): CE, 2019, p. 6. Available at: <https://rm.coe.int/10th-national-report-on-the-implementation-of-the-european-social-char/1680934af6> (accessed 10 March 2021); Decision of the Council of Ministers (DCM), Approval of the regulation for the “protection of children at work” 108, 15 February 2017. Available at: <http://femijet.gov.al/wp-content/uploads/2021/03/vendim-2019-03-06-111.pdf> (accessed 11 September 2021).

the 2019–2021 *National Action Plan for the Protection of Children from Economic Exploitation*, of which no implementation report has yet been produced.

323. The most recent 2019 US annual global assessment of worst kinds of child labour reported that Albania maintained pathfinder country status under the global *Alliance 8.7* (part of the UN's sustainable development goals or SDGs) in eliminating child labour and trafficking by 2025. It found that both Albania's minimum work and hazardous work ages comply with international standards, it listed two further DCMs relevant to combatting exploitative child labour, and noted that other national policies on trafficking prevention, child rights and rights for the Roma community support this goal.⁴⁷⁶
324. The Council of Europe's European Committee of Social Rights (ECSR) found that Albania's reformed legislation still does not adequately protect children from work below the minimum age. It pointed to gaps in legal definitions and enforcement of laws, such as over what "light" work is, hazardous work in mines, when children are employed by relatives, and violations of their right to education.⁴⁷⁷ Both the EC progress report and this US one also found legislative and systematic weaknesses regarding the overall situation and monitoring of the child labour framework⁴⁷⁸.
325. The US report identified categorical worst forms of child labour (as defined by the ILO) in Albania including, "*commercial sexual exploitation, sometimes as a result of human trafficking*." The most relevant legislation meant to prevent this form of exploitation is in the Criminal Code, articles 114, 117 & 128 and the Child Rights and Protection law articles 31 & 35, but the report found that this legislation does not criminally prohibit the use of children for prostitution.⁴⁷⁹

Reports

326. There are important common links between child labour, child trafficking and children in street situation in Albania, as in other countries. Besides specific connections mentioned here *see chapter 7.8 above & chapter 7.10 below* for other relevant reports.
327. There are reports of child labour and slavery, inside Albania and internationally. The US report and the ECSR drew attention to the instance of children scavenging chromium from the Bulqiza mines, reported by the People's Advocate who estimated that up to 200 children are exploited in the energy sector, mostly in these mines⁴⁸⁰. The Government's CRC report recorded 309 instances of children's economic exploitation in 2017 but does not explain what work was involved. However, the ECSR found that of these children 27 had not received medical inspections after identification⁴⁸¹.

⁴⁷⁶ Government of the United States of America, Department of Labor. Child labor and forced labor reports: Albania 2019 (hereafter: US Department of Labor, Child labour Albania 2019), pp. 117 & 120-121. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/albania> (accessed 27 February 2021). The DCMs are: no. 129 on procedures to identify, assist, and refer children who are economically exploited; and no. 704 to help designated children's rights protection institutions identify children who work in violation of labour laws and to refer them.

⁴⁷⁷ Council of Europe (CE), European Committee of Social Rights. European social charter conclusions 2019: Albania. (Strasbourg): CE, 2020 (hereafter: CE, European social charter conclusions 2020), pp. 3-7. Available at: <https://rm.coe.int/rapport-alb-en/16809cfb92> (accessed 10 March 2021).

⁴⁷⁸ US Department of Labor, Child labour Albania 2019, p. 122; EC, Albania progress report 2020, p. 89.

⁴⁷⁹ US Department of Labor, Child labour Albania 2019, pp. 116–117.

⁴⁸⁰ US Department of Labor, Child labour Albania 2019, pp. 116–117; CE, European social charter conclusions 2020, p. 5.

⁴⁸¹ CRC, State report annexe 2021, p. 72; CE, European social charter conclusions 2020, p. 14.

328. The ECSR highlighted reports from Albanian child rights' NGOs that up to 50,000 children are involved in heavy or light labour to help their families survive. It expressed concern about the extent to which children are involved in household chores and on how many children begged on the streets, stating that the Government data on child labour submitted was insufficient and too fragmented to fulfil its obligations under the *European Social Charter*.⁴⁸²
329. One example of international trafficking and debt bondage involving child labour in the UK was found for this report. Several references to children involved in forced labour, forced begging, forced criminality, and commercial sexual exploitation exist, both in Albania and internationally, but lack detail.⁴⁸³ In 2017, GRETA observed that Roma children travelled, unaccompanied or with adults, to Kosovo, where they were exploited for begging⁴⁸⁴. The ECSR referred to the rise of both forced begging and commercial sexual exploitation in Albanian seaside resorts during the tourist season⁴⁸⁵.
330. The Albanian Government said that female prostitution is the most common form of exploitation and that the most vulnerable among children are 14- to 18-year-olds. Various recruitment means are used, targeted at girls and young women in economic and other hardship. Direct deception and coercion, use of social networking to offer marriage or better lives, and offers of jobs such as in bar-work and dancing may be used initially, sometimes with physical and psychological violence later on. The jobs are often on Albania's borders, for example those with Kosovo or Macedonia.⁴⁸⁶
331. This Government account shows how strong the link between prostitution of children (or other kinds of commercial sexual exploitation) and trafficking (internal and international) can be. Some reports of children's exploitation for pornography were also found (see *chapter 4.2, para. 106*). No information on the provision of specific services for children exploited into prostitution were found. The support appears to be the same as those for child trafficking actual or potential victims: through emergency assistance, shelters and so on.
332. The US, UK Governments and others reported that boys/young men are involved in illicit drugs' harvesting, distribution and trafficking, and other illegal activities, such as street crime. This occurs internationally—in the UK, Italy, France and other countries, often where there is an established Albanian diaspora—and nationally. Abroad, children are exploited to farm cannabis, as drug mules, and in other distribution, including class A & B drugs, and in other crimes. In Albania boys and young men are reported to harvest cannabis, distribute drugs, often locally, engage in theft and street crime.⁴⁸⁷
333. The ESRC found that children are not protected in practice from working while in compul-

⁴⁸² CE, European social charter conclusions 2020, p. 34.

