

# Child Notice Albania

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2015



Child Notice Albania  
2015

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The project “Better information for durable solutions and protection”, generates child-specific country of origin information analysis (Child Notices) on countries of origin of children on the move to Europe. The Child Notices describe the situation of children in the countries of origin providing legal and practical information on education, health care, child protection, armed conflict, juvenile justice, trafficking etc. The Child Notices have been developed based on this Methodology Guidance on Child Notice.

The countries of origin have been chosen based on migration flows of children (with and without families), return figures, EU and national priorities.

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## LIST OF ACRONYMS

ACCE	Albanian Coalition for Child Education (ACCE)
ARSIS	Association for the Social Support of Youth
BKTF	United for Child Care and Protection
CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CCPR	Convention on Civil and Political Rights
CPU	Child Protection Unit
CRC	Convention on the Rights of the Child
CRCA	Children's Rights Centre of Albania
CRU	Child Rights Unit
CWD	Children with Disabilities
DBM	Directorate of Border and Migration
DCM	Decision of the Council of Ministers
DHS	Demographic and Health Survey
GDP	General Directorate of Prisons
GoA	Government of Albania
ILO	International Labour Organisation
INSTAT	Institute of Statistics
IOM	International Organisation for Migration
IPH	Institute of Public Health
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LGU	Local government unit
LSMS	Living Standards Measurement Survey
MSWY	Ministry of Social Welfare and Youth
NAPRC	National Agency for the Protection of the Rights of Children
NGO	Non-governmental organisation
NRCVT	National Reception Centre for Victims of Trafficking
NRM	National Referral Mechanism
ONCA	Office of the National Coordinator for Anti-trafficking
SOP	Standard Operating Procedures
SAPCR	State Agency for the Protection of Children's Rights
SC	Save the Children
SLI	State Labour Inspectorate
SOP	Standard Operating Procedures (for the Referral and Identification of Victims of Trafficking)
SSS	State Social Service
TdH	Terre des Hommes
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNCRC	United Nations Committee on the Rights of the Child
WV	World Vision

## 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) which is annexed to this report. 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)<sup>1</sup> and the EASO COI Report Methodology<sup>2</sup>.

The main text of the Child Notice contains the most up to date publicly available information as at May 2015. 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 organisation 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 (NGOs, IO's, government, media, academics). 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 cross-checked and are mentioned in the report

UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden have 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 that 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, 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".

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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-information-published/?lang=en>.

2 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)<sup>3</sup> to collect data and 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 reports (COI). These reports are used to assess the situation in the country of origin and help to 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 programs.

Some Country of Origin Information 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 in 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, honor 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.

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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 Child Notice has been developed and published by UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden as part of the project "Better information for durable solutions and protection" financially supported by the European Return Fund of the European Commission.

The Child Notice on Albania has been developed in the following period: July 2014-May 2015.

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 right's 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 interlinked, 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. Orphans, unaccompanied and separated children
  - c. Victims of child trafficking
  - d. Children in armed conflict
  - e. FGM/C
  - f. Forced and underage/child marriage
  - g. Domestic violence
  - h. Child labour and other forms of exploitation
  - i. Street children
  - j. Refugee children and IDPs
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, co-operation 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.

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 for the child protection of each minor asylum seeker are 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 Child<sup>4</sup> and the UNHCR<sup>5</sup> 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'<sup>6</sup>.

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 protection<sup>7</sup> 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).

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 care-givers, 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 socio-economic 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

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).

- 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 programs in the country of origin.



A child protection system (CP system) consist 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'<sup>8</sup>. The importance of a CP system is to create a protective environment where laws and policies, services, behaviors and practices minimize children's vulnerability and strengthens children's own resilience<sup>9</sup>. 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 factor.
- 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 their 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 labor, 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'.<sup>10</sup>

The EU Action Plan for Unaccompanied Minors<sup>11</sup> 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.'

### **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.

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.

UNICEF published in 2014 a discussion document<sup>12</sup> 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 programs, child-specific country of origin information which can be found in the Child Notice is paramount.

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12 UNICEF *Children's rights in return policy and practice in Europe; a discussion paper on the return of unaccompanied and separated children in institutional reception or family* (2014) Voorburg.

## SUMMARY

Albania's population is relatively young, with 30% in the 0-19 years age group (as per census age group categorization)<sup>13</sup>. Domestic legislation provides for equality of care and treatment but, in practice, individuals or groups belonging to certain communities are often socially, culturally, politically and economically excluded. Among the main causes of exclusion are age<sup>14</sup>, location<sup>15</sup>, ethnicity, social identity or family type<sup>16</sup>, health status including relatively high rates of maternal and child mortality<sup>17</sup>, economic disparity, gender inequality, use of drugs and other conflict with the law.

Children are significantly represented among the excluded groups, from families and communities including those in poverty, Roma and Egyptian<sup>18</sup>, with disabilities, in institutions, in street situations, and confined at home through blood feuds. These children may be discriminated against and stigmatised, denied access to education and health care, live in very poor conditions, and work from a young age. Abuse, violence, exploitation, discrimination, neglect, poverty and social exclusion are considered some of the main human rights' violations facing children and young people in Albania<sup>19</sup>.

Violence against children is common in families and schools and is accepted by children as a standard form of discipline by parents and teachers. Hence, such violence is often not reported and recorded. One in two children at home, and almost one in three at school, have come to believe that the violence exercised against them is necessary<sup>20</sup>.

Whilst the majority of Albanian children experience their families as a safe, stable and protective environment, social norms in relation to children are generally neither rights-based nor child-focused<sup>21</sup>. The influences of poverty and discrimination against some communities mean that family members can also use children for hard labour, or send them to other countries to work. In these and similar circumstances, the parents (or other adults) take the lead in deciding whether the child should go to school or work, what kind of job they should do, what they should study, who they should marry, and so on.

There are children on the move, for the short or long term, both inside and outside Albania. Roma and Egyptian children tend to travel for shorter periods, or seasonally, for economic reasons. Nearly one in five children from 5-14 years old work and some engage in the worst forms of child labour, particularly forced begging<sup>22</sup>.

Laws are in place to protect and assist children in need but in 2012 the UN Committee on the Rights of the Child (UNCRC), noted a, `...generally weak capacity of the State party to effectively implement child-related laws'<sup>23</sup>. Against international standards, Albania lacks an effective child protection system<sup>24</sup>. The poor response of national and local authorities to issues of child abuse and neglect is related to the lack of a unified law on violence and appropriate awareness-raising, implementation and supervision mechanisms<sup>25</sup>. Some international and local NGOs

13 INSTAT *Population and Housing Census* (2012) p. 7.

14 Meaning the elderly and children and young people.

15 For instance those living rurally and slum dwellers.

16 Including orphans, single parents/single person households, male and female sex workers, adult and child victims of trafficking, abuse or sexual violence, people leaving institutions/prisons, large families (with more than three children), LGBTI.

17 Including people with mental or physical disabilities, living with HIV/AIDS, drugs users and others.

18 Minority Rights Group International <http://www.minorityrights.org/1376/albania/albania-overview.html> (Accessed 20 April 2015).

19 Save the Children *Child Rights Situation Analysis Albania* (2012) p. 36.

20 Save the Children *Children's Situation in Albania*, available at <http://resourcecentre.savethechildren.se/start/countries/albania> (Accessed 20 April 2015).

21 Byrne K. *Analysis of Policies and Reforms Affecting Children in Albania* (2014) p. 108 (hereafter *Analysis of Policies and Reforms*).

22 US Department of Labor <http://www.dol.gov/ilab/reports/child-labor/albania.htm> (Findings on worst forms of child labor 2013, accessed 27 April 2015).

23 Committee on the Rights of the Child *Concluding Observations: the Combined Second to Fourth Periodic Reports of Albania* (2012) p. 3. (hereafter *Concluding Observations*).

24 European Commission *Albania Progress Report* (2014) p. 3.

25 Voice 16+ and Peer Educator's Group *Universal Periodic Review 19<sup>th</sup> Session* (2013) (A stakeholder submission by Albanian child-led groups to September 2013 UPR session on Albania).

provide child protection and assistance services but their donor-funding results in limited project durations and means that continuity of service provision is not guaranteed.

Also important is that current official Albanian statistical sources prevent the effective disaggregation of some child protection data, and generally that about children's status. Certain systemic inadequacies in official data mechanisms, such as the need for greater professional expertise and independence, have been highlighted over time by major international donors and observers<sup>26</sup>.

The overall Albanian population fell by around eight per cent between the last two censuses, a declining birth rate being the chief cause<sup>27</sup>. On the other hand, overall poverty rates increased. A 2013 INSTAT and World Bank study compared an absolute poverty rate of 12.4 per cent in 2008 (more than halved since the 2001 census) with one of 14.3 per cent in 2012<sup>28</sup>. Households that are the most vulnerable are particularly affected, with the rate of extreme poverty<sup>29</sup> also increasing: from 1.2 to 2.3 per cent between 2008 to 2012<sup>30</sup>. The relative child poverty rate is not officially measured in Albania, but 2013 calculations using UNICEF and other data indicate that 17.14 per cent of children were living in absolute poverty<sup>31</sup>.

Recent events affecting the Albanian political landscape include two changes that each mark significant changes in how it is shaped. A socialist-led coalition government, with a substantial majority, took office in autumn 2013 after eight years of a right of centre administration<sup>32</sup>. At the international level, after several years of sometimes painful negotiations (begun 2009), Albania's accession status for the EU was confirmed in June 2014<sup>33</sup>. The direction of much of Albania's legislative and political reform reflects this, particularly looking forward to 2020 (when the government hopes to accede) for example in relation to the country's current political and administrative restructuring at local and regional levels<sup>34</sup>.

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26 European Commission *Albania Progress Report* (2014) p. 35; Committee on the Rights of the Child *Concluding observations* (2012) p. 4.

27 INSTAT *Population and Housing Census 2011: Main Results* (2012) p. 7 (hereafter *Population and Housing Census*).

28 INSTAT *Albania: Trends in Poverty* (2013) p. 2.

29 Meaning difficulty meeting basic nutritional needs.

30 INSTAT *Albania: Poverty trend 2002-2005-2008-2012* (2015) p.2.

31 Observatory for Children's Rights *Child Poverty in Albania: Report Card No 1* (2013) p. 18-19.

32 European Stability Initiative <http://www.esiweb.org/index.php?lang=en&id=254> (Accessed 3 May 2015).

33 European Stability Initiative <http://www.esiweb.org/index.php?lang=en&id=520> (Accessed 3 May 2015).

34 UNDP Albania [http://www.al.undp.org/content/albania/en/home/operations/projects/environment\\_and\\_energy/support-to-territorial-and-administrative-reform/](http://www.al.undp.org/content/albania/en/home/operations/projects/environment_and_energy/support-to-territorial-and-administrative-reform/) (Accessed 3 May 2015).

## 1.1 Demographic and statistical data on children

Figure 1: Map of Albania<sup>35</sup>

1. The official 2011 census data estimated Albania's usually resident population at 2,821,977<sup>36</sup>, with 847,312 children registered, or about 30 per cent of the total. It should be noted, however, that 19-year olds were also included in this number<sup>37</sup>. A 2012 report from the International Labour Organisation (ILO) and the Albanian National Institute of Statistics (INSTAT, the official national statistics authority), estimated 21.9 per cent of the population within the five to 17 year age group<sup>38</sup> and, in the same year, UNICEF Albania refers to 856,600 children under 18 years old<sup>39</sup>. The UNDP Human Development Index offers a 2013 population estimate of 3.2 million people (rounded), with 200,000 of them below five years old. Overall population trends were confirmed by 2015 INSTAT population analysis (see Figure 2)<sup>40</sup>. Its human development scale ranks Albania 95 of 187 countries<sup>41</sup>.

35 Prime Ministers Office [http://www.reformaterritoriale.al/images/presentations/Harta\\_12\\_qarqe.pdf](http://www.reformaterritoriale.al/images/presentations/Harta_12_qarqe.pdf) (Accessed 17 May 2015).

36 INSTAT *Population and Housing Census* (2012) p. 7.

37 INSTAT *Population and Housing Census* (2012) p. 47-48.

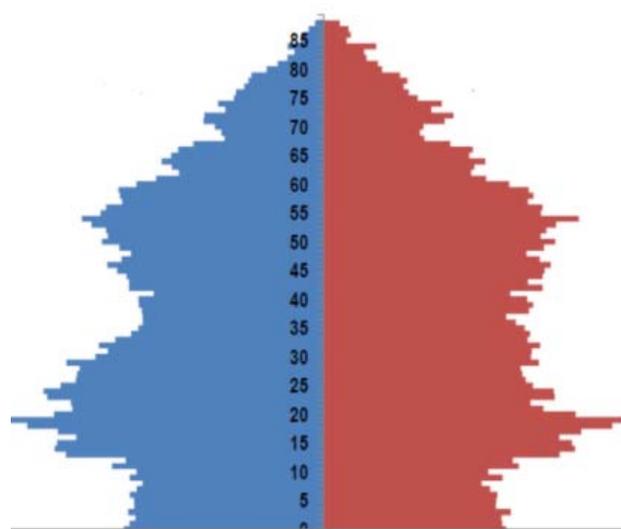
38 Dayioğlu M. et al. *Fëmijët Që Punojnë Në Republikën e Shqipërisë* (2012) p. 9.

39 UNICEF Albania Country Statistics [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html) (Accessed 20 April 2015).

40 INSTAT *Population of Albania Factsheet* (2015) p. 2.

41 UNDP Human Development Reports <http://hdr.undp.org/en/countries/profiles/ALB> (Accessed 1 May 2015).

Figure 2: Population Pyramid (male, blue; female, red)



2. It appears that not all people residing in Albania were captured through the 2011 census. For instance, based on this data, there were 8,301<sup>42</sup> Roma people in Albania, and 3,368 in the Egyptian population (see 3.1 Roma and Egyptian communities)<sup>43</sup>. An official 2010 estimate using official information from local government units (LGUs) found 31,786 Roma persons (10% of the then total estimated population)<sup>44</sup>. Roma groups themselves have estimated their numbers at between 30,000 and 120,000<sup>45</sup>. The nomadic nature of the Albanian Roma population, and the fact that many Roma children are not registered at birth, may have contributed to the low numbers found in the census. Moreover, some of the 390,938<sup>46</sup> people not answering about their ethnic and cultural affiliation may be Roma and Egyptians who chose not to respond due to perceived risk of stigmatisation.
3. The 2011 census confirmed Albania as one of the most ethnically homogenous countries in the region with 82.6 per cent of respondents defining themselves as Albanian, and 98.8 per cent claiming Albanian as their mother-tongue. Recorded ethnic minorities were: Greeks (0.9%); Aromanians (0.3%); Roma (0.3%); Macedonians (0.2%); Egyptians (0.1%); and Montenegrins (0.01%). However, as indicated above, there are disputes about the numerical size of minorities.
4. Albania has not established an information system covering all areas of the Convention on the Rights on the Child (CRC) and its data collection remains insufficient. This also applies to children from minority groups, with disabilities, abused, neglected and abandoned children, and those at risk of trafficking<sup>47</sup>. The National Institute of Statistics (INSTAT) is constantly improving its approaches but concerns remain, including:
  - Lack of accuracy of official data so that frequently users rely on demographic information dating back to the last census (in Albania most recently in 2011) and other infrequent national surveys (usually supported by international agencies and donors (eg. the 2002 and 2008 LMS studies).

42 INSTAT *Population and Housing Census* (2012) p. 71.

43 Minority Rights Group International on Albanian's Egyptian community explains that this substantial group is not recognized as a minority by GoA but sees itself as distinct from the Roma community and others. Available at <http://www.minorityrights.org/1377/albania/egyptians.html> (Accessed 20 April 2015).

44 McDonald C. & Negrin K. *No Data No Progress Country Findings: Data Collection in Countries Participating in the Decade of Roma Inclusion 2005-2015* (2010) p. 11.

45 Byrne K. *Analysis of Policies and Reforms* (2014) p. 29.

46 INSTAT *Population and Housing Census* (2012) p. 71.

47 Committee on the Rights of the Child *Concluding observations* (2012) p. 4.

- Lack of disaggregation of data so that for particular and major vulnerable groups reliable information on children, such as Roma and those with disabilities, can be difficult to obtain.
- Data collection methods unaligned with important international and national standards so that key data on children, for example, includes statistics on 19 year olds, contradicting the accepted CRC definition (*see 2.1 Conventions on children's and human rights*) of childhood lasting to 18 years old.

**Table 1: Number of children by urban/rural and male/female disaggregation<sup>48</sup>**

Total Population	2,800,138			1,498,508			1,301,603		
Age group	Total	M	F	Urban	M	F	Rural	M	F
0-4	163,493	85,712	77,781	83,359	43,844	39,515	80,134	41,868	38,266
5-9	181,696	95,590	86,107	91,826	48,570	43,256	89,871	47,020	42,851
10-14	233,376	120,409	112,967	115,652	59,716	55,936	117,724	60,693	57,031
15-19	268,746	135,790	132,956	135,692	67,328	68,364	133,054	68,462	64,592
<b>Total 0-19<sup>49</sup></b>	<b>847,312</b>	<b>437,501</b>	<b>409,811</b>	<b>426,529</b>	<b>219,458</b>	<b>207,071</b>	<b>420,783</b>	<b>218,043</b>	<b>202,740</b>

5. Table 1 above extracts 2011 census data and shows the distribution of children between urban and rural environments in Albania. It shows that the number of children living in urban areas was higher (426,529 urban children against 420,783 children living rurally). This is the first time that the Albanian census has shown urban populations outnumbering rural ones (total populations 53.5% urban: 46.5% rural).
6. The main cause has been large scale internal migration to urban areas over the last 20 years. In 2009, INSTAT and the Institute of Public Health reported that one in five households (21%, or 9% of the total population) had at least one former member who had migrated within Albania. Around two in five (42%) had at least one member who had emigrated. Rural households were more likely than urban ones to have at least one former member who had moved elsewhere in Albania or had emigrated (22% rural versus 20% urban internally; 46% rural versus 38% urban internationally)<sup>50</sup>.
7. A 2014 INSTAT study reviewed internal migration from 2011 census data. Nearly 281,000 people had moved internally between 2001 and 2011, and nearly half of these relocated to suburban parts of Tirana. In six districts neighbouring Tirana the greatest influx was in the working age population (15-64 years). The population below working age (0-15 years old) had decreased since 2001, from around a third, to below 30 per cent. Family circumstances are the most important reason for internal migration by both men and women. Women (59%) are more likely to migrate internally than men<sup>51</sup>.
8. The vulnerability to poverty of households with children is confirmed by the high percentage of households with children under the age of 18 years – approximately one in five - that receive economic aid<sup>52</sup>. Youth unemployment is high. INSTAT reported that, for the fourth quarter of 2014, the unemployment rate among 15 to 29 year olds was 33.9 per cent, an increase of 5.8 per cent over the same 2013 period<sup>53</sup>.

48 INSTAT *Population And Housing Census* (2012) p. 47.

49 The 2011 national census included 19 years old in the populations groups for children and young people.

50 INSTAT & Institute of Public Health *Albania Demographic and Health Survey 2008-2009* (2010) p. 1.

51 INSTAT *Migration in Albania* (2014) pp. 12-30.

52 Ymeri, S. and Jorgoni E. *Budget Analysis and Child Spending: the Case of Elbasan* (2013) p. 16 (hereafter *Budget Analysis and Child Spending*).

53 INSTAT. <http://www.instat.gov.al/al/themes/tregu-i-punës/publications/books/2014/rezultate-të-anketës-së-forcave-të-punës,-t4-2014.aspx> (Accessed 16 May 2015).

## 1.2 Family structure

9. Albanian family structures have changed rapidly in response to more recent social, political and economic developments. Although the population is still relatively young, the number of births per family has reduced<sup>54</sup> (see 3.3 *Children's birth and death rates*). Families face new problems, with the wider societal transformations, reflected for example in the kinds and extent of both internal and external migration. There were 15.7 divorces per 100 marriages in 2013 compared to 9.6 per 100 in 2001. Regardless, the extended family continues the key unit of the society as the primary protector for children's interests<sup>55</sup>. Nuclear families represent the case for 52 per cent in the urban areas and 45 per cent in rural areas. Single parent families count for 5.4 per cent of the Albanian families<sup>56</sup>.
10. This is as well reflected in a well-established tradition of foster care through kinship (i.e. in extended families) in Albania. One early estimate is of about 16,000 children are being cared for, because they have been orphaned or for other reasons, in their kinship families<sup>57</sup>. Although such care can offer real help to vulnerable children, social and other services are lacking to support, promote and monitor it. According to one source, the dominant model of institutional care needs to be replaced with a move towards more sustainable fostering services<sup>58</sup> (see 6.3 *Adoption and fostering*).
11. Albanian families are negatively affected by gender imbalances resulting in girls and women unfavourable position at home and in society generally (see 3.1 *Differences between boys and girls*). Domestic violence is mostly experienced by women and children in Albania, the majority of whom continue to suffer in silence<sup>59</sup>.

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54 INSTAT & Institute of Public Health *Albanian Demographic Health Survey 2008-2009* p. 53.

55 Byrne K. *Analysis of Policies and Reforms* (2014) p. 55.

56 Nurja I et al. *Socio Demographic Changes of the Family And Child Development* (2011) INSTAT p.10.

57 Hamilton C et al. *Analysis of Child Protection Services in Albania* (2007) p. 17.

58 Byrne K. *Analysis of Policies and Reforms* (2014) p. 98.

59 Byrne K. *Analysis of Policies and Reforms* (2014) p. 57.



## 2. Basic legal information

### 2.1 Conventions on children's and human rights

12. Albania ratified the Convention on the Rights of the Child (CRC) in 1992 and its subsequent Optional Protocols, and has signed or ratified other human rights conventions<sup>60</sup> listed below (the most recently signed Conventions are shown first.)

**Table 2: Ratified human rights conventions**

Optional Protocol on Communication Procedures to the CRC	2013
Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence	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 CRC	2008
Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography to the CRC	2008
Hague Convention on the Civil Aspects of International Child Abduction	2007
Convention on the Protection of the Rights of all Migrants Workers and Members of their Families	2007

<sup>60</sup> University of Minnesota Law School <http://www1.umn.edu/humanrts/research/ratification-albania.html> (Accessed 20 April 2015) supplemented by additional information gathered from various sources.

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	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
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	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	2000
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	1994
International Convention on the Elimination of All Forms of Racial Discrimination	1994
Convention for the Elimination of All Forms of Discrimination against Women	1994
Convention on the Rights of the Child (CRC)	1992
Convention and Protocol Relating to the Status of Refugees	1992
Convention on Civil and Political Rights	1991
Convention on Economic, Social and Cultural Rights	1991
Freedom of Association and Protection of the Right to Organise Convention	1957

**Table 3: Ratified ILO conventions**

<b>Selected ILO Conventions ratified by Albania<sup>61</sup></b>	
The Convention on the Worst Forms of Child Labour	2001
Minimum Age Convention	1998
Abolition of Forced Labour Convention	1997
Discrimination (Employment and Occupation) Convention	1997
Convention concerning Forced or Compulsory Labour	1957

## 2.2 National legislation

13. Article 122 of the Constitution of the Republic of Albania (1998)<sup>62</sup> specifies that ratified international agreements, including the CRC, are part of domestic law and have superior force over domestic legislation. Where the Convention contradicts national law, the Convention must be applied. The Albanian Constitution also includes provisions that apply regardless of age and some that address the rights of children specifically.

**Table 4: Articles of the Albanian Constitution relevant to children**

Article	<b>The Albanian Constitution: effects of provisions<sup>63</sup></b>
Art. 54(1)	Requires the State to provide special protection for children, the young, pregnant women and new mothers.
Art. 54(2)	Provides that children born out of wedlock have equal rights to those born within marriage.
Art. 54(3)	Provides that every child has the right to protection from violence, ill-treatment, exploitation and his or her use for work, especially under the minimum working age which could endanger a child's life or damage their health, morals or normal development.
Art. 59(1)(d)	Sets out the State's social objectives and requires it to " <i>supplement private initiative</i> " with education and qualifications according to the ability of children, young people and unemployed people.

**Table 5: Albanian laws relevant to children**

<b>Specific Albanian laws in place of direct relevance to children<sup>3</sup></b>	<b>Year</b>
For State Police	2014
On the inclusion and accessibility of disabled persons	2014
Resolution on Protection and Respect of Rights of the Child in Albania	2013
Pre-University Education	2012
Protection of the Rights of the Child	2010
Protection against Discrimination	2010
For Juridical Aid	2009
Civil Status	2009

61 ILO Normlex [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102532](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102532) (Accessed 21 April 2015).

