



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/11/Add.27
5 July 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION**

Initial periodic report of States parties due in 1994

ALBANIA*

[24 September 2003]

* The present document has not been formally edited before being sent to the United Nations translation services and is being circulated as received.

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Introduction

1. The Republic of Albania considers the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations Organisation on 20 November 1989, as one of the most important international law acts covering rights and obligations in all the aspects of the child's life and it is fully committed to its implementation.
2. Under Article 122 of the Constitution of the Republic of Albania, any ratified international agreement constitutes a part of the internal juridical system after it is published in the Official Gazette of the Republic of Albania. It is directly applicable, except when it is self-applicable, and for its implementation the promulgation of a law is required. A legally ratified international agreement overrides the national laws not compatible with it. The present provision of the Constitution is especially important as it extends protection to the child's rights, and when the national legislation is deficient, the UN Convention on the Rights of the Child could be applied.
3. The Convention on the Rights of the Child was ratified by the Parliament of the Republic of Albania in February 1992, and entered into force in March 1992. The Parliament ratified the present Convention grounded on Article 16 of the Principal Constitutional Provisions (1991). The Equal Opportunity Committee, which is under the Council of Ministers, has published the Convention on the Rights of the Child in 500 copies. The Convention has been also published by UNICEF and CRCA non-governmental organisation, with an additional commentary attached occasionally. Radical changes have taken place in the legal setting following the Convention ratification so as to ensure its compliance with the Convention provisions.
4. The all-sided legislative and institutional reforms have substantially sharpened the child's rights and human rights in general, bringing them closer into line with the European standards. However, contrary to how human rights are actually exercised in Albania, reporting on the implementation of the UN Conventions on human rights deriving from the obligations undertaken by Albania as a party to these Conventions has not been the case so far.
5. While attaching maximum importance to the reporting process, and further to the commitments arising from the Conventions ratified by Albania, by Ordinance of the Prime Minister no. 134, dated 5 May 2000, the Albanian Government decided to set up a permanent working group mandated to produce national reports on the Conventions on Human Rights. This working group is made up of representatives from all the Ministries and central departments, and representatives from active NGOs focused on human rights, women, children, as well as representatives from the different national minorities living in Albania. The initial and first report on the Convention on the Rights of the Child incorporates the legal, executive and administrative measures adopted by the Republic of Albania during 1992-2000 period.
6. Under Article 44, paragraph 6, of the Convention on the Rights of the Child, before being submitted the Report on the Convention of the Rights of the Child (CRC) was made available both to the central departments and the NGOs invited to take an active part in its preparation, and the other non-governmental organisations some of which are referred to in this Report. The reason behind this was both to ensure that the Report was duly distributed, and obtain information on their eventual remarks on certain parts of it.

**I. GENERAL MEASURES OF IMPLEMENTATION
(Articles 4, 42 and 44, paragraph 6)**

7. For the purpose of ensuring compliance of the national legislation with the UN Convention on the Rights of the Child, following March 1992 a number of laws and decisions directly or indirectly affecting the improvement of the implementation of the rights of the child in the Republic of Albania have been adopted. The following could be mentioned:

- The Criminal Code, Law no. 7895, dated 27 January 1995, amended by Law no. 8279, dated 15 January 1998.
- The Criminal Procedure Code, Law no. 7905, dated 21 March 1995.
- The Civil Code, Law no. 7850, dated 29 July 1994.
- The Civil Procedure Code, Law no. 8116, dated 29 March 1996.
- The Labour Code, Law no. 7961, dated 12 July 1995.
- Decision no. 384, dated 20 May 1996, "For the Protection of Minors at Work".
- The Hague Convention "For the Protection of Children and the Cooperation for Their Adoption in Other Countries", ratified in June 2000 by Law no. 8624, dated 15 June 2000.
- The Convention 182 "For the Worst Forms of Child's Labour" and Recommendation no. 190, "The Worst Forms of Child's Labour", adopted by the Albanian Government in September 2000.
- The General Regulations of Prisons.
- Law no. 8328, dated 14 April 1998, "For the Prisoners' Rights and Treatment".
- Law no. 7650, dated 17 December 1992, "For Minors' Adoption by Foreign Citizens and for Some Amendments to the Family Code".
- Law no. 5840, dated 20 January 1979, "For the Registration of Acts on Civil Status"; its provisions dealing with the keeping of the person's name or surname have been amended by Law no. 7682, dated 9 March 1993, "For Some Amendments to Laws".
- Law no. 8389, dated 5 August 1998, "On Albanian Citizenship"; Article 5 and other articles have been amended by Law no. 8442, dated 21 January 1999.
- Law no. 8432, dated 14 December 1998, "For Asylum in the Republic of Albania".
- Law no. 8410, dated 30 September 1998, "For the Public and Private Radio and Television in the Republic of Albania".
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Law no. 7727, dated 30 June 1993.

- The Convention on the Elimination of All the Forms of Racial Discrimination, ratified by Law no. 7768, dated 9 November 1993.
- Law no. 3766, dated 17 December 1963, “On Health Care”, amended by Law no. 7718, dated 3 June 1993, and Law no. 7738, dated 21 July 1993.
- Law no. 7761, dated 19 October 1993, “For the Prevention and Combat of Contagious Diseases”.
- Law no. 8528, dated 23 September 1999, “For the Encouragement and Protection of Breastfeeding”.
- European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by Law no. 8137, dated 31 July 1996.
- Law no. 8153, dated 31 October 1996, “For the Status of the Orphan”.
- Law no. 8331, dated 21 April 1998, “For the Execution of Criminal Decisions”.
- Law no. 7710, dated 18 May 2000, “For Social Assistance and Care”, amended by Law no. 7886, dated 8 December 1994, and Law no. 8008, dated 5 October 1995, and by-laws issued by the Ministry for Work, Immigration, Social Protection and Former Political Prisoners.
- Law no. 8092, dated 21 March 1996, “On Mental Health”.
- Law no. 7889, dated 14 December 1994, “On the Status of the Invalid”.
- Law no. 7952, dated 30 July 1998, “On Pre-University Education System”, amended by Law no. 8387, dated 21 June 2000, “On Pre-University Education System”.
- Decision no. 39, dated 22 August 1994, “On Eight-year Education of the Persons Belonging to National Minorities in their Mother Tongue”.
- Law no. 8689, dated 16 November 2000, “For the Prevention of the Spread of HIV-AIDS Infection in the Republic of Albania” (Articles 20-22).
- Law no. 7986, dated 13 September 1995, “On Labour State Inspectorate”.
- Law no. 7635, dated 11 November 1992, “On Several Amendments to Law no. 4624, dated 24 December 1969, “On a New Education System”.
- Law “On the Organisation of the Judiciary in the Republic of Albania”, amended by Law no. 8436, dated 28 December 1998, amended by Law no. 8546, dated 5 November 1999, amended by Law no. 8656, dated 31 July 2000, Article 25/a, providing for the psychologist’s participation in the legal proceedings against a minor.
- The Constitution of the Republic of Albania, adopted in November 1998, Articles 18, 122 and other articles.
- Law no. 8045, dated 7 December 1995, “On Interruption of Pregnancy”.

- Law no. 7939, dated 25 May 1995, “On Immigration”; under Article 15, facilities are provided to children below the age of 18 years to obtain a residence permit.
- The European Convention on the Cross-border Television, adopted by Law no. 8525, dated 9 September 1999.
- Law no. 8503, dated 30 June 1999, “On the Right to Be Informed about the Official Documents”.
- Decision of the Council of Ministers no. 248, dated 28 May 1999, instructs that non-public education institutions should submit a statement whereby confirming that they assume to observe the Convention on the Rights of the Child (CRC).
- Law no. 8096, dated 29 April 1996, “On Cinematography”; the present law provides for the broadcasting of films in a differentiated way, in compliance with the minors’ age, and establishes the hours when they may be shown.
- Law no. 8492, dated 27 May 1999, “On Foreigners”; the present law stipulates that minors below the age of 16 years are entitled to apply for entry clearance to, or enter the Republic of Albania with the permission of the legal guardian. In the furtherance of the said law, Decision of the Council of Ministers no. 439, dated 4 August 2000, “On the Entry, Residence and Treatment of the Foreigners in the Territory of the Republic of Albania”, including the minors, was adopted.
- The Agreement between the Government of the Republic of Albania and the High Commissariat of the United Nations for Refugees, ratified by the People’s Assembly by Law no. 7833, dated 22 June 1994.

The debates on many other draft laws, such as the draft law of the new Family Law, are drawing to an end (2001).

8. The National Strategy for Children is under way. This is the most important document in which the Albanian Government sets out the policies in respect of the rights of the child. The task of drafting the present Strategy is assigned to a working group consisting of experts from governmental institutions that are more familiar with children’s problems, and from several non-governmental associations focused on the rights of the child. The Equal Opportunity Committee is in charge of the present working group.

9. The National Strategy for Children, which is in its final steps relies on the Constitution of the Republic of Albania – Article 54, and on the Convention of the Rights of the Child. The attached Action Plan will be binding upon all the governmental institutions and the non-governmental organisations, and will help improve the children’s situation in Albania.

10. The Albanian Government is taking all the necessary measures to make the appropriate amendments to the legislation, and bring it into line with the provisions of the Convention on the Rights of the Child. It is also seeing to it to ensure that the proposed National Strategy for Children is translated into action, which should be binding on all the national institutions. This

will be achieved through the determination of tasks, and complex and concrete measures contributing to the children's upbringing and education. They will help ensure the children's physical and psychological invulnerability in all the mediums, improve the conditions and environments directly or indirectly affecting their education and cultural formation, and enhance their access to information. They will also accommodate the needs for the children's healthy development, leisure and recreation, devoting proper attention to and promoting their skills and talents.