⁴⁸³ US Department of State, TIP 2021; US Department of Labor, Child labour Albania 2019, p. 116; GRETA, 9th general report 2020, p. 35.

⁴⁸⁴ GRETA, 6th general report 2017, p. 46.

⁴⁸⁵ CE, European social charter conclusions 2020, p. 14.

⁴⁸⁶ Group of Experts on Action against Human Trafficking (GRETA). Reply from Albania to the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties. Strasbourg: Council of Europe, 2019, p. 34. Available at: <https://www.refworld.org/publisher/COEGRETA,,ALB,5857fa234,0.html> (accessed 25 March 2021).

⁴⁸⁷ US Department of State, TIP 2021; US Department of Labor, Child labour Albania 2019, p. 116; UK Home Office, Albania human trafficking 2021, p. 14; Asylos, et al. Albania: trafficked boys and young men. (s.l.): Asylos, 2019, pp. 48–49. Available at: <https://www.asylos.eu/Handlers/Download.ashx?IDMF=b49e66a6-a777-47da-90f7-b2fcc14946fa> (accessed 15 May 2021).

sory education. Albania set the age for admission to employment at 16 years, the same as the age when compulsory education ends.⁴⁸⁸ The OSCE reported that many children in street situations belong to minority groups who have dropped out of, or never attended, school and that their work is often linked to abuse and exploitation.⁴⁸⁹

334. A study estimated that 15,000 children are not in education, and many of them are in child labour. Roma children were found to be much over-represented among those out of school, especially those from rural areas. Another study stated that these children missed school because of long hours of working with their parents and that some worked in the cannabis fields.⁴⁹⁰ (See chapter 6.3, para 204.)
335. Many of the reports cited above indicate the harm—to health, safety and moral and developmental capacities—that children face from the labour they undertake, including through their exploitation through prostitution, drugs’ involvement, begging and working in mines. In addition, the US Government sought measures to ensure that labour inspectors could access the informal work sector including private farms and homes, and unregistered businesses, and the ESRC found breaches of children’s working-time regulations, holiday entitlements and fair pay, and inadequate monitoring of children’s night-work (prohibited by law for children under 18 years old).⁴⁹¹

7.10 Children in street situations

336. There are important common links between children in street situation, child trafficking and child labour in Albania, as in other countries. Besides specific connections mentioned here see chapter 7.8 & chapter 7.9 above for other relevant reports.
337. According to official data, 484 children in street situations were identified in 2017 by specialist teams operating in 9 municipalities, of whom 339 children were actively assisted by specialist teams⁴⁹². During 2019, 272 cases of children in street situations were identified by field teams established in 22 municipalities. After providing immediate assistance, a mix of services was available, including community-based referral to child protection workers through children’s families with options for school enrolment, health care support, financial assistance and placement in care homes, if needed.⁴⁹³
338. These provisions were based on a 2015–2017 National Action Plan (NAP) and other secondary legislation.⁴⁹⁴ The EC referred to an inter-institutional 2019–2021 NAP for the protection of children from economic exploitation, including children in street situations⁴⁹⁵. The US

⁴⁸⁸ CE, European social charter conclusions 2020, p. 6.

⁴⁸⁹ OSCE, Office of the Special Representative and Coordinator for Combatting Trafficking in Human Beings. Child trafficking and child protection: ensuring that child protection mechanisms protect the rights and meet the needs of child victims of human trafficking. Vienna: Organization for Security and Co-operation in Europe (OSCE), 2018. (hereafter: OSCE, Child trafficking and child protection 2018.), p. 44. Available at: https://www.osce.org/files/f/documents/8/6/405095_0.pdf (accessed 15 March 2021).

⁴⁹⁰ Psacharopoulos, Albania underinvestment in education 2017, pp. 7 & 15; Gedeshi, Mapping skills 2016, p. 75.

⁴⁹¹ CE, European social charter conclusions 2020, p. 7–11; US Department of Labor, Child labour Albania 2019, p. 122.

⁴⁹² CRC, State report annexe 2021, p. 73.

⁴⁹³ Council of Europe (CE), European Committee of Social Rights. Addendum to 11th national report on the implementation of the European Social Charter submitted by the Government of Albania: information on measures taken to combat forced. (Strasbourg): CE, 2020, p. 3. Available at: <https://rm.coe.int/rap-cha-alb-add11-2020/16809efd7e> (accessed 19 March 2021),

⁴⁹⁴ CRC, State report annexe 2021, p. 73; CRC, State report 2021, paras. 245–247. The annexe lists the nine municipalities as: Durres, Elbasan, Fier, Kavaja, Korce, Kruja, Shkoder, Tirana and Vlora.

⁴⁹⁵ EC, Albania progress report 2020, p. 34.

Government identified forced begging and drug trafficking as the worst kinds of labour that may occur for children in street situations in Albania, and that these children may be placed in the shelters for trafficking victims⁴⁹⁶.