62 World Intellectual Property Organisation WIPOlex <http://www.wipo.int/wipolex/en/details.jsp?id=9481> (Accessed 21 April 2015).

63 CRIN <https://www.crin.org/en/library/publications/albania-national-laws> (Accessed 21 April 2015).

Adoption Procedures and the Albanian Adoption Committee	2007
Measures against Domestic Violence	2006
For the Protection of Children from Alcohol Abuse	2006
For the Social Assistance and Services	2005
Integration and Family Reunion of Persons with Asylum in the Republic of Albania	2003
Family Code	2003
Asylum in the Republic of Albania	2002
Reproductive Health	2002
Promoting and Protecting Breastfeeding	1999
The Status of Orphans	1996
Protection of Working Minors (Decision of the Council of Ministers)	1996
The Criminal Code	1995
Code of Criminal Procedure	1995
The Labour Code	1995
The Civil Code	1994

**Table 6: National strategies most relevant to children**

Strategy	Comments	Period
Plan of Action for Youth	Draft work in progress.	2015-2020
Plan for Roma and Egyptian Integration	Draft following on from the Action Plan for the Decade of Roma Inclusion 2005 to 2015, as part of a trans-European Roma initiative <sup>4</sup>	2015-2020
Social Protection	Originally planned as a joint Ministry of Social Welfare and Youth (MSWY) strategy with social inclusion ( <i>below</i> ), and developed in the context of planned EU accession. Envisages an inclusive society in which the vulnerable and excluded are protected from birth to old age and participate fully in Albania's continued social and economic development <sup>5</sup> .	2015-2020
Social Inclusion	Originally joint with social protection ( <i>as above</i> ). Its vision is for an inclusive society where all Albanian citizens have unrestricted access to high quality public services to facilitate and support their active participation in society regardless of income, gender, age, disability, ethnic origin, sexual orientation, residence or religious convictions <sup>6</sup> .	2014-2020
Anti-Trafficking Strategy	Developed by the Ministry of Internal Affairs. An action plan is attached to the strategy. A previous action plan existed between 2011-2013.	2014-2017
Action Plan for Children	Focusing on the child's rights to development, education, health care, and legal protection.	2012-2015

64 Decade of Roma Inclusion 2005-2015 <http://www.romadecade.org/index> (Accessed 21 April 2015).

65 Ministry of Social Welfare and Youth *National Social Protection Strategy 2015-2020 Final Draft*. (2015), p. 14.

66 Ministry of Social Welfare and Youth *Draft Social Inclusion Strategy 2014-2020* (2014), p. 33.

67 UN Women News Stories <http://www.unwomen.org/en/news/stories/2012/9/a-key-milestone-toward-gender-equality-is-passed-in-albania-bringing-hope-to-many> (Accessed 21 April 2015).

68 Ministry of Labour and Social Welfare *Information of the Albanian Government on the Practices and Significant Legislative and Policy Reforms Adopted for the Advancement of Women's Rights* [no date].

Gender Equality and Reduction of Gender Based Violence and Domestic Violence	Cross-sector, seeks to ensure gender mainstreaming with objectives for line ministries and others <sup>7</sup> through: 1) strengthened legal and institutional mechanisms, 2) increased women's participation in decision-making, 3) economic empowerment of girls and women; 4) reduction of gender-based violence <sup>8</sup> .	2011-2015
Reproductive Health	The strategy developed from the Ministry of Health identifies the components of Reproductive Health, including Mother and Child Health and Adolescent Health.	2010-2015
National Strategy and Action Plan for People with Disabilities	The national strategy and action plan for people with disabilities is considered as a comprehensive policy document in achieving the legal rights of these individuals, based on the principles of equity and antidiscrimination. Children are mainstreamed in these documents, as is the case for education, and access to other services.	2005-2015

14. Deep-rooted problems with local government planning and implementation have been recognised by the government and international observers<sup>69</sup>. The local government units not only do not have enough human and financial resources. Service delivery at such a small scale results in high inefficiencies and negative externalities.<sup>70</sup> Until now there has been a three-tier structure: 12 administrative regional councils, 373 local government units (LGUs), 73 with city status, plus 2,980 village communities. The average number of inhabitants per LGU was under 7,800, with over 75 per cent of them having less than 5,000<sup>71</sup>. In August 2014 an Administrative and Territorial Reform Law was passed to cut back on this large numbers of LGUs (to 61) and the powers of the regional councils. The new law aims to:

'Enhance efficiency and quality of access to...local public services for the citizens, to increase financial means and resources for the local government units, improve the mechanisms of representative democracy...strengthen the instruments of direct democracy....increase the capacities of public local government administration and...strengthen community structures at the level of local government unit, neighbourhood and village'<sup>72</sup>.

15. After local government elections in June 2015 it will be important to monitor whether the Territorial Reform law and decentralisation reform produce the anticipated savings and extra revenue for local government to directly benefit citizens through more effective implementation of local services.

<sup>69</sup> European Commission *Albania Progress Report* (2014) pp. 7-8.

<sup>70</sup> UNICEF Personal Communication 10 June 2015.

<sup>71</sup> Ministry for Local Government *Administrative and Territorial Reform: Analysis of the Local Government Situation in Albania* (2014) p. 5.

<sup>72</sup> From UNDP Albania [http://www.al.undp.org/content/albania/en/home/operations/projects/environment\\_and\\_energy/support-to-territorial-and-administrative-reform.html](http://www.al.undp.org/content/albania/en/home/operations/projects/environment_and_energy/support-to-territorial-and-administrative-reform.html) [Accessed 22 April 2015].

## 2.3 Budget

16. A recent study<sup>73</sup> revealed that the 2014 national budget spend on children was 39.4 billion Albanian lek (approx. 300.3 million US dollars/USD<sup>74</sup>), an increase of four per cent (approx 12.2 million USD) over 2012. Medium term forecasts are that this will increase to 48 billion lek by 2017 (approx 365.8 million USD, and 22% more than 2014). The 2014 spending is 8.6 per cent of the national budget (2.8% of gross domestic product/GDP). The GDP share of spending on children is expected to remain steady in 2015–2017, despite the significant nominal increase, as projected GDP growth is higher than the increased children’s budget. Total state budget spending is projected to increase annually over the next three years by an average two per cent, but children’s programmes will increase at seven per cent average.
17. There is no specific budget to implement the 2012-15 National Action Plan for Children at central or local government levels. Activities are implemented with the financial support of international and non-governmental organisations (NGOs), funded by foreign donors and governments<sup>75</sup>. The decentralisation of budget and social services has produced confusion and disproportionate distribution of services at the community level. Adequate funds transfers have not accompanied service decentralisation, meant as a positive step toward better service delivery to communities, including children<sup>76</sup>.



73 Ymeri, S & Jorgoni, E. *Budget Analysis and Child Spending* (2013) p. 48.

74 All currency conversions in this section are approximate and based on live rates at <http://www.xe.com/currencyconverter/> (Accessed 16<sup>th</sup> April 2015).

75 The Plan was criticised by the Committee on the Rights of the Child *Concluding observations* (2012), p.4; by UNICEF *How to Improve Responsiveness of Service Providers in Identifying Reporting and Referring Cases of Violence against Children: Thematic Study Albania* (2012) p. 8 (hereafter *How to Improve Responsiveness*) and has continued; ARSIS Personal Communication, 15 July 2014.

76 Albanian Children Alliance, *Brief Report On Major Issues Of Concern For The Situation Of Children’s Rights In Albania* (2012) p. 10 (hereafter *Brief Report*).

## 2.4 Government child rights coordination

18. Child rights protection is organised at national and local levels<sup>77</sup> (see Figure 3). The National Council for the Protection of Child Rights – an inter ministerial council – recommends to the Minister of Social Welfare and Youth legislative changes and key programmes and policies; coordinates national policy for children and monitors overall implementation of children rights development programmes and policies.
19. The Ministry of Social Welfare and Youth (MSWY) is responsible for policy development, overseeing the implementation of laws and coordination of actors and efforts in the field. The State Agency for the Protection of Children’s Rights (SAPRC), within MSWY, has executive responsibility to:
  - Propose legal changes, policy, and guidance for local implementing agencies to the Minister;
  - Coordinate policy development within government;
  - Monitor the implementation of the framework on children rights at all government levels;
  - Establish and maintain a database to analyse and disseminate information protecting and promoting children rights;
  - Provide technical support to NGOs and civil society organisations (CSOs).
20. Regional Councils are responsible for developing strategies in line with national policy<sup>78</sup>. However, no progress report for any such strategy has yet been produced. Under this structure are 12 child rights units (CRUs)<sup>79</sup>. Specific tasks of the regional councils/CRUs are the local oversight, co-ordination, monitoring, case identification, awareness raising, and reporting back to the SAPRC on child rights and protection issues. These responsibilities are specified in a 2012 Decision of the Council of Ministers<sup>80</sup>. The recent territorial and decentralisation law reforms (see 2.2 *National legislation*) have resulted in the closure of half of the CRUs. It is unclear how their work will be carried out in the future<sup>81</sup>.
21. The 2010 Child Rights Protection law mandates child protection units (CPUs) at municipality and commune levels. It does not say that CPUs must be established, nor specify their funding requirements. As a result, CPU coverage is not universal with only 196 established so far, covering about half of the country. Only 32 CPUs are dedicated solely to child protection work with the remainder operating other services as well (e.g. economic aid). Their service quality is hampered by funding shortages, lack of dedicated and competent staff, and an absence of service guidelines and monitoring frameworks<sup>82</sup>.
22. State Social Services (SSS) do not properly form part of this child rights protection framework, although they do sit on the regional council committees that monitor these concerns locally. Their chief role is to monitor economic aid distribution locally and also the limited activities of social care services, including orphanages and other residential institutions (see 6.2 *Child protection services*).

77 Law For the Protection of Childrens Rights 2010 no 10347.

78 Law For the Organization and Functioning of Local Government 2000 no 8563 article 13/1.

79 State Agency for Protection of Child Rights *National Report for Child Rights Situation 2013-2014* (2015) p. 17.

80 DCM Establishment and Functioning of the Coordination Mechanisms of Working Among Governmental Authorities Responsible for the Referral of Children in Risk Cases and its Procedures 2012 no 265.

81 Observatory for Children’s Rights, Personal Communication 13 April 2015.

82 State Agency for Protection of Child Rights *National Report for Child Rights Situation 2013-2014* (2015) p. 19.

**Figure 3: Child rights national and local mechanisms**



## 2.5 Independent national human rights institutions

23. Albania appointed a national People's Advocate or Ombudsman, in 2000<sup>83</sup>. The Ombudsman's key role is to promote and protect human rights and uphold the rule of law on behalf of all Albanian citizens<sup>84</sup>. The Ombudsman's Office has created a Department of Children's Rights<sup>85</sup>, which should help to support child rights' implementation and child-related policy making. As it is not functional yet, the result of efforts is awaited<sup>86</sup>. In 2010, a Commissioner for Protection against Discrimination was appointed. This is an independent body following up cases of reported discrimination<sup>87</sup>. Annual reports (2010-2014) have focussed attention on child rights issues, especially on Roma children and children with disabilities<sup>88</sup>.

## 2.6 Non-governmental and civil society organisations

24. Several child-focused organisations operate in Albania, many of which (28 NGOs) have established the BKTF (United for Child Care and Protection) coalition. As a member of the National Council for the Protection of Child Rights, the coalition advocates at national level to protect children from abuse, neglect and exploitation based on the CRC, national legislation and other instruments<sup>89</sup>. There is also an Albanian Coalition for Child Education (ACCE), led by the Children's Human Rights Centre of Albania (CRCA)<sup>90</sup>. The Child Rights Information Network database lists a total of 52 child-focused NGOs operating in Albania (as of March 2014)<sup>91</sup>.

83 Law For The People's Advocate 1999 no 8454.

84 United Nations Development Programme *Ombudsman's Institutions in Southeast Europe: EU Accession and the Universal Periodic Review* (2013) p. 18.

85 Law For Some Additions in the Law No.8454 For the People's Advocate 2014 no 155.

86 Ombudsmans Office Personal Communication 22 July 2014.

87 Law For the Protection Against Discrimination 2010 no 10221 articles 21-38.

88 Commissioner against Discrimination <http://www.kmd.al/?fq=brenda&emri=Botime&gj=gj1&kid=142&kidd=80> (Accessed 17 May 2015).

89 State Agency for Protection of Child Rights *National Report for Child Rights Situation 2013-2014* (2015) p. 15.

90 Albanian Coalition for Child Education <http://www.acce.crca.al/article/albanian-coalition-child-education-ace> (Accessed 21 April 2015).

91 CRIN database Albania <https://www.crin.org/en/library/countries/albania> (Accessed 21 April 2015).

## 2.7 Justice for children

25. There is no specialised justice system for children or juvenile courts, but special judges and prosecutors have been appointed in six courts (for both civil and criminal cases): in Tirana, Elbasan, Vlora, Shkodra, Korça and Durrës<sup>92</sup>. Juveniles can be prosecuted under the Criminal Code and the Code of Criminal Procedure (typically using the same procedures for children as for adult cases). These laws state that children over 16 years old may be prosecuted for crimes and misdemeanours and those who are 14 or 15 years old may only be prosecuted for crimes. When young people leave prison, juvenile support programmes are weak and there has been a consequent rise in rates of juvenile recidivism<sup>93</sup> (see 7.1 *Children in conflict with the law*).

## 2.8 Birth registration

26. For the period 2005-2012, UNICEF Albania estimated the birth registration to be at 98.6 per cent<sup>94</sup>. Birth registration remains problematic for children born:
- Outside health care institutions.
  - Abroad (two different administrative/legal systems involved).
  - To parents:
    - who provide wrong data,
    - who abandon their children,
    - do not register their children,
    - or a combination of these<sup>95</sup>.
27. The Civil Status (2009) law<sup>96</sup> provides for financial incentives (of approximately USD 50) for mothers who register their children within 60 days when born in Albania and within 90 days when born abroad.
28. The United Nations Committee on the Rights of the Child (UNCRC) urged Albania, as a priority, to strengthen efforts to establish a system that ensures the registration of all children born within its territory, and that registration is made free of charge. It was also insistent that Albania should issue clear instructions to every school that all children, irrespective of their registration status, be enrolled, and that failure to do so should lead to administrative sanctions<sup>97</sup> by appropriate Albanian authorities.
29. Tirana Legal Aid Society reports that 452 children were referred to them because they were unregistered at LGU civil registration offices (ie. for birth registration) between January and November 2014. Three hundred and twenty six of these were from Roma families<sup>98</sup>. After registration, families will be provided with the opportunity to apply and access social protection scheme and care services, as well as access to health care or other support schemes.

92 CRCA Personal Communication 27 October 2014.

93 UNICEF Albania Personal Communication 23 April 2015.

94 UNICEF Albania Country Statistics [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html) (Accessed 20 April 2015).

95 ARSIS Personal Communication 15 July 2014.

96 Law On Civil Status 2009 no 10129 article 41.

97 Committee on the Rights of the Child *Concluding observations* (2012) p. 8.

98 Tirana Legal Aid Society Personal Communication 14 May 2015.

## 2.9 Legal ages for children

30. The table below summarises the key rights and responsibilities that apply in law during childhood.

**Table 7: Rights and responsibilities**

Right or responsibility	Age (years)	Key legal source	Main text reference
Age of majority (or legal age)	18 (or below)	Civil Code	See 6.1 Rights and responsibilities
Criminal responsibility	14	Criminal Code	See 7.1 Criminal responsibility
Marriage age	18 (or below)	Family Code	See 7.5 Legislation
Sexual consent	14 (or above)	Criminal Code	See 7.5 Age of sexual consent
Identity documents	0 (and upwards)	Civil Status law	See below
Compulsory education	6	Pre-University Education law	See 5.2 Education
Voting age	18	Constitution	Not applicable
Military service	19	Constitution	See 7.3 Children in armed conflict

### ***Independent identity and travel documents***

31. Passports are available to all from birth, and Identity cards are issued to every citizen over 16 years old. The parents' or guardians' consent is necessary when applying for such documents. Citizens aged 16 years or older may apply for biometric passports when they apply for biometric identity cards. 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 passports<sup>99</sup>. The Civil Status (2009) 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. The 2010 Child Rights Protection law (article 8), 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). An exception is when the sharing of such information may harm the child's wellbeing. 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.

<sup>99</sup> UNHCR <http://www.refworld.org/docid/4f5f1c642.html> (Published 28 September 2011 and accessed 22 April 2015).



### 3. General principles

#### 3.1 Non-discrimination

##### *Legislation*

32. The Albanian Constitution and other legislation provides for the protection of all CRC rights (*see 2.2 National legislation*). Basic education, for instance, is free and compulsory for children between the age of 6-15 years old, and the Constitution guarantees the right of persons belonging to national minorities to study and be taught in their mother tongue. A government study in 2010 revealed limited access to basic education by Roma, street children, children with disabilities, and children of poor families; a concern that has continued to echo in more recent reports by UN agencies and the EU among others<sup>100</sup>.

##### *Differences between boys and girls*

33. In general, the national legislation promotes gender equality and prohibits discrimination among children. Cultural factors, especially in rural areas or among Roma families, do sometimes have a marked influence, for example in preventing girls from going to school, or increasing their dropout rates at 12-13 years old, to arrange marriage at an earlier age than would be the case for boys<sup>101</sup>. A recent national study on violence showed that boys reported more experience of sexual violence than girls (contrary to other studies: it is possible that girls were more hesitant in disclosing sexual abuse.)<sup>102</sup>. From a legislative perspective, girls who

100 UN Albania *Albania National Report on Progress towards Achieving the Millennium Development Goals* (2010) p. 3 Tirana: UN Albania; UN Albania *Programme of Cooperation 2012-2016* (2012?) p. 13; European Commission *Albania Progress Report* (2014) p. 55.

101 Save the Children *Child Rights Situation Analysis Albania* (2012) p. 29.

102 Cenko E. et al *Balkan Epidemiological Survey on Child Abuse and Neglect in Albania* (2013) p. 28 (hereafter *BECAN*).

marry before the age of 18 enjoy the same rights as adults (*see 2.9 Legal ages for children*), but the same does not apply for boys who marry early<sup>103</sup>.

### ***Discrimination by state authorities against certain groups***

34. An independent Commissioner and a 2010 Law prohibit discrimination (*see 2.5 Independent national human rights institutions*). However, children belonging to minority groups, especially Roma, children living in rural areas and children with disabilities (CWD) are discriminated against when it comes to their access to education, social protection, health and housing. Roma, Egyptian, disabled children, and lesbian, gay, bisexual, transgender and intersex people (LGBTI) are also discriminated against in school, both by teachers and other children<sup>104</sup>.

### ***Children with disabilities***

35. The National Strategy for People with Disabilities and its Action Plan are based on the principles of equity and antidiscrimination and considered to be comprehensive achieving the disabled peoples' legal rights. Children are mainstreamed, for example in their access to education and other services<sup>105</sup>. However, the budget to implement the documented provisions is limited, as are community facilities and other resources to support inclusion<sup>106</sup>. Despite the GoA's positive steps to improve the regulatory framework, gaps also exist in fully adopting the international conventions that Albania is party to<sup>107</sup>.
36. The definition on disability set by the law on social aid and services<sup>108</sup> was later improved in the National Strategy for People with Disability, to acknowledge the challenges faced due to social and environmental limitations<sup>109</sup>. Regardless of the change, the current legislation fails to include all types of disability, resulting in uneven benefits for different categories of children<sup>110</sup>.
37. Data on children with disabilities (CWD) is inadequate (*see 1. Demographic and statistical data on children*). Most children with disabilities are excluded from mainstream society. They are isolated at home, deprived of their right to education, live in poverty, and are at high risk of ill-treatment.
38. Data on children with disabilities is collected only for those who receive disability allowances. Under current legislation, only children with moderate and severe disabilities are entitled to these payments, and families with several CWD receive support for only one child<sup>111</sup>, so actual CWD numbers are higher than officially reported. Official numbers of CWD (aged 0-18 years old, for 2014) receiving disability allowances and receiving social care services are shown in the tables below<sup>112</sup>.

103 The Civil Code 1994 article 6.

104 Commissioner against Discrimination *Annual Report 2014* (2015) p. 13 Tirana: CAD.

105 Voko K. *National Assessment for Children with Disability* (2014) p. 49 Tirana: UNICEF.

106 Terre des Homme Personal Communication 11 July 2014.

107 Cuko O. et al *Inclusive education in Albania* (2012) p. 26 Tirana: Save the Children.

108 Law For Social Aid and Services 2005 no 9355 article 4.

109 Voko K. *National Assessment for Children with Disability* (2014) pp. 10-11.

110 Voko K. *National Assessment for Children with Disability* (2014) p.16.

111 Committee on the Rights of the Child, *Concluding observations* (2012), p. 14.

112 State Social Services Personal Communication 14 April 2015.

**Tables 8-10: Children with disabilities (0-18 years old) information for 2014**

**Table 8. CWD registered for disability allowance**

	Total of children (by age group in years)				Females (by age group in years)			
	all	0-6	6-15	15-18	Total	0-6	6-15	15-18
Urban	9342	2445	4659	2238	4261	1268	2000	993
Rural	8459	2394	4094	1971	3818	1187	1833	798
<b>Total</b>	<b>17801</b>	<b>4839</b>	<b>8753</b>	<b>4209</b>	<b>8079</b>	<b>2455</b>	<b>3833</b>	<b>1791</b>

**Table 9: CWD in pre-university education**

	Preschool	Basic education	Secondary
Urban	904	2141	891
Rural	1537	3135	845
<b>Total</b>	<b>2441</b>	<b>5276</b>	<b>1736</b>

**Table 10: CWD receiving centre-based social services**

	Total	In residential care	In day care
Public	141	63	78
Non public	25	12	13
<b>Total</b>	<b>166</b>	<b>75</b>	<b>91</b>

39. The figures in tables 8-10 show that 40 per cent of children with disabilities are excluded from basic education and 59 per cent from secondary education. Day care is provided to only a small number, so the majority of CWD are not in school or receiving professional home-based support. Regardless of the type of disability, families may choose not to access services due to fears of stigmatizing<sup>113</sup>. Disabled children are often kept isolated in their houses, to protect them from discrimination and violence<sup>114</sup>. Children with disabilities (CWD) in mainstream schools often experience mockery and name-calling<sup>115</sup>.
40. Currently in Albania, there are two institutes and seven special schools supporting children with disabilities, located in the largest cities. Special schools are for children with speech and hearing impairments. Children who attend these schools are at greater risk to be socially isolated. Special schools are supposed to provide daily transport for all children, including those from rural areas. With limited funds, this service is insufficient and the rural children have difficulties in accessing the schools and many remain without the opportunity to attend the schools at all<sup>116</sup>. Many other factors contribute to making the quality of education for CWD worse in rural than in urban areas. These include:
- Distance from special schools.
  - Physical conditions, both of schools and the roads on which the children travel (often on foot) every day.
  - Teachers' poor qualifications.
  - Multigrade teaching.
  - The significant lack of teaching material and equipment.
  - Lack of motivation among staff.
  - Lack of monitoring.
  - Lack of funds<sup>117</sup>.

113 Voko K. *National Assessment for Children with Disability* (2014) p. 27.

114 CRCA Personal Communication 29 July 2014; Voko, K. *National Assessment for Children with Disability* (2014) p. 37.

115 Cuko O. et al *Inclusive Education in Albania* (2012) p. 72.

116 Cuko O. et al *Inclusive Education in Albania* (2012) p. 97.

117 Cuko O. et al, *Inclusive Education in Albania* (2012) p. 93.

41. In general, the CWDs who do go to school stay in the classroom during the entire time and, in emergencies (e.g. going to the toilet, behaviour issues), the teacher, one of the students, the guard, or the cleaner will accompany the child. An elementary school teacher in Vlora gives this illustration:

‘I tried so much to teach Ermal literacy and numeracy. Thanks to this, he achieved some success, but, after that, I couldn’t do anything. I often left him to play with toys or draw. Due to the lack of time to work with him separately, I tried at least to keep him busy with something, so he wouldn’t bother the others and the teaching process. I couldn’t do anything else in those conditions.’<sup>118</sup>

42. Given the limited number of CWD in schools and pre-schools, and limited state financial assistance, the assumption must be that a significant number of these children are cared for at home, their families making up for the shortcomings of official facilities or services<sup>119</sup>.