11. The Ministry of Education, the Ministry for Work, Immigration, Social Protection and Former Political Prisoners, the Ministry of Health, the Ministry of Justice, the Ministry of Public Order, the Ministry of Local Government, the Ministry of Culture, Youth and Sports, the Equal Opportunity Committee and the Social State Service are the competent departments chiefly dealing with issues concerning the children's rights referred to in the Convention on the Rights of the Child.

- The Ministry of Education is the competent institution for the instruction and education of children. In recent years, the Ministry of Education has undertaken major efforts to ensure the creation of normal conditions for the instruction and education of children in all areas, focusing especially on the setting up of new instructional institutions and the restoration of the existing ones. The present Ministry is currently faced with the important challenge of lowering the drop out rate by getting back to school pupils who have skipped it. In this framework, the Ministry of Education is intensively cooperating with the local government bodies.
- The Ministry for Work, Immigration, Social Protection and Former Political Prisoners provides assistance to abandoned children, with a focus on their social rehabilitation. The 1999 data reveal that one per cent of these children is involved in various jobs.
- The Ministry of Health has the competence of developing special policies on the child's health and on everything concerning the mother and child special care. The present Ministry attaches special attention to the declining infant mortality rate.
- A special department that has the responsibility to amend legal provisions on the protection of the children's rights, and rehabilitate children involved in wrong doing, is set up recently in the Ministry of Justice.
- One of the principal tasks of the Ministry of Public Order is to ensure protection of children from physical violence, and prevent trafficking of children. The State Police structures such as the Interpol, the Public Order Police, the Criminal Police, the Border Police and the Anti-drug Unit are part and parcel of the Ministry of Public Order, and contribute to achieving the above-mentioned tasks.
- The Ministry of Local Government coordinates locally the efforts to ensure the accurate implementation of child-related programmes and projects.
- The Children's National Cultural Centre, operating under the Ministry of Culture, Youth and Sports, carries out a number of child-related projects.

- The Equal Opportunity Committee, functioning under the Council of Ministers, is currently working on the National Strategy for Children.

- The Social State Service is a state-run agency that pursues social protection policies.

12. Safeguarding of children's rights is one of the most important directions of the social protection policies in the Republic of Albania. The bottom-line of the social policies intended to protect children's rights highlights the fundamental principles underlying the UN Conventions and other international instruments ratified by the Albanian Government. These documents underscore that children, on account of their age specifics - they have not yet reached maturity either physically or intellectually - need to receive special protection and attention from both the family and the state-owned institutions.

13. In line with these principles, and bearing in mind the fact that children make up the group most highly vulnerable to the conditions under which they live, and to the risks the market economy brings forth, the address of the social problems concerning children in need occupy a central place in the complex activity of the Social State Service.

14. The objective of the social protection policies touching off on children's rights is to ensure support for, and the rehabilitation and social reintegration of all the children-in-need groups facing the risk of social marginalisation and exclusion. This will be made possible following the introduction of a modern social service system.

15. The changes that have taken place in the course of the last decade have substantially increased the dangers to children and their families. Social phenomena, including immigration, uncontrolled town planning, poverty, unemployment, the disintegration of the family and divorces, have had their impact on an ever-increasing number of children falling under various groups. The problems and risks children come across reflect the development challenges, and the complex hardships the Government, the society and the family are grappling with during transition.

16. Given the said situation, the Social State Service aims at expanding the range of services offered, and promoting new typologies and alternatives, making sure that they focus in a more significant way on meeting the social needs of the children-in-need groups.

17. In its activity, the Social State Service provides care and social protection to the following social categories of children:

- Orphaned children and abandoned children;
- Children with disabilities (mental and physical);
- Children who are victims of violence, maltreatment and sexual abuse;
- Children/minors who are prostitution and drug victims;
- Repatriated children (who, while in immigration, were unaccompanied by their parents);
- Street children.

18. The Social State Service administers the network of the Social Care Institutions (22 institutions), which helps offer services and care to the lonely aging, orphaned children and disabled children. The present institutions look after children by mainly providing them with the classical residential services.

At present, there exist 15 residential institutions for children, of which:

5 homes for infants (0-3 years)

2 homes for pre-school aged children (3-6 years)

3 homes for school-age children (6-14 years)

5 Development and Rehabilitation Centres for Disabled Children.

Two daily-run centres handle the needs of disabled children, as well.

20. Along with the Social State Service structures (which, one should say, have limited capacities and typologies), the local and foreign NGOs are helping in an important way to address the social needs of these categories of at-risk children. The present NGOs have brought about qualitative changes both in the perception and structure of the services offered, urging the introduction of new forms and alternatives in the social service.

21. Jointly with the non-governmental sector, the Social State Service has moved the establishment of new patterns of services for children, and their balanced distribution in conformity with the current needs. Services such as Family Homes or Family Villages are running in Tirana, Shkodra and Elbasan.

22. It is common knowledge that positive changes have been carried out in the field of social protection policies. As far as the group of children in need is concerned, however, the sharp problems and the multifarious needs identified in this area call for the transition to a new, more qualitative stage in performance. This is made possible by moving more effective, more qualitative and comprehensive social policies and services aiming at preventing, handling and reintegrating the children into the normal life. The strategy for the development of social services for children proceeds from the idea of creating a large range of services, which should be decentralised, widely distributed in the community, closer to the beneficiaries and in compliance with their specific needs.

23. The strategy for the development of social services designed for children in need is part, a parcel and an essential component of the general strategy on the social protection of the vulnerable groups of the population. The strategy aims at upholding the best personal interests of the child, and includes primarily the care for, upbringing and development of the child. Among the categories of at-risk children, the following deserve greater attention, orphaned children (biologically and socially), children with mental and physical disabilities, and the abused and ill-treated children as the result of trafficking, sexual abuse and engagement in worse forms of work.

24. In terms of the children's social protection, the intention in the future is to make use of both the care available in the residential institutions, and various other forms, making sure that treatment offered in socially natural environments (home, community) becomes a priority.

The bottom-line of the social service strategy for children will consist in:

- The deinstitutionalisation of the clients
- The decentralisation of the services

Services for children will further develop in two ways:

- Temporary treatment in residential institutions (social care institutions, development promoting centres);
- Non-residential treatment (new patterns and regimes closer to the beneficiaries), with the latter being given priority as they are closer to the natural environment of the children in need, more accessible and perceptible by the beneficiaries, and less costly. Residential treatment for children is offered as a last-ditch alternative, especially for the orphaned children (biologically and socially), and the mentally and physically disabled children with a high level of disability. The achievement of the targets set out in the strategy for the development of social services for children, and the addressing of the vulnerable groups' social needs are closely related with the important projects run by the World Bank, "Distribution of Social Services in Albania".

27. With the support by the World Bank and other donors, the Ministry for Work, Immigration, Social Protection and Former Political Prisoners and the Social State Service, as the institution responsible for the implementation of the policy in the area of social services, have already set out to implement the project "Distribution of Social Services in Albania". The focus of the project is the preparation of the terrain and the building of the capacities for the passing from the type of closed residential services on to the type of modern services, which are decentralised and widely distributed in the community. This also helps ensure a greater commitment by local governments, the community and the civil society to this process.

28. The project will contribute to improving the living standards and reintegrating the marginalised social groups and categories, by virtue of promoting community-based services and ensuring the latter's input into the shaping of priorities and decision-making.

29. Along with the efforts to be devoted to other social groups, including the lonely aging, women in need, doped youths, and the unemployed, the project will urge other community-based services so as to handle the various categories of at-risk children. Through this project, an important step forward is taken to expand the range of services aimed at addressing the needs of and protecting at-risk children.

30. Drawing on the experience of the NGOs in the area of social services, the aim is to pass into integrated services, inside the community and the family, through cooperation and coordination of the resources, means and contributions offered by the Government, local government and the NGO network. In the course of these activities, close cooperation will be established with the local government bodies, which will identify the persons in need of social services, and then, the experts in this area will decide on the alternatives that are appropriate for at-risk children.

31. In the course of 2000-2005, in partnership with the civil society, local government and the NGO sector, the Social State Service structures intend to apply the potential alternatives so as to take social services for children forward, with a focus on the following:

- Daily centres that provide support and psychosocial treatment, education and counselling to the categories of street children, the abused and ill-treated children, and the children prone to skip school;
- Reception centres (homes) that receive and temporarily accommodate repatriated children, the children who have immigrated unaccompanied by their parents, and the minors who are prostitution victims;
- Rehabilitation centres that provide psychosocial treatment, advising, and vocational training to children and youth addicted to drugs and alcohol, and help rehabilitate and reintegrate them into normal life;
- Family homes and daily centres providing services to disabled and orphaned children who leave the child-care institutions, and to children coming from families with social problems;
- Legal counsel centres that tackle juridical issues, and issues of the protection of the rights of orphaned children or children with social problems;
- Polyvalent centres that offer a wide range of services, including advising, juridical counselling, psycho-social support, assistance in the family, training courses, and information on the assistance provided to handle extraordinary situations surrounding at-risk and suffering persons;
- Guardianship, which is one of the best solutions offered to children living in families with social and economic problems, or children born out of wedlock whose mothers have economic problems and are in conflict with their families of origin. Their placement in families that are willing to welcome these children to live with them for as long as their own families and parents have not sorted out their problems, is a helpful and more normal alternative for children;
- Adoption, which is viewed as the best alternative for abandoned children and for children whose parents are unknown.

32. Under the relevant legislation, the following will help upgrade the effectiveness of the partnership between the Government and the civil society towards the improvement in and development of social services to children in need:

- The establishment of child-care departments at local government bodies;
- The setting up of social service centres, in the main Albanian cities, which have the responsibility to run the residential institutions for children, as well as the harmonisation of services, and the facilitation of cooperation with all the actors involved in the area of the care for and development of children;

- Improvement in the legislation governing the area of social services with a view to ensuring better protection of the rights of children/minors in need.