339. The CE's Human Rights Commissioner was concerned that authorities did not focus enough on protecting children in street situations who appeared to be at a higher risk of coming into contact with the law. Steps were being taken in Tirana with its higher numbers of street children than elsewhere. A later CE report referred to the high risks faced by these children of being trafficked and from other dangers, noting that Roma children were especially likely to be among children found in street situations.⁴⁹⁷
340. Organizations in Albania, previously concerned with children being trafficked for exploitation in prostitution or begging in Italy, Greece and elsewhere have reoriented some of their work towards children in street situations in Albania⁴⁹⁸. Some evidence of the risk that Roma children may face if on the street is from the local NGO-run Vatra trafficking victims' shelter. From January 2018 to July 2021, of the 45 children who received support, 39 had been in street situations, and 15 of 18 child victims or potential victims of trafficking supported were Roma.⁴⁹⁹
341. Further information quoted in a 2021 study reported that hundreds of Roma children in Tirana were making a living out by begging, shoe-polishing and other street work. It also referenced Roma boys living on the streets as being vulnerable to exploitation in night-clubs as dancers or for sex work.⁵⁰⁰
342. The OSCE stated that children forced to commit criminal activities are treated as offenders rather than victims and it recommended raising awareness among police on the victim status of children exploited for criminal activities. Under the *Child Rights and Protection* law a child in this situation must be protected, not punished.⁵⁰¹ The US Government suggested that the Criminal Code be amended to make the use of children in prostitution and other illicit activities a crime⁵⁰².
343. No further information has been found for this report on harassment and ill-treatment of children in street situations, or of other issues which may lead directly to this happening. The predominant messages were about inadequate implementation of laws and insufficient resources to meet these children's needs. No reports of children in street situations being forcibly recruited into regular or non-state armed forces were found (*see throughout chapter 7.4.*)

⁴⁹⁶ US Department of Labor, *Child labour Albania 2019*, pp. 116 & 121.

⁴⁹⁷ CE, Human Rights Commissioner 2018, p. 11; CE, *European social charter conclusions 2020*, pp. 15–16.

⁴⁹⁸ OSCE, *Child trafficking and child protection 2018*, p. 44.

⁴⁹⁹ Hynes, *Vulnerability to human trafficking 2018*, p. 15. Personal communication, Vatra Psycho-Social Centre, Project coordinator, 16 July 2021.

⁵⁰⁰ GIATO, *Exploited in plain sight*, p. 32.

⁵⁰¹ McQuade, *Typology of child trafficking 2020*, p. 38.

⁵⁰² US Department of Labor, *Child labour Albania 2019*, p. 122.



8. Return and reintegration

8.1 Returnees and their rights

344. The number of returned migrants of Albanian origin is not systematically gathered by the Albanian Government⁵⁰³. Eurostat data on those ordered to leave European Union (EU) countries for 2020 show 23,150 returned to Albania, including 550 children. The top three sending countries were Greece, France and Germany.⁵⁰⁴ The United Nations High Commissioner on Refugees (UNHCR) report counted 319 children at risk of statelessness in 2020⁵⁰⁵.
345. Returned migrants and their families have the same rights to receive social services as every Albanian citizen: services to health, social protection, social assistance, housing and education⁵⁰⁶. According to a 2015 directive of the Minister of Education, returned children are entitled to continue education at the same grade as in the host country (*see paras. 360–362 below*)⁵⁰⁷. Children and their families may settle wherever they wish and children returning alone can settle wherever their legal guardian lives. Returned unaccompanied and separated children not accepted by their families are placed in residential institutions (*see Appendices, Figure 5*). No numerical data was found on this, but one informant stated that such cases are uncommon⁵⁰⁸.

⁵⁰³ Dubow, T., et al. EU exit regimes in practice: sustainable return and reintegration in Albania, Maastricht: Maastricht University, 2021 (hereafter: Dubow, EU exit regimes, 2021). p.10. Available at http://admigov.eu/upload/Dubow_Tan_Kuschminder_2021_Return_Albania.pdf (accessed 28 July 2021).

⁵⁰⁴ EUROSTAT, Third country nationals ordered to leave, annual data. Tables processed by authors, 2021. Available at <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do> (accessed 9 September 2021)

⁵⁰⁵ Personal communication, UNHCR, 27 July 2021.

⁵⁰⁶ UN Network on Migration. Voluntary review report of the status of implementation of the GCM in Albania during 2019-2020 period, 2021, p. 15. Available at: https://migrationnetwork.un.org/sites/default/files/docs/1-final-consolidatedreport_gcm_vr_albania_27_tetor_2020.pdf (accessed 28 July 2021).

⁵⁰⁷ Minister of Education, Youth and Sports, Directive, For the enrolment and management of children returned from migration, 9242, 10 November 2015,

⁵⁰⁸ Personal communication, IOM, 7 September 2021.

346. No reports have been found of security incidents affecting children and their families on their return to Albania, or of children and families detained for emigrating illegally. In rare cases of the irregular migration of children, their parents were held responsible for abandoning their children and were fined⁵⁰⁹. Recent reports of general discrimination against returnees have not been found for this report but, in 2015, research on return migration indicated that returned children who originated from Albania faced stereotyping and discrimination during their reintegration⁵¹⁰. The *National Strategy on Migration, 2019–2022* does not include specific measures to address stigma and discrimination⁵¹¹.
347. The situation among Roma communities is more complex, in the context of the wider discrimination they face and the lack of accurate data on them (*see chapter 3.1, paras. 52–53*). Roma migration rates have been historically high for economic reasons, plus the factor of discriminatory experiences, but have declined with global recession⁵¹². Roma children born abroad have faced a magnified risk of statelessness in Albania, as they often have not had the paperwork, including birth registration, required by Albanian authorities to prove who they are (*see chapter 7.1, para. 215*). A 2018 report described these families as being faced with a bureaucracy that “Fails to uphold basic principles of non-discrimination and the best interests of the child, to ensure that children are not penalised or disadvantaged as a result of the imposition of requirements that cannot be met by their parents”⁵¹³.