### **Roma and Egyptian communities**

43. Both Roma and Egyptians in Albania continue to be denied their full human rights and to be discriminated against<sup>120</sup>. A UNICEF Albania commissioned report states that:

‘The key indicators for Roma children are that they are five times more likely to be living in poverty than non-Roma children; they are four times more likely to be underweight or stunted; they have only a 50/50 chance of completing their basic schooling; and only one in six has the chance to complete middle school. Roma children are also less likely than other children to have the full range of vaccinations and one-third of Roma girls are likely to be married before they reach eighteen. Without sustained, concentrated and targeted interventions to raise the living standards of Roma children, they are very likely to be eventually raising their own children in the same situation of poverty and deprivation as their parents.’<sup>121</sup>

44. In 2012, only 0.3 per cent of Roma households and 4.8 per cent of Egyptian ones reported receiving unemployment benefit (0.6 % Roma and 0.1% Egyptian received benefits for orphans)<sup>122</sup>. In law these benefits are universally accessible, a further sign of how access to services and integration of the community is hindered by a complex set of economic, historical, cultural and politic factors<sup>123</sup>.
45. In 2011, around 45 Roma families were evicted from barracks near Tirana rail station where they had lived for over seven years. They were moved to a suburban campsite that lacked running water, proper sanitation and access to services and given tents that did not protect them against bad weather. In another Tirana eviction, eight families - about 50 individuals, half of them children - were provided temporary shelter at the Ombudsman’s Office, in an attempt to prompt a response from the authorities. They were later hosted at a Roma NGO-run kindergarten, awaiting a long-term solution promised by the Ministry of Social Welfare<sup>124</sup>. The criteria to obtain social housing that require families to be registered in Tirana for many years clearly discriminate against Roma who often cannot meet these conditions<sup>125</sup>.

118 Cuko, O. et al, *Inclusive Education in Albania* (2012) p. 71.

119 Byrne K. *Analysis of Policies and Reforms* (2014) p. 7.

120 European Commission *Albania Progress Report* (2014) p. 1.

121 Byrne K. *Analysis of Policies and Reforms* (2014) pp. 7-8.

122 UNDP *Needs Assessment Study on Roma and Egyptian Communities in Albania* (2012) p. 39.

123 Nelaj D et al. *Factors affecting Roma integration in Albania: A comparative study* (2012) p. 20.

124 Republic of Albania Ombudsman *Special Report on Problems and Situation of the Roma Minority in Albania* (2013), p. 21-23.

125 Civil Rights Defenders (News story 16 March 2015) <http://www.civilrightsdefenders.org/news/albanian-authorities-must-prevent-forced-evictions-of-roma-families-and-ensure-alternative-housing/> (Accessed 23 April 2015) (This news story is part of a campaign to achieve recognition of Roma housing rights in Albania: <http://www.civilrightsdefenders.org/news/achievements/answer-from-albanian-authorities/>).

### **Cultural development for children from minorities**

46. Officially, three groups are recognized in Albania as national minorities: Greeks, Macedonians and Montenegrins. Roma and Vlachs/Aromanians are recognized as linguistic (or cultural) minorities. Egyptians are not recognized in either way – but want their status to be acknowledged as such<sup>126</sup>. The UNCRC expressed concern that Egyptian children may not be entitled to the special protection measures available to vulnerable groups of children, because of the lack of State recognition. Despite the official recognition of Greek and Roma, there are no television broadcasts for their children<sup>127</sup>. In general, there are few options for the cultural development of minority groups within their own languages<sup>128</sup>.

### **Education in minority languages**

47. The Pre-university Education law gives people from national minorities (but not those of linguistic minorities) the opportunity to learn their history and culture, and to be taught in their mother tongue. In practice, only children belonging to the Greek and Macedonian minorities have access to education in their own language<sup>129</sup> and then only in areas with a high concentration of those populations.
48. At primary school entrance level, 90 per cent of classes are taught in a minority language and 10 per cent in Albanian. These rates are gradually reduced so that by the ninth grade, 60 per cent of the curriculum is taught in a minority language and 40 per cent in Albanian. Representatives of minorities report difficulties in accessing schoolbooks. There is a general perception that the present arrangements do not fully meet minority needs<sup>130</sup>. For Roma children especially, curricula and educational programmes to learn about their culture, language and history are lacking<sup>131</sup>.

### **Access to health care among minority group and vulnerable children**

49. There is a lack of data on the health status of Roma and Egyptian women and mortality rates among Roma and Egyptian infants and children. A survey of Roma identified almost five per cent of children with severe illnesses, 5.6 per cent with chronic diseases, and 3.2 per cent who were disabled<sup>132</sup>. A later study indicated that 19.2 per cent of Roma and 10.9 per cent of Egyptian respondents had lost a child after birth<sup>133</sup>. Almost 11 per cent of Roma children had not received any vaccines<sup>134</sup>.
50. Even though an overwhelming majority of Roma and Egyptian women give birth in maternity hospitals or specialist clinics (98.9% and 97.7% respectively from 2012 reporting), the number of health checks for children in their first year of their life remains low with 70 per cent of the Roma and 46 per cent of Egyptians not taking their children to family clinics for regular checks<sup>135</sup>.
51. Health care is free of charge for children 0-18 years old, but unregistered Roma children cannot benefit from this policy. Thirty seven per cent of Roma do not know where to register, or the procedures that would allow them to. Discrimination within health services is reported among the Roma community but the main obstacle they face is being unable to pay for specialist health examinations and medicines<sup>136</sup>. In the absence of health cards, many Roma parents receive medical treatment for

126 Terre des Hommes Personal Communication 11 July 2014.

127 ARSIS 2014 Personal Communication 15 July 2014.

128 CRCA Personal Communication 29 July 2014.

129 ARSIS Personal Communication 15 July 2014; CRCA Personal Communication 29 July 2014.

130 Terre des Hommes Personal Communication 11 July 2014.

131 ARSIS Personal Communication 15 July 2014.

132 Gedeshi I. *Mapping Roma Children in Albania* (2013) p. 7.

133 Gedeshi I. & Miluka J. *Needs Assessment Study on Roma and Egyptians Communities in Albania* (2012) p. 29.

134 Hazizaj A. et al. *National Survey 2014: Access of Roma Children in Education and Health Services in Albania* (2014) p. 12.

135 Gedeshi I. & Miluka J. *Needs Assessment Study on Roma and Egyptians Communities in Albania* (2012) p. 30.

136 Hallkaj E. et al *Barriers in Accessing Reproductive Health services* (2013) p. 15.



their children only at advanced stage of diseases<sup>137</sup>. A 2013 study found that only 50 per cent of Roma said they possessed health cards and received services at health centres<sup>138</sup>.

52. Besides poverty, reasons for the failure of Roma to access health services and treatment include poor housing, low levels of education, their internal and international migration, and Roma culture and traditions (early marriage and childbirth at young ages)<sup>139</sup>. Difficult access to health centres from Roma settlements is also a key factor. A 2014 study found that 14.4 per cent were over two kilometres from Roma settlements. Durres had the highest percentage of centres (43.3%) two kilometres or more away, followed by Tirana and Vlora. Fier had the highest number close by<sup>140</sup> (see 5.1 Health).
53. Provisions are made in the regulatory and institutional framework to regulate health services for children with disabilities (CWD) for prevention, diagnosis and early treatment, and extended health care and rehabilitation. A very large number of dispersed laws and directives form the legal structure for this<sup>141</sup>. The same complex set of regulations indicates the overall intention of how health services for CWD are intended to work.
54. Prevention is to be achieved through health promotion, immunisation, prenatal diagnosis, pre and perinatal care and the possibility of having an abortion. Support to diagnosis and early treatment is through genetic analysis and (for children of 0-6 years) screening programmes. Ongoing health care and rehabilitation should be achieved by diagnosis and treatment at all health care levels, specialist disability

137 Hallkaj E. et al *Barriers in Accessing Reproductive Health services* (2013) p. 5.

138 Open Society Foundation *Roma Decade and the Situation of Roma Community in Albania* (2013) p. 12.

139 Gedeshi I. & Miluka J. *Needs Assessment Study on Roma and Egyptians Communities in Albania* (2012) p. 31.

140 Hazizaj A. et al *National Survey 2014: Access of Roma Children in Education and Health Services in Albania* (2014) pp. 10-11.

141 Law For Compulsory Health insurance in the Republic of Albania 2011 no 10383; DCMs: For the Establishment of Prevention, Diagnose and Treatment of Wellbeing, Development and Rehabilitation of Children 0-6 2000 no 325; For the Standards of Social Care Services for People with Disabilities in Residential and Day Care Institutions 2006 no 822; On the Approval of the Package Health Care Services in the Public Primary Health Care 2015 no 101; Order of Ministry of Labour and Social Affairs Order For the Approval of the Regulation of Medical Assessment for Disability 2007 no 362. These are some representative examples – there are many others.

assessments, health care provision within institutional care, and reimbursed medical and dental costs.

55. Albania falls short of international standards at the vital stage of prevention and early identification, mainly through inadequate professional and parental education of parents, and the absence of functional means of early disability assessment. Responsibility for the identification of disabilities is typically shared between many professionals (eg. family doctor and/or nurse, midwife, paediatrician, teachers, social workers, etc) risking a poorly co-ordinated response<sup>142</sup>.
56. Care centres for CWD offer health care as an integral part of their service package. Individual health planning is performed by a physician, in collaboration with a multidisciplinary team, to determine care protocols and monitor progress on individualised health charts. However, whether this actually happens is not clear<sup>143</sup>.
57. At other response levels, few rehabilitation centres exist and they provide only limited services that reach few patients. Private services are costly and concentrated in a few cities<sup>144</sup>. The Ministry of Social Welfare and Youth and the Ministry of Health have established a joint working group with tertiary health specialists to revise disability definitions. The new definitions will include psychological and social as well as biomedical criteria, to respond better to the barriers presently faced by CWD and others<sup>145</sup>.

### **Minority group children's hearings**

58. Everybody can be heard in proceedings affecting them, regardless of their belonging to an ethnic, religious, linguistic or indigenous group<sup>146</sup>. However, in 2012, the Council of Europe recommended that Albania should make its legal aid system more accessible and that the procedure to obtain free legal aid be simplified for applicants who are not social care beneficiaries, so as to ensure their right of access to justice<sup>147</sup>. To fill the gap, some NGOs, supported by international donors, provide free legal advice for those who cannot afford it. For instance, children and the Roma community can freely use the services of the Tirana Legal Aid Society<sup>148</sup> (see 4.2 *Access to appropriate legal advice*). Support from the international community for such services has dwindled and securing local funding has become more challenging<sup>149</sup>.

### **LGBTI issues**

59. Homosexuality was decriminalised in Albania in 1995 and LGBTI (lesbian, gay, bisexual, transgender, intersex) concepts are new. Parliament unanimously approved an inclusive law in February 2010 to ban discrimination on various grounds including sexual orientation and gender identity. However, there are no cohabitation rights in Albania. The GoA supports the introduction of further laws to protect the rights of marginalized groups, including those of the LGBTI community<sup>150</sup>. Recently, parliament passed a resolution urging the GoA to develop an action plan for this community<sup>151</sup>.

142 Voko K. *National Assessment for Children with Disability* (2014) p. 16.

143 Ndrio M. University of Tirana Faculty of Social Sciences Personal Communication 13 May 2015.

144 Voko K. *National Assessment for Children with Disability* (2014) p. 32.

145 Ndrio M. University of Tirana Faculty of Social Sciences Personal Communication 13 May 2015.

146 The Albanian Constitution 1998 article 31.

147 Council of Europe Commissioner for Human Rights <http://www.coe.int/sl/web/commissioner/-/albania-should-make-its-legal-aid-system-more-accessible;jsessionid=3E674244F720FFBD7A08B351B835D27F> (Accessed 23 April 2015).

148 Tirana Legal Aid Society <http://www.tlas.org.al/en/about-tlas> (Accessed 23 April 2015).

149 Albanian Helsinki Committee *Human Rights Report 2014* (2015) p. 28.

150 United Kingdom Home Office *Country Information and Guidance Albania: Sexual Orientation and Gender Identity*, (2014), available at: <http://www.refworld.org/docid/543bc2394.html> (Accessed 17 April 2015).

151 Parliament of Albania Resolution For the Protection of Rights and Freedoms of LGBT Individuals (2015).

60. Alongside the positive legislative framework some organised activities (eg. to mark the International Day Against Homophobia) have helped to raise the level of visibility, focus public and political attention, and to begin a process of community building over LGBTI concerns. However, public attitudes in general remain characterized by ignorance and rejection, fuelled by traditional notions about gender roles.
61. There are no known extremist groups mobilizing against the LGBTI community. Official data is lacking on hate crimes. LGBTI activists report that such crimes are not widespread, but that this is mostly due to the invisibility of those within the community. Transgendered people, in particular men, are more liable to experience violence because of their greater visibility<sup>152</sup>.
62. Some concerns exist over incidents of police abuse, but human rights organisations' reports suggest recent improvements in this regard. At the 2014 UN General Assembly, most of Albania's fellow Organisation of Islamic Cooperation (OIC) members tried to weaken a resolution condemning extrajudicial killings among especially at-risk groups, including LGBTI. Albania successfully voted against the OIC amendment<sup>153</sup>.
63. Specific information about LGBTI children and young people is scarce but, for example, the Albanian NGO Pink Embassy views homophobic bullying and violence in schools as a main prevention target<sup>154</sup>. Education in schools on LGBTI issues is lacking, as it is for sexuality issues more generally. In the workplace, LGBTI persons are largely invisible, and same-sex couples will share apartments 'as friends' because they are afraid to declare their sexual orientation.
64. Within public health prevention, particularly HIV and STI (sexually transmitted infections), interventions are fragmented. The Ministry of Health previously offered HIV/AIDS prevention activities for men who have sex with men (MSM). The Global Fund ended its support for this high risk group in 2011, and there have only been a few initiatives since (with UN, EU and other assistance). A few NGOs work in the field (eg. STOP AIDS, Pink Embassy, Aleanca) offering services through outreach and drop-in centres. However the sustainability of these initiatives depends on donor fund<sup>155</sup>.
65. HIV prevalence is particularly high among the MSM community compared to other high-risk groups; at about 10 per cent nationally against one per cent among injecting drug users and sex workers. Anecdotal data suggest that STI prevalence is also significantly higher for MSM than other at-risk groups.

### 3.2 Best interests of the child

#### *Principle of best interests in national legislation*

66. The Albanian Constitution does not refer to the best interests of the child, but the Child Rights Protection law specifies that they are the primary concern in all decisions about children, including those of administrative authorities. The best interests principle is fully incorporated in the Family Code. In 2012, the UNCRC expressed concern that major pieces of legislation - The Criminal Code, the Code of Criminal Procedure and the Code of Administrative Procedures - did not uphold children's best interests<sup>156</sup> (see 2.2 National legislation).

152 Pink Embassy Albania Personal Communication 10 June 2015.

153 International Service for Human Rights <http://www.ishr.ch/news/un-general-assembly-rights-groups-welcome-condemnation-killing-lgbt-persons> (Accessed 5 May 2015).

154 Pink Embassy <http://www.pinkembassy.al/en/about-pink> (Accessed 17 April 2015).

155 Pink Embassy Albania Personal Communication 10 June 2015.

156 Committee on the Rights of the Child *Concluding Observations* (2012) p. 6.

67. Changes in 2013 to The Criminal Code do support the best interests of the child principle<sup>157</sup>. Nonetheless, delegations to the 2014 Human Rights Council of the UN General Assembly recommended that Albania should improve its general legal framework in relation to protection of children and those socially excluded (e.g. with disabilities, in the juvenile justice system) in particular<sup>158</sup>.

#### ***Best interests in the decision-making process***

68. The Family Code provides that the child has the right to be heard in any decision related to them taken by any court. For adoption procedures, children from 10 years old can express their opinion, and from 12 years old their consent is required<sup>159</sup>. In practice, it is often difficult for judges to determine the best interests of the child, especially in cases related to the dissolution of marriage<sup>160</sup>. The UNCRC has also expressed its concern about disregard of the best interests principle in adoption procedures, and when children are in conflict with the law<sup>161</sup>.
69. The Family Code also stipulates the child's right to know about their family history and biological parents according to their age and level of maturity, but it contains no further provisions to make this implementable<sup>162</sup>. The right to be heard is not recognised for children in administrative procedures that affect them and can only be exercised in criminal proceedings through children's legal representatives. Generally, children are not involved in the decision-making process.

### **3.3 Rights to life and development**

#### ***Legislation***

70. The Family Code and Child Rights Protection law provide for these rights. Parents or children's legal representatives have the primary responsibility to ensure appropriate conditions for the wellbeing, development and education of their children, and whether born within or outside marriage<sup>163</sup>.

#### ***Children's birth and death rates***

71. According to INSTAT<sup>164</sup>, 35,760 children were born alive in 2014, 2,634 (7.54%) to mothers up to 19 years of age. Recent INSTAT data<sup>165</sup> also shows that the number of births has decreased considerably, from 53,205 in 2001 to 35,760 in 2014 (33% decline).

**Table 11: Death rates by age groups 2014**<sup>166</sup>

<b>Age groups</b>	<b>Figures</b>
Under 1	281
1-4	48
5-9	53
10-14	49
15-19	103

157 Law For Changes in The Criminal Code 2013 no 144 article 1.

158 UN General Assembly Human Rights Council *Report of the Working Group on the Universal Periodic Review: Albania* (2014) pp. 14-25.

159 Law For the Procedures of Adoption and Albanian Committee of Adoption 2007 no 9695 article 15.

160 Terre des Hommes Personal Communication 11 July 2014.

161 Committee on the Rights of the Child *Concluding Observations* (2012) p. 6.

162 Terre des Hommes Personal Communication 11 July 2014.

163 The Family Code 2003 no 9062 article 3; For Protection of Children's Rights 2010 no 10347 article 6.

164 INSTAT <http://www.instat.gov.al/al/themes/popullsia.aspx?tab=tabs-5> (Accessed 23 April 2015).

165 INSTAT *Population of Albania Fact Sheet* (2015).

166 INSTAT <http://www.instat.gov.al/al/themes/popullsia.aspx?tab=tabs-5> (Accessed 23 April 2015).

72. Current UN inter-agency information (2013 data) reports Albania's under-five mortality rate (U5MR) at 14.9/100,000. (considerably higher than other neighbour countries Bosnia & Herzegovina, The Former Yugoslav Republic of Macedonia, all 6.6, or Montenegro, 5.3, and slightly lower than Moldova, 15.4)<sup>167</sup>. Infant mortality (IMR) shows a similar pattern at 13.3 (same as Moldova, but over twice that of the other three countries above, ranging between 5.3 and 6.5). Since 1990, the average annual fall in the U5MR has been 4.2 per cent<sup>168</sup> and the rate of decline has remained fairly steady. The 2013 WHO estimated maternal mortality rate was 21/100,000<sup>169</sup>.
73. Official mortality rate data is lacking for Roma and Egyptian infants and children, but the information that exists indicates that it is higher than for the general population, with 19.2 per cent of Roma and 10.9 per cent of Egyptian respondents having lost a child through postnatal complications<sup>170</sup>.

### **Homicide and suicide among children**

74. Deaths of children, including homicides are recorded, investigated and reported by the police. In 2010, there were 94 homicides as a result of blood feuds, honour killings and other similar violence. In 2013, according to the General Police Directorate, nine children were killed, one of them a result of domestic violence. For January to June 2014, three homicide cases of children were reported, two due to domestic violence<sup>171</sup>. It is not clear whether the other homicides in these two years were honour killings as such information is not recorded (*see 7.6 Honour killings and other harmful practice*).
75. The same police source reported 11 suicides and 11 suicide attempts among children for 2013. For January to June 2014, four child suicides and nine suicide attempts were reported. Official data is lacking on child suicide, and there has been no serious national study to look into the issue, or whether any particular group of children is over-represented. The NGO CRCA (Children's Rights Centre Albania) believes that the main reasons behind suicides are abuse and neglect<sup>172</sup>.

**Table 12: WHO 2014 estimated overall suicide rate (per 100,000, 2012 data)**<sup>173</sup>

	5-14 years old (not age standardised)	15-29 years old (not age standardised)	Overall population (age standardised)
Both sexes	0.8	5.3	5.9
Male	0.6	5.7	6.6
Female	1.0	4.9	5.2

76. In table 12 the whole population standardised suicide rate is much lower than the WHO regional average of 12.0 for European low and middle-income countries. Since 2000 Albania's overall rate declined by 15.3 per cent. There was no data found on these aspects for children and young people.

167 UN Interagency Group for Child Mortality Estimation [www.childmortality.org/index.php?r=site/compare](http://www.childmortality.org/index.php?r=site/compare) (Accessed 5 May 2015).

168 UNICEF Albania Country Statistics [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html) [Accessed 21 April 2015].

169 WHO Global Health Observatory <http://apps.who.int/gho/data/node.country.country-ALB> [Accessed 23 April 2015].

170 UNDP *Needs Assessment Study on Roma and Egyptian Communities in Albania* (2012) p. 29.

171 General Police Directorate Personal Communication 30 July 2014.

172 CRCA Personal Communication 27 October 2014.

173 World Health Organisation *Preventing Suicide: a Global Imperative* (2014) p. 80.

### **Specific severe risks in childhood**

77. Certain groups of children - those living and/or working in street situations, who are abused, who have disappeared, and those in families involved in blood feuds - are at constant severe risk. A 2014 report found 2,527 children living and/or working in the streets in all 12 Albanian regions<sup>174</sup>. Children living and/or working in the streets are defined as having some connection to the street, usually due to living and/or working there, whether permanently or on a seasonal or transitory basis. This includes children:

- Begging, who are either on their own or are with others, including being carried, who may be offering objects or services for a token fee.
- Working informally on the street, in activities such as collecting plastic or metal for recycling, or as street peddlers.
- Selling items to the public (eg. at traffic lights, in bars and cafes, in fixed spots by the roadside).
- Selling services (eg, by guarding parking places, carrying luggage, or shoe shining).
- Involved in sexual activities for economic gain.
- Involved in street crimes such as carrying or selling drugs<sup>175</sup>.

78. Children living and/or working in the street live in very hard conditions, are often neglected, and may be exploited. They are forced to work or beg in streets among dangerous vehicles, without security. They live in dirty conditions and lack appropriate clothing, making them particularly vulnerable to injury and disease<sup>176</sup> (see 7.8 *Child labour* and 7.9 *Children living and/or working in street situations*).

### **Harmful traditional practices**

79. Harmful traditional practices occur in Albania, some of them unique to the country and its culture (see 7.6 *Local harmful traditional practices*). The most important forms of such practice include:

- Blood feuds.
- Honour killings.
- Forced separation of mother from child.
- Early (sometimes forced) marriage.

80. Domestic violence, especially against women and girls, is widespread (see 7.7 *Domestic violence against children*). Sometimes, such violence results in the killing of the child. Other harmful traditional practices common elsewhere, including female genital mutilation, are understood not to happen in Albania (see 7.4 *Female genital mutilation*). Positive practices, and constructive family and community responses to widespread social change, are also evident (see 1. *Demographic and statistical data on children*).

### **Teenage pregnancies**

81. In 2008-2009, when the most recent demographic health survey was conducted, three per cent of teenagers became pregnant, including two per cent who were already mothers. The proportion of young women who became pregnant increased rapidly with age, from almost none among 15 year olds, to 12 per cent at the age of 19 years. Those in mountainous regions were most likely to become pregnant; in Tirana they were least likely to (4% against less than 1%, respectively)<sup>177</sup>. The adolescent birth rate in 2013 was 14 per 1,000 women aged 15–19 (reduced from

174 ARSIS et al. *National Study on Children in Street Situation in Albania* (2014) p. 22.

175 ARSIS et al. *National Study on Children in Street Situation in Albania* (2014) pp. 15-18.

176 Terre des Hommes Personal Communication 11 July 2014.

177 INSTAT & Institute of Public Health *Albania Demographic and Health Survey 2008-2009* (2010) p. 8.

15 in 2012)<sup>178</sup>. (This INSTAT-originated information does not disaggregate by accepted childhood definitions: *see 1. Demographic and statistical data on children*).

### ***Gang violence***

82. There are no reports on the level and prevalence of gang violence and its impact on children and adolescents, as this information is not recorded<sup>179</sup>.

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178 World Bank Data <http://databank.worldbank.org/data/views/reports/tableview.aspx> (Accessed 4 May 2015).

179 General Police Directorate Personal Communication 30 July 2014.



## 4. Civil rights and freedoms

### 4.1 Freedom of expression, other freedoms and information access

83. The rights to freedom of expression, thought, conscience, religion, association and peaceful assembly are available for all citizens without discrimination<sup>180</sup>. Children have adequate access to information, through books, television and mobile phones. A 2013 survey<sup>181</sup> shows that 85 per cent of the young people (13-17 years old) have a computer at home with 62 per cent of devices located in their own rooms. Internet cafes are also widely accessible in both rural and urban areas. The average age when Albanian children start to use the internet is four years higher than the European average.
84. The same survey found that 63 per cent of children spent one or more hours each day online (5% higher for urban than rural children). Bullying, password thefts, and pornographic material viewing often occur unintentionally when online: 45 per cent of children said they experience these issues daily. It is the responsibility of various agencies, including the government, mobile and internet service providers, parents and schools, to counteract the risks of online activity by children. Monitoring is needed to ensure that the legislation about this is implemented<sup>182</sup> (see 7.2 *Legislation*).