33. Further improvement in the legislation extending social protection to children will surely reflect the requirements and standards of the important international instruments, including the Convention on the Protection of Children's Rights, the Reviewed European Social Charter, and other instruments ratified by the Albanian Government.

34. The following are several of the immediate measures to be undertaken in this respect:

- The adoption of the new Family Code, which will regulate all the problems concerning the guardianship and the abandoned children.
- The establishment of the Court for Minors and police structures that will deal with issues of the protection of the children's rights.
- The revision of legislation addressing the problems of the orphaned children, the adoption and the obligatory and temporary placement of the orphaned children in social care institutions, and
 - The setting up and strengthening of a comprehensive information system for the collection of data on the issues at-risk children are facing, with the data serving as the basis for the elaboration of efficient targets, programmes and projects for the development of social services.
 - The placement of a social worker in such institutions as schools, health centres, prisons for juveniles and communities, which helps ensure early recognition and prevention of problems encroaching on the children's rights, and support the relevant structures so as to address the children's social needs in conformity with contemporary standards.
 - The gradual replacement of children's residential homes with smaller-sized institutions such as Family Homes, and SOS Villages.
 - The economic support and social assistance for families in need, especially for girls who are mothers, and for mothers who are the heads of their families with minor children, as a preventive measure to reduce the number of abandoned, ill-treated and exploited children.
 - The development of a national plan to combat sexual exploitation of children. This plan will aim several targets: prevention of the phenomenon, protection of children against it, treatment of afflicted children, care for the children and regional cooperation towards the achievement of the foregoing objectives (the Anti-traffic Strategy is under way).

35. Albania has a widely developed network of NGOs that focus primarily on the children and their rights. The procedures for the setting up of the NGOs are laid down in the Civil Code of the Republic of Albania. These provisions are the only ties of linkage between the Government and these NGOs as the latter conduct their subsequent activities in an entirely independent manner. The following is a list of the NGOs and their activities, and the main directions of their work:

1. The Centre for the Protection of Children's Rights in Albania – basically focused on the protection of the rights of the child.
 2. The Association "Friends of Talented Children" – essentially dealing with talented children and cultural issues.
 3. The Hope for the Children of Tirana – a local NGO focused chiefly on the improvement in the abandoned children's living conditions.
 4. The National Union for Human Rights, operating across the secondary schools.
 5. The Association of Albanian Orphans – a state-wide association dealing with working orphans and women.
 6. The Teachers of Human Rights – a local association based in the city of Vlora, and involved in teaching human rights in schools.
 7. The Club of Young Painters "The Heart of the Lake" – a local association, which has taken on to assist youths aged 8-14 in developing their skills in painting.
 8. The Albanian Union of Marionettes and Theatres for Children and Youths – performing in kindergartens and schools.
 9. Serving the Future – a local association oriented towards the protection of children's rights.
 10. Help for Children – a local association, based in the city of Korça, which protects the rights of the abandoned children.
 11. Our Children – a local association (based in the town of Burrel), which, in cooperation with parents, helps to bring back to school children who have skipped it.
 12. Help the Children – a local association (based in the town of Laç), which looks into the employment, education, health and other social-economic problems concerning children.
 13. The Organisation of the Book for Children and Youths – a local association, based in the city of Tirana, which aims at encouraging reading, exchange of cultures, tolerance and cooperation across the young generation in Tirana.
 14. The Association Tirana Basket – a local association, based in the city of Tirana, which is involved in teaching mini-basketball to children.
36. Besides the above-mentioned associations, a network of NGOs whose activity does not concern children and their problems, but which are occasionally involved in projects and activities on children, is also in place.
37. The foregoing NGOs are as follows: the *Albanian Youth Council*, the *Independent Forum of Albanian Women*, the women's association *Reflection, To the Benefit of the Albanian Woman*, the organisation *The Protection of the Woman and the Child, The Focus on the Family, Women without Support, Mother, The Child and the Future*, and *The Woman's Realities and Visions*. It should be noted that the NGOs dealing with children's rights have to their credit the will power, devotion, voluntary performance, and good recognition of the circumstances under which children live in Albania. However, they have not been able yet to develop clear strategies, fund raising and cooperation among themselves, and cooperation between them and the governmental authorities. They need to put in greater efforts to improve their working methods, working conditions and means, and increase their membership.
38. The Ministry of Work, Immigration, Social Protection and Former Political Prisoners, the Committee "Woman and the Family", the Ministry of Education and Science and the Ministry of

Local Government work jointly with the NGOs dealing with the children's rights in various projects, which take aims at upholding the children's rights.

39. In this framework, foundations and associations that have concluded contracts with the Ministry for Work and the Albanian Social Service, administer ten institutions.

40. Great attention is attached to the vocational training of the staff employed with the child-care institutions. Their recruitment is made on the basis of well-established criteria concerning the professionalism and morality of the persons to be hired in this highly delicate sector. Workshops to update them on the contemporary methods for the upbringing and education of children are likewise run in a constant and planned way. The workshops are conducted in cooperation with different associations and foundations operating in this area, and experts from the medical, pedagogical, psychological and social fields are invited to speak.

41. This cooperation is more intensive in the projects on children with special needs, including the disabled children, invalid children, and drug-addicted children, as well as on guardianship and children's decision-making.

II. DEFINITION OF THE CHILD (Article 1)

42. Under the Albanian legislation, a child means every human being, born alive, below the age of eighteen years, when he acquires full juridical capacity to act.

43. After birth the child automatically enjoys the legal capacity, which accompanies him for the rest of his life. With regard to the protection of children's rights before they are born, the Civil Code (Article 2) stipulates that the legal capacity starts with the birth of the person alive, and ends with his death. The child, when born alive, enjoys legal capacity since the moment of the conception.

44. Article 320 of the Civil Code, likewise, provides for the protection of the rights of child to inherit, with those rights being acquired through inheritance as of the moment he has been conceived. This provision states in concrete terms that a person has capacity to inherit who, at the time of the opening of the inheritance, is alive, or has been conceived before the death of the person leaving the inheritance and is born alive. As of the moment of his birth until the age of fourteen years, the child has legal capacity only. From the age of fourteen years to the age of eighteen years, a child has partial legal capacity to act.

45. The number of children in Albania amounts to 1,396,000 out of a total population of 3,320,000. Thirty-three per cent of the children are below the age of fifteen years, and 40 per cent below the age of eighteen years. Under the Constitution of the Republic of Albania, children, like the rest of citizens, enjoy equal rights under the law.

46. Upon marriage, even the woman below eighteen years of age acquires full capacity to act. She does not lose this capacity even if the marriage is declared invalid or is dissolved before she becomes eighteen years of age. The minor who has attained the age of fourteen years may perform legal transactions only upon prior approval of his legal representative. Nevertheless, he

may participate in social organisations, dispose the earnings from his work, deposit his savings, and dispose these deposits himself. Under the Civil Code, the procedure for the creation of associations is not made conditional on the age. This means that children are also entitled to being organised into associations fitting their interests.

47. A minor who has not attained the age of fourteen years does not have the capacity to act. He may perform instant legal transactions that fit his age, as well as legal transactions that bring benefits without compensation. The legal representative performs all the other legal transactions on his behalf. Under the family law, any female who has attained the age of sixteen years and any male who has attained the age of eighteen years are entitled to marry. A child finishes obligatory education at the age of fourteen or fifteen years, depending on the age when he has started school.

48. Under Articles 98 and 99 of the Labour Code, children are admitted for employment at the minimum age of 16 years. Children aged 14-18 may be employed to do light work during school vacations. The Council of Ministers defines light work and establishes the working hours.

49. Under Article 100 of the Labour Code, only adults may be employed to do difficult work or work that is potentially hazardous to their health and personality. The Council of Ministers defines difficult or hazardous work.

50. Under Law no. 7527, dated 2 November 1991, "For the Military Service", male citizens may enlist for the military service as soon as they attain the age of eighteen years.

51. Under the Civil Procedure Code (Article 356), children may give testimony to court after they attain the age of sixteen years.

52. A child faces criminal responsibility for criminal offences after he attains the age of fourteen years, and for criminal transgressions after he attains the age of sixteen years. For minors, who at the time they committed the criminal offence were below the age of eighteen years, the imprisonment sentence may not exceed half of the term of punishment the law provides for adults (Article 51 of the Criminal Code).

III. GENERAL PRINCIPLES (Articles 2, 3, 6, paragraph 1, and Article 12)

A. Non-discrimination (Article 2)

53. Under Article 18 of the Constitution of the Republic of Albania of the year 1998, no one may be unjustly discriminated against for reasons such as sex, race, religion, ethnic origin, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.

54. The present Constitution and the other legal provisions in force in the Republic of Albania guarantees the following rights to all children, not only those who are within the jurisdiction of the relevant State and permanent residents in Albania, but also to those who are temporary residents and visitors, or who are found in the country for any other reason:

- The right of non-discrimination – The Constitution of the Republic of Albania, Article 18.
- The right to life - The Constitution of the Republic of Albania, Article 21.
- Special protection by the State - The Constitution of the Republic of Albania, Article 54.
- Non-discrimination of children – paragraph 2 of Article 54 of the Constitution of the Republic of Albania. Paragraph 2 of Article 54 also provides for another element of the non-discrimination of children, and specifies that children born out of wedlock have equal rights with those born within wedlock.
- Protection from violence, maltreatment, exploitation and their use for work – paragraph 3 of Article 54 of the Constitution of the Republic of Albania.
- Capacity to inherit acquired through inheritance – Article 320 of the Civil Code: “A person has capacity to inherit who, at the time of the opening of the inheritance, is alive, or has been conceived before the death of the person leaving the inheritance and is born alive.”
- The right to have a name - Article 5 of the Civil Code.
- The right of residence and residing place - Article 13 of the Civil Code: “A minor has for residence the residence of his parents.”
- Acquisition of citizenship – Law no. 8442, dated 21 January 1999, ”On the Citizenship”.
- The right to be questioned before the administrative and judicial bodies – The Civil Procedure Code.
- The rights of safety at work – The Labour Code of the Republic of Albania.
- The freedom of thought, conscience and beliefs - Article 24 of the Constitution of the Republic of Albania.
- The right of information - Article 22 of the Constitution of the Republic of Albania.