8.2 Legislation, strategy and mechanisms

348. In 2019, Albania made three major pledges at a UNHCR international conference. These included full implementation of the 2018 legislative amendments by 2021 to improve access to birth registration procedures both for Roma and all Albanian children born outside Albania. Its other two promises were to align its law to significantly reduce the risk of statelessness by 2019, and to establish by law and implement a dedicated statelessness determination procedure by 2020, both made in accord with relevant international conventions.⁵¹⁴
349. Secondary legislation (approved in 2019) to implement the 2018 amendments to the Civil Status law have had significant practical implications for Albanian consulates abroad, for the courts, civil registry offices, child protection, health and other administrative services in Albania, and for all of civil society (*see chapter 2.8, para. 40*)⁵¹⁵. Amendments to the law on *Citizenship* (113/2020) aim to further facilitate the registration and citizenship processes for children of Albanian citizens born abroad⁵¹⁶.

⁵⁰⁹ Personal communication, IOM, 7 September 2021.

⁵¹⁰ Vathi, Z, et al. ‘Making other dreams: the impact of migration on the psychosocial wellbeing of Albanian-origin children and young people upon their families’ return to Albania’ *Childhood* vol 23/1, 2016, p. 16. Available at: <https://doi.org/10.1177/0907568214566078> (accessed 29 July 2021).

⁵¹¹ MI, *Migration strategy, 2019–2022*.

⁵¹² Gedeshi, I. et al. Mapping the skills and employment opportunities undertaken by Roma and Egyptian communities in the municipalities of Tirana, Durrës, Berat and Shkodra. Tirana: UNDP 2016, p.69.

⁵¹³ Tirana Legal Aid Society. Mapping statelessness in Albania, p.69.

⁵¹⁴ UNHCR. Results of the high-level segment on statelessness. Available at: <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/> (accessed 21 March 2021).

⁵¹⁵ European Network on Statelessness. Submission to inform the European Commission 2020 enlargement package: progress towards addressing statelessness in Enlargement countries <https://www.statelessness.eu/sites/default/files/2020-09/ENS%2520Submission%2520DG%2520NEAR%2520Enlargement%2520Jan%25202020.pdf> (accessed 21 March 2021).

⁵¹⁶ Citizenship law 113, 29 July 2020. Available at: <https://qbz.gov.al/eli/fz/2020/174/64ae60e6-e6d9-4561-a490-89989a9a3da6;q=ligji%20per%20shtetesine%202020> (accessed 8 August 2021).

350. The new national migration strategy 2019–2022 includes measures to address children’s needs and to respect all migrant children as vulnerable, with improved border infrastructure to help them (including those most vulnerable, e.g., unaccompanied and separated children and actual/potential child victims of trafficking). It envisages reintegration measures for all returning children to assure their family reunification and citizenship, and to address their housing, education and health care needs. At local level there are no plans specifically targeting returned migrants⁵¹⁷.
351. The migration strategy recognizes strengthening institutional capacities as essential to effective management. One reported achievement is institutional reorganization, including the complete reform of the border and migration police, and the establishment of migration counters (local bureaus) at the regional and local employment offices to provide services to prospective migrants, returnees and immigrants. It appears that the migration counters are not functional. Migrant issues are addressed by staff responsible for employment services at the Ministry of Finance’s National Agency for Employment and Skills⁵¹⁸. After this department took on the main responsibility for employment, migration counters were not formally integrated into local employment offices.
352. The State Agency for the Rights and Protection of Children (SARPC) intervenes through its Child Protection Units (CPUs) to conduct family assessments regarding a family’s socioeconomic status and willingness to accept their child back⁵¹⁹. Civil registry offices are mandated to register children born abroad on submission of proper documentation, such as a birth certificate issued by the host country⁵²⁰. Many returning families approach these offices to obtain the necessary documentation that enables access to social benefit payments, health care services and education⁵²¹.
353. The migration strategy foresees monitoring learned lessons from previous migration challenges. Among the most important were data-based ones, such as a lack of standardization, insufficient scope, and inadequate exchange with other countries and international agencies. The current plan has built in inter-agency dimensions and is monitored against indicators including for the return and reintegration of children.⁵²²
354. Albania currently has no official post-return monitoring system or a specific framework of indicators to monitor reintegration. It has approved the Global Compact for Migration (GCM) objectives and the current migration strategy has incorporated them. The first voluntary report on GCM objectives was published in 2020.⁵²³ In relation to children’s reintegration, schools report to regional directorates of education twice-yearly on returning children⁵²⁴.

⁵¹⁷ Personal communication, GIZ, DIMAK Albania, Migration and Reintegration Advisory Centre, Reintegration advisor, 9 September 2021.

⁵¹⁸ Personal communication, GIZ, DIMAK Albania, Migration and Reintegration Advisory Centre, Reintegration advisor, 9 September 2021.

⁵¹⁹ Decision of the Council of Ministers (DCM), Procedures and regulations for return and readmission of children, 111, 6 March 2019. Available at: <http://femijet.gov.al/wp-content/uploads/2021/03/vendim-2019-03-06-111.pdf> (accessed 8 September 2021).

⁵²⁰ Civil Status 2018 law.

⁵²¹ Personal Communication, IOM, 24 April 2021.

⁵²² MI, Migration strategy, 2019-2022, pp. 14 & 42.

⁵²³ UN Network on Migration. Voluntary review report of the status of implementation of the GCM in Albania during 2019-2020 period, 2021. Available at: https://migrationnetwork.un.org/sites/default/files/docs/1-final-consolidatedreport_gcm_vr_albania_27_tetor_2020.pdf (accessed 28 July 2021); Personal communication, GIZ, DIMAK Albania, Migration and Reintegration Advisory Centre, Reintegration advisor, 9 September 2021.