180 Albanian Constitution 1998 articles 22-24.

181 World Vision, *Study on Child Online Safety in Albania* (2014) p. 1.

182 State Agency for the Protection of Child Rights *National Report on Child Rights Situation 2013-2014* (2015) p. 34 (hereafter *National Report*).

## 4.2 Access to appropriate legal advice

85. Access to appropriate legal advice during penal processes is provided for by the 2008 Legal Aid law<sup>183</sup>. Concerns exist about whether this is offered on time and by lawyers with appropriate specialist skills<sup>184</sup>. This law remains largely inapplicable because it is insufficiently funded through the state budget (*see 3.1 Minority group children's hearings*). The NGO Tirana Legal Aid Services (TLAS), working with the Albanian Helsinki Committee, offered over 326 free legal aid services to Roma and Egyptian people in January –November 2014<sup>185</sup>. TLAS believes that:

'Disadvantaged citizens in Albania are often facing different forms of discrimination by duty holders. They are also subjected to violence, inhuman and degrading treatment and offered poor legal representation in courts'<sup>186</sup>.

86. A 2014 amendment to the Legal Aid law attempts to improve the access of children to free support. It removed the barrier of having to present supporting documentation<sup>187</sup>.

## 4.3 Independent complaints procedures

87. Children can complain independently to the Ombudsman, to the Commissioner against Discrimination, and to international and local NGOs. In criminal procedures where a child is the suing party, they must be represented in court by their parents or guardians. The civil court procedures for compensation against damages can also be initiated by a child but they must be presented by a parent or guardian<sup>188</sup>.

88. In residential institutions, the rules and regulations provide that the child can complain orally or in writing to the Director of the State Social Services (SSS). Complaint boxes are provided in institutions and written submissions can be anonymous. A committee opens the boxes, and children may be interviewed by the SSS during monitoring missions. Whilst the SSS reports that it applies this system, some NGOs believe that it does not work properly<sup>189</sup>. A possible reason is its lack of practical anonymity, such as when the SSS requires interviews with residents. The Ombudsman also reports that there are no special complaint procedures for violence against children, wherever such violence may take place (at home, in institutions, on the street, in sports or leisure centres, etc.)<sup>190</sup>.

89. The 2012 UNCRC report urged Government to ensure that all children, including those in institutions, have access to a mechanism where they can file any complaint they have relating to their loss of liberty, or their living conditions and treatment whilst detained<sup>191</sup>. The Albanian Helsinki Committee has since reported (monitoring visits May to December 2014) that requests or complaints in detention centres and prisons were made either verbally or in writing, delivered by hand to staff, or put in complaint boxes in sealed envelopes. However, not all institutions inspected had complaint (or request) boxes<sup>192</sup>.

183 Law For Juridical Aid 2008 no 10039.

184 Albanian Helsinki Committee *Human Rights Report 2014* (2015) p. 27.

185 Tirana Legal Aid Society Personal Communication 14 May 2015.

186 Civil Rights Defenders <http://www.civilrightsdefenders.org/news/legal-clinic-supports-the-most-disadvantaged/> (Accessed 23 April 2015).

187 Law For Some Additions and Changes in Law 10039 Date 22.12.2008 For Juridical Aid 2014 no 77.

188 Tirana Legal Aid Society Personal Communication 20 May 2015.

189 ARSIS Personal Communication 15 July 2014.

190 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children Including Children Accommodated in Social Care Residential Institutions as well as the Rights of Children Exploited for Work* (2013) p. 41 (hereafter *Special Report on the Rights of Orphan Children*).

191 Committee on the Rights of the Child *Concluding Observations* (2012) p. 9.

192 Albanian Helsinki Committee *Report on the Human Rights Situation of Liberty-Deprived Persons* (2014) p. 41.

#### 4.4 Privacy

90. Children are legally protected against interference with their privacy (through the laws on Child Rights Protection and Personal Data<sup>193</sup>, the Criminal, Criminal Procedures, and Civil Codes). In each residential institution, there is also a protocol that safeguards the child's privacy in relation to access by staff, visitors and other third parties<sup>194</sup>. Culturally however, privacy is not commonly respected.

#### 4.5 Torture and other cruel and degrading treatment

91. In 2012 the UNCRC reported cases of the ill-treatment and improper use of force against children both by public officials and the police, in pre-trial detention centres, in prisons, and in other institutions in which children are in the care of the State<sup>195</sup>.
92. The Ombudsman reported in 2013 on two children in Maliq, Korça region, who were slapped in the face during a police interview<sup>196</sup>. Such cases are normally not documented. The lack of data does not imply it is a normal practice<sup>197</sup>.

#### 4.6 Harassment and other persecution of children through affiliation

93. In general, there are no reports of children being harassed, intimidated, detained or threatened because they or their relatives hold particular memberships or affiliations (including political ones). A specific 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 expressed concerns that Albania should do more to protect children in this respect<sup>198</sup> (see 7.6 *Blood feuds*).

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193 Law For the Protection of Personal Data 2018 no 9887 amended with law 48/2012.

194 State Social Services Personal Communication 17 July 2014.

195 Committee on the Rights of the Child *Concluding Observations* (2012) pp. 8-9.

196 Republic of Albania Ombudsman Annual Report of Ombudsman Activity 1 January – 31 December 2013, (2013) p. 216 (hereafter Annual Report).

197 UNICEF Personal Communication 11 June 2015.

198 UN General Assembly Human Rights Council *Report of the Working Group on the Universal Periodic Review: Albania* (2014) pp. 14-25.



## 5. Basic rights

### 5.1 Health

94. Health care services are free of charge for children, and a free package of services is offered to all pregnant women in Albania. Complete coverage within primary health care services is not yet achieved. Rural areas of Tropoja and Kukes regions remain without general practitioner services<sup>199</sup>. WHO figures show government spending on health (by each of a number of measures: total expenditure, share of total government budget and share of GDP) is low by regional comparison with other upper middle income neighbours<sup>200</sup>.
95. Ratios of health staff were also low by regional comparison from 2013 World Bank sources. Numbers of medical staff per 1,000 population were: doctors 1.1 (available 2013 country comparisons are Bosnia Herzegovina 1.9, Montenegro 2.1, Moldova 3.0); nursing and midwifery staff 3.9 (Montenegro 5.4, Bosnia Herzegovina 5.6, Moldova 6.5)<sup>201</sup>. For 2013, it is reported that the number of health facilities, including hospitals is 2497<sup>202</sup>.
96. The EC has confirmed that equal access to healthcare is not guaranteed among rural populations, or for the most vulnerable groups<sup>203</sup>. Albania's current health expenditure is three per cent of GDP<sup>204</sup>. Primary health care, where child maternal and child care takes place received 34% of total Ministry of Health (MoH)

199 Institute for Contemporary Studies *Midterm Review of Budget Allocations and Spending for the National Plan for Protection of Childrens Rights* (2014) p. 35.

200 WHO Global Health Expenditure Database [http://apps.who.int/nha/database/Country\\_Profile/Index/en](http://apps.who.int/nha/database/Country_Profile/Index/en) (Accessed 5 May 2015).

201 World Bank Data <http://data.worldbank.org/indicator/all> [Accessed 5 May 2015].

202 INSTAT *Albania in figures 2014* (2014) p.18.

203 European Commission *Albania Progress Report* (2014) p. 54.

204 INSTAT *Albania in figures 2014* (2014) p. 18.

expenditure in 2013. This share is relatively low, when bearing in mind the objective of the government to expand and strengthen primary healthcare services in order to improve coverage and efficiency of healthcare services<sup>205</sup>.

97. Routine data collection on children health outcomes is not well established. The current performance indicators are not disaggregated by age or sex, and do not provide information on vulnerable populations. Some key information is contradictory (e.g. infant mortality data from INSTAT and MoH differ due to calculation methods (see 3.3 *Children's birth and death rates*)<sup>206</sup>. The UN estimates<sup>207</sup> reflect higher infant mortality and under-five mortality rates as compared to national data indicating possibly an underestimation of infant and child deaths<sup>208</sup>.
98. The most recent demographic and health survey (DHS) data for Albania (2010) indicated that only 19 per cent of children are fed in line with standard infant and young child feeding practices and that 19 per cent of under-five year olds are stunted through chronic malnutrition (28 per cent in mountain areas)<sup>209</sup>.
99. UNICEF noted that, while mother and child health services are well established, these services are not so successful in supporting quality child care and wellbeing. They are fragmented, lack a holistic view of child development (also the case in early childhood development provision in which MoH has some responsibility<sup>210</sup>.
100. Local health providers are important contributors to child development and protection but often act in isolation to other service providers in pre-schools, schools and elsewhere. The physical infrastructure of many health facilities is inappropriate for delivering quality services. The limited scope of services, the inadequate capacities of service providers, lack of accountability, and the financial barriers that clients face further limit access and quality of care<sup>211</sup>. This is especially true for the most marginalised and vulnerable groups (see 3.1 *Access to health care among minority and vulnerable group children*).

## 5.2 Education

101. The pre-university education system has three levels: preschool, basic and secondary education. This is offered through both public and private institutions. The legal age for compulsory education is from six to 16 years old (see 2.9 *Legal ages for children*). There is provision for children with special needs to stay in education until 19 years old. Education for children in care, detention, prison and refugee centres, or caught up in blood feuds is regulated by ministerial decisions. Domestic violence victims and children in residential centers can attend local schools<sup>212</sup>.
102. Education expenditure for 2014 is reported at 3.27 per cent of GDP. The expenditure has been decreasing over the years (in 2010 being 3.44%)<sup>213</sup>. The pre-school enrolment rate was 69 per cent of children with 82 per cent enrolled in secondary education (no information available for primary education enrolment). The dropout rate for primary school age is 1.2 per cent (but is not disaggregated by sex), and the overall student: teacher ratio was 19:1<sup>214</sup>. Comparison figures for other regional

205 Institute for Contemporary Studies *Midterm Review of Budget Allocations and Spending for the National Plan for Protection of Children's Rights* (2014) p. 37.

206 Hallkaj, E. *Midterm Review of Progress Indicators of the National Plan for Children Rights Protection*. (2014) p39 (hereafter *Midterm Review*).

207 Child Mortality Estimates <http://www.childmortality.org/> [Accessed 9 June 2015].

208 UNICEF Albania Personal Communication 9 June 2015.

209 INSTAT & Institute of Public Health *Albania Demographic and Health Survey 2008-2009* (2010) p.138.

210 Haxhiymeri, E. *Capacity Assessment for 0-3 Years Old Care and Development Institutions*, (2013) p. 15.

211 Hallkaj, E., *Barriers in Accessing Reproductive Health Services* (2013) p.11, p. 18.

212 State Agency for the Protection of Child Rights *National Report* (2015) p. 57.

213 Ministry of Education and Sport *Draft Strategy of Preuniversity Education 2014-2020* (2014) p. 10.

214 UNDP Human Development Reports <http://hdr.undp.org/en/countries/profiles/ALB> (Accessed 1 May 2015).

countries (2013) is patchy, but Albanian rates appear to follow a similar broad pattern, except for trained primary teachers at a low 32 per cent in Albania<sup>215</sup>.

103. International organisations, NGOs and others have reported significant numbers of children dropping out of school because of poverty, poor health or inaccessibility, parental attitudes towards education, or other reasons<sup>216</sup>. Children from some remote regions are 16 times more likely to drop out of school than urban children. Official dropout figures may be as much as 2.5 times higher than officially reported, since school principals often report fewer dropouts to avoid a reduction in teaching staff<sup>217</sup>.
104. The Ministry of Education and Sport (MoES) reported that for the academic year 2014-2015 1,803 children with special needs were enrolled in mainstream preschool, basic and secondary education, and 676 attended special schools (355 less than for 2013-2014)<sup>218</sup>. About 4430 Roma children aged between 3-16 years are currently registered in schools<sup>219</sup>. A 2014 Roma survey found that only 61.4% of Roma children attended compulsory education. More Roma boys than girls go to school. At first grade the ratios are similar (48% boys, 41% girls), but by the final grade (9th grade) of compulsory education the differences increases by a further 16 per cent in favour of Roma boys<sup>220</sup>. More Roma children (282 children) are accessing kindergarten in 2014 compared to 2011.<sup>221</sup>

### **Educational facilities**

105. Education facilities are neither easily accessible nor fully available in parts of the country. There is a marked divide between rural areas, where children may need to walk far to reach school, and urban ones, where it is generally easier to get there. Many educational facilities are in a very poor physical state, some in a dangerous state of disrepair. The majority of schools lack essential teaching equipment and supply<sup>222</sup>. The most recent MoES official audit of school buildings in 2011 found that up to 16 per cent of schools required immediate structural attention<sup>223</sup>. Most recently it was reported that 58 school buildings are at risk of collapse, 287 have major structural problems, and 1,231 need some repair<sup>224</sup>.

### **Equal access to education**

106. All children have equal access to education in law but there are significant barriers for particular groups and communities, such as those without birth registration and identity documents, Roma, children with disabilities, and others (*see 3.1 Discrimination by state authorities against certain groups and 8.1 Reintegration for children and their families*)<sup>225</sup>. Contrary to the law minority children, especially Roma, only have limited chances of being taught in their own language and learning their culture within the framework of the national teaching curricula<sup>226</sup> (*see 3.1 Education in minority languages*).

215 World Bank Data <http://data.worldbank.org/indicator/all> [Accessed 5 May 2015].

216 Ministry of Education and Sport *Draft Strategy of Preuniversity Education 2014-2020* (2014) p. 15.

217 Save the Children *Childs' Rights Situation in Albania* (2012) p. 27.

218 Ministry of Education and Sports Personal Communication 12 May 2015.

219 Ministry of Education and Sports Personal Communication 12 May 2015.

220 Hazizaj A et al. *National Survey 2014: Access of Roma Children in Education and Health Services in Albania* (2014) p. 10.

221 Hazizaj A et al. *National Survey 2014: Access of Roma Children in Education and Health Services in Albania* (2014) p. 202.

222 Ministry of Education and Sport *Draft Strategy of Preuniversity Education 2014-2020* (2014) p. 15.

223 Ministry of Education and Sport *Albania school inventory* (2011).

224 Karameta P. et al. *The Reform in Pre-University Education in Albania* (2014) p. 19.

225 Committee on the Rights of the Child *Concluding observations* (2012) p. 18.

226 UNICEF Albania Personal Communication 21 May 2015.

107. UNICEF estimated that total adult literacy rate was 96.8 per cent for 2008-2012<sup>227</sup>. From 2011 Census data illiteracy rates were 2.8 per cent for the population aged 10 years and over. Tirana prefecture, then those of Durrës and Kukës had the lowest, and Lezha and Elbasan, the highest illiteracy rates<sup>228</sup>.

**Table 13: Literacy by age group**<sup>229</sup>

Age Group (years)	Literate	Illiterate
10-14	231,653	1,723
15-19	266,391	2,355
Total 10-19 years	498,044	4,078

108. Although compulsory education is free, the need to pay for school uniform, books and transport make it difficult for poorer families to afford a child's full education<sup>230</sup>. In residential and detention centres education is free, but teachers visit part-time, and only offer the standard programme of compulsory education to the children in care. The situation of children who migrate internally with their families is worse than for others. They usually live in areas with limited infrastructure, and poor access to schools. Some homes, built on both public and private land, have begun to be legalised, especially in the Tirana outskirts, in a government effort to recognise this way of life as normal for thousands of Albanians<sup>231</sup>.

227 UNICEF Albania Country Statistics [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html) (Accessed 21 April 2015).

228 INSTAT *Population And Housing Census 2011: Main results* (2012) p. 13.

229 INSTAT *Population And Housing Census 2011: Main results* (2012) p. 75.

230 Observatory for Children's Rights Personal Communication 21 May 2015.

231 Observatory for Children's Rights Personal Communication 21 May 2015.



## 6. Family environment and alternative care

### 6.1 Rights and responsibilities

109. Children reach the age of majority (legal age) at 18 years. At 14 years old, a child may perform legal actions with the preliminary approval of the parents or a legal guardian, apart from ones that, legally, can be performed by the child. For example, a child can be a member of a social organisation, can possess everything gained by their work, and can possess and deposit savings<sup>232</sup>. Parents or guardians represent their children below the age of 14 years in all legal actions with the exception of those that can be performed by the child (see 2.9 *Legal ages for children*).
110. The full capacity to act is also gained through marriage for a woman who is younger than 18 years. She does not lose this capacity if the marriage is declared invalid or if she is divorced before reaching this age<sup>233</sup>. The Civil Code also stipulates that:
- ‘...Any person who has completed 18 years, as well as a woman under that age, when she is married, may make a will’ and that: ‘...Minors between 14 and 18 years may make a will only for the property gained by his or her work’<sup>234</sup>.
111. The Family Code defines parental responsibility as including a set of rights and obligations aimed at assuring a child’s emotional, social and material wellbeing, 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 very open to interpretation and does not relate to

232 The Civil Code of the Republic of Albania 1994 no 7850 articles 6-9.

233 The Civil Code of The Republic of Albania article 6.

234 The Civil Code of The Republic of Albania article 6.

situations that the child might actually be in (e.g. in the case of an unaccompanied child)<sup>235</sup>.

112. Both parents have legal guardianship, unless a judge removes it. The Family Code article 224, provides that a child may be placed under, “guardianship and in the special care of the state” when the parents:
- Are unable to exercise their parental rights.
  - Are dead or unknown.
  - Have had their parental rights terminated, or
  - For any other reason accepted by the court.
113. If the child has living parents, guardianship doesn’t mean loss or removal of parental responsibility. The guardian is in this case responsible to “care for the child, represent him or her in all legal actions and to manage his or her property” (Family Code article 272).
114. Children born out of wedlock 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. NGOs may provide information and assistance for late registration<sup>236</sup>. The Family Code states that parents have joint guardianship and responsibilities toward the child born outside of marriage, if both parents recognize the child as their own. A child is placed in residential care if the parents are not able or willing to take care of her or him. This includes children abandoned at birth or where there is no information about their parents.

## 6.2 Protection of disadvantaged and vulnerable children

115. There is legislation in place to protect disadvantaged and vulnerable children but it fails to address three key core issues requirements in all child protection situations:
- An overall legal definition of a ‘child at risk’.
  - A legal basis for child protection referrals.
  - A legal framework for addressing emergency child protection situations<sup>237</sup>.
116. The overarching strategies of the Ministry of Social Welfare and Youth (MSWY) concerned with the protection and support of vulnerable children, and others, are the two draft ones on social inclusion and social protection respectively (*see 2.2 National legislation*). A previous attempt to combine these failed in 2013 and the previous individual strategies each expired in the same year<sup>238</sup>.
117. In 2014, the European Commission highlighted in its annual progress report summary that, ‘...the institutional capacity for child protection should be strengthened’ (following previous criticism by the EC of budgetary, staffing and regulatory shortcomings of the system)<sup>239</sup>. The government budget is insufficient and the relevant policies are poorly implemented<sup>240</sup>.
118. Child protection systems and services are weak, and lack quality in their delivery and monitoring<sup>241</sup>. There are only limited standard protocols to identify, record, coordinate and refer cases of violence, abuse, exploitation or neglect such as those encountered by school or health staff; and no formal reporting or referral lines

235 CRCA Personal Communication 27 October 2014.

236 Ndihmë për Fëmijët (Help for Children) Personal Communication 25 March 2014.

237 Hamilton C. et al. *Analysis of the Child Protection System in Albania* (2007) p. ii.

238 Social Protection Sector Strategy and Social Inclusion Cross-Cutting Strategy, both 2007-2013 (and produced by the previous Albanian government).

239 European Commission *Albania Progress Report* (2014) p. 3; European Commission *Albania Progress Report* (2013) p. 43.

240 Different and Equal Personal Communication 10 July 2014.

241 Delaney, S. *Evaluation Study of Child Protection Units* (2013) p. 28.

through local social care structures and their staff<sup>242</sup>. Although new operational methodology for case management at local level have been issued<sup>243</sup>, their implementation will depend on ongoing training and, even more importantly, what LGU capacities are in place after the current territorial reform programme (under the 2014 Territorial Reform law) is complete.

119. The MSWY finances the State Social Services (SSS) to fund all public shelters and centres for vulnerable groups. While the SSS has some direct authority in local child protection management, it does not have similar responsibilities for local child rights implementation (see 2.4 *Government child rights coordination*). The Child Rights Protection law 2010, article 37, puts the responsibilities of the State Agency for Protection of Children's Rights (SAPCR) on a similar footing with those of the SSS. Better future collaboration and coordination between the two is important to avoid overlapping<sup>244</sup>.
120. National standards are in place for social assistance and services, children in residential institutions, and social services in care centres for potential and actual victims of trafficking and violence<sup>245</sup>. These cover areas such as food, clothing, education, psychological support, protection from abuse, complaints procedures (from children: see paragraph 124 below), preparation for independence, entertainment, and staff qualifications<sup>246</sup>. According to a 2013 report, not all social care service providers use these standards<sup>247</sup>.
121. The challenges for child protection services, in the context of the coming national territorial reorganisation (see 2.2 *National legislation*), need to be addressed by strengthening the monitoring systems, by making localities accountable for their services and by supporting LGUs to build their capacity in relation to children and developing alternative care systems that support those most vulnerable<sup>248</sup>. With the support of UNICEF Albania, an analysis of the child protection system has begun. It aims to help establish a system that is child-sensitive, cross-cutting and well coordinated, in line with identified social care reform priorities, resulting in more equitable outcomes for children and families<sup>249</sup>.

### **Protection from violence and abuse**

122. A number of specific and more general laws exist that protect children from violence and abuse (the laws on Domestic Violence, Child's Rights Protection, Criminal Code, etc.: see 2.2 *National legislation*) and improved national procedures are introduced<sup>250</sup>. A court of law can order that children are taken from their family for their own protection. It may also place the child in foster care until the situation is resolved. If there is no resolution, the child can be taken care of by extended family members, or be placed in an institution or for adoption<sup>251</sup>.

242 Hamilton, C. et al, *Analysis of the Child Protection System in Albania*, (2007) p. ii –iv.

243 Ministry of Social Welfare and Youth et al. *The Modes of Collaboration and Procedures of Intervention in Assistance of Children in Risk for Institutions and Main Structures Responsible for Child Protection* (2015) (Common guideline for the MSWY, MoES, MoH and Ministry of Internal Affairs: hereafter *Modes of Collaboration*).

244 Children Today Center *Institutional Analysis of State Social Services* (2013) p. 38.

245 DCMs For the Standards of Social Care Services 2005 no 658; For the Standards of Social Care Services for Children in Residential Institutions 2005 no 659; For the Approval of the Standards of Social Care Services for People with Disabilities in Residential and Daily Centres 2006 no 822; For the Approval of Standards for Residential Social Care Centres for the Trafficked or In Risk for Trafficking 2007 no 195; For the Approval of Standards for the Social Care Centres for Victims of Domestic Violence (Public and Nonpublic Residential Centres) 2011 no 505.

246 State Social Services Personal Communication 17 July 2014.

247 National Centre for Social Services *Social Care Services in Albania: An Updated Map, Characteristics and Trends* (2013) p. 38 (hereafter *Social Care Services*).

248 Stevens I. Connelly G. & Milligan I. *Moving Forward on Alternative Care: Assessment of the Foster Care Pilot Project in Albania Final Evaluation* (2013) p. 40 (hereafter *Moving Forward on Alternative Care*).

249 UNICEF *Analytical Framework of Child Protection System in Albania* (2015) p. 1 (Draft).

250 Ministry of Social Welfare and Youth et al *Modes of Collaboration* (2015).

251 Melo I. *Shërbimi i Kujdestarisë Ndaj Të Miturve Jashtë Kujdesit Prindëror Dhe Roli i Shtetit Shqiptar* (2009) pp. 3-7 (in Albanian language: hereafter *Shërbimi i Kujdestari*).

123. Unfortunately, there is poor protection implementation on the ground, with no proper structures in place and a lack of staff, skills and staff training. Not much has changed since a 2012 UNICEF report which applauded the higher-level legislative, policy and other machinery supporting child protection but was concerned with the lack of:
- On-the-ground information and training.
  - Co-operation procedures to enable better support for children.
  - Resources needed for these staff to do their work effectively.<sup>252</sup>
124. Theoretically, children can report cases of violence in residential institutions through complaint procedures but these systems appear not to work (*see 4.3 Independent complaints procedures*). There are some safeguards to protect institutionalised children from violence, but the Human Rights Committee of the UN International Covenant on Civil and Political Rights (CPR) was concerned about reports of some children being sexually abused or forced into begging, poor physical conditions inside institutions, and that many children become homeless after leaving care<sup>253</sup> (*see 7.7 Domestic violence*).