- The right of association - Article 46 of the Constitution of the Republic of Albania.
- The right to health care - Article 55 of the Constitution of the Republic of Albania.
- The rights and facilities in criminal proceedings recognised by the provisions of the Criminal Code and the Criminal Procedure Code.

55. Practice has shown that given strata of children are subject to several restrictions, this being a characteristic feature for all the countries in Eastern Europe, and beyond. These restrictions do not arise from any discrimination imposed by the State and its institutions. Instead, they concern the mentality of these very strata.

56. The Roma children, in general, live in poverty and under difficult social conditions. The most part of these children beg in the street, whereas during summer a good number of them, especially those living in border towns and areas go to Greece in search for work. Given the circumstances, a number of them fall victims to prostitution, physical and moral violence, and are ill treated and exploited by groups involved in illicit activities.

57. The Roma children, in general, are not regular school attendees, do not comply with the conditions for obligatory education, and consequently, illiteracy among them is very high. Moreover, to the Roma children are exposed to other phenomena, including poverty, admission for employment at a young age, abuse and exploitation for purposes of prostitution, begging, and theft. In this framework, measures have been taken, while also cooperating with NGOs, to ensure that this category of children returns to school, and is integrated into the society.

58. Under the communist regime, children were discriminated against because of the views or opinions upheld by their parents or other family members or relatives. The forms of discrimination varied from internment to the denial of the right to education.

59. The Albanian legislation does not provide for any specific provision for the children's discrimination because of the position, activities, opinions or views expressed by their parents. During 1992-2000, no discrimination against children on account of the foregoing grounds has been found out.

60. The process of democratic developments in Albania was associated with major political, institutional, economic and psychological crises. In this framework, a new form of discrimination because of the parents' position surfaced. The serial killings for motives of the vendetta (blood feud) and revenge reappeared on the scene, with one of the results being that the seclusion in their "home prison" of many children and the high drop-out rates. This situation is especially difficult in the northern districts.

61. In this aspect, the respective institutions have worked intensively to recognise the situation, the structure and geographical distribution of killings for motives of revenge and the vendetta, so as to be able to develop the strategy for the most highly affected areas, and establish the work priorities. The identification of the murders for motives of the vendetta and revenge has seen an emphasis on the classification of murders committed dating back to the old days and those committed in recent times. The reason behind it is that the latter group is considered to be

of greater dangerousness, driving a larger number of persons into seclusion. Whereas vendetta-motivated murders committed in the old days are more likely to lead to reconciliation.

62. Efforts made in this respect have enlisted the contribution of the groups of the elderly from the villages, whose mission is to bring about reconciliation between families in different areas, as well as that of the representatives of the legal bodies, also including the associations dealing with these problems, and especially the school.

63. These missions aim at identifying the reasons surrounding the revival of this phenomenon, at this time, including the following: failure to observe the law; failure of the State apparatus to function properly; large-scale and entirely uncontrolled immigration of the population both nation-wide and region-wide, bearing in mind the historical, political, social, cultural, and psychological circumstances the population have lived through.

B. Best interests of the child (Article 3)

64. Under Article 54 of the Constitution of the Republic of Albania, the children's right to special protection by the State is guaranteed. In this framework, in their respective decisions the public and private institutions of social protection, courts of law and administrative authorities shall bear in mind the best interests of the child.

65. While fully reflecting the principle of the best interests of the child, the Family Code (Article 48) confirms that adoption is made in the best interests of the adopted child. This principle also permeates Law no. 7650, dated 17 December 1992, "On the Adoption of Minors by Foreign Citizens and Several Amendments to the Family Code" (Article 1). Under the present law, adoption is permitted only if it is in the best interests of the minor, and guarantees observance of his fundamental rights. In addressing the relationships among parents and children, the Family Code (Article 64), likewise, states that the parental right is exercised only in the best interests of the minor and as agreed upon by both parents.

66. During the 1990s, juridical practice has seen cases where the best interests of the minor have somehow not been taken account of fully, particularly when divorces occur. In deciding whether one or both parents will have responsibility for the upbringing and education of the child or children, sometimes the parents' interests are tended better than those of children. This is also the case with the maintenance, when children often do not receive the required sum of money for their education, school and upbringing. Under the Civil Procedure Code (Article 354, paragraph 2, and Article 357), the court appoints or replaces the guardian for the minor proceeding from the best interests of the child.

67. The principle of the best interest of the child is also prevalent in the part of general provisions of the Family Code draft law, stipulating that, in their decisions and activity, the parents, the competent bodies and courts should give primary consideration to the best interest of the child. Its chapter on adoption underscores the idea that adoption is allowed provided that it is in the best interest of the minor, and guarantees respect for his fundamental rights. Under the Family Code draft law, in given cases the court has the duty to take into consideration the interest of the minor when specific relationships are concerned. Hence, the chapter on the parental authority stipulates that in the cases where the child is taken away from his parents, and is unfairly placed with other persons, the parents may require the court to make sure that the minor

child returns home. Under the draft law, the court may not decide on the child's return if it runs counter to his interests. The court also seeks the child's opinion after he has attained the age of ten years.

68. Referring to the administration of the minor's property, the draft law prescribes its alienation when the interest of the minor requires this. For the first time the draft law recognises that parents who fail to reach an agreement as to what is the best interest of the child, may turn to the court which reaches a decision after trying first to bring about reconciliation between the two of them.

C. The right to life, survival and development (Article 6)

69. Under Article 21 of the Constitution of the Republic of Albania, the law protects the life of a person (including children).

70. The Republic of Albania has ratified the European Convention on the Human Rights and the International Covenant on Civil and Political Rights, which in their respective Articles 2 and 6 provide for the right to life.

71. The child's right to development is another right concerning life. For instance, under Law no. 8528 of 1999 "For the Promotion and Protection of Breast-feeding", it is obligatory for producers to include the formulation "Breast-feeding is ideal for the feeding of the child" in the labels to their products for use by children.

72. Abortion is another debatable issue relating to the child's undeniable right to life. Until 1995, deliberate abortion was legally forbidden in Albania. On 7 December 1995, the People's Assembly passed the Law no. 8045, "For the Interruption of Pregnancy". Although Article 1 of the present law states that respect for each and every human being right from the beginning of his life is guaranteed under law, it also underlines that this principle may be violated when it is indispensable and under the conditions provided for by the said law. The Law "For the Interruption of Pregnancy" guarantees respect for each and every human being right from the beginning of his life, hence, after he is conceived. Interruption of pregnancy is permitted for health-related reasons only (concerning both mother and child), and for psychosocial reasons. In cases where girls below the age of sixteen years conceive pregnancy out of wedlock, the interruption of pregnancy is carried out with the consent of the parent or legal guardian. Besides the interruption of pregnancy for health-related reasons, deliberate interruption of pregnancy at the mother's request is also allowed.

BIRTHS AND ABORTIONS**Years 1994-2000**

Years	Abortions
1994	31.622
1995	31.874
1996	32.538
1997	22.103
1998	18.944
1999	19.930
2000	21.004

Source: INSTAT

73. Under Section V of the Criminal Code “Criminal Acts Endangering the Life and Health because of Interruption of Pregnancy or Refraining from Providing Help”, Article 93 “Interruption of pregnancy without the woman’s consent, except for the cases where interruption is imposed because of a justified health-related cause, this act is punishable by fine or imprisonment up to five years.

74. The Criminal Code contains special provisions aiming at protection of the right of the child to life. Article 81, “Infanticide”, of the Criminal Code deals the infanticide voluntarily committed by a mother right after birth. In this case we have to do with a criminal contravention, and the offender – the mother, is liable to punishment by fine or imprisonment up to two years.

75. Under Chapter II “Crimes against Life” of the Criminal Code, letter a) of Article 79 “Murder for reasons of special qualities of the victim”, commission of murder against a minor below the age of sixteen years is punishable by life imprisonment.

76. In Albania, there is a difference in terms of the feeding of children between the urban and rural areas. Stark differences, however, exist between the mountainous and plain areas. In the mountainous areas the families live under dire economic conditions also due to the difficult terrain, so the children in those areas receive less qualitative feeding. This leads to higher mortality rates among children as compared to other areas.

D. Respect for the views of the child (Article 12)

77. The Albanian legislation, the governmental institutions and the community consider the child a human being that takes an active part in the organisation his life and the surrounding environment, in a progressive way in accordance with his intellect. Hence, under the Civil Procedure Code (Article 356), [the court] must also ask or take account of the minor’s opinion when he has attained the age of ten years. However, the capacity of a minor to have his own opinion is supposed to vary in accordance with his development, his ability to reach an understanding of the events affecting him, and the nature and weight of the concrete issue.

78. Under the Family Code (Articles 66 and 70), in the event that parents for various reasons do not cohabit, but are not divorced, the Council of Guardianship decides on the parent who shall have the care of the child, and if the child has attained the age of ten years, it should seek his

opinion, as well. In the event of the dissolution of the marriage, the court also decides for the parent who shall be responsible for the child's upbringing and education. In the event the child has attained the age of ten years, the Council of Guardianship takes also account of the child's opinion (Article 97).