⁵²⁴ Government of Albania, Ministry of Interior (MI). Qershor 2019-Qershor 2020: raporti vjetor i strategjisë kombëtare për migracionin, 2019-2022 (2019-2020 Annual report on the migration strategy, 2019-2022). Tirana: MI, 2020, p.18. (Hereafter: MI, Strategjia kombëtare për migracionin 2020 (Report on the migration strategy 2020). Available at: <https://mb.gov.al/plane-dhe-strategji/> (accessed 26 July 2021).

8.3 Access to reintegration support and services

355. An International Organization for Migration (IOM) source elaborated on documentary requirements in cases of assisted voluntary return. The initial identity check is performed prior to departure from the host country authority through liaison with the Albanian diplomatic service. The educational and medical records issued from the host country are indispensable for the child's further education and medical follow-up upon return. The documents are to be submitted to the education or health authorities for appropriate follow up of the case⁵²⁵.
356. Unaccompanied children or adults returning through IOM-assisted voluntary return channels can benefit from host country grants, but not if returning voluntarily and unassisted (e.g., families returning by themselves after a long residence in another country) or if ordered to leave a host country and refusing to be part of an assisted voluntary return scheme⁵²⁶. Some European host countries provide some reintegration support for forced returnees (not specific to Albania). Netherlands, Sweden and the UK have offered this, including some child-specific support, but none that constitutes a comprehensive framework for a child's reintegration.⁵²⁷ State aid is not available⁵²⁸.
357. Local Civil Society Organizations (CSOs), mainly with international support, assist returned families with basic needs, training and information activities for employment and information on social services, but only where their projects are implemented, not countrywide⁵²⁹. The World Bank has invested in Roma families' reintegration⁵³⁰.
358. Most recent reports of the problems in accessing essential services have focused on those of Roma children and their families. Their difficulties stemmed from the absence of birth registration and other documentation mentioned above. They were especially common if parents lived abroad irregularly and did not have the birth details from their host country to satisfy the complex legal requirements of the Albanian authorities.⁵³¹ The severity of this situation persisted until the Civil Status law amendments referred to above were made.
359. The 2015 education directive referred to above instructed regional education directorates to prioritize the registration of returned children. A special admissions commission, usually including teachers from the school that the child should attend, verifies eligibility based on documentation presented (birth certificate, passport copy with date of entry into Albania, host country school diploma if appropriate). The directive foresees children's registration, the setting up of the commission and the development of individual education plans for all returning children, including psychosocial support.
360. Education offices and schools work closely with local authorities and CSOs to facilitate re-integration and prevent irregular re-emigration. The migration strategy's first annual

⁵²⁵ Personal communication, IOM, 7 September 2021.

⁵²⁶ Personal communication, IOM, 7 September 2021.

⁵²⁷ Teff, M. Child sensitive return: a comparative analysis. Geneva: UNICEF, 2019, p. 98.

⁵²⁸ Personal communication, IOM, 8 September 2021.

⁵²⁹ Personal communication, Terre des Hommes, Executive Director, Enkelejda Kallciu, 6 July 2021.

⁵³⁰ Dubow, EU exit regimes 2021, p. 14.

⁵³¹ Tirana Legal Aid Society, Roma belong: statelessness, discrimination and marginalisation of Roma in Albania. Budapest: European Roma Rights Centre, 2018, p. 32.

monitoring report revealed that, among returnees, 220 students were registered in both compulsory and non-compulsory secondary education in the 2019/20 academic year. For the non-compulsory kind, parents need to provide documents to prove which class the child attended whilst abroad. For children in compulsory education registration is easier, but they have to provide documentation after enrolment.⁵³²

361. School enrolment has proved challenging in practice. Teachers and other social care services' staff are not instructed on how to implement the plans. Lack of guidance, of appropriate curricula and of effective psychosocial reintegration programmes are other challenges faced by schools.⁵³³ Other support (e.g., Albanian language catch up lessons) is not always provided⁵³⁴.
362. Some children do not have any school documents from their time outside Albania and get enrolled in lower grades upon return. This has also been the case with children returning mid-year⁵³⁵. Difficulties in registration and placement at school may lead children to indirectly drop out of school, as might the isolation at school from their classmates that returning children sometimes experience⁵³⁶. In case of difficulties accessing and integrating into formal education, vocational training courses, provided free to returnees, are alternatives for young people⁵³⁷.
363. Employment services offer information, work permissions, workplace registration certificates, proofs of employment, and vocational training services to returnees and other immigrants⁵³⁸. When returnees were asked, they said that reintegration assistance should be complemented with dedicated support to access Albania's labour market, public education, vocational training, and health and housing services, along with entrepreneurship support services.⁵³⁹ No recent reports have been found for this document from independent bodies, or children themselves, on their specific experiences of reintegration.

⁵³² MI, Strategjia kombëtare për migracionin 2020 (Report on the migration strategy 2020), p. 16; Minister of Education, Youth and Sports, Directive, Enrolment and treatment of children returned from migration, 9242, 10 November 2015.

⁵³³ Personal communication, Terre des Hommes, Executive Director, Enkelejda Kallciu, 6 July 2021.

⁵³⁴ Observatory for children's rights, Challenges of returned migrants, with a focus on children and their families, 2017, p. 8. Available at: https://observator.org.al/wp-content/uploads/2017/06/Vleresimi_i_sfidave_te_emigranteve_te_kthyer_ne_integrimin_ne_vend-Qarku_Tirane.pdf (accessed 13 June 2021).

⁵³⁵ INSTAT, National household migration 2020, p. 99.

⁵³⁶ INSTAT, National household migration 2020, p. 108.

⁵³⁷ Personal communication, GIZ, DIMAK Albania, Migration and Reintegration Advisory Centre, Reintegration advisor, 9 September 2021.

⁵³⁸ National Agency for Employment and Skills. Employment services. Available at: <http://shkp.gov.al/sherbimet/sherbime-punesimi-prove/> (accessed 29 July 2021).