### **Child protection services**

125. Child protection units (CPUs) in Albania are important contributors to the child protection system. CPUs are not managed centrally or regionally, but are the responsibility of the LGU in which they operate (including CPU funding and staff recruitment: *see 2.4 Government child rights coordination*.)
126. The CPUs identify children in need, undertake initial assessments, coordinate child protection meetings, manage casework, and monitor children<sup>254</sup>. Whilst some CPUs have multidisciplinary arrangements with other staff for cases of domestic violence involving children, such collaboration remains patchy and the national coverage overall of CPUs is not yet achieved. As of December 2014, 196 CPUs were established in LGUs, covering 51 per cent of the country. Just 16 per cent of CPUs are only concerned with child protection: others are also expected to offer general social care<sup>255</sup>.
127. The SSS finances 28 residential centres for children, elderly and trafficked persons. They include orphanages where children can be placed until returned to their biological families, placed in foster care, adopted or until the age of 18 years. Eleven centres report to the SSS with the remainder funded by SSS for now (until local government is able to fund them directly), but reporting to their LGUs. Nine of the SSS-financed centres are for children<sup>256</sup>. Over 200 staff work for children in public institutions (107 care takers, 24 educators, 14 social workers, two psychologists and one medical doctor)<sup>257</sup>. The remaining staff provide other social services<sup>258</sup>, but what their roles are is unclear.
128. There are also non-state actors that provide a range of child protection and social services, including health, education, legal and psychosocial assistance, running crisis centres, vocational training etc. These are through donor-funded projects of limited duration<sup>259</sup>.

252 UNICEF *How to Improve Responsiveness* (2012) p. 32.

253 UN International Covenant on Civil and Political Rights Human Rights Committee *Concluding Observations on the Second Periodic Report of Albania* (2013), p. 6 (hereafter *Concluding Observations*).

254 Terre des Hommes Personal Communication 11 July 2014.

255 State Agency for Child Rights Protection *National Report* (2015) pp. 19-20.

256 State Social Service Personal Communication 31 October 2014.

257 State Social Services Personal Communication 17 July 2014.

258 State Social Services Personal Communication 17 July 2014.

259 NCSS *Social Care Services* (2013) p. 40.

### **Availability of child protection services**

129. The distribution of social care services shows that services are concentrated in urban areas (90%), particularly in the centre and west, of Albania (75%). The east and north-eastern parts, which are considered to have the greatest need, are left largely uncovered<sup>260</sup>. The State Agency for Child Rights confirms that 86 per cent of CPUs have delivered reports on case management for 2014. The figure includes also CPUs reporting nought cases managed. Issues regarding the efficiency of CPUs are raised with the reported figures <sup>261</sup>.
130. A 2013 Ombudsman report cites an SSS statement that most NGOs offering child protection services operate in the Tirana, Shkodra and Elbasan regions, while rural areas are more poorly served, particularly in northern Albania<sup>262</sup>. A 2014 study among 21 NGOs in the northern region, on their collaboration with the public sector on family social services, concluded that positive examples of working together would be strengthened with better local government financing of NGOs and greater promotion of their role<sup>263</sup>.
131. The state institutions concerned in child protection do not operate in a systemic, coherent and coordinated manner. Although some local agencies have attempted to create referral networks through CPUs, these are weak. The professionals involved are not obliged in law to identify children at risk so that they can be referred and protected. Even if referral happens, there are no standard protocols for the professionals to follow. There is inadequate co-ordination between the limited social service support available, whether in relation to economic aid or to placing a child in an institution<sup>264</sup>.



260 NCSS *Social Care Services* (2013) p. 37.

261 State Agency for the Protection of Child Rights *National Report* (2015) p. 34.

262 Republic of Albania Ombudsman, *Special Report on the Rights of Orphan Children* (2013) p. 37.

263 Lumanaj, B. 'The perception of the representatives of NGOs regarding the collaboration between public sector and non-profit organisations towards social services for families' (2014) 10 *European Scientific Journal* p. 199.

264 Albanian Children Alliance *Brief Report* (2012) p. 11.

132. Access also depends on users having the necessary documentation (e.g. birth certificates). Users also need to know how to access services<sup>265</sup>. This makes it more difficult for families of poor, disabled, Roma and other most vulnerable children.

### **Hotlines**

133. There is a free hotline for children (Alo 116), operated by the NGO (Children's Rights Centre Albania) and supported by UNICEF that has operated since 2009. The line provides emergency counselling and referral services and calls can be made anonymously. It is available 24 hours, every day, and receives a daily average of 400 calls. The hotline manages two phone services: the National Child Helpline (116111), and the National Helpline for Missing Children (116000). The CRCA estimates that it had contact calls from 100,000 children up to July 2014<sup>266</sup>.
134. Among the main concerns children reported through the hotline were: problems with their peers, parents, and teachers, about bullying, physical, sexual and emotional abuse, and about domestic violence they had witnessed<sup>267</sup>. The lack of government funding for the hotline and its continued reliance on NGO operation and donor support has resulted in criticism from the European Commission<sup>268</sup>.

### **Support for families in need**

135. Families, and others in need may receive economic aid from the state (equivalent to around USD 40 per month) and from local government. Those eligible are:
- Families with insufficient or no income.
  - Orphans not living in institutions.
  - Parents of triplets where families are in need.
  - Trafficking victims after they leave the shelters and until they are employed.
  - Domestic violence victims for as long as their protection orders are valid<sup>269</sup>.
136. However, not all those in need may actually receive support. For instance, Roma families who lack documentation, or are not registered in their LGU, cannot receive benefits. NGOs often try to fill the gaps by providing support, such as through food, clothing, education or training<sup>270</sup>. Family support is weak overall and doesn't meet family needs<sup>271</sup>.
137. In 2012, the UNCRC expressed concern that the social protection schemes in place do not focus specifically on children, are limited to small cash transfers and have failed to lift families out of poverty, in particular Roma and those with children with disabilities. The UNCRC was also concerned that about two-thirds of poor families do not receive any economic aid<sup>272</sup>.
138. A new Economic Aid (EA) scheme was piloted in three regions (Tirane, Elbasan and Durrës) from May 2014, aiming to target families more efficiently. The reduced numbers of EA beneficiaries has been seen by government as a sign of success, especially in terms of reduced administrative corruption<sup>273</sup>. Children who attend school receive an additional 300 ALL<sup>274</sup> per month, and 100<sup>275</sup> ALL for each vaccination<sup>276</sup>.

265 Different and Equal Personal Communication 10 July 2014; Terre des Hommes Personal Communication 11 July 2014.

266 CRCA Personal Communication 29 July 2014.

267 Albanian National Child Helpline *Factsheet* (2014).

268 European Commission *Albania Progress Report* (2014) p. 47.

269 Ministry of Social Welfare and Youth <http://www.sociale.gov.al/al/dokumente/fact-sheet/ndihma-ekonomike&page=1> (Accessed 25 April 2015).

270 State Social Services Personal Communication 17 July 2014.

271 Different and Equal Personal Communication 10 July 2014.

272 Committee on the Rights of the Child, *Concluding Observations* (2012) p. 17.

273 State Agency for Child Rights Protection *National Report* (2015) p. 27.

274 Equal to 2.4US\$ <http://www.xe.com/currencyconverter> (Accessed 16 April 2015).

275 Equal to 0.8US\$ <http://www.xe.com/currencyconverter> (Accessed 16 April 2015).

276 DCM For Some Changes and Additions in the DCM No 787 Date 14.12.2005 For the Establishment of Criteria and Procedures of Economic Aid 2014 no 376.

**Table 14: Families receiving Economic Aid (EA) 2012-2014**

	2012	2013	May-June 2014
Families receiving EA	74,21	77,172	61,282
Number of children in families receiving EA	171,812	184,723	132,410

### 6.3 Provision of alternative care for children

139. Orphanages accommodate both ‘biological’ and ‘social’ orphans. The legal guardian for biological orphans (whose parents have died or are unknown) is the institution, and may also be for social orphans if the court so decides<sup>277</sup>. The parents of social orphans are still alive and known but are unable to take care of their children.
140. Placing children in residential care is supposed to be a last resort. An SSS commission determines eligibility for placement in its own institutions. Institutions under local government management require a decision from the district, municipality or communal council. A subsequent court decision is required to assign legal custody of the child to the institution. Otherwise, children are placed in institutions after a court declares them to be “abandoned” or has removed parental custody, or if the parents cannot afford to support the child. The biological parents, extended family members, or foster family can request courts to grant legal custody back to them<sup>278</sup>.
141. Either parent can initiate the process of sending the child to an institution. In the absence of parents, and depending on a child’s individual situation, the legal guardian, the hospital director where the child was born, the police, the local social welfare centre, the children’s rights unit, or the child protection unit can initiate a placement<sup>279</sup>.
142. A recent UNICEF report on social orphans highlighted the factors that influence parental decisions to place them in care. Family poverty was given as by far the most common reason. The study also reviewed the 179 children who left care during the survey period and it suggests a pattern for what happens when they move on. Most leavers (88) returned to their birth family, 59 children were adopted, 45 moved into private institutions, and only three were taken into foster care (see *Figure 4*)<sup>280</sup>.

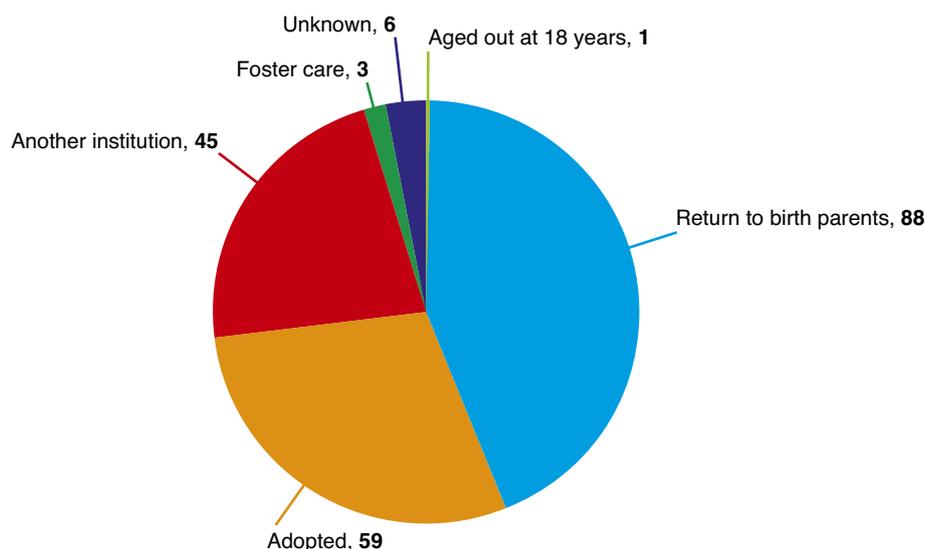
277 State Social Services Personal Communication 17 July 2014.

278 Instruction On the Procedures of Admission in Public and Private Residential Institutions 2007 no 1934.

279 DCM On the Necessary Criteria and Documentation for Admission in Public and Private Residential Institutions 2012 no 425.

280 Evans P. *A Survey of Children Resident in Public and Non-Public Institutions in Albania* (2014) p. 12 Tirana: Swiss Cooperation et al.

**Figure 4: Children's destinations on leaving care<sup>280</sup>**



143. There are nine public institutions especially for children, three of which also offer non-residential centres for abandoned children, children without proper parental care and for biological or social orphans. The non-residential centres provide educational activities and two meals per day to poor children from the communities where the centres are located<sup>281</sup>.

- Five infant (0-3 years) children's homes in Tirana, Durrës, Shkodra, Korça, Vlora.
- One preschool (3-6 years) children's home in Shkodra.
- Three (6-15 years) children's homes in Tirana, Shkodra, Saranda.<sup>282</sup>

144. There are separate centres for children with disabilities<sup>283</sup> (six residential ones in Vlora, Tirana, Korça, Shkodra, Berat, Durrës; two day-care centres in Korça Lezha, and five privately-run residential ones<sup>284</sup>). As also observed in the case of special schools, such centres may hinder social inclusion due to their isolated nature (see 3.1 *Children with disabilities*).

145. The state-operated residential institutions and shelters, and NGO ones (run by ARSIS, FBSH, and others) are all in major cities. They offer day centres, shelters and family homes for children. The SSS lists NGOs licensed to work with children (also indicating the numbers assisted) and monitors standards across all these institutions. The Labour and Social Care Services Inspectorate performs the actual inspections. Some institutions (the Tirana and Durrës public homes and all seven of the private ones) are currently managed using a home-family model, where the children organise themselves, with staff supervision.<sup>285</sup>

### **Quality of care**

146. In these institutional settings, social workers, psychologists, educators and caregivers are among those responsible for childcare. Their qualifications depend on a child's age (some institutions take children from 0-6 years, others those from 6-18 years old)<sup>286</sup>. Having staff qualified to do their job is among the most important standards that institutions can meet. Some training is provided but the Ombudsman has reported that staff are not adequately qualified to work with

281 State Social Services Personal Communication 31 October 2014.

282 State Social Services <http://www.sherbimisocial.gov.al/fakte-dhe-shifra/> (Accessed 24 April 2015).

283 State Social Services Personal Communication 17 July 2014.

284 State Social Services <http://www.sherbimisocial.gov.al/q-k-t-dhunes-ne-familje/> (Accessed 24 April 2015).

285 State Agency for Child Rights Protection *National Report* (2015) p. 26.

286 State Agency for Child Rights Protection *National Report* (2015) p. 26.

children of different age groups and to meet their specific needs<sup>287</sup>. He has made several recommendations to the centres, including:

- Taking on more staff.
- Increasing the daily food allocation.
- Registering health cards at local health care centres for vaccinations and regular check ups.
- Refurbishing premises (eg. to prevent damp).
- Making transport available<sup>288</sup>.

147. Corporal punishment is explicitly prohibited in all care settings. Dependent on its nature, if violence or abuse against children by staff occurs termination of contract or arrest may follow<sup>289</sup>. The UNCRC has expressed concern that, in reality, corporal punishment is widely practiced at home, in schools and in other institutions<sup>290</sup> (see 6.2 *Protection from violence and abuse*).
148. Placement is not always based on the principles of need and appropriateness. When sibling children are placed in institutions, for instance, they are often separated because of their differing ages. Children are usually placed far from their original home and can be transferred frequently to new institutions<sup>291</sup>. Until recently, orphans had to leave residential care at the age of 15 years, placing them at risk of abuse and exploitation. Since May 2014, orders from the Social Welfare and Youth Minister mean that they can now stay in the centres until they reach 18 years old.
149. After leaving care children usually find themselves on their own. They are entitled to economic aid, free medical care and transport until they find employment, and to social housing up to the age of 25 years<sup>292</sup>. The law is rarely applied. Instead, care-leavers may live in school dormitories, or try to find other cheap accommodation<sup>293</sup>. From 1996-2010, only 38 out of 1,072 registered orphans were provided with social housing, while only 323 received any financial support<sup>294</sup>. Where financial help is provided, it meets only about five per cent of basic needs. The Ombudsman has cited a finding that 60 per cent of the children who grow up in institutions remain in poverty throughout their lives<sup>295</sup>.
150. Documented cases are rare, but in 2012, Amnesty International reported on a 22 year old woman, raised in an orphanage, unemployed, in poor health, and living in poverty, who was forcibly evicted by the police from a shared room in a Tirana dormitory, without notice or right of appeal, together with her small child. She was not offered alternative accommodation and, although subsequently permitted to return, had no security of tenure in the severely inadequate conditions she continued to live with her young family<sup>296</sup>.

### **Numbers of children in care**

151. Data from the SSS for January to June 2014 indicated that public residential institutions supported 269 children and 72 of them attended non-residential care. 323 children were supported by non-public centres. Nearly 40 per cent (106) of all children in public institutions and 12 per cent of children (39/323) in non-public ones were Roma/Egyptian. Eighty-seven children (11 Roma/Egyptian) were assisted in

287 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) p. 36.

288 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) pp. 25-31.

289 State Social Service Personal Communication 17 July 2014.

290 Committee on the Rights of the Child *Concluding observations* (2012) p. 9.

291 Albanian Children Alliance *Brief Report* (2012) p. 5.

292 Law For the Orphan Status 1996 no 8153.

293 Amnesty International *Annual Report 2014/15* (2015) p. 54.

294 SOS villages, *Legjislacioni Shqiptar Mbi Statusin e Jetimit. Analizë e Nevojave Për Ndryshime* (2012) p23 (in Albanian language).

295 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) p. 8.

296 Amnesty International *Annual Report 2012* available at: <http://www.refworld.org/docid/4fbc395550.html> (Accessed 21 May 2015).

special residential centres for people with disabilities and 46 (9 Roma/Egyptian) in non-public ones<sup>297</sup>.

152. Increased numbers of children are reported to have left residential institutions (both public and private one) either to rejoin their biological families or for adoption. In 2012, 72 children had moved out of residential care, increasing to 111 children in 2014. The opposite trend has occurred in relation to children entering residential care: down from 84 in 2012 to 66 in 2014<sup>298</sup>.

### ***Adoption and fostering***

153. There is legislation to regulate the status of orphans, adoption and fostering<sup>299</sup>. Article 246 of the Adoption law requires the consent of both biological parents to adopt a child. If one parent is deceased, is unable to express their will, or has had their parental rights removed, the consent of the other parent is sufficient. When any of these conditions apply for both parents, or the parents are unknown, the court must decide if the child may be adopted. The Family Code set standards for the first time for the organisation of foster care<sup>300</sup>, but these are not very detailed (see 6.2 *Protection of disadvantaged and vulnerable children*).
154. A child who has been abandoned at birth, where the biological parents have shown no interest within six months, or a child in residential care with no interest shown by the biological parents after one year, can be declared abandoned by the Court (Family Code, Article 250). From January to November 2014, 102 children were registered as orphans<sup>301</sup>.
155. The UNCRC has noted considerable delays by institutions to declare a child<sup>302</sup> and by judges to conduct adoption proceedings. As a result, children may stay for years in orphanages, although the biological parents have released the child and adoptive parents were found. However, the SSS has said that a child can now be placed for adoption after three months of being declared eligible<sup>303</sup>.
156. It also states that the Albanian Adoption Committee has not established procedures to be followed, that there is no legal obligation in the Family Code to inform and provide advice to biological parents, and that the "evident lack of interest on the part of parents" (Family Code Article 250), is vaguely defined. The views of children below 10 years old are not given due weight in adoption procedures. Only children aged from 10 years are asked for an opinion, and only those over 12 years of age must give consent<sup>304</sup>.
157. From January-April 2014, the SSS reported 22 children between nought and 16 years old adopted (only one over 6 years old) and 27 in the process of adoption (3 over 6 years old). In private orphanages one child had been adopted and eight were in the adoption process<sup>305</sup>.
158. The modern concept of foster care is new in Albania and remains unusual, except in extended families where there is an established fostering tradition (see 1. *Demographic and statistical data on children*). Otherwise, foster care approaches are experimental (there is no term for foster care in the Albanian language). In 2008, The Council of Ministers set out a Foster Care Strategy, outlining its intention to

297 State Social Services Personal Communication 31 October 2014.

298 State Agency for Child Rights Protection *National Report* (2015) p. 29.

299 Laws: For the Orphan Status (1996); For the Procedures of Adoption and National Committee of Adoption 2007 no 9695; DCM For the Approval of Standards of Fostering Service for the Children in Need 2010 no 752.

300 The Family Code 2003 no 9062 Title V.

301 State Social Services Personal Communication 31 October 2014.

302 Committee on the Rights of the Child *Concluding Observations* (2012) p. 13.

303 State Social Services Personal Communication 17 July 2014.

304 Law For the Orphan Status article 246.

305 State Social Services Personal Communication 17 July 2014.

establish foster care but, initially, there were no recorded cases of formal foster care placements<sup>306</sup>.

159. In 2010, the Foster Care Implementation Standards Framework came into force<sup>307</sup> and by October 2014, 103 children had been placed in foster care, but still usually within the extended family<sup>308</sup>. Financial support to foster families is approximately USD 90 equivalent per child per month for food. Families can also receive approximately USD 250 equivalent per year for schoolbooks, clothing and other expenses<sup>309</sup>. If the child is disabled, the family receives approximately USD 100 equivalent per month for food<sup>310</sup>.
160. Foster care services have been successfully piloted for 80 children in Tirana and Shkodra through the Kinship/Foster care Service in Albania (a project implemented by international NGOs)<sup>311</sup>. Foster families were selected and trained by the NGOs and social workers, social administrators, judges and lawyers also received training<sup>312</sup>. The SSS has reported that there are now 104 foster families, but the spread of foster care to all regions of the country (traditional extended family care excluded) is yet to happen<sup>313</sup>.
161. Families who would like to foster apply to their LGU. The social worker there assesses parenting skills and prepares a list of approved families. Once a child is placed in foster care the foster families are monitored by child protection units, social administrators, or by the local SSS social workers. If neglect, abuse or violence is detected, the child is removed from the family (by police, the CPU or the SSS). Except in emergencies, the CPUs, in coordination with a multidisciplinary team, decide whether a request to remove the child from the home should go to court<sup>314</sup>.
162. Although Albania has legislation in place, a policy platform and some of the resources needed to establish viable foster care, systemic problems currently work against its effective establishment. Lack of capacity limits the development of the state-based foster care system, and the ad hoc changes that have been made are unlikely to lead to consistent long term improvement. A cultural shift is also required to move the focus from a preference for institutional care to sustainable foster care services<sup>315</sup>.

306 Melo, I. *Shërbimi i Kujdestarisë* (2009) pp. 3-7 (in Albanian language).

307 Stevens I. Connelly G. & Milligan I. *Moving forward on alternative care* (2013) p. 10.

308 State Social Services Personal Communication 31 October 2014.

309 State Social Services Personal Communication 17 July 2014.

310 Law Establishing of Criteria, Documentation and Procedures on Foster Care Services 2012 no 89.

311 Albanian Children Alliance *Brief Report* (2012) p. 5.

312 Stevens, I. Connelly, G. & Milligan, I. *Moving forward on alternative care* (2013) p. 11.

313 State Social Services Personal Communication 27 July 2014.

314 State Social Services Personal Communication 31 October 2014.

315 Stevens I., Connelly G. & Milligan I. *Moving forward on alternative care* (2013) p. 3.



## 7. Special protection measures

### 7.1 Children in conflict with the law

#### *Criminal responsibility*

163. Children can be prosecuted from the age of 14 years. Children over 16 years old can be prosecuted for misdemeanours and criminal offences, and those aged 14-15 years only for crimes. The Criminal Code foresees half of the sentence that adults would receive for crimes committed by children (see 2.9 *Legal ages for children*). Life imprisonment is prohibited for those who were under 18 years old when the crime was committed<sup>316</sup>. Capital punishment is prohibited at any age<sup>317</sup>.

#### *Juvenile justice system*

164. Albania lacks a juvenile justice law and special juvenile courts (although a few specialised judges and prosecutors have been appointed). The justice system is sometimes developed, and legislation drafted, to consider adult victims or offenders, not children. Depending on the offence, criminal acts against children may be seen as aggravating circumstances, not qualifying ones, and the legal framework is more concerned with physical damage<sup>318</sup>.

165. The Law on the Rights and Treatment of Detainees<sup>319</sup> provides that women and children are kept in special facilities, or in separate sections within the prisons. Recent amendments recognise that children's treatment in detention should be in

316 The Criminal Code 1995 no 7895 amended Article 51.

317 Constitutional Court Decision 1999 no 65.

318 ARSIS Personal Communication 15 July 2014.

319 Law For the Rights and Treatment of Prisoners and Detainees 1998 no. 8328, amended Article 17.

their best interests<sup>320</sup>. The Criminal Procedure Code establishes special criteria that restrict the detention of certain groups who are accused of crimes: women (when pregnant or nursing a child), the elderly, and those in drug abuse programmes. No similar provisions apply to juveniles<sup>321</sup>.