79. Under Law no. 7650, dated 17 December 1992, "On the Adoption of Minors by Foreign Citizens and for Several Amendments to the Family Code", a child is entitled to voicing his own opinion on adoption, after he has attained the age of ten years. Hence, with reference to adoption the child's opinion is sought as of the stage of administrative proceedings (Article 7). The child is also asked to contribute his own opinion even during the phase of judicial proceedings if he has attained the age of ten years (Article 54). Under the Family Code, in appointing a legal guardian the Council of Guardianship must also seek the minor's opinion if he has attained the age of ten years (Article 105).

80. In accordance with Article 12 of the Convention on the Rights of the Child, the Civil Procedure Code recognises that a minor, who has attained the age of sixteen years, has the right to turn to the court concerning the establishment of guardianship. The minor's opinion is sought not only in addressing issues that concern the child's relationships with his family, but also in examining the minor's request to acquire or give up the citizenship.

81. Under Law no. 8389, dated 5 August 1998, "On Albanian Citizenship", no action to change the citizenship of the minor aged 14-18 should be taken without the prior consent of the child (Article 5). The law, likewise, stipulates that when both parents acquire Albanian citizenship through naturalisation, their child, if he is below the age of eighteen years and lives with his parents, becomes an Albanian citizen at the parents' request, and with the child's consent if he is aged 14-18.

82. In this area, the draft of Family Code has taken an important step towards recognising the right of the child to be heard by the court, and to represent himself, through an advocate or his legal representative. Hence, Part One on the General Provisions contains two versions of the minor's right to turn to the court and be heard by it in the cases where decisions affecting the minor's interests are pronounced.

83. While stopping short of establishing the age, the first version deals with the minor's capacity to understand and with his intellectual development. It refrains from affecting the provisions of the Code recognising the right of the child to be heard and the obligation of the court to seek the child's consent, in compliance with the issue under consideration. Under the second version, a child who has attained the age of twelve years is entitled to be heard, take an active part in the proceedings, and defend himself by resorting to the legal means of defence provided for in the present Code and the Civil Procedure Code. This definition carries weight in the draft of the Family Code. The reason behind this is that, before the court, the child's basic interests revolve around his family. And the child concerns himself mostly with the exercise of the parental right such as the right of residence, the relationships with the parents, the right to visit with the child, the establishment of guardianship, the violation of privacy and correspondence, and protection of the rights to inherit.

84. Albania has ratified the European Convention on Human Rights, and has given its assent to the jurisdiction of the European Court for Human Rights. The latter has largely reached the conclusion that no decision shall be taken against the will of the child aged 12 in cases concerning his placement with a foster family, the change of the name, the petition for the citizenship and religion.

IV. CIVIL RIGHTS AND FREEDOMS (Articles 7, 8, 13, 17, 14, 15, 16 and 37/a)

A. Name and nationality (Article 7)

85. Protection of the child's right to a name is provided for in the Civil Code (Article 5), under which each and every physical person (including children) has the right and obligation to have the name and surname given to him as recognised by law. The person who is denied the right of their use, or whose right is infringed by the unjust use of his name by others, may turn to court to ensure the use of his name or surname, the cessation of the infringement, and the redemption of the respective damages.

86. In the cases where the court accepts the lawsuit, it orders the publication of the decision in the Official Gazette. Upon the request of the plaintiff the court may order the publication of its decision even in other newspapers.

87. Law no. 5840, dated 20 February 1979, "On the Civil Status", regulates the way a newly born child is registered. The child's birth details are entered into the records in the respective registrar's office responsible for the area in which the parents live, or the area in which the child was born.

88. The child's birth shall be declared within 30 days from the day when the child is born, and within 3 days when the child is born dead. In the event of the expiry of the relevant time limits, registration of the child is made by written order of the head of the administrative unit of the parents' residence, or the area in which the delivery took place, following confirmation of the date of birth. The child's parents who give him a name declare the birth of the child. In the event the child's parents cannot do this, in their absence the relatives give the child a name. The birth is declared by the other family members who are of age, or by the midwife who has been present at the time of the birth, or by the health institution where the child is born. The child's birth details are recorded in the register of births.

89. The registrar's office is in possession of the following registers: the register of births, the register of marriages, the register of deaths and the fundamental register of citizens. The child bears the surname shared by the parents. In the event that parents have different surnames, all the children share the same surname, on which both parents decide in agreement with each other. If no agreement can be reached, the children bear the father's surname. If at the time of registration the child is not alive, the parents agree to give the dead child a name. Then his name is entered into the register of births, with a note that the child is dead being attached thereto. If the child is born dead, he is registered without a name, and the relevant note is entered under the column "Remarks" contained in the register. The child born out of wedlock is registered with his own name, with his mother's name and his father's nonexistent name being recorded alongside; he always bears his mother's maiden family name. If the child's paternity is known or verified, the name and surname of the child's father are recorded, too. If the delivery of a child born out of

wedlock takes place in a maternity ward, he is registered, within three days, in the closest registrar's office by the head of the present institution, after having first sought the mother's consent on the child's name.

90. A found child is registered within three days after he is found, by the governmental body, or the administration of the orphanage on the basis of the minutes taken at the time when the child is found. In this case, it is the registrar who gives the child a name, and enters his name in the register, along with the names of his father and mother, his surname being nonexistent.

91. In this framework, the situation that established in Albania after 1990 calls for a more detailed legislation. In numerous cases, after having delivered their babies many mothers have left without identifying themselves or giving false names. This has been possible owing to the disorders reigning in the maternity wards, as well as the changes in the legislation that create possibilities for children to be placed in non-governmental institutions, local or foreign.

92. Under the Constitution of the Republic of Albania (Article 19), everyone born of at least one parent with Albanian citizenship acquires automatically Albanian citizenship. Albanian citizenship is acquired also for other reasons provided by law. An Albanian citizen may not lose his citizenship, except when he gives it up.

93. Law no. 8389, dated 5 August 1998, "On Albanian Citizenship", provides for the cases where the child acquires the citizenship and where it is removed. Under the present law (Article 5), the minor acquires and reacquires Albanian citizenship and gives it up with the consent of the parents, and for any change in the citizenship of a minor aged 14-18 the consent of the minor should be sought. On the basis of the above-mentioned law on citizenship, Albanian citizenship is acquired through birth, naturalisation and adoption.

94. Acquiring of Albanian citizenship at the time of birth was changed by Law no. 8442, dated 21 January 1999, according to which everyone born of at least one parent with Albanian citizenship acquires Albanian citizenship automatically. In accordance with the second paragraph of Article 7 of the Convention on the Rights of the Child, the legislation on citizenship also provides for the cases where the child risks of being deprived of citizenship. Under the present legislation, a child born or found within the territory of the Republic of Albania acquires Albanian citizenship in the event that he is born of unknown parents, in which case the child would otherwise be stateless (Article 7). If the child's parents become known before the child attains the age of fourteen years (after this age the child's consent should be sought), and they are of foreign citizenship, the Albanian citizenship may be removed at the request of the legally recognised parents, provided that subsequently the child is not stateless as a result of this act.

95. The legislation has also provided for the cases where the child is born of foreign parents (bearers of a different citizenship). In this case, the child may acquire the Albanian citizenship after his parents have given their consent on the condition that:

- First, the child is born within the territory of the Republic of Albania, and
- Second, the child's parents are legal residents in the territory of the Republic of Albania.

96. A person above eighteen years of age who wants to acquire Albanian citizenship through naturalisation should submit his application, thus meeting the first condition to that effect. Hence, minors do not fall under this category. The said legislation, however, provides for exceptions in terms of stateless persons, in these way-favouring minors below the age of eighteen years who, in these cases, may acquire the Albanian citizenship although they fail to comply with the age condition, and several other terms established by law (Article 9).

97. In the event that both parents acquire the Albanian citizenship through naturalisation, the child may also acquire the Albanian citizenship, at the request of his parents, and after he has given his own consent if he is aged 14-18.

98. The application to acquire the Albanian citizenship is filed with the Ministry of Public Order, and if the applicant lives abroad, with the diplomatic or consulate representations of the Republic of Albania in other countries. Under the present law, a set of other documents should be produced along with the application. The above-mentioned bodies consider the relevant package of documents, and if they find them complying with the requirements of the law, they present them to the President of the Republic who issues the relevant decree.

99. Article 23 of the Constitution of the Republic of Albania recognises the right to information in general, whereas Article 35 the everyone's right to become acquainted with the data collected about him, except for the cases provided by law.

100. The two foregoing constitutional provisions also incorporate the right of the child to information, and to become acquainted with the data on his parents, which are available with the relevant bodies.

101. The Albanian law addresses the issue of information in two cases: the adoption of minors, and the child's placement in an orphanage.

102. The Family Code, amended by Law no. 7650, dated 17 December 1992, "For the Adoption of Minors by Foreign Citizens and Several Changes in the Family Code", recognises full adoption only. Hence, the relationships between the adopted child and the adopters are similar to those between parents and child. The rights and obligations between the adopted child and the children born to him, on the one hand, and his family of origin, on the other hand, cease to exist (Article 57). Under Law "For the Registration of the Acts of the Registrar's Office", the child's registration made before he was offered for adoption should be kept in the registrar's office registers. The registrar has to make sure that the true origin of the adopted child remains intact, and he should not erase his previous generalities that are entered into the birth certificate. On the basis of the court decision on adoption, the registrar takes down the necessary notes under the special column of notes contained in the birth certificate of the adopted child. The registrar may reveal data on the origin of the child only to the court or the prosecutor's office, observing what the law provides for in these cases.

103. In the course of practice this issue has proven to be more problematic with regard to children who are placed in orphanages and do not know their parents. The mother is supposed to be known, which is not the case when dealing with a found child. Nonetheless, this information is very hard to be found in the orphanages. When it comes to registering the mother's real name the approach maternity wards adopt in some cases often encroaches on the child's right to know

one of the parents, as irregularities in registration do frequently deny the child the possibility to know at least his mother.