⁵³⁹ MI, Migration strategy 2019–2022, p. 13.

COVID-19 IMPACT

364. By early August 2021, the World Health Organization (WHO) data indicated that Albania registered over 133,000 COVID-19 cases and 2,457 deaths. Based on Institute of Statistics' (INSTAT) 2021 population estimate of 2.83 million inhabitants, about 4.7 per cent of the population were infected and under 0.01 per cent had died from COVID-19 since 8 March 2020 when the first confirmed case in Albania was recorded.⁵⁴⁰
365. Compared to other Western Balkans countries Albania's COVID-19 reported infection and mortality rates by 5 August 2021 were the lowest⁵⁴¹. Reported cases in Montenegro and Serbia, and mortality in Bosnia-Herzegovina and Montenegro were several times greater. No definitive explanation has been found for these differences, but soon after the pandemic began a World Bank regional assessment noted resilient elements in Albania's public health system relative to some of its Balkan neighbours.⁵⁴²

Table 13. Based on WHO Western Balkans COVID-19 case and death rates (till 5 August 2021)

Country	2016 population	Cases (%)	Deaths (%)
Albania	2,926,000	4.5	0.08
Bosnia-Herzegovina	3,517,000	5.9	0.27
Montenegro	629,000	16.4	0.26
Serbia (including Kosovo)	8,820,000	9.5	0.10

366. To the first week of August 2021, Albania had fully vaccinated only 19.1 per cent of its population. By individual doses administered, its cumulative rate was about 43 per 100 people, at the lower end of other Western Balkans countries (highest Serbia: 82, lowest Kosovo: 24; European Union average: 109).⁵⁴³ No reports have been found to illuminate Albania's lower vaccination rates, or to disaggregate Albania's case, mortality and vaccination rates (e.g., by age, sex, locality or ethnicity).
367. The Government of Albania responded to the pandemic by announcing its first lockdown measures on 10 March 2020 (two days after its first confirmed case) and declaring a state of natural disaster two weeks later. It developed a COVID-19 response plan in March and already had in place other relevant national emergency plans.⁵⁴⁴ Some reports suggest that this speedy response and existing planning capacity has contributed to Albania's overall success in managing the outbreak. Conversely, others have underlined existing problems

⁵⁴⁰ World Health Organization. WHO coronavirus (COVID-19) dashboard: Albania (hereafter: WHO, COVID-19 dashboard 2021). <https://covid19.who.int/region/euro/country/al> (accessed 5 August 2021); Government of Albania, INSTAT. Population. Available at: <http://databaza.instat.gov.al/pxweb/en/DST/?rxid=a00ad8a4-38f6-4440-be38-c0cb9e92bac5> (accessed 5 August 2021); OECD (Organization for Economic Co-operation and Development). Impact of COVID-19 in Albania (hereafter: OECD, Impact of COVID 2021). Available at: <https://www.oecd-ilibrary.org/sites/933637d0-en/index.html?itemId=/content/component/933637d0-en> (accessed 5 August 2021). Percentages are estimated by authors.

⁵⁴¹ From 2016 population estimates for countries that WHO then had data (i.e., none for North Macedonia or for Kosovo separately).

⁵⁴² WHO, COVID-19 dashboard 2021. Comparisons based on other Western Balkans countries available in the WHO dataset; World Bank, COVID-19 health systems 2020, p. 3.

⁵⁴³ Our World in Data. COVID-19 data explorer. Available at: https://ourworldindata.org/explorers/coronavirus-data-explorer?zoomToSelecton=true&time=2020-03-01..latest&facet=none&pickerSort=desc&pickerMetric=location&Metric=Vaccine+doses&Interval=7-day+rolling+average&Relative+to+Population=true&Align+outbreaks=false&country=European+Union~ALB~SRB~MKD~MNE~OWID_KOS~BIH (accessed 5 August 2021).

⁵⁴⁴ United Nations Albania (UNA). UN Albania COVID-19 socio-economic recovery & response plan. (Tirana): UNA, 2020, p.14 (hereafter: UN Albania COVID-19 plan 2020). Available at: https://unsdg.un.org/sites/default/files/2020-08/ALB_Socioeconomic-Response-Plan-2020.pdf (accessed 5 August 2021); Ministry of Health and Social Protection (MHSP). COVID-19 Plan veprimi për Shqipërinë: parandalimi, përgatitja dhe përgjigjia kundër COVID-19 (COVID-19 Action Plan for Albania: prevention, preparation and response against COVID-19). (Tirana): MHSP, 2020. Available at: https://shendetesia.gov.al/wp-content/uploads/2020/03/Covid_AL-spreads.pdf (accessed 5 August 2021).

caused by the country's weakened situation after the November 2019 earthquake and the deeper economic and other challenges it faced.⁵⁴⁵