166. The maximum duration of pretrial detention is three years, depending on the gravity of the crime. This limit applies equally to juveniles and adults. The Criminal Code (article 51) also specifies that the maximum duration of conviction for minors is 10 years and cannot be longer than half of the specified time it would be for adults who commit the same crime.
167. The Criminal Code (article 12) excludes children under 14 years old from criminal proceedings. They can, theoretically, be required to undertake special education and rehabilitation programmes (article 46) but these have never been run, due to the lack of any appropriate infrastructure<sup>322</sup>. For criminal offences, those over 14 years old are usually treated as 'delinquents', to be criminalised by the police, prosecutor's office and courts. Their treatment is in line with international standards, guided by children's rights norms, but measures are lacking to support their social reintegration.
168. Trial duration is typically long, with some 70 per cent of prosecuted children in 2011 spending their sentences in pretrial detention<sup>323</sup>. In 2008, pretrial detention commonly lasted three to six months (32% of children prosecuted) but in 2012, it was from six months to a year (35.6% of children)<sup>324</sup>.
169. According to the General Prisons Directorate, children in prison (ie. over 14 years, the age of criminal responsibility) should receive psychosocial assistance, education (from visiting teachers) and vocational training<sup>325</sup>. In practice there is a lack of psychological assistance during evening, weekend and holiday-time interrogations, as the EC has found, along with other major shortcomings, particularly over the strategy and co-ordination of juvenile justice<sup>326</sup>.
170. Following a 2008 agreement between the justice and education ministries, Save the Children reported in 2012 that free basic education was to be offered in the Institutes for Execution of Criminal Decisions (IEPDs). Education classes were initially run only in the Kavaja and Korça IEPDs. A recent UNICEF visit to the Vlora IEPD established that two visiting teachers provided basic education to juveniles there<sup>327</sup>. For the academic year 2013-2014, 45 children altogether in IEPDs completed school, nine of whom entered employment<sup>328</sup>.
171. In 2012, the UNCRC was troubled by the use of pre-trial detention for children who may spend months without access to education, psychological support and reintegration measures. Other harmful consequences the Committee listed, both in relation to children before trial and those sentenced included:
  - Being held for 48 hours in police stations.
  - Interrogation in inappropriate rooms without a lawyer present.
  - Subjection to police ill-treatment.
  - Detention in cells with adults.
  - Ill-treatment by other inmates while in cells.
  - Limited development of alternatives to detention.

320 Law For Changes in the Law no. 8328 Date 16.4.1998 For the Rights and Treatment of Prisoners and Detainees 2014 no 40 Article 5.

321 The Criminal Procedure Code 1995 no 7905 Article 230.

322 Xhafellari M. & Gjoni O. *Children Under the Legal Responsibility* (2013) p. 28.

323 Danaj S. *Situation Analysis on Child Protection System in Albania* (2011) p. 20.

324 Byrne K. *Analysis of Policies and Reforms* (2014) p. 102.

325 General Directorate of Prisons Personal Communication 29 July 2014.

326 European Commission *Albania Progress Report* (2014) pp. 47-48.

327 UNICEF Personal Communication 23 April 2015.

328 State Agency for the Protection of Child Rights *National Report* (2015) p. 63.

- Degraded infrastructure and unsanitary conditions in pre-trial detention centres.
  - Limited access to medical and mental health services in detention.
  - Absence of educational programmes for children below the age of criminal responsibility.
  - Lack of programmes to assist children in contact with the law and to protect them from harm and hardship during judicial proceedings<sup>329</sup>.
172. In 2013, the Ombudsman reported that there was no dentist on the staff of the Kavaja children's prison, poor quality and limited quantity of food, and the need to provide more bedsheets and washing machines<sup>330</sup>. Specific concerns about substandard prison conditions were repeated, generally in 2013 by the US Department of State<sup>331</sup>, and specifically in relation to conditions for children by the EC in 2014<sup>332</sup>. A May 2015 European Parliament resolution highlights shortcomings in the juvenile justice system<sup>333</sup>.

### **Children's legal advice services**

173. Although approved since June 2008, the Law on Legal Aid has never been properly implemented<sup>334</sup>. In practice, this means that there is limited free legal aid offered for children in contact with the law, except that offered by NGOs (*see 4.2 Access to appropriate legal advice*). In 2012 (the latest data available) the State Commission for Juridicial Aid only supported eight children with free state aid, a very small number in comparison to need<sup>335</sup>. All children, whether witnesses, victims, or accused of crimes, are legally entitled to legal advice or representation<sup>336</sup> but this is available only for children accused of a crime. Witnesses and victims are only offered psychosocial support<sup>337</sup>.

### **Number of children in detention and reasons**

174. There is currently one prison for children (aged 14-18 years old) in Kavaja, with a capacity of 40 detainees. Boys and girls are kept separately. Altogether, 14 children were in the Kavaja prison and 96 in pre-trial detention elsewhere (July 2014 numbers). Of the 96 children, one was female, 22 males were 14-16 years old, and 74 were 16-18 years old. Among the 14 children in prison, there were no females, five males were 14-16 years old and nine were 16-18 years old<sup>338</sup>.
175. Children in pre-trial detention were kept separately from adults in Jordan Misja, Lezha, Vlora, Korça and Kavaja prisons. Most of these children were accused of stealing (49), weapons' trading (14) and drugs' trading (8). Other cases included use of weapons when stealing, wounding, or traffic violations. Of the children in prison, seven had been sentenced for stealing, three for murder and the others for using weapons while stealing, weapons- or drug-trading<sup>339</sup>.
176. No information on specific groups of children in the juvenile justice system is available as only data on the type of crime committed is recorded (The General Prison Directorate confirmed that it has no information on numbers of detained Roma and Egyptian children<sup>340</sup>.)

329 Committee on the Rights of the Child *Concluding Observations* (2012) p. 22.

330 Republic of Albania Ombudsman *Annual Report* (2013) p. 199.

331 US Department of State *Albania 2013 Human Rights Report* (2013) p. 1.

332 European Commission *Albania Progress Report* (2014) pp. 47-48.

333 European Parliament <http://europeanwesternbalkans.com/2015/05/11/european-parliament-resolution-of-30-april-2015-on-the-2014-progress-report-on-albania/> Resolution no 12 (Accessed 22 May 2015).

334 ARSIS Personal Communication 15 July 2014.

335 State Agency for the Protection of Child Rights *National Report* (2015) p. 69.

336 Terre des Hommes Personal Communication 11 July 2014.

337 Terre des Hommes Personal Communication 11 July 2014.

338 Ministry of Justice <http://www.dpbsh.gov.al/newweb/?fq=brenda&m=shfaqart&gj=gj1&aid=449> (Accessed 25 April 2015).

339 General Directorate of Prisons Personal Communication 31 July 2014.

340 General Directorate of Prisons Personal Communication 31 July 2014.

### **Alternatives to detention**

177. Detention for more than 48 hours must be authorised by a court, and sentences of less than five years may be suspended and replaced by probation. Conditions may be imposed, such as taking part in vocational training and employment or substance abuse treatment programmes, and being banned from specific places or keeping company with specific persons.
178. Sentences of less than one year may be suspended and replaced by the obligation to perform '...work in the public interest' (ie. community service)<sup>341</sup>. Between June 2009 and June 2014, 1,665 children were referred to probation services<sup>342</sup>, with psychosocial counselling and vocational training being provided by NGOs. Other alternatives include:
- Release on bail.
  - Release subject to police supervision and/or reporting periodically to the police.
  - Release with movement restrictions including house arrest, or having to remain within a certain geographic area<sup>343</sup>.
179. From January to December 2014, 290 children (7 female) received alternative sentences<sup>344</sup>. This number of alternative sentences has increased in recent years, with probation services expanding in their staff capacity and geographic range<sup>345</sup>.

### **Rehabilitation and discrimination after detention**

180. There are no rehabilitation and reintegration services for children after completing their sentences. There are some programmes established by NGOs, but they are limited and scattered<sup>346</sup>. The State Social Services reports that when a child is released from prison, local officials are informed so that the child may be enrolled into school, training, or community projects<sup>347</sup>.
181. The NGO ARSIS states that there is no education access for children who have served their sentence; the Second Chance Education programme that promoted this has ceased<sup>348</sup>. No business will employ convicted young people<sup>349</sup> and they have no chance to gain professional skills.

## **7.2 Victims of child trafficking**

### **Legislative and institutional arrangements**

182. Albania has ratified the two optional protocols to the Convention on the Rights of the Child - covering between them child trafficking, selling children, child sex work, pornography and other issues (*see 2.1 Conventions on children's and human rights*). It also ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2006<sup>350</sup>.
183. The Criminal Code criminalises child trafficking for sexual and/or labour exploitation (article 128(b)) and 'prostitution exploitation' (article 114). In 2013,

341 UNICEF *Assessment Of Juvenile Justice Reform Achievements In Albania* (2009) p. 24.

342 Probation Service Personal Communication 30 July 2014.

343 Probation Service Personal Communication 30 July 2014.

344 Hallkaj, E. *Midterm Review* (2014) p. 43.

345 State Agency for the Protection of Child Rights *National Report* (2015) p. 67.

346 CRCA Personal Communication 29 July 2014.

347 State Social Service Personal Communication 29 July 2014.

348 ARSIS Personal Communication 15 July 2014.

349 ARSIS Personal Communication 15 July 2014; CRCA Personal Communication 29 July 2014.

350 Law For the Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings 2006 no 9642.

the Criminal Code was amended<sup>351</sup> to raise the minimum sentence for child trafficking adults from between seven to 15 years, up to between 10 and 20 years, imprisonment. Additionally the amendment criminalised internal trafficking as well as the facilitation of trafficking through forging, removing, damaging, or manipulating identity documents; and benefiting from, or using, the services of a trafficked person.

184. Other legislation also provides for reintegration assistance and stipends to trafficking victims when they leave the shelters<sup>352</sup>. There are further provisions so that they are able to join programmes for the protection of witnesses and others who collaborate with the justice system<sup>353</sup>. There are co-ordination and cooperation programmes in place with Greece, Kosovo, Montenegro and United Kingdom to identify of trafficking victims and provide assistance to them<sup>354</sup>.
185. The Ministry of Internal Affairs, Office of the National Anti-Trafficking Coordinator (NATC) and the Anti-Trafficking Unit are in ultimate charge of protecting trafficked children, responsible for coordinating and monitoring all activities of stakeholders engaged in combating human trafficking. A Deputy Minister of Internal Affairs acts as the NATC and directs the Anti-Trafficking Unit<sup>355</sup>.
186. The National Referral Mechanism for Identification and Improved Assistance for Victims of Trafficking is the coordination mechanism between government, civil society actors and international organisations concerned with victim identification, referral and assistance<sup>356</sup>. Standard Operational Procedures (SOP) have been developed to support the identification and referral of trafficking victims<sup>357</sup>.
187. A National Responsible Authority was established in 2014<sup>358</sup> with a specific responsibility (among others) to manage the national database for trafficking victims. There are regional committees to combat trafficking chaired by the Prefecture (the regional chief)<sup>359</sup>. At local level, child protection units (CPUs) are tasked with the identification of children at risk and their referral to appropriate services<sup>360</sup>.
188. The mechanism connecting the legislative and organisational framework with its practical implementation is the National Strategy against Trafficking in Human Beings and its Action Plan 2014-2017<sup>361</sup>. The national Anti-Trafficking Task Force is multisectoral with representatives from different, relevant technical backgrounds to follow up on the implementation of the strategy<sup>362</sup>. The Albanian National Anti Trafficking Coalition<sup>363</sup> is an NGO grouping that provides assistance with shelter and other services for trafficking victims, including children.

351 Law Some Additions and Changes in Law 7895, Date 27.1.1995 Criminal Code Amended 2013 no 144 articles 26-27.

352 Law For Some Additions on Law no.9355 Date 10.03.2005 For Social Aid and Services 2011 no 10039 article 5.

353 Law For Juridical Aid 2008 no 10039 article 13.

354 Lenja V. *Profile of the Situation of Unaccompanied Minors and Efforts for Social Inclusion* (2015) pp. 19-20 (hereafter *Profile of the Situation of Unaccompanied Minors*).

355 DCM For the Functioning of the Anti-Trafficking Unit 2005 no 203.

356 Ministry of Internal Affairs et al *Collaboration Agreement for the Functioning of National Mechanisms for the Referral of Victims and Potential Victims of Trafficking in Person 2012* (2012) Tirana: Ministry of Internal Affairs (A joint agreement between 12 representatives of government ministries, national and international NGO and other agencies).

357 DCM Standard Operating Procedures for the Identification and Referral of the Victims/Potential Victims of Trafficking 2011 no 582.

358 Joint Order of the ministries of Internal Affairs, Foreign Affairs, Education & Sports, Health and Social Welfare & Youth 2014 no 3799.

359 Order of Prime Minister For the Establishment of the Regional Anti Trafficking Committees 2006 No.139.

360 Child Rights Protection law 2010 article 39.

361 DCM For an Addition on DCM no 663, date 17.7.2013 2014 no 814 On the Approval of Intersectoral Strategy Against Organized crime, Illegal Trafficking and Terrorism 2013-2020 and its Action Plan for 2013-2016 2014 no 814.

362 IOM Personal Communication 18 May 2015.

363 NCAT established 2007, composed of NGOs Tjeter Vision, Psycho Social Center, VATRA, Different & Equal, plus National Reception Centre.

## Reports on child trafficking

189. Identified victims of child trafficking are all registered, and the annual reports of the Office of the National Anti-Trafficking Coordinator include data on trafficked children.<sup>364</sup>
190. In 2011, 22 per cent of trafficking cases assisted by the NGO Different and Equal were children, and almost 70 per cent of the adult victims were exploited during their childhood. In 2012, 24 per cent of victims were children and 52 per cent of adults were exploited as children<sup>365</sup>. In 2013, the organisation assisted 77 trafficking victims, 39 of whom were children<sup>366</sup>. IOM reported that between June 2013 and April 2014, 57 trafficked people were identified, of whom 30 were children<sup>367</sup>. The information was not disaggregated by sex. In November 2014, SSS reported 40 children (12 of them Roma/Egyptians) in the national reception centre for trafficked persons<sup>368</sup>.
191. The US State Department reported in 2014<sup>369</sup> that Albania is a source and destination country for men, women, and children subject to sex trafficking and forced labour. Albanian women and child victims are primarily subjected to sex trafficking within Albania and in Greece, Italy, Macedonia, Kosovo, Belgium, Netherlands, Germany, Switzerland, Ireland, and the United Kingdom. There is an increasing problem of Albanian children, often Roma, being forced into begging and other forms of compelled labour in Greece, Kosovo, and within Albania. Of the 95 trafficking victims identified in 2013, 43 were children.
192. It is generally admitted that data is inaccurate on the matter, owing to the non consolidated state identification mechanisms, and reluctance of individuals for self – identification. The latter relates to the absence of incentives driven by a beneficial package of services offered to the trafficked victims<sup>370</sup> (see 7.2 *Identification and referral of trafficked children*).
193. There are reports of parents and other family members arranging the marriage of girls for trafficking, or forcing their children to beg. A key reason that the family members may do so is to receive money. Thirty per cent of the children interviewed by ARSIS (234) said they started living and/or working in street situations because their parents made them do so<sup>371</sup>. Children may be sold to someone else, including for marriage in other countries (eg. Montenegro)<sup>372</sup>.
194. The IOM reported UN Office on Drugs and Crime data that the Serious Crimes Court sentenced 17 Albanian men for human trafficking in 2010, 15 in 2011, and two each in 2012 and 2013<sup>373</sup>. According to the National Anti-trafficking Coordinator 60 referrals were made to the same court on adult and child trafficking and 58 referrals to district prosecution offices for “exploitation for prostitution” from September 2013 to date. In 2013, the Serious Crimes Court issued seven judgments on the offences of trafficking of adults, of women, and of children. Ten individuals were convicted (no information on their nationality or gender)<sup>374</sup>.
195. Amongst all sources consulted, there were no reports of child trafficking victims being placed in debt bondage.

364 IOM Personal Communication 18 May 2015.

365 Different and Equal Personal Communication 10 July 2014.

366 Different and Equal *Annual Report* (2013) p. 5.

367 IOM Personal Communication 29 October 2014.

368 State Social Services Personal Communication 31 October 2014.

369 US Department of State *Trafficking in Persons Report 2014: Country Narratives A-C* (2014) p2 (hereafter *TIP report*).

370 IOM Personal Communication 10 June 2015.

371 Arsis et al *National Study on Children in Street Situation in Albania* 2014 p. xi.

372 Different and Equal *Annual Report* (2013) p. 5.

373 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) p. 49.

374 Ministry of Internal Affairs <http://www.punetebrendshme.gov.al/al/te-rejat/fjalime/gjebrea-trafikimi-i-personave-eshte-krim-bashkohu-dhe-ti-per-ta-ndalur-ate&page=5> (Accessed 24 May 2015, data from 18 October 2014).

## **Patterns of child trafficking and exploitation**

196. For child trafficking in particular, Albania is primarily a country of origin for children trafficked abroad to Greece, Macedonia, and Kosovo. In addition, children are trafficked within Albania to large cities, tourist sites, border points, and ports. Children from the Roma and Egyptian communities make up the majority of children living and/or working in the streets (90%)<sup>375</sup> and trafficking victims<sup>376</sup>. Child trafficking victims face:
- Sexual exploitation.
  - Forced labour, including forced begging.
  - Forced marriage.
  - Being forced to commit illicit activities.<sup>377</sup>
197. Trafficked and exploited children in Albania are mostly subject to forced labour, including begging, and sex trafficking. They can be trafficked to large cities, tourist sites, and border points and ports within the country<sup>378</sup>, or trafficked to other countries. The recruiter and the trafficker may be an individual, a small informal group, or a larger organisation. Whilst it is often parents who exploit children for begging and other forced labour other adults, too, may exploit children living and/or working in street situations. Children who have been exposed to violence and abuse at home, or who live in otherwise dysfunctional families (eg. those with alcoholic parents), are at special risk of trafficking by neighbours, relatives, or strangers abusing their vulnerable situation<sup>379</sup>.
198. The General Police Directorate reported that no children were involved in pornography in 2013 and 2014<sup>380</sup>. In contrast, the CRCA, quoting findings from the 2013 BECAN study, found that 2.2 per cent of the 3,328 interviewed children had themselves taken, or had been recorded in, pornographic images while in the presence of others during their life, and 1.77 per cent said that it had happened in the last year. Their prevalence of exposure (over their lifetimes) to pornographic videos or images, in magazines or on the internet, was 3.47 per cent and their incidence (in the last year) was 2.87 per cent<sup>381</sup>.
199. A 2014 study of World Vision states that 47 per cent of the young people (13-17 years old) reports online contact by strangers in the past year. In 40 per cent of cases, the contact was a foreigner<sup>382</sup> (see 4.1 Freedom of expression).
200. Very few cases of children working in the sex industry have been reported (see 7.2 Numbers & 7.8 Reports on child labour and slavery), presumably because they are treated as trafficking victims and assisted by anti-trafficking organisations and shelters. It should be noted that Albania prosecutes sex workers.

## **Identification and referral of trafficked children**

201. The SOPs mentioned above identify roles for each agency involved, from victim identification to referral. With regard to identification, the SOPs enlist a number of response agencies. These include state police structures, the labour inspectorate, regional health, education and social service directorates, local child protection units and employment offices, and individual shelters, social care centres, organisations delivering assistance programmes to the vulnerable.

375 International Trade Union Confederation *Internationally Recognised Core Labour Standards In Albania: Report For The WTO General Council Review of The Trade Policies of Albania* (2010) p. 6.

376 Terre des Hommes Personal Communication 11 July 2014.

377 Different and Equal Personal Communication 10 July 2014.

378 IOM Personal Communication 4 July 2014.

379 Different and Equal Personal Communication 10 July 2014.

380 General Police Directorate Personal Communication 30 July 2014.

381 Childrens Rights Centre Albania [http://www.crca.al/sites/default/files/publications/CRCA%20Report%20on%20Child%20Pornography%20in%20Albania%20\(2013\).pdf](http://www.crca.al/sites/default/files/publications/CRCA%20Report%20on%20Child%20Pornography%20in%20Albania%20(2013).pdf) (Accessed 23 May 2015, CRCA report of 10 September 2013).

382 World Vision *Study on Child Online Safety in Albania* (2014) p. 1.



202. Still, basic challenges remain in identifying child trafficking cases. They stem from failures to recognise and acknowledge that trafficking exists and poor understanding of the SOPs<sup>383</sup>. For better case identification three mobile units have been established in Tirana, Vlora and Elbasan, each consisting of police officers and two NGO social workers. These units search local communities for potential trafficking victims<sup>384</sup>.
203. Regional anti-trafficking committees are established in all 12 Albanian regions. They identify potential and actual trafficking victims, refer them on to protection services, and monitor the trafficking situation in their region<sup>385</sup>. The National Anti-Trafficking Coordinator (with USAID and other support) launched the national helpline 116 006 and an associated phone app. This initiative offers a quick and simple way for the general public to report suspected trafficking cases<sup>386</sup>. A recently signed<sup>387</sup> agreement aims to improve the identification of forced labour cases and trafficking for labour exploitation cases, as part of the domestic trafficking.
204. Referral of victims can be to the National Reception Centre for Trafficking Victims (the only state run centre) supervised by MSWY. It accommodates trafficked women and girls, those at risk of trafficking, unaccompanied at-risk children, other sexually exploited young women who have returned to Albania and witnesses. However it is mainly an emergency reception centre and does not offer specialist integration services for children. Victims may also receive NGO support (eg. from Tjeter Vision, Psycho Social Center Vatra, Different and Equal) including accommodation, legal, health, education, counselling and vocational training services. Only Tjeter Vision in Elbasan offers targeted services (accommodation, legal aid, education, health, psycho-social support, family mediation and counselling, long term monitoring of case and follow up). The NGO receives financial support from the MSWY, and is subject to monitoring and inspection of services based on the approved state regulations<sup>388</sup>.

383 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) p. 24.

384 IOM Personal Communication 18 May 2015.

385 Terre des Hommes Personal Communication 11 July 2014.

386 Lenja V. 2015 *Profile of the Situation of Unaccompanied Minors* (2015) p. 21.

387 Agreement between the NATC and Director Generals of the State Labour Inspectorate and State Police On the Procedures of Cooperation for the Identification of Forced Labour Cases and Trafficking for Labour Exploitation Cases 2014.

388 IOM Personal Communication 18 May 2015.

205. Further support from the state for trafficking victims and to prevent trafficking also exists:

- The Ministry of Health ensures free health services for all trafficking victims.
- The Ministry of Social Welfare and Youth ensures the physical, psychological and social rehabilitation of victims, the promotion and facilitation of their vocational training and involvement in the labour market, supports them in finding accommodation, and that all standards of care are followed.
- The Ministry of Foreign Affairs has the duty to facilitate the registration procedures for trafficking victims in cases where this is missing, registration of individuals, and to equip them with all necessary identification documents.
- The Ministry of Education ensures that children are enrolled in school, and offers anti-trafficking awareness and education through the compulsory curriculum<sup>389</sup>.

### ***Preventing child trafficking***

206. The 2012 UNCRC report was concerned that:

- Roma and Egyptian minority children are over-represented among trafficking victims.
- Police and government officials are involved in trafficking cases.
- Judicial corruption hampers the overall enforcement of anti-trafficking law enforcement.
- Efficient mechanisms to protect witnesses and victims of trafficking have not been set up.
- Government does not provide financial support to NGOs offering shelter and other assistance to trafficking victims<sup>390</sup>.

207. Previously, when the government implemented the 2011-2013 National Anti-trafficking Strategy, it included certain prevention activities, such as:

- Distributing anti-trafficking booklets to police and potential trafficking victims.
- Publishing and widely distributing copies of a storybook - the true story of a trafficking victim - to high school students, employers, civil society organisations, and community members.
- Co-sponsoring a workshop to sensitise hotel and travel agency owners to human trafficking and victim identification.
- Co-financing a project to produce a mobile device application for use in reporting suspected trafficking cases and accessing assistance services.
- Producing anti-trafficking television advertisements<sup>391</sup>.

208. However, the EC observed in 2014 that it is essential that work on trafficking prevention must be increased<sup>392</sup>. The 2014 TIP report noted that, although the GoA demonstrated efforts to reduce the demand for commercial sex acts, it has not done the same in relation to forced labour<sup>393</sup>.

## **7.3 Children in armed conflict**

209. The legal age for voluntary recruitment into the national armed forces is 19 years. Since September 2009, based on NATO member country standards, no national has been recruited into the armed forces for compulsory active military service. The minimum age for enrolment in military schools is 19 years<sup>394</sup> (*see 2.9 Legal ages for children*).

389 Terre des Hommes Personal Communication 11 July 2014.

390 Committee on the Rights of the Child *Concluding Observations* (2012) p. 21.

391 Terre des Hommes Personal Communication 11 July 2014.

392 European Commission *Albania Progress Report* (2014) p. 53.

393 US Department of State *TIP Report* (2014) p. 72.

394 Committee on the Rights of the Child *Written Replies of Albania, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (2012) p. 2.