104. The new draft law on the Civil Status, which is going through the last round of debates, provides for the civil status of the Albanian citizens, who are permanent residents in foreign countries, as well as foreign citizens and stateless persons. In the meaning of the draft law, the family is composed of persons who voluntarily are registered together in the documents available in the registrar's office.

105. Under the draft law, family relationships mean the relationships between the parent and his family, following the birth of a person, marriage or adoption and may change in the form of separation only, at the request of the adult person and with the approval of the competent body or the court. Under the draft law, minors follow their parents. When parents are separated and disagree on how to handle the children, the court decision is acted upon, at the request of each one of the parents. For reasons of registration and meaning of the family, the draft law provides for the actions to be taken when the child lives with the parents.

106. The present draft law stipulates that the child is registered with the name the parents want him to bear, and if at this point the parents disagree, they should turn to court, and its decision instructs on how to do the registration. Under the said draft law, the child should bear the surname of the parents, and if both the parents do have their own surnames, the child bears both surnames. In the absence of a father, the child bears the mother's surname only. The draft law provides that change of name and surname takes place for reasonable grounds only.

107. The introduction of artificial reproduction methods is another tendency, which is highly debatable nowadays. The draft law on the reproductive health, amongst others, provides for the introduction of the new artificial reproduction techniques for the first time in Albania. The draft law prescribes the surrogate adoption, artificial insemination, and the experimental "in vitro" birth. The present draft law takes account of the desires of the parents to choose the reproduction methods. A good number of specialists, however, share the opinion that the application of the surrogate adoption is pre-timely in Albania, owing to the prevailing mentality of the Albanian society. The draft law stipulates, amongst others, that the Ministry of Health should issue the appropriate acts to define the details and procedures for the realisation of these services.

108. However, artificial insemination has given rise to a larger number of problems in comparison with natural insemination, leading to various situations in contravention with the children's interests. For instance, a child is born in the absence of the legal parent, who exists physically at the moment when the child is born, but the law does not recognise his title, rights and obligations as a father. Or another case is that of the simultaneous existence of two mothers, as two women have contributed to the birth of the child. One of them is the genetic mother, and the other is the bearing mother. In this case, the draft law provides for a contract to be drawn before the notary between the couple and the bearing mother, who has to give the child to the couple when the child is born alive.

B. Preservation of identity (Article 8)

109. The Constitution of the Republic of Albania and the relevant legislation provide for the right of a person (including minors) to preserve his identity in terms of its constituent elements, including citizenship, family ties, language and culture. Under the Constitution of the Republic of Albania (Article 3), the State has the duty of respecting and protecting the national identity, which has a broader meaning than the person's identity.

110. Under the heading of the general principles of the fundamental human rights and freedoms, the Constitution of the Republic of Albania recognises the obligation of the organs of public order to respect the fundamental human rights and freedoms, and contribute to their realisation. Law may only provide for the limitation of the rights and freedoms for a public interest or for the protection of the rights of others. This limitation shall be in proportion with the situation that has dictated it (Article 17).

111. The Constitution of the Republic of Albania, likewise, respects preservation of identity of the national minorities, which have the right to express and preserve their ethnic, cultural, religious and linguistic identity.

112. Under the first chapter of the Civil Code, a person has the right to preserve his name and surname, as well as his residence (Articles 5 and 12). The present Code also prescribes the right of the physical person to the enjoyment of civil rights, except for the cases provided by law.

113. Under the Constitution of the Republic of Albania and Law no. 8389, dated 5 August 1998, "On Albanian Citizenship", the preservation of the Albanian citizenship acquired pursuant to law is guaranteed. The Constitution of the Republic of Albania contemplates that the Albanian citizen may not lose the citizenship, except when he gives it up. The parents decide on the citizenship of the minor below the age of fourteen years, in accordance with the criteria established by law. Children aged 14-18 should give their consent to that effect.

114. As far as the preservation of the persons' name or surname is concerned, Law no. 5840, dated 20 February 1979, "On the Registration of the Acts of the Registrar's Office", has been amended by Law no. 7682, dated 9 March 1993, "For Several Changes in the Legislation".

115. Under this law, each and every citizen has the right to file a petition seeking to change the name or surname, while also setting forth the motives prompting this change, as well as the proposal for the name or surname he has chosen. The council of the commune or the municipality takes the decision on the change of the name or surname. This decision is then handed on to the respective registrar's office that fills in the necessary changes in the fundamental register of the citizens.

116. Under the Family Code, following adoption all the ties that the adopted child used to have with his family of origin cease to exist.

117. Under the draft law on the Civil Status, the family sheet of paper for each and every member of the family, including children, should contain the name, surname, number of the identity card, sex, date of birth, place of birth, father's name, mother's name, citizenship, and the family status and relationships. Pursuant to the present draft law, the child acquires the

citizenship of the parents when they have the same citizenship, which may not be changed by a court decision, except when the parents' citizenship is found out to be inaccurate, or when paternity or maternity are changed by way of legal proceedings. When parents of different nationalities do not reach an agreement, the registrar's office temporarily assigns the father's citizenship to the child. Eventually, the latter acquires his citizenship when he becomes of age. The said draft law also determines the citizenship of the child born out of wedlock, of the adopted child, of the child without parents, and of the child born through artificial insemination methods. In terms of children born through the latter methods, the draft law limits itself on to children born of a married woman.

C. Freedom of expression (Article 13)

118. The Albanian legislation enables the child to take an active part in the social and cultural life by voicing his own opinions, and by receiving and imparting information and ideas.

119. Under Article 22 of the Constitution of the Republic of Albania, the freedom of information, expression, press and radio and television is guaranteed.

120. Under Articles 56, 57, and 58 of the Constitution of the Republic of Albania, dealing with the social and cultural rights, everyone has the right to be informed for the status of the environment and its protection, as well as the right to education, and the freedom of artistic creation and scientific research is guaranteed for all.

121. Law no. 8410, dated 30 September 1998, "On Public and Private Radio and Television", addresses respect for minors' rights in a general way.

122. Although it contains no specific provision on children, Article 2 of the Law no. 8503 of 1999, "On the Rights to Be Informed about Official Papers", provides for the right of both Albanian or foreign physical and juridical entities to access this information. Because the children are considered physical persons, they consequently have the right to be informed. However, there is shortage of legal acts on how this right recognised to children, which is much more specific than that recognised to adults, may be implemented.

123. Of course, children receive information and express their own opinions in the course of the teaching process, since the goal of education is to achieve the individual's intellectual emancipation, material progress and social development (Article 2). Most importantly, the present law deals with the children's participation in the community, thus making it possible for them to voice their own opinions, and seek to receive information about this area (Article 12/2).

124. In this respect, the adoption of Law no. 8503, dated 30 June 1999, "On the Right to Be Informed for the Official Papers", is of great importance. The law sets forth no specific provisions for the children, but does not provide for their exception, either.

125. Pursuant to the definition contained in Article 2 of the Law, a person, in the meaning of the present law, is an Albanian or foreign physical or juridical person. The law, likewise, provides for everyone's right to lodge a complaint in the administrative or judicial way in the event the infringement of his right to be informed for the official papers.

126. Under the Constitution of the Republic of Albania, the limitation of the rights and freedoms provided for in this Constitution may be established only by law for a public interest or for the protection of the rights of others. A limitation shall be in proportion with the situation that has dictated it (Article 17).

127. Law no. 8096, “On Cinematography”, stipulates that films should be shown in a differentiated way bearing in mind the children’s age. Films inappropriate to children aged 14-18 or below the age of fourteen years should be shown at certain hours. The present law bans the broadcast of commercials that are harmful to the health of children, and commercials featuring beverages in the hands of children or used by children.

128. The bottom-line of the children’s TV programmes is to convey messages of an educational, cultural and recreational character, while contributing to the strengthening of the national tradition, and preservation of the ethnic language, thus respecting the rights of the children who belong to the national minorities, as well. Furthermore, by Law no. 8525, dated 9 September 1999, Albania has ratified the European Convention on Cross-border Television. Under the Convention on the Protection of Human Rights and Fundamental Freedoms, the freedom of expression and to be informed, set forth in Article 10 of the present Convention comprises one of the key tenets of a democratic society, and one of the basic conditions for its progress and the development of all human beings.

129. The said Convention explicitly refers to the limited broadcast of the programmes and commercials, providing for restriction of provisions in favour of the children’s rights. Hence, under Article 7 of the present Convention, broadcasts that are likely to be harmful to children’s and adolescents’ physical, mental or moral development shall not be aired at a time that may be seen or received by them.

D. Access to appropriate information (Article 17)

130. Under the Constitution of the Republic of Albania, the freedom to be informed, the freedom of expression and the freedom of press is guaranteed. The present Constitution, likewise, guarantees the freedom of radio and television, and prohibits the prior censorship of the means of communication (Article 22). The present Constitution declines to refer directly to children. Under the Chapter on Social and Cultural Rights and Freedoms, however, everyone has the right to be informed for the status of the environment and its protection (Article 65), and has the right to education, to artistic creation and scientific research (Articles 57 and 58).

131. Law no. 8410, dated 30 August 1998, “On the Public and Private Radio and Television in the Republic of Albania” does not address the specific needs of children in the area of mass media. However, it refers to the respect for minors’ rights and interests in a general manner. Under the part on the activity of the radio and television, in an unbiased way the law recognises everyone’s right to be informed, his political and religious beliefs, personality, dignity, privacy, as well as his fundamental rights and freedoms, having particular regard to the respect for the rights, the interests and the moral and legal standards for the protection of minors (Articles 4 and 36). Pursuant to the present law, public radio and television channels should broadcast programmes of an informative, educational, cultural, artistic and recreational character, ensuring that these programmes, amongst others, respect the rights of children and adolescents, the Albanian language and culture, and the rights of the national minorities (Articles 35 and 36).