368. It is also of note that Albania held national parliamentary elections in April 2021. An Organization for Security and Co-operation in Europe (OSCE) assessment of the process reported that, with pandemic restrictions in place, the campaign lacked vigour and focused on the main party leaders rather than political issues. Election monitors said that young and first-time voters were among those targeted by independent domestic organizations aiming to increase turn-out.⁵⁴⁶ The Socialist Party led by Edi Rama won, meaning no overall change of political control.
369. The short-term risks to life and health of the pandemic in Albania may have been reduced by early interventions. Information was found for this report on the impact of and response to COVID-19 in relation to children. No reports were found that asked children for their views. A June 2021 general population survey, of adults only, reported support for Government measures taken, but reluctance to apply preventive measures especially among women and younger groups, some vaccine hesitancy, and concerns about the financial impact on families and individuals⁵⁴⁷.
370. The World Bank's May 2020 analyses point to reversals in reducing poverty and improving educational and public health outcomes across the Western Balkans. Albania's self-employed rate is among the region's highest at a third of the working population. The Organization for Economic Co-operation and Development (OECD) estimated a 61 per cent Albanian informal employment rate, and the World Bank pointed out how such work means that this group often cannot obtain social assistance. It suggested that poverty in Albania may revert to 40 to 44 per cent, the 2012 and 2005 rates respectively.⁵⁴⁸ A rapid assessment found that, for self-employed women in Albania, 46 per cent of those with children faced reduced work hours mainly due to care and household responsibilities⁵⁴⁹.
371. Without a focus on primary health provision and infectious disease preparedness, the World Bank foresaw a worsening of prior, regional health financing and delivery concerns in the wake of COVID-19. In Albania, especially low per capita primary health care expenditure and a shortage of key health professionals (partly due to migration) were among the main issues identified. Regional education impact included lost learning during the pandemic and the long-term effects of increased illiteracy and drop-out. Girls more than boys were likely to take on caring tasks at the cost of their learning. The World Bank advised authorities to use school closure periods to plan for such consequences.⁵⁵⁰

⁵⁴⁵ E.g., OECD, Impact of COVID 2021; UN Albania, COVID-19 plan 2020, p. 14.

⁵⁴⁶ OSCE, Parliamentary Assembly. International election observation mission Republic of Albania parliamentary elections 25 April 2021: statement of preliminary findings and conclusions. Tirana: OSCE, 2021, pp. 2 & 17. Available at: <https://www.osce.org/odihr/elections/albania/484688> (accessed 5 August 2021).

⁵⁴⁷ Metanj B., et al. Knowledge, attitude and practices with regard to Covid-19 among the general population in Albania: findings on national survey of second wave. Tirana: UNICEF in Albania, 2021, pp. 6–7.

⁵⁴⁸ World Bank Group. 'The economic and social impact of COVID-19: poverty and household welfare'. Western Balkans regular economic report no. 17, Spring 2020, pp. 3–4 & 6–7. Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/33670/The-Economic-and-Social-Impact-of-COVID-19-Poverty-and-Household-Welfare.pdf?sequence=13&isAllowed=y> (accessed 5 August 2021); OECD, Impact of COVID 2021.

⁵⁴⁹ Plaku, A., et al. The impact of COVID-19 on women's and men's lives and livelihoods in Albania: results of a rapid gender assessment. Tirana: UN Women Country Office in Albania, (2020?), p. 9. Available at: <https://albania.unwomen.org/en/digital-library/publications/2020/12/the-impact-of-covid-19>, (accessed 5 August 2021).

⁵⁵⁰ World Bank. COVID-19 health systems 2020, pp. 2–3; World Bank, COVID-19 education 2020, pp. 1, 6–9.

372. The World Bank highlighted low access rates to computers while children learnt online. Regionally, 10 per cent of households lacked them but this reached 28 per cent in Albania. Moreover, digital competency is not required for teachers (in Montenegro and North Macedonia it is). Instruction time in Albanian schools was low before the pandemic, and the World Bank forecast a further reduction due to online learning, especially for disadvantaged students.⁵⁵¹
373. Home learning during the pandemic was also reported to bring increased regional risks to children from online sexual predation. It is too early to be definitive in the Western Balkans context, but Europol and Interpol have confirmed a spike in such forms of exploitation after Governments' restrictions led to many people being confined.⁵⁵²
374. To parallel the Government's COVID-19 response UN Albania developed a coordinated country plan in July 2020 to prioritize public health; people, especially the disadvantaged and vulnerable; and economic recovery. Its account of early effects of the pandemic on children included the following.⁵⁵³
- a Roma children and children with disabilities had difficulty in online learning, despite teachers' and parents' efforts. Half of those with disabilities reported not having access to a computer.
 - b Child helpline and web-based counselling services reported that requests for mental health and psychosocial support increased by 30 per cent.
 - c The 24 children, all boys, who were in a juvenile detention facility at the start of the pandemic could not receive visits from family and others, e.g., teachers, or monitoring visits by the People's Advocate.
375. Other increased risks to vulnerable children included experience of domestic violence and being locked in with possible violent family members while child protection services were reduced; child labour and other kinds of exploitation, especially if in street situations, when many families experienced diminished income; and refugee and asylum-seeking families (now entering Albania in smaller numbers through border closures, etc.) but still unable to access social assistance and other services through lack of officially recognized documentation⁵⁵⁴.
376. The UN assessment identified mid- to long-term support to government and non-government agencies, such as further assistance to teachers, child protection and shelter staff, and by aiding the delivery of relevant, existing standards. As one of its immediate priorities is the issuance of identification (personal ID) numbers to refugees and asylum seekers to guarantee their rights, a process that has begun.⁵⁵⁵

⁵⁵¹ World Bank, Covid 19 education 2020, pp. 4–5.

⁵⁵² GIATO, Exploited in plain sight 2021, p. 36.

⁵⁵³ UN Albania, COVID-19 plan 2020, pp. 18–19.

⁵⁵⁴ UN Albania, COVID-19 plan 2020, pp. 18–19.

⁵⁵⁵ UN Albania, COVID-19 plan 2020, pp. 35–38; Personal communication, UNHCR, 13 September 2021.