210. There are no reports of children being recruited into the national armed forces. There have been some media reports about more than 30 Albanian children who have gone to Syria with their parents to participate in the armed conflict there. Some men have been reported to have been recruited by jihadists to fight in Syria and they have brought their wives and children - some as young as two months old. Young children are reported to be attending religious schools in Syria, older boys to be fighting, and older girls to be looking after the wounded<sup>395</sup>. Albania ratified the Optional Protocol on the Involvement of Children in Armed Conflict in 2008.

#### 7.4 Female genital mutilation

211. The Law on Child's Rights includes protection from harmful traditional practices such as genital mutilation. However, FGM is not applied traditionally in Albania and there are no reports of it having ever been practiced.

#### 7.5 Underage and forced child marriage

##### *Legislation*

212. According to the Family Code (article 7), only a couple aged 18 years old or older can contract a marriage but, in practice, younger people also marry. The law does not foresee what actions should be taken in these cases but the Criminal Code criminalises sexual relations with children below 14 years old. It also criminalises forced marriage, and the removal of a child from their parents' care (i.e. 'bride stealing'). Besides provisions for a minimum age of marriage, the Family Code states that a local court may approve marriage earlier, '...for matters of importance' (e.g. if a girl under 18 years old is pregnant) but these conditions are not clearly specified. All marriages must be based on the free will of both partners and registered at an official register office (see 2.9 *Legal ages for children*).

##### *Age of sexual consent*

213. With the current amendments in the Criminal Code<sup>396</sup>, sexual intercourse with a child below the age of 14 is a criminal offence with a punishment of not less than 20 years (article 107/a), while forced sexual intercourse with a minor aged 14-18 years is punished by five to 15 years' imprisonment (article 101). Children between the age of 14 and 18 years are only protected if there is violence involved. The 2013 BECAN study found that over 11 per cent (for contact sexual violence, nearly 5%) of children had reported experiencing sexual violence in their lifetimes and that over nine per cent (over 4% contact sexual violence) had in the last year<sup>397</sup> (see 2.9 *Legal ages for children*).

##### *Reports of forced and underage child marriage*

214. Child marriage in Albania is not well researched, and there is a lack of accurate sex and age disaggregated statistical data on marriages, divorces, births, and child and maternal health<sup>398</sup>.
215. Early marriage is a traditional practice, especially prevalent among Roma, but not limited to this community. Child marriages also occur in other Albanian communities who live in isolated, poor, rural areas. The marriage patterns are different in each case. Poverty, geographical isolation, social exclusion, emigration,

395 Gazeta Shqip, <http://gazeta-shqip.com/lajme/2014/03/20/ne-siri-ndodhen-mbi-30-femije-shqiptare-djemte-luftojne-dhe-vajzat-ndihmojne-te-plagosur/> (Accessed 25 April 2015).

396 Law For Some Changes and Additions in the Law no. 7895 Date 28.1.1995 Criminal Code of the Republic of Albania 2013 no. 144 article 22.

397 Cenka E. et al BECAN (2013) p. 27.

398 Terre de Hommes Personal Communication 11 July 2014.

the undervaluation of girls' education and trafficking are all factors that drive child marriage in Albania, in addition to wider attitudes about women's role in society<sup>399</sup>.

216. Child marriage in the Roma community affects both boys and girls. The marriages are frequently arranged, as soon as the child is considered ready to marry (at about 12-14 years for girls and 14-16 years for boys). Marriage by elopement also happens, where a young couple decide to marry without their parents' approval, and usually without registering the marriage<sup>400</sup>. In 2011, 31 per cent of Roma and 13.6 per cent of Egyptian girls between 13 and 17 years old were married<sup>401</sup>.
217. Outside the Roma population, child marriage involves mainly girls who typically become engaged at 13 to 15 years old, their wedding taking place a few years later. Many girls in mountain communities drop out of school at the age of 12 to 13 years to take on domestic work at home and to 'prepare for marriage'<sup>402</sup>.
218. Between 2002 and 2012, UNICEF Albania found that 0.2 per cent of children were married by 15 years old and 9.6 per cent by the time they had reached 18 years old<sup>403</sup>. In 2013, for the general population, the average age at marriage was 24.9 years for females and 30.5 years for males<sup>404</sup>.
219. Some early marriages might be arranged and forced, but no statistics are available, except when a trafficking victim is identified following such a marriage. There have been many cases when a girl marries to find out that her husband's (or his family's) intention was to force her into sex work<sup>405</sup>.
220. The US Department of State reported in 2014 that some Albanian girls are subjected to sex trafficking or forced labour following arranged marriages<sup>406</sup>. Different and Equal, a NGO assisting trafficked persons, reported that six per cent of the 77 cases assisted by them in 2013 were victims of trafficking resulting from forced marriage<sup>407</sup>.

## 7.6 Local harmful traditional practices

221. A number of traditional practices exist that are specific to, or fairly common in, Albania. Some of these can have directly harmful impact on children's lives and their wellbeing. In the case of the first of these, blood feuds, some of the harm done to the child may result from the attempts of their immediate family to provide protection against the traditional practice and its consequences.

### **Blood feuds**

222. Blood feuds occur mainly in the poor mountainous regions in northern Albania, but sometimes also elsewhere. The feuds are based on a set of traditional 15th century laws, the *Kanun*. This parallel justice system is focussed on honour, guilt and vengeance. Feuds often begin with a seemingly minor quarrel and escalate to mutual killings between the families involved, including extended family members. According to the *Kanun*, women and children should be excluded, but this is no longer practiced. Blood feuds can result in the killing of women and children and children are confined at home, unable to go out, including to school, because their families are afraid that they will be killed<sup>408</sup>.

399 Boce Elmazi E. *Republic of Albania: Child Marriage* (2012) p. 2 Tirana: UNFPA.

400 Boce Elmazi E. *Republic of Albania: Child Marriage* (2012) p. 4.

401 UNDP *Needs Assessment Study on Roma and Egyptian Communities in Albania* (2012) p. 22.

402 Boce Elmazi E. *Republic of Albania: Child Marriage* (2012) p. 3.

403 UNICEF Albania Country Statistics [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html), (Accessed 21 April 2015).

404 INSTAT <http://www.instat.gov.al/al/themes/popullsia.aspx?tab=tabs-5> (Accessed 20 April 2015).

405 IOM Personal Communication 4 July 2014.

406 US Department of State *TIP report* (2014) p. 70.

407 Different and Equal *Annual Report* (2013) p. 5.

408 Der Spiegel <http://www.spiegel.de/international/world/blood-feuds-still-prevalent-in-albania-a-973498.html> (Accessed 26 April 2015).

223. The case of Marsela's father, reported in the media in 2014, provides a relevant example. Before Marsela was born, her father killed someone when drunk. This started a chain of murders, so far resulting in five victims, each avenging the previous one's death. Marsela has only been out of her house ten times in total. She does not even own shoes, as she stays inside. Marsela, her mother and her three siblings live on social assistance of USD 97 per month equivalent that her mother receives<sup>409</sup>.
224. The Ombudsman reported in 2014 that there are no exact statistics available from state authorities of people killed through feuds, or of those confined<sup>410</sup>. In 2013 the UN Special Rapporteur quoted official statistics of the General Directorate of State Police indicating that two blood feud killings and two revenge-motivated killings were registered in the first half of 2012. In April 2013, 67 families were in hiding due to blood feuds, and 33 children not attending school for the same reason, with 23 of them from Shkodra region<sup>411</sup>.
225. The UNCRC expressed deep concern about a 14-year-old girl killed in a blood feud in May 2012<sup>412</sup>. UNICEF and some local NGOs have implemented in the past projects to train teachers and provide home schooling for children confined by blood feud. In Shkodra, for instance, which is significantly affected, UNICEF has helped 370 children, of whom 230 have returned to school, while the remaining 140 are home-schooled<sup>413</sup>.
226. Concerns have arisen about blood feud records and their use. The Head of the National Reconciliation Committee – an NGO concerned with documenting blood feud and diffusing conflict - was arrested in January 2013 on suspicion of issuing false proofs of involvement in blood feuds, for use in asylum claims<sup>414</sup>. Current 2015 UK Home Office guidance sees an ongoing decline in the extent of the blood feud problem<sup>415</sup>. It is also concerned more widely about the practices of certain government officials' and NGOs' practices in documenting blood feuds and, and confirms from British Embassy research that:
- 'The Albanian government no longer recognises blood feud "certificates" from NGOs, police or local government offices. In discussions other NGOs advised us not to extend asylum to claimants as this would, in genuine cases, only exacerbate the situation for relatives remaining in Albania. The only real solution is reconciliation of the parties in Albania'<sup>416</sup>.
227. Amendments in 2013 to the 1995 Criminal Code have increased the sentence of killings for blood feud reasons (from a minimum of 20 to 30 years)<sup>417</sup>.

409 Reporteri <http://reporteri.net/?page=1,10,6407>, (Accessed 24 May 2015: in Albanian language).

410 Republic of Albania Peoples Advocate *Tracing, Analysis and Evincing Factors Affecting Increase of Asylum Applications by Albanian Nationals in Member States of Shengen Area* (2014) p. 23 Tirana: People's Advocate (Peoples Advocate also known as Ombudsman).

411 UN General Assembly Human Rights Council *Report of the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions Christof Heyns Addendum: Follow-up to Country Recommendations Albania* (2013) p. 6.

412 Committee on the Rights of the Child *Concluding observations* (2012) p. 7.

413 UNICEF Albania Country Statistics [http://www.unicef.org/albania/sq/reallives\\_2472.html](http://www.unicef.org/albania/sq/reallives_2472.html) (Accessed 21 April 2015).

414 Gazeta Tema <http://www.gazetatema.net/web/2013/01/14/shoqerohet-kreu-i-komitetit-te-pajtim-it-te-gjaqev-leshoi-dokumente-false-per-hasmerine/> (Accessed 24 May 2015: in Albanian language).

415 UK Home Office *Country Information and Guidance Albania: Blood Feuds* (2015) p4, available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413856/CIG\\_Albania\\_Blood\\_feuds\\_v\\_2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413856/CIG_Albania_Blood_feuds_v_2_0.pdf) (Accessed 8 May 2015: hereafter Blood Feuds).

416 UK Home Office *Blood Feuds*. (2015) p. 33.

417 Law For Some Changes and Additions in the Law no. 7895 Date 28.1.1995 Criminal Code of the Republic of Albania 2013 no. 144 article 15.

## ***Honour killings and other harmful practice***

228. Separate from the 'honour' concept within blood feuds, cases of 'honour' killings are also reported, mainly by media. One example in 2013 was of a 19-year old girl killed by her father for having left the house for three days<sup>418</sup>. In 2014, a mother killed her 15-year old daughter who wanted to join a school trip. The mother was allegedly concerned about what the girl might do on the trip and how this could affect her honour<sup>419</sup>. In the same year, an uncle killed a 17-year-old girl and her family because he did not agree to the husband that the girl's parents had chosen for her<sup>420</sup>. As with blood feuds reliable records are not kept for honour killings, but the media occasionally report such cases.
229. Another harmful traditional practice in northern Albania is of mothers who are prevented from maintaining contact with their children if they live on their own, or return to their original families following divorce from, or the death of, their spouse<sup>421</sup>.
230. The sex ratio at birth given in 2014 by UNDP was 108 boys for 100 girls<sup>422</sup>. This continues to be relatively high compared to the natural level of 104-106. Some commentators suggest that sex selection practices may be involved. A 2012 report by UN Population Fund and World Vision raised levels of concern about this but there has been no conclusive evidence since about what may be happening<sup>423</sup>.

## **7.7 Domestic violence**

### ***Legislation and policy to protect children***

231. The Family Code, Criminal Code, the law on Measures Towards Violence on Family Relations (2008) and Child Rights Protection (2010) all provide for protection of children from abuse, when it involves violence<sup>424</sup>. A special unit within the State Police responds to child protection and cases of domestic violence. Yet, Albania is a country with a very high incidence of domestic and gender based violence. In 2011, 19 women, and in 2012, 27 women were murdered, mainly by partners or by other male family members. Thousands of girls, women, children and older people are victims of systematic domestic violence<sup>425</sup>.
232. The 2006 Domestic Violence law<sup>426</sup> established a mechanism to provide victims of family violence with a protection order, which may be granted by a civil court on the victim's petition. If the abuser poses a 'direct and immediate threat to the security, health or well-being' of the victim, emergency protection orders have to be issued within 48 hours by a court.
233. In the case of children, the petitions are issued by the police or prosecution services and emergency protection should be issued within 24 hours<sup>427</sup>. Following amendments to the 2012 Criminal Code (2012), domestic violence is now classified as a criminal act (article 130/a), as is the violation of a protection or emergency protection order (320/321)<sup>428</sup>.

418 Gazeta Tribuna <http://www.gazetatribuna.com/?FaqelD=7&LajmiD=2880> (Accessed 24 May 2015: in Albanian language).

419 Peshku pa uje <http://www.peshkupauje.com/2014/05/vajza-tenton-te-shkoje-ne-ekskursion-nena-e-vret> (Accessed 24 May 2015: in Albanian language).

420 Lajme Press <http://lajmpress.com/lajme/shqipери/35826.html> (Accessed 24 May 2015: in Albanian language).

421 Committee on the Rights of the Child *Concluding Observations* (2012), p. 11.

422 UNDP *Human Development Reports* <http://hdr.undp.org/en/countries/profiles/ALB> (Accessed 1 May 2015).

423 UNFPA & World Vision *Sex Imbalances at Birth in Albania* (2012).

424 Berzani A. & Osmani E. *Baseline study on Domestic Violence and Albanian State Police* (2012) pp17-19 Tirana: Sida & Data Centrum Research Institute p.17-19 (hereafter *Baseline Study*).

425 Shtraza I. et al *Addressing Inequalities: Synthesis Report of Public Consultation in Albania* (2013) p. 10.

426 Law On Measures Against Violence in Family Relations 2006 no 9669 articles 17, 19.

427 Law On Amendments of Law No. 9669 Date 18.12.2006 On Measures Against Violence in Family Relations 2010 10329 article 7.

428 Berzani A. & Osmani E. *Baseline study* (2012) p. 18.



234. Shelter is provided to a mother and her children on receipt of a protection order<sup>429</sup>. Sometimes the husband's removal from the home is required. However, the mother and children may then often have to live in the husband's family home, putting them at risk again. There are very few family relationship advice programmes, with those that do exist organised by civil society. As a direct result of these problems mothers and children frequently abandon home with nowhere to go<sup>430</sup>.
235. BKTF (United for Child Care and Protection) coalition members have observed that, despite the Domestic Violence law and the efforts made to accommodate mothers and children victims, the service level response is still not functional and efficient. Quite often, shelters refuse to host children in emergencies: because verification and evaluation procedures that take several days must be followed, or because they do not have space (see 6.3 Provision of alternative care for children).

### **Domestic violence against children**

236. UNICEF<sup>431</sup> quotes a 2012 WHO survey which found a 41.5 per cent prevalence of child physical abuse and six per cent for child sexual abuse. These estimates are likely to be low since domestic violence and abuse are considered to be a private matter in Albania. In a 2010 study 58 per cent of children reported 'light' and 14 per cent 'severe' physical violence<sup>432</sup>.
237. A 2012 Save the Children evaluation of a three-year violence reduction project in school settings found that, while teachers had decreased their use of physical violence, parents showed little awareness of the project<sup>433</sup>. The 2013 BECAN study also found that some children justified parental violence against them, a further indication of the culture of acceptance of such punishments<sup>434</sup>.

429 At the National Centre for the Treatment of Victims of Domestic Violence, functioning since 2011 and supported by MSWY.

430 Danaj S. *Situation Analysis on Child Protection System in Albania.*, (2011) p. 51.

431 Byrne K. *Analysis of Policies and Reforms* (2014) p. 92.

432 INSTAT & Institute of Public Health 2010 *Albania Demographic and Health Survey 2008-2009* (2010) pp. xxvii-xxviii.

433 Di Maio M. & Buka M. *Violence Against Children in Schools and Families in Dures Elbasan and Berat Districts: End Project Evaluation* (2012) p. 9 Tirana: SC.

434 Cenko E. et al. BECAN (2013) p. 31.

238. In 2013, 108 children victims of domestic violence were reported officially. Five were victims of family sexual abuse (including incest) and 50 were sexually abused in other contexts. From January to June 2014, 95 children victims of domestic violence were reported, and 28 sexual abuse victims (all outside the family)<sup>435</sup>. Among the family assessments that IOM Tirana has conducted are cases when domestic violence was the main cause for a child to flee the country<sup>436</sup>.

### ***National provisions on domestic violence***

239. The Criminal Code defines child neglect restrictively, in relation only to whether child support is paid, but an important 2013 amendment<sup>437</sup> has made violence against children by family members and others under obligations of care a criminal offence (The UNCRC 2012 had criticised the GoA for its lax legal definition in this regard.) Nonetheless, a lack of identification, referral and treatment systems, and the absence of professional accountability, means that most children do not seek help if they suffer abuse and violence.

240. The Human Rights Committee (of the UNCCPR) was also concerned about ineffective police investigations into domestic violence complaints, meaning effective impunity for the perpetrators; about the rarity of any convictions; that the lack of follow-up after protection orders were granted made them largely ineffective, and about the insufficient number and resourcing of shelters for domestic violence victims<sup>438</sup> (see 6.3 *Provision of alternative care for children*).

## **7.8 Child labour and other forms of exploitation**

### ***Legislation and policy to protect children***

241. The Labour Code (article 98/1) prohibits child labour for children below 16 years of age<sup>439</sup>. Children aged 14-16 years old may take part in vocational trainings and work in 'easy' jobs (those deemed to be free of health risks) during the summer holiday (article 98/2) and of a 'socio-cultural' kind (article 102). Children aged 16-18 years may work in 'easy' jobs (article 99) if authorised by the Labour Inspectorate. However, the law fails to define what constitutes permissible holiday work, or the number of hours or conditions that would make the employment acceptable.

242. Children between 16 and 17 years old may work, but are restricted from work performed at night or deemed harmful to their health or growth, and can only be employed in 'easy' jobs<sup>440</sup>. The Labour Code sets the minimum age for hazardous work at 18 years, and lists jobs considered hazardous for younger children. The Labour Code does not apply to, '...family jobs carried out by family members' (sharing the same household), leaving unprotected this group of children if they perform hazardous work. The Labour Code is only applicable to contractual employment; leaving unprotected the many working children without a contract, including those who are self-employed<sup>441</sup>.

243. The Criminal Code prohibits the exploitation of children for sex work; their use in the production, distribution, or publication of pornographic materials; the forced begging of children; and inciting them into criminal activity. Some changes in April 2013 to the Criminal Code allow the justice system to pursue the forced use of children as a criminal offence<sup>442</sup>. However, the European Commission has

435 General Police Directorate Personal Communication 30 July 2014.

436 IOM Tirana Personal Communication 4 July 2014.

437 Law Some additions and changes in law 7895, date 27.1.1995 Criminal Code amended no 144/2013 article 6.

438 UN International Covenant on Civil and Political Rights Human Rights Committee *Concluding observations* (2013) pp. 3-4.

439 Law Labour Code of the Republic of Albania no.7961 date 12.7.1995.

440 Terre des Hommes Personal Communication 11 July 2014.

441 US Department of Labor <http://www.dol.gov/ilab/reports/child-labor/albania.htm> (Findings on worst forms of child labor 2013, accessed 27 April 2015).

442 State Agency for the Protection of Child Rights *National Report* (2015) p. 14.

highlighted how the GoA's measures to address child labour and exploitation remain inadequate<sup>443</sup>.

### **Reports on child labour and slavery**

244. Labour Inspectorate data for 2014 shows that 264 children between 16-18 years worked in the formal sector. Most (92.4%) had completed only basic education<sup>444</sup>.
245. In 2010 CRCA reported that 50,000 children worked at least part-time as street sellers, beggars, in farming, drug dealing, car washing, mining, shoe polishing, and textiles manufacture. The children were as young as four to five years old<sup>445</sup>. In the ten years up to 2012, according to UNICEF Albania, 12 per cent of children laboured (boys 14.4%; girls 9.4%)<sup>446</sup>. In 2013 the Albanian Union of Education said that about 60 per cent of children drop out of school to take up work<sup>447</sup>.
246. A 2012 INSTAT report found that 57,000 children (8.2% of those between 5-17 years old) were economically active. 0.2 per cent of the children aged 12-14 years old, and 1.9 per cent of children aged 15-17 years old, are exclusively engaged in economic activities. Children aged 5-13 years - who should not work at all - comprise 28.5 per cent of working children<sup>448</sup>. Of all child labourers, most (around 80%) work in agriculture, and are usually unpaid because they labour in their family farms<sup>449</sup>.
247. Around 700 children have been identified begging in Tirana, on their own or with family members in 2014<sup>450</sup>. In August 2014 for instance, the media reported the arrest of a 30-year-old man who had forced his five-year old son into begging. The man explained that he had four children, was sick, had no income and received no economic aid, hence the need to make his son beg<sup>451</sup>.
248. Apart from poverty alone, reasons (each of which may link to underlying poverty) why children work include:
- Living in one parent families.
  - Having disabled family members.
  - Living with parents addicted to alcohol and/or other drugs.
  - Being far from a school with no means of access, other than on foot.
  - Discrimination, especially if from an ethnic minority, causing parents to believe that their children are safer living and/or working in street situations<sup>452</sup>.
249. Children are also used for begging in neighbouring countries (e.g. Kosovo and Greece). NGOs report that, in practice, when such children are caught and returned to Albania, their best interests are not considered, and no protection or reintegration measures offered, especially in the cases of exploitation by their own family<sup>453</sup>. This puts the children at risk of continued exploitation.
250. In Lazarat village (Gjirokaster district) 312 children were found to be employed in marijuana processing in 2013<sup>454</sup>. There are recent police reports of children becoming involved in sex work but none of children taking part in pornography (see 7.2 Numbers). From all sources consulted, there are no reports of debt bondage.

443 European Commission *Albania Progress Report* (2014) pp. 48-49.

444 Inspectorate of Labour and Social Care Services Personal Communication 25 May 2015.

445 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) p. 33.

446 UNICEF Albania Country Statistics [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html) (Accessed 21 April 2015).

447 Save the Children <http://resourcecentre.savethechildren.se/start/countries/albania>, (Accessed 20 May 2015).

448 Dayioğlu M. et al *Fëmijët Që Punojnë Në Republikën e Shqipërisë* (2012) p44 (in Albanian language).

449 Dayioğlu M. et al *Fëmijët Që Punojnë Në Republikën e Shqipërisë* (2012) p44 (in Albanian language).

450 ARSIS et al *National Study on Children in Street Situation in Albania* (2014) pp. 29-30.

451 <http://www.top-channel.tv/artikull.php?id=282441&ref=ml> (Accessed 7 August 2014).

452 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) p. 13.

453 BKTf *Universal Periodic Report* (2013) p. 26.

454 ARSIS et al *National Study on Children in Street Situation in Albania* (2014) p. xi.

## **Impact on children's lives**

251. Many working children are engaged in the worst forms of child labour, particularly forced begging, which requires them to work for many hours, often late into the night and in unhealthy conditions. These children may be beaten and are at risk of sexual exploitation. The Government has identified working in street situations as a worst form of child labour<sup>455</sup>.
252. Other children, mainly from middle and northern Albania, are engaged in the small livestock businesses and farms of their families, often as shepherds. This may prevent them from attending school. Some children work in the illegal drugs trade, or to dismantle old and dangerous military munitions. A 2008 explosion in an arms dismantling factory in Gerdec killed 26 people, including working children. Many others were wounded<sup>456</sup>. This notorious event was some years ago but concerns exist that conditions in such places mean another accident could happen.
253. Children who work in mines are exposed to chemicals and carry heavy loads. Those working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides. In the construction sector children use dangerous equipment that exposes them to the risk of injuries, and they suffer from exhaustion through long working hours in the construction and service sectors<sup>457</sup>.
254. INSTAT reported that, in 2010, 18.4 per cent of the children who worked had suffered a disease or damage as a result of their work. Extreme cold or heat conditions, dusty and smoky environments were experienced by 54.2 per cent of working children<sup>458</sup>. During formal inspections in 2013, the government reported removing or assisting 26 children found working in violation of the Labour Code. No penalties were applied in any of these cases<sup>459</sup>.
255. The Albanian Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016 includes measures for the:
- Adoption and implementation of effective legislation and law enforcement.
  - Provision of free, quality education for all children.
  - Social protection to families and children in need.
  - Implementation of labour market policies that promote youth employment.
  - Regulation and formalisation of the informal economy<sup>460</sup>.
256. The 2014 EC report on Albania raises concerns about poor child labour statistics. It also highlights the fact that Albania remains a source country for forced child labour<sup>461</sup>.