132. The National Radio and Television Council, within the powers allocated to it, has licensed one private television channel for children, JUNIOR TV, which cooperates with satellite transmitters and runs films for children and adolescents only. The local and national operators (a total of 40) devote ample space to different programmes for children.

133. The following table features the licensed television transmitters in the Republic of Albania, the number of their weekly child-targeted programmes, as well as a breakdown according to the themes.

No.	Name of the TV channel	No. of programmes for children	Programmes for children in percentage	Informative programmes for children in percentage	Shows for children in percentage	Cartoons in percent-age
1.	TV Shqiptar	3	12	2	7	3
2.	TV Klan	2	8	-	4	4
3.	TV Arbëria	2	10	1	5	4
4.	Vizion +	2	9	-	4	5
5.	Gjeli TV	1	3	-	-	3
6.	TV Egnatia	2	4	-	2	2
7.	Teuta TV	2	10		8	2
8.	TV Dardan	2	10	2	6	2
9.	TV 2000	2	10	2	2	6
10.	Calvin TV	1	15	-	-	15
11.	BBF TV	1	6	-	2	4
12.	Junior TV	Satellite	100	-	-	-
13.	Shkodra TV	2	6	-	4	2
14.	TV ARV	2	12	2	5	5
15.	Gramsh TV	1	3	-	-	3
16.	Johaniter TV	2	15	-	8	7
17.	TV "4+"	2	7	-	5	2
18.	Onufri TV	2	18	-	10	8
19.	TV "6+1"	2	10	2	4	4
20.	TV Kombi	2	7	1	4	2
21.	TV Skampa	2	7	-	2	5
22.	TV Puka	1	10	2	3	5
23.	TV SOT 7	1	2	-	-	2
24.	TV Mati	2	14	2	6	6
25.	TV Kruja	2	7	-	4	3
26.	TV Bulqiza	1	7	-	7	-
27.	TV Kuçova	2	10	-	5	5
28.	TV "A. Jug"	2	7	-	4	3
29.	ERA TV	1	8	-	8	-
30.	Real TV	2	10	-	5	3
31.	Kukës TV	2	8	-	4	4

TABLE (continued)						
32.	Alba TV	2	11	-	4	7
33.	ATN 1	2	5	-	2	3
34.	Shijak TV	2	5	-	3	2
35.	TNSH	2	9	-	4	5
36.	TV Koha	1	6	-	-	6
37.	TV Lobivizion	2	7	-	3	4
38.	Top Channel	1	5	-	-	5
39.	TV Mirdita	2	6	-	3	3
40.	TV Beslidhja	2	6	-	3	3
41.	TV Kristal	2	6	-	2	4

Source: *National Radio and Television Council*

134. School libraries are considered to be an important part of the educational and informative teaching process at school. They help pupils and students build and expand their knowledge of the school curriculum. They also assist pupils and students to develop their reading habits, and generally speaking, contribute to the cultural formation of the children and the younger generation on the whole.

135. This is the reason behind the efforts to set up school libraries, seeing to it that they are enriched constantly and function normally.

136. At present, almost all the eight-year schools have their own libraries. A small number of libraries, especially in the rural areas, do have limited spaces and a modest number of books. Libraries in the eight-year schools in towns, located in the same building with secondary schools, are rather complete, regular and functional, and are housed in suitable rooms.

137. The 2000 statistics indicate that 210 eight-year and secondary schools share the same buildings. In 2000, both these groups of schools had 296 libraries, featuring an average number of 833 titles and a total of 819,672 books.

138. Until 1991, new books purchased with state budget funds were supplied to the school libraries. Following the ordinance of the Ministry of Education and Science "For the Purchasing of Fiction Books for School Libraries as a Teaching Tool", this fund was reactivated in 1997.

139. The appointment of Albanian language and literature teachers to run the school libraries, in return for a reduced number of classes, is another beneficial measure. This is provided for in the "Normative Provisions for Public Schools" of the Ministry of Education and Science, dated 31 July 1996.

140. Under the law, the programmes intended for children belonging to a given ethnic group should be broadcasted in the language of the national minorities living in Albania, their language and culture should be respected, and they should have access to special information (Articles 36, 37 and 68).

141. Under the Law for Radio and Television and Law no. 8096, dated 29 April 1996, "For Cinematography", films should be shown in a differentiated way bearing in mind the children's age, and that films inappropriate for children aged 14-18 or below the age of fourteen years to

watch should be shown at certain hours (Articles 43 and 11). The Albanian legislation bans running of certain programmes that may be watched by children. It, however, declines to describe the types of programmes that may impart information to children, and the other necessary materials aiming at their social, emotional and moral welfare, and their physical and mental health.

142. Further to this idea, the present law contains a special provision on the protection of minors. This provision prohibits that radio and television operators broadcast commercials inciting behaviours that are harmful to the children's health and normal psychic development. Child-oriented commercials or those featuring children should avoid showing whatever may be harmful to the children's interests, and take account of the particularity of their age (Article 56).

143. The said law, likewise, prohibits the broadcast of commercials that urge children to use beverages, and that feature beverages in the hands of children (Article 57).

144. The National Radio and Television Council conducts the consistent and round-the-clock monitoring of all the radio and television programmes. It has placed a telephone and fax number and an e-mail address at the disposal of the public at large so that they may denounce extreme violence, pornography, or the violation of the dignity in the programmes broadcast by various electronic media.

E. Freedom of thought, conscience and religion (Article 14)

145. Under the Constitution of the Republic of Albania, the State is neutral in questions of belief and conscience, and also, it guarantees the freedom of their expression in public life (Article 10). The Constitution, likewise, guarantees the freedom of conscience and of religion. Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.

146. No one may be compelled or prohibited to take part or not in a religious community or in religious practices or to make his beliefs or faith public (Article 24). Hence, the Constitution recognises this right to everyone, children not being excluded.

147. Because public education in the Republic of Albania is secular, Law no. 7952, dated 21 June 1995, "On the Pre-university Education System", bans the religious propaganda by whatever religion. The issue of religious belief in Albania has never proven a problem.

148. The Decision of the Council of Ministers no. 248, dated 28 May 1999, establishes the criteria and procedures for the licensing of the non-public education institutions and non-public complementary education institutions, which teach religious classes. The present decision specifies that the private entity, which will function as a non-public education institution and in which religious classes will be taught, should, amongst others, submit a statement whereby certifying that it assumes the responsibility to observe the Universal Declaration of the Human Rights and the Convention on the Rights of the Child. The said decision does not establish whether the child enrolled in this type of school needs to give his own consent. However, it states that children's participation in the out-of-class events is optional, leaving the final say to it with

the parent, the legal guardian or the pupil himself. The decision declines to provide for the age at which the parent's opinion is a decisive factor.

149. The Decision of the Council of Ministers no. 459, dated 23 September 1999, has led to the setting up of the Cult State Committee. This Committee submits to the Ministry of Education and Science its opinion concerning compliance of the curricula, the subjects, and the texts relating to the secular part of the curriculum, with the prerequisites for the opening up of non-public education institutions teaching religious classes.

150. The Family Code sanctions the rights and obligations the parents or the legal guardian have to ensure the child's education. The present Code does not prescribe anything special in terms of directing the child in the exercise of his right to practice religion. Hence, the conclusion may be reached that the child is free to choose his religion, and enjoys the freedom of conscience.

151. The Criminal Code provides for the cases where persons willing to take part in religious practices, or to freely express their religious beliefs, run into obstacles or are stopped from doing so. The present Code defines this as a criminal offence punishable by fine or imprisonment up to one year.

152. It is worthwhile emphasizing that the bottom-line of the relationships among religions in Albania have always been a strong and sincere feeling of harmony. This is also reflected in the relationships among persons of various religious beliefs, as well as among religious people and non-religious people. No accurate figures on the number and percentage of believers of every religion are available. However, statistics from several decades ago indicate that 50 per cent of the believers are Muslims, 20 per cent Orthodox, 20 per cent Bektashi and 10 per cent Catholics.

153. Given the freedom of conscience and of religion, alongside the main four religious communities, around 62 Protestant, Evangelist, Adventist, Bahai and Mormon Christian associations, arriving mainly from Western Europe and the USA, as well as a number of Islamic religious charity associations, are operating nowadays in Albania.

154. Although there is no official religion in the Republic of Albania, and the State is neutral in questions of belief and conscience, it recognises the equality of religious communities, and guarantees the freedom of their expression in public life (Article 10 of the Constitution of the Republic of Albania).

155. Discrimination against for reasons of religion or religious beliefs is anti-constitutional (Article 18 of the Constitution of the Republic of Albania, Article 253 of the Criminal Code). Inciting religious hatred and conflict is a criminal offence punishable by fine or imprisonment up to ten years (Article 265 of the Criminal Code).

156. Under Section X, Articles 131, 132 and 133 of the Criminal Code, the ruining or damaging of places of worship, and the obstructing of religious ceremonies are prescribed as punishable criminal offences.

157. Along with the state budget funds allocated to the Institute of the Monuments of Culture for the restoration and maintenance of the various objects of worship, the Albanian State, to the

extent that it is possible, makes its own contribution by providing for customs and fiscal facilities, restitution of property (wherever it has been possible), or by granting free of charge or against symbolic prices public territories for the construction of religious objects of worship, schools, hospitals and homes for the poor.

E. Freedom of association and of peaceful assembly (Article 15)

158. The Constitution of the Republic of Albania sanctions the right of everyone to organise collectively for any lawful purpose (Article 46).

159. The Constitution of the Republic of Albania, likewise, guarantees the freedom of peaceful meetings and without arms, in conformity with the law (Article 47).

160. The Civil Code recognises the right of children above the age of fourteen years to participate in social organisations (Article 7). While dealing with the subjects of the law in Article 3, the draft law “On the Non-profit Organisations” states that everyone has the right of collective organisation. Under its Article 4, every Albanian or foreign physical or juridical person has the right to found and take part in non-profit organisations.