APPENDICES

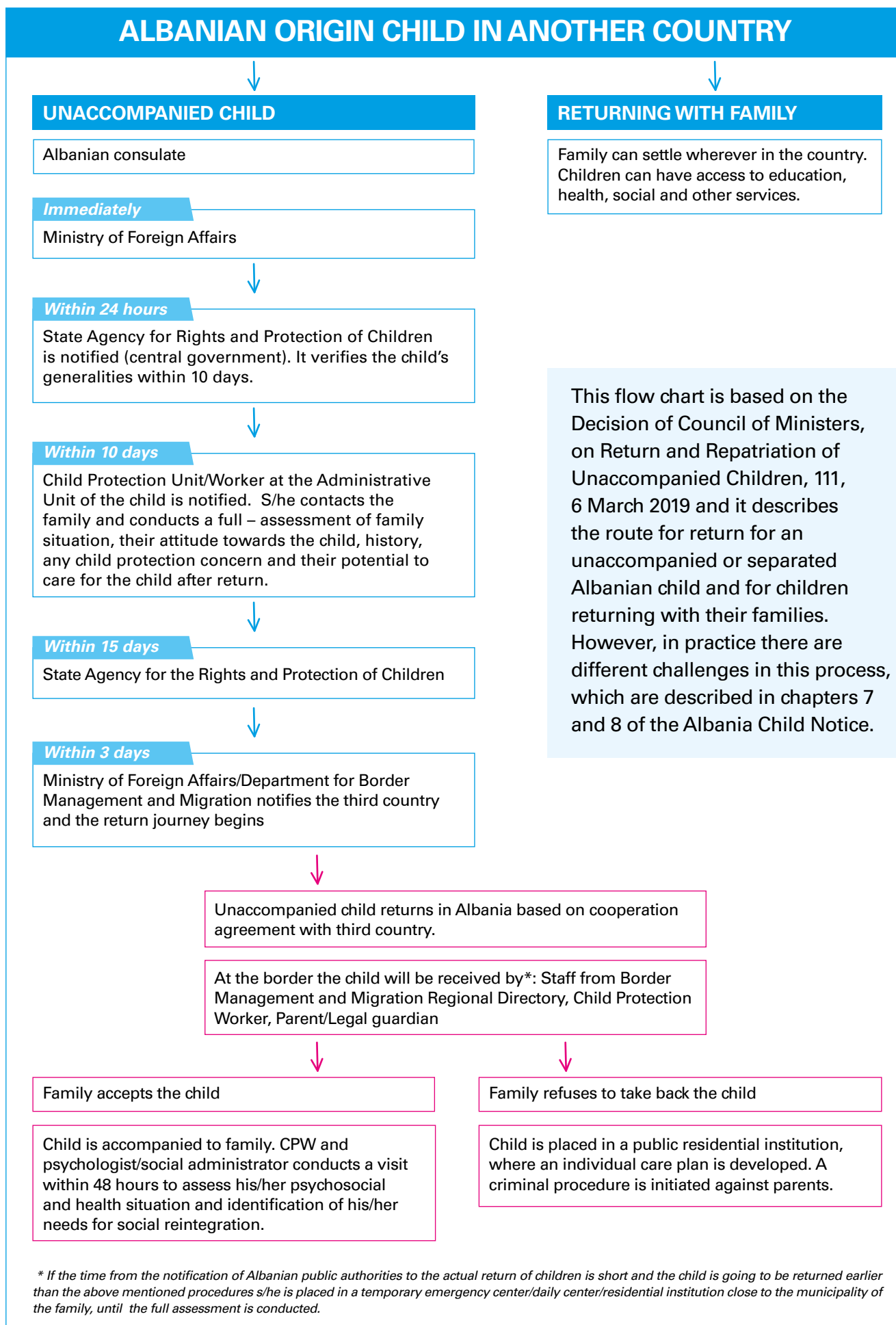
Table 14. Ratified international human rights conventions⁵⁵⁶ (Most recent first, core UN Treaties in bold, key ILO conventions included)

Convention on the Rights of Persons with Disabilities (CRPD)	2013
Optional Protocol on Communication Procedures to the UNCRC	2013
Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)	2012
European Convention on the Legal Status of Children Born Out of Wedlock	2011
European Convention on the Exercise of Children's Rights	2011
Council of Europe Convention for the Protection of Children Against Sexual Exploitation and Abuse	2009
Optional Protocol on Child Involvement in Armed Conflicts to the UNCRC	2008
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the UNCRC	2008
Hague Convention on the Civil Aspects of International Child Abduction	2007
International Convention on the Protection of the Rights of all Migrants Workers and Members of their Families (ICMW)	2007
First and Second Optional Protocol to the International Covenant on Civil and Political Rights	2007
Convention for the Protection of All Persons from Enforced Disappearance (CPED)	2007
Council of Europe Convention for Measures against Human Trafficking	2006
Convention on Jurisdiction, Executed Law, Recognition, Implementation and Cooperation Regarding Parental Responsibility and the Measures on Child Protection	2005
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children	2005
Convention on the Reduction of Statelessness	2003
Convention relating to the Status of Stateless Persons	2003
Optional Protocol to the Convention on the Elimination of Discrimination against Women	2003
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2002

⁵⁵⁶ University of Minnesota Law School. Ratification of international human rights treaties: Albania Available at: <http://www1.umn.edu/humanrts/research/ratification-albania.html>; ILO Normlex Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102532 (both accessed 4 February 2021).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo protocol)	2002
Convention against Transnational Organized Crime	2002
European Social Charter	2002
Convention on Protection of Children and the Cooperation for Child Adoption Abroad	2000
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO)	2001
Minimum Age Convention (ILO)	1998
Abolition of Forced Labour Convention (ILO)	1997
Discrimination (Employment and Occupation) Convention (ILO)	1997
European Convention and Protocols for the Protection of Human Rights and Fundamental Freedoms	1996
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	1996
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1994
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1994
Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)	1994
Convention on the Rights of the Child (UNCRC)	1992
Convention and Protocol Relating to the Status of Refugees	1992
International Covenant on Civil and Political Rights (ICCPR)	1991
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1991
Convention concerning Forced or Compulsory Labour (ILO)	1957
Freedom of Association and Protection of the Right to Organise Convention	1957

Figure 5: Albanian origin children and the return process: flow chart



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PHOTO CREDITS

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