## **7.9 Children living and/or working in street situations**

### **Harassment and ill-treatment**

257. In 2012 the Ombudsman reported that most children living and/or working in street situations were between 11 and 16 years old and handed money they earned either to their parents, or to someone who exploited their work<sup>462</sup>. A 2014 survey of children living and/or working in street situations found over 2,500 such children in the eight regions covered (all data collected in 2013).

455 Terre des Hommes Personal Communication 11 July 2014.

456 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) p. 15.

457 Terre des Hommes Personal Communication 11 July 2014.

458 Dayioğlu M. *Fëmijët Që Punojnë Në Republikën e Shqipërisë* (2012) p. 45 (in Albanian language).

459 US Department of Labor <http://www.dol.gov/ilab/reports/child-labor/albania.htm> (Findings on worst forms of child labor 2013 (Accessed 27 April 2015)).

460 US Department of Labor <http://www.dol.gov/ilab/reports/child-labor/albania.htm>.

461 European Commission *Albania Progress Report* (2014) p. 48.

462 Republic of Albania Ombudsman *Special Report on the Rights of Orphan Children* (2013) p. 11.

258. The same study found that 66.5 per cent of the children were between four and 14 years old (the remainder 15-17 years old). The majority of children living and/or working in street situations were boys from 10 to 17 years old. Many children were not currently enrolled in school (62%), or were enrolled but not attending, and 21 per cent had never been to school. As many as a quarter of the children belonged to the Albanian majority with the remainder from Roma or Egyptian communities.
259. The most common activity was street selling; items such as cigarettes, lighters, water, farm produce and other foods, flowers, pens, pencils, car fresheners or other accessories. Other children begged, recycled plastic, or were engaged in other activities. Thirty per cent said they started living and/or working in street situations because their parents forced them, and four per cent claimed pressure from other adults.
260. The survey distinguished between children 'on' the street (79%) who stay there during daylight hours and return home or to residential care at night, and children 'of' the street (4.3%) who also sleep out in the street. This may be due to loss or absence of parents, alcoholism, domestic violence, divorce or remarriage of their parents. A third group identified were 'street-family children' (16.7%) who lived with their family on the street<sup>463</sup>.
261. The UNCRC 2012 findings were concerned about the insufficient measures in place to address the situation of children living and/or working in street situations, some of whom experience the worst forms of exploitation (eg. through begging). They are extremely marginalised, at increased risk of trafficking and sexual exploitation, and may be homeless. The Committee was concerned, too, that these children might be treated as offenders<sup>464</sup>. Children living and/or working in street situations also have high mortality rates due to malnutrition and homelessness<sup>465</sup>. Albanian children are also sometimes returned from Kosovo, following police round-ups of beggars there<sup>466</sup>.

### ***Protection services for children living and/or working in street situations***

262. There are no shelters that specifically offer services to children living and/or working in street situations. Other kinds of shelter, managed by the government and by NGOs, may assist these children as needed. For instance, in Tirana there are several organisations (ARSIS, FBSH/DN, Save the Children etc.) with shelters or day centres that can accommodate them. ARSIS manages an emergency shelter (with accommodation for up to 72 hours) for children and mothers assessed to be at immediate risk<sup>467</sup>. Outside Tirana, the services are very limited.

## **7.10 Children of refugees and internally displaced people**

### ***Numbers of child refugees and IDPs***

263. In 2014, a total of 52 refugee and asylum-seeking children were accommodated in the only centre of its kind in Albania, the Babbru National Asylum Seekers' Reception Centre in Tirana (24 children) or in private accommodation mainly in Tirana (28 children). The majority were from Kosovo with others from China, the Democratic Republic of Congo, Iraq, Montenegro, Palestine, Uzbekistan, Eritrea, Afghanistan and Syria.
264. Very few of the children were unaccompanied, but belonged to asylum-seeking families. Under Albanian law, the Director of the Babbru centre would have represented the children as their cases progressed. In fact, all had left the country

463 ARSIS et al *National Study on Children in Street Situation in Albania* (2014) pp. x-xi.

464 Committee on the Rights of the Child *Concluding Observations* (2012) p. 20.

465 Albanian Children Alliance *Brief Report 2012* p1 available at [http://www.crin.org/docs/Albania\\_ACA\\_CRC%20Report%20UPDATE.doc.pdf](http://www.crin.org/docs/Albania_ACA_CRC%20Report%20UPDATE.doc.pdf) (Accessed May 1 2015).

466 ARSIS Personal Communication 15 July 2014.

467 ARSIS Personal Communication 15 July 2014.

before any decisions could be taken. The government provides no housing or financial support to refugees, except for a few adults (but not their children) who were relocated to Albania from the Guantanamo camp<sup>468</sup>.

265. The 2012 UNCRC report expressed concern that children migrating to Albania, including unaccompanied children, are usually treated as irregular migrants. They are detained at the National Detention Centre for Irregular Migrants in Karreç and deported, without a legal hearing to determine their best interests, specialist services, or the assistance of an authorised guardian<sup>469</sup>.

### ***Basic services offered***

266. The 2012 UNCRC report expressed concern that asylum-seekers and refugee children without proof of educational background may not have access to education<sup>470</sup>. UNHCR confirms that refugee children do now have such access. There is a school close by which all Babbru children can attend.<sup>471</sup> However, despite many efforts by UNHCR to institutionalise registration procedures for children, (at pre-school, primary and secondary levels) many obstacles remain.
267. This is because they lack country of origin documentation and, for non-Albanian speakers, face language barriers. There are no special classes or courses for refugee and asylum seekers children in state schools. UNHCR has supported Albanian language courses to those who need to learn. Food, other necessary items and essential health care are also provided at Babbru<sup>472</sup>.
268. UNHCR reports that refugees are protected against violence and abuse when in the centre, through Albania's legal provisions<sup>473</sup>, but there is no monitoring in place. Refugees can present their complaints to UNHCR or to the Ombudsman<sup>474</sup>. The UNCRC expressed concern over the automatic detention until deportation of all persons entering the country irregularly, including children; and about the lack of information about asylum procedures or referral of asylum seekers to the system. This exposes these refugees to a high risk of refoulement<sup>475</sup>.

### ***Internally displaced people***

269. Amongst all sources consulted, no data is reported on the IDPs in the country, indicating that the phenomenon does not exist.

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468 UNHCR Personal Communications 24 July & 30 October 2014.

469 Committee on the Rights of the Child *Concluding observations* (2012) p. 19.

470 Committee on the Rights of the Child *Concluding Observations* (2012) p. 19.

471 UNHCR Personal Communication 24 July 2014.

472 UNHCR Personal Communication 24 July 2014.

473 UNHCR Personal Communication 24 July 2014.

474 UNHCR Personal Communication 30 October 2014.

475 UN International Covenant on Civil and Political Rights Human Rights Committee *Concluding observations* (2013) p. 4.



## 8. Returning separated or unaccompanied children and families

### 8.1 Responsibility for and information on unaccompanied children

270. Albanian law defines an unaccompanied child as a foreign or stateless ‘minor’ who enters the Republic of Albania unaccompanied by a responsible adult<sup>476</sup>. In practice, unaccompanied children, whether foreign nationals or Albanian have been treated under the Standard Operational Procedures for the Identification and Referral of Victims and Potential Victims of Trafficking<sup>477</sup>. The unaccompanied circumstance is considered to be an indicator of possible trafficking, because of the risk of potential exploitation. Since 2013, with an increasing number of cases of Albanian unaccompanied children who could not be classified either as potentially or actually trafficked a need arose to provide specific measures for them<sup>478</sup>. The information below distinguishes between Albanian and foreign unaccompanied children.

#### ***Responsibilities for Albanian unaccompanied children***

271. Agreements have been signed between the Albanian and Greek, Kosovo, United Kingdom, Montenegro Governments on the protection and support of child trafficking victims<sup>479</sup>. However, no evidence was found of specific agreements between Albania and countries of destination<sup>480</sup> for cases of unaccompanied children. The State Social Services (SSS) and State Police (SP) signed a joint

476 The laws On Foreigners 2013 no 108, and For Asylum in the Republic of Albania 1998 no 8432.

477 DCM Standard Operating Procedures for the Identification and Referral of the Victims/Potential Victims of Trafficking 2011 no 582 p. 27.

478 IOM Personal Communication 15 May 2015.

479 Lenja V. *Profile of the Situation of Unaccompanied Minors and Efforts for Social Inclusion* (2015) pp. 19-20 (hereafter *Profile of the Situation of Unaccompanied Minors*).

480 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) p. 19.

order in March 2014 on the reception procedures and the assistance to be given to returning unaccompanied Albanian children<sup>481</sup>.

272. For each unaccompanied child case, the official procedure is that the Albanian border police should immediately inform the Regional Directorates of Border and Migration (DBM), who notify the central DBM. The responsibility for collecting information about how the child came to be unaccompanied in the country of destination, on tracing the child's family, and on organising transport for the family and returned child belongs to the regional DBM. In coordination with the regional SSS social worker, families should be approached to sign a declaration of 'child acceptance'.
273. The joint order advises that, only where the family environment appears inappropriate for the returning child, should the social worker of SSS perform an assessment using a structured questionnaire (included within the 2014 order). This is followed by case referral to NGOs (usually local ones, some supported by international partners) for support in improving the conditions. The geographical distribution of NGOs and the scope of social care services they can offer is uneven, however<sup>482</sup> (see 6.2 *Protection of disadvantaged and vulnerable children*). If none of this is possible, the child may be placed in a residential institution (see 6.3 *Provision of alternative care for children*).
274. In practice, the family assessment is often conducted solely at the request of the authorities of the country of destination prior to return. On the basis of the assessment conducted by SSS the authorities of the country of destination determine whether the best interests of the child is to remain in the country of destination or to return to Albania (see 3.2 *Best interests of the child*)<sup>483</sup>.
275. The child can also be placed in residential care if the family refuses to accept the child<sup>484</sup>, even though the family home is considered acceptable by the social worker. According to national legislation family relatives might apply for guardianship of the child through the court. This might also be done by the State Social Service or the Child Protection Unit although this is not specified in the regulations (articles 263-264 Family Code). However the child (over 10 years) needs to be heard in person by the court before guardianship can be transferred (article 267 Family Code). In the future, procedures on the transfer of guardianship should be regulated in bilateral agreements with the country of destination. Should the child have to be placed in a residential institution complex procedures would need to be followed. No such cases have been reported so far<sup>485</sup>. The DBM has the responsibility to notify families about the child's arrival, and to provide transport if the family is unable to.
276. Obtaining the child's consent to return is the responsibility of the countries of destination and this should be undertaken before any request is sent to the State Police. Requests for family tracing should not be sent unless the child has agreed to return. There is no analysis of cases where children have not wanted their family to be traced<sup>486</sup>.
277. If the returned child is a trafficking victim, the anti-trafficking unit of the Ministry of Internal Affairs becomes involved and the Responsible Authority<sup>487</sup> takes overall responsibility for the case. Trafficked children may also be placed at the

481 Common order of State Social Services 2014 no.332/3 and State Police 2014 no.562 On Measures at the Reception and Social Support of Unaccompanied Minors that are Returned or Accepted by Other Countries.

482 National Centre for Social Services *Social Care Services in Albania* (2013) p. 37.

483 IOM Personal Communication 15 May 2015.

484 State Social Services Personal Communication 31 October 2014.

485 State Social Services Personal Communication 10 May 2015.

486 IOM Personal Communication 29 October 2014.

487 Responsible Authority for the Protection of and Assistance to the Victims of Trafficking, a structure established upon a Joint Order of the ministries of Internal Affairs, Foreign Affairs, Education & Sports, Health and Social Welfare & Youth 2014 no. 3799.

National Reception Centre for Victims of Trafficking. The Centre offers onsite accommodation, health, psychosocial, legal and rehabilitation assistance and protection for victims (and their children). However it is mainly an emergency reception centre and does not offer specialist integration services for children<sup>488</sup>. A local NGO in Elbasan, Tjeter Vision, operates a shelter that does provide such support for child trafficking victims (see 7.2 *Protection of trafficked children*). The 2014 joint order bypasses the Child Protection Units (see 6.2 *Child protection services*), which are responsible for the child case management in local government units (LGUs).

278. The order also fails to consider children who are deported (when they are returned by countries of destination without prior notice). This is most relevant for unaccompanied children returning from Kosovo and Greece. Implementation of the order depends on the regulatory framework of countries of destination and their willingness to implement this in the child's best interest. Kosovo has no regulatory mechanisms for unaccompanied children and, in the case of many children returned from Greece, only last minute notification for their return is provided<sup>489</sup>.
279. According to the IOM, existing arrangements in Albania do not take into account the different backgrounds of unaccompanied children and they recognize that there is a need for these children's better identification and categorization. The IOM also identifies a gap in reintegration services and suggest targeted interventions for unaccompanied children, such as a national reception centre to serve both Albanian and foreign unaccompanied children<sup>490</sup>.

### ***Profile and numbers of Albanian unaccompanied children***

280. An IOM analysis of cases of 22 unaccompanied children (21 male and 1 female) established that the majority (19) belonged to the 15-18 years age group. Reasons given by the children for leaving Albania included wanting to improve their economic conditions (by finding a job and earning money for themselves) and having a better life. When asked about any complaints they had before leaving Albania, most children (14) expressed dissatisfaction with the education system<sup>491</sup>.
281. Information provided by the DBM<sup>492</sup> shows that between March 2014 and April 2015, 40 unaccompanied Albanian children were processed for reception. Ten children have been received in the country (Greece, 4; Sweden, 4; 1 each from UK and Norway). Thirty more cases are in process (France, 21; Sweden 5; 2 each from Germany and Belgium).
282. The same DBM source (for January–April 2015) shows that 24 unaccompanied children returned from Kosovo and Greece without the reception procedures being followed (ie. without notification). Four were Roma children. Between March 2014 and April 2015, 93 unaccompanied children who were attempting to leave Albania were refused permission to cross the border because they lacked relevant documentation.
283. The SSS prepared three assessments on family conditions in 2013, 11 in 2014, and 19 between January and April 2015. In 12 cases, between 2013 and 2015, it was impossible to make an assessment since the family could not be traced. The SSS states that returnees are monitored for up to one year by its regional centres<sup>493</sup>.
284. Eurostat reports that 790 unaccompanied children from Albania entered EU countries in 2014 as asylum seekers. Most requested asylum in the UK (615

488 Ministry of Internal Affairs Personal Communication 30 July 2014.

489 IOM Personal Communication 15 May 2015.

490 IOM Personal Communication 15 May 2015.

491 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) pp. 21-24.

492 Border and Migration Department (State Police) Personal Communication 12 May 2015.

493 State Social Services Personal Communication 17 July 2014.

children), then Sweden (80 cases)<sup>494</sup>, Germany (30 cases) and Belgium (25 cases)<sup>495</sup>. Albanian unaccompanied children in Italy do not generally seek asylum because they are granted immediate protection once they are identified as unaccompanied, whether they are migrants or asylum seekers. Up to 30 April 2015, the number of such children under the protection of Italian authorities was 1,265<sup>496</sup>.

285. Since 2008, and following a request from the Italian authorities, IOM Albania has conducted family assessments for Albanian unaccompanied children seeking protection in Italy. Between January and April 2015, 67 family tracing and assessment interviews were conducted<sup>497</sup>. Family assessment by IOM is likewise conducted if other EU countries request it<sup>498</sup>. In the same period, four other cases were assisted with voluntary return and reintegration (2 each from Norway and Italy).
286. Organisations in Albania that are involved in the identification, referral, return and assistance for unaccompanied children include IOM, Terre des Hommes, ARSIS, International Social Services and for unaccompanied child trafficking victims United for Child Care and Protection (BKTF) members<sup>499</sup>.

### **Foreign unaccompanied children**

287. Legislation defines case management responsibility for foreigners who request entry and residence in Albania as belonging to the DBM<sup>500</sup>. In the case of asylum seekers it rests with the Nationality and Refugees Department of the Ministry of Internal Affairs<sup>501</sup>. The number of children (both accompanied and unaccompanied) on the move in Albania is as yet unknown, although some cases are referred to in media reports<sup>502</sup> (see 7.10 *Children of refugees and internally displaced people*). IOM has called for the establishment of mechanisms to improve the identification and treatment of foreign unaccompanied children in Albania<sup>503</sup>.

## **8.2 Settling after return**

288. Children and their families may settle wherever they wish and children returning alone can settle wherever their legal guardian lives. Challenges related to access and quality of services are similar to those faced by other children and families (see 5. *Basic rights* and 6. *Family environment and alternative care*). This includes access to education, social protection and health care services, all subject to conformity with the approved regulations and providing appropriate documentation<sup>504</sup>.

## **8.3 Detention, insecurity or discrimination after return**

289. Returned Albanian unaccompanied children are only detained if they had a criminal record before they left the country. Amongst all sources consulted, there are no reports of returned children facing threats in relation to their security or experiencing discrimination.

494 According to the Swedish Migration Board in 2014 82 Albanian unaccompanied children sought asylum in Sweden [http://www.migrationsverket.se/download/18.39a9cd9514a34607721145c/1424792388157/Aktuellt\\_om\\_januari\\_2015.pdf](http://www.migrationsverket.se/download/18.39a9cd9514a34607721145c/1424792388157/Aktuellt_om_januari_2015.pdf) (Accessed 19 May 2015).

495 EUROSTAT <http://ec.europa.eu/eurostat/data/database> (Accessed 15 May 2015).

496 Italian Ministry of Labour and Social Policy [http://www.lavoro.gov.it/AreaSociale/Immigrazione/minori\\_stranieri/Documents/Report%20MSNA%2030-04-2015%20-%20aggiornamento%2014-05-2015.pdf](http://www.lavoro.gov.it/AreaSociale/Immigrazione/minori_stranieri/Documents/Report%20MSNA%2030-04-2015%20-%20aggiornamento%2014-05-2015.pdf) (Accessed 20 May 2015).

497 IOM project *Family Tracing and Assessment Activities: Supporting the Identification of the Best Possible and Durable Solutions for the Future of Unaccompanied Migrant Children Living in Italy, Including Assisted Voluntary Return*.

498 IOM *Assisted Voluntary Return and Reintegration* programmes.

499 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) p. 19.

500 Law On Foreigners 2013 article 4.

501 Some Additions and Changes in Law 8432 Date 14.12.1998 For Asylum in the Republic of Albania 2009 no 10060.

502 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) pp. 18-19.

503 Lenja V. *Profile of the Situation of Unaccompanied Minors* (2015) p. 37.

504 State Social Services Personal Communication 17 July 2014.

## 8.4 Reintegration for children and their families

290. The Strategy on Reintegration of Returned Albanian Citizens 2010-2015 and its Action Plan were adopted in June 2010. These address all returned Albanian citizens, under whatever circumstances, but mostly focus on those who return under international readmission agreements<sup>505</sup>. The two documents are mainly concerned with legal provisions and do not address well the concrete actions to ensure a sustainable reintegration process<sup>506</sup>, although the action plan presents measures for the education sector (described below).
291. There are 36 migration desks, one in each district, to facilitate the reintegration of returnees<sup>507</sup>. However, the role of their staff is mainly to provide an information service. A 2013 report recommended that further efforts are needed to make their role more effective and proactive<sup>508</sup>.
292. Returning families face a difficult reality, cutting across economic, social, administrative and other issues. In 2013, 60.3 per cent complained about the lack of adequate support and 41.2 per cent said that the reintegration services needed improving. Many turned to the private sector instead for help (40.6%), the majority of these to access health and medical services (58.5%)<sup>509</sup>.

**Table 15: Problems encountered by returnees to Albania**<sup>510</sup>

Problems encountered	
Insufficient incomes	72.1
Lack of adequate services	60.3
Inadequate health system	56.2
Paperwork (bureaucracy)	47.9
Instability in the country	32.1
Socio-economic reintegration difficulties	15.0

293. If they have the necessary documentation, children born abroad can be registered at civil registry offices and in schools. Children that are not registered at the country of destination, a certificate of child delivery is necessary. For children that have been registered in the country of destination, a birth certificate is necessary. In both cases documentations should be legally recognized by the authorities of the country of destination (respectively by the Ministry of Health and the Ministry of Foreign Affairs), legalized by the Albanian consulate at the country of destination. To register at school, documents such as a child immunization record and child civil registration is necessary. Economic aid and referrals made for vocational training opportunities can be provided through the LGU, in line with current provisions. Some NGOs offer needs-based reintegration support to returnees (eg. legal, medical or psychosocial help, vocational training or through income generation activities)<sup>511</sup>.
294. The Ministry of Education and Sports (MoES) has developed initiatives for returned children, including a means of recognising education certificates gained abroad (through Regional and District Education Offices), summer reinforcement and other extracurricular classes. For the school year 2013-2014 about 2,100 such students were registered to continue the studies (2014-2015 data is not yet available)<sup>512</sup>.

505 DCM For the Approval of the Strategy on Re-integration of Returned Albanian Citizens 2010-2015 2010 no 906.

506 Gjokutaj E. & Hroni E. *Stories Behind Visa Liberalisation: Asylum Seekers and Irregular Migration* (2013) pp. 24-25.

507 IOM Personal Communication 29 October 2014.

508 Gjokutaj E. & Hroni E., *Stories Behind Visa Liberalisation: Asylum Seekers and Irregular Migration* (2013) p. 27.

509 INSTAT & IOM *Return Migration and Reintegration in Albania* (2013) p. 52.

510 INSTAT & IOM *Return Migration and Reintegration in Albania* (2013) p. 51.

511 State Social Services Personal Communication 10 May 2015.

512 Ministry of Education & Sport Personal Communication 13 May 2015.

Important developments include a number of recent guidelines from MoES to support inclusion and reduce dropout<sup>513</sup>.

295. One NGO reports that implementation of the MoES measures does not always go smoothly<sup>514</sup>. Returning children experience delays in obtaining documentation and face difficulties with the Albanian language. In Gjirokastra, for example, there are many such children born in Greece to Albanian immigrants, or who lived there from an early age. Their limited knowledge of the Albanian language increased their general difficulties with reintegration and, specifically, their access to education and other essential services<sup>515</sup>.
296. There are no other specific reports about difficulties faced by returning children in accessing services. A 2014 study on children on the move reported, however, that the most critical issues facing them related to those without civil registration (mainly from the Roma population) whose access to essential services was obstructed<sup>516</sup>.

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513 E.g. MOES Guidelines no's 29, 31 and 36-38 issued February 2013 to August 2014.

514 ARSIS Personal Communication 15 July 2014.

515 ARSIS et al *National Study on Children in Street Situation in Albania* (2014) p. 49.

516 Voko K. & Tahsini I. *The situation of children on the move in Albania* (2014) p. 5.

## STATISTICS

The country report on Albania can be found at:

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48d676&submit=GO>.

The Concluding Observations for Albania's Periodic Reports can be found at:

[https://www.crin.org/en/library/custom-search-un?search\\_api\\_views\\_fulltext=&field\\_un\\_su\\_btype=855&created%5Bdate%5D=&created\\_1%5Bdate%5D=&field\\_organisation=All&field\\_themes=All&field\\_crc=All&field\\_country\\_1=All&field\\_country=772&search\\_api\\_language=All&=Search](https://www.crin.org/en/library/custom-search-un?search_api_views_fulltext=&field_un_su_btype=855&created%5Bdate%5D=&created_1%5Bdate%5D=&field_organisation=All&field_themes=All&field_crc=All&field_country_1=All&field_country=772&search_api_language=All&=Search).

1. Demographic information / statistical data on children	Numbers	Source
<i>Total population</i> Million.	3.2	UNDP Human Development Index 2013
<i>Population under 18</i> Thousands.	857	UNICEF Albania 2013
<i>Population under 5</i> Thousands.	200	UNDP Human Development Index 2013
<i>Under-5 mortality rate (2013)</i> Probability of dying between birth and exactly 5 years of age, expressed per 1,000 live births.	14.9	UN Interagency Group for Child Mortality Estimation 2013
<i>Under-5-mortality rate in neighbour countries (2013)</i> Probability of dying between birth and exactly 5 years of age, expressed per 1,000 live births.		
Bosnia & Herzegovina	6.6	UN Interagency Group for Child Mortality Estimation 2013
Macedonia	6.6	
Greece	4.4	
Serbia	6.6	
Montenegro	5.3	

### UN Interagency Group for Child Mortality Estimation

[www.childmortality.org/index.php?r=site/compare](http://www.childmortality.org/index.php?r=site/compare)

Last checked on June 23, 2015.

### UNICEF Albania 2013

[http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html)

Last checked on June 23, 2015.

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