161. While addressing the procedure for the establishment of associations, the Civil Code declines to determine the age. This implies that children are also entitled to found associations that fit their own interests. Hence, no restrictions are placed on the exercise of this right.

G. Protection of privacy (Article 16)

162. The Constitution of the Republic of Albania guarantees the secrecy of correspondence and inviolability of domicile for everyone, without making a specific reference to the category of children, or excluding them. Hence, the constitutional definitions apply to minors, as well. Pursuant to the Constitution of the Republic of Albania, the freedom and secrecy of correspondence are guaranteed (Article 36).

163. Under the Constitution of the Republic of Albania, the inviolability of the residence is likewise guaranteed. The provisions contained in the Criminal Code stipulate that searches of a residence may be made as prescribed by law. Violation of a residence, unlawful interference with someone’s privacy or infringement of the secrecy of correspondence is defined as criminal offences, which are punishable as provided thereunder. Hence, pursuant to the Criminal Code, violation of a residence is punishable by fine or imprisonment up to three months. The unlawful interference with someone’s privacy is considered a criminal misdemeanour, and is punished by fine or imprisonment up to 2 years. Obstruction or infringement of secrecy of correspondence is considered a criminal transgression that is punishable by fine or imprisonment up to two years.

164. Likewise, under Law no. 8092, dated 21 March 1996, “On Mental Health”, the correspondence of persons placed at rehabilitation and psychiatric institutions is not subject to check.

H. The right not be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37(a))

165. The Albanian legislation covers the rights set forth in the Convention on the Rights of the Child in the general framework of human rights, not considering it necessary for children's rights to be specifically addressed in some of them. The Constitution of the Republic of Albania stipulates that no one may be subjected to cruel, inhuman or degrading torture, punishment or treatment (Article 25).

166. Under the General Provisions of the Criminal Procedure Code, no one may be subjected to torture, and degrading treatment or punishment. By Law no. 7727, dated 30 June 1993, the Republic of Albania adhered to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Albanian legislation does not provide for death penalty. Albanian criminal legislation forbids the sanction of life imprisonment for children below the eighteen years of age. Moreover, under the Criminal Code, for minors, who at the time they committed the criminal act were below the age of eighteen years, the imprisonment sentence may not exceed half of the term of punishment provided by law for the criminal offence committed (Article 51). Considering the lack of dangerousness of the criminal act, and the previous behaviour of the minor, the court may exclude him from punishment, and may decide to place him in an educational institution.

167. The Criminal Procedure Code stipulates that a person sentenced to imprisonment shall be provided human treatment and moral rehabilitation (Article 5/3).

168. The part of the Albanian legislation dealing with the treatment of persons deprived of their liberty provides also for the preservation, improvement or re-establishment of contact between the minor and his family, with a favourable programme being drawn up to that effect.

169. Under the Criminal Code, a person bears criminal responsibility if, at the time he commits a criminal offence, he has attained the age of fourteen years. A person who commits a criminal contravention bears responsibility at the age of sixteen years. The Criminal Procedure Code requires the court to have regard to the established criteria and circumstances in handling criminal offences committed by minors, in particular.

170. In dealing with a minor, the court also takes account of the request that concrete educational processes should be not interrupted. The measure of arrest is not applied for a minor who has committed a criminal transgression.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Articles 5, 18, paragraphs 1 and 2, Articles 9, 10, 27, paragraph 4, Articles 20, 21, 11, 19, 39 and 25)

A. Parental guidance (Article 5)

171. In the part dealing with the relationships between the child and the parents and the family, or those who have responsibility for the child's education, the Albanian legislation places top priority on the rights and duties of the parents, family or the child's legal representative. The right of the child to the care of parents is addressed in the foreword to the Family Code (Article

7), amended by Law no. 7540, dated 17 December 1991, "For Several Changes in the Family Code of the Republic of Albania".

172. Pursuant to the foregoing provision, both parents have common responsibilities for the upbringing and development of the child. Under Articles 69 and 71 of the Family Code, the parents may not ask someone, who is not the legal guardian, to assume responsibility for child's upbringing and education. Parents represent the child below the age of fourteen years in all the juridical activities, unless provided otherwise by law, i.e. that the minor may conduct these activities himself.

173. The Family Code and specific laws state that both parents have the right and duty to feed and educate their children.

174. Under the draft law of the new Family Code, both parents have the right and duty to maintain and provide schooling and education to children born in or out of wedlock, who are assisted by the State if necessary.

175. At the same time, the draft law looks at the understanding of the parental responsibilities, including the parents' rights and duties to provide moral and material welfare to their children, look after them, maintain personal relationships with them, bring them up, ensure education for them, and represent them in legal matters and the administration of their material property.

176. The draft law requires that in its decision on establishing the guardianship the court should have regard to the qualifications of the person picked up to look after the education and development of the child, in compliance with the provisions of the Family Code.

177. In the framework of the parental responsibilities, a major role is assigned to school, which should cooperate largely with the community and the children's parents, in particular.

178. Hence, parents take an active part in the school boards, and contribute to its organisation and well functioning. The teachers regularly update them on the progress of their children at school, the problems they are facing, and on how they may build care for and control on their children.

179. Article 124 under Section IX of the Criminal Code, "Abandonment of minor children", defines abandonment of a child as a criminal offence. The present article stipulates that abandonment of a child below fourteen years of age by the parent or by a person acting as his legal guardian is punishable by fine or imprisonment up to three years.

180. When abandonment has resulted in serious harm to the health or death of the child, it is punishable to imprisonment between three and ten years.

B. Parental responsibilities (Article 18, paragraphs 1 and 2)

181. The performance of parents' responsibilities to children is looked at from three angles:

- Performance of parents' responsibilities during marriage;
- Performance of responsibilities following the dissolution of marriage; and

- Performance of responsibilities when biological parents are not married in compliance with the requirements of the law.

182. The Constitution of the Republic of Albania does not provide for any specific provision with regard to parents' responsibilities to their children. Other legal acts and bylaws actually in force, including the Family Code and various decrees, regulate this area.

183. The Family Code, currently in force, ensures recognition of the principle that both parents have [common] responsibilities for the upbringing and development of their children (Article 7).

184. The achievement of the parents' common responsibilities for the education and development of the child is realised through the exercise of the parental right (or the parental authority, being the new term employed in the draft law of the new Family Code), which is shared in equal measure by both parents. The Family Code stipulates that both parents have the same rights and duties towards their minor children (Article 63).

185. The Family code, likewise, does not consider one parent as having priority over the other in terms of the exercise of the parental right. Both parents exercise this right in the best interest of minor children, and in agreement with each other.

186. When parents, for various reasons, cannot keep their child, they may give custody of the child to one single person, in his capacity as the legal guardian, as prescribed by law, who will be responsible for the child's upbringing and education. Both parents uphold all the personal and property rights of their child, and no empowerment is considered necessary in this case. This is one of the many parents' rights and duties to their children (Articles 71 and 72 of the Family Code).

187. Both parents have common responsibilities for the education, the physical and mental development and the health of the child, and have the duty to maintain him (Article 78 of the Family Code).

188. When the parents dissolve their marriage, or marriage is null and void, the parental right is exercised by the parent who has the responsibility for the upbringing and development of the child (Article 68 of the Family Code). The other parent continues to exercise the parental right, although the Family Code does not provide for it. However, the court decision on the dissolution of the marriage establishes the manner in which this right is exercised.

189. Along with the parent who has custody of the child, the other parent continues to be responsible and pay child support maintenance, and look after the normal development and education of the child. When biological parents are not married but acknowledge the child as theirs, they have the same responsibilities as the legally married parents of a child.

190. Albania has ratified the Convention on the Elimination of All Forms of Discrimination against Women, stipulating that parents have equally shared rights and duties to their children. In all the cases, the interest of the child is of primary consideration (Article 6/2-c).

191. Both parents have common responsibilities for the education and development of the child, and are held responsible for his anti-social behaviours. Under Decree no. 2450, dated 27 May 1957, "On the Parents' Accountability for Their Children's Bad Manners and the Measures

for Their Education”, amended by Decree no. 7441, dated 1 December 1990, the bad ways and vagrancy of the child below the age of fourteen years renders both parents liable to punishment.

192. In accordance with the present Decree, administrative transgressions are punishable by fine up to 500 lekë. The said Decree is still in force, although it hardly finds any application in the course of practice. This is also attributed to the change in the conditions calling for the application of new methods in the education of children below the age of fourteen years.

C. Separation from parents (Article 9)

193. Under Article 70 of the Family Code of the Republic of Albania, parents may turn to court to make sure that their child, who does not live with them and is unlawfully kept by other persons, is given back to them. In this case, the court decides on the return of the child if it is not contrary to his interests, and seeks the opinion of the child if he has attained the age of ten years.

194. Under Article 127 of the Criminal Code, unlawfully taking of a child by separating him from the person who exercises parental authority, or has the responsibility for his upbringing and education, and failure to give the child back to the other parent in furtherance of the court order, constitutes a criminal contravention punishable by fine or imprisonment up to six months.

195. In connection with guardianship, Article 75 of the Family Code declares that the Guardianship Council has the right to ask a court to rule to take a child away from his parents in the cases where parents do not look after his upbringing and education, or when this is necessary for the best interests of the child, and give a state-run institution or another person, if he agrees to it, custody of the child.

196. Following 1990-1991, important changes occurred in many areas of the law. The family law, however, has proven to be more resistant to changes. Indeed, a number of bodies that used to be involved in the protection of the children’s rights, are currently left with no function, including the guardianship councils at the municipalities. Because of this, the functions and powers the Guardianship Council used to have, exist actually in paper only, and to some extent, are injurious to the children’s interests.

197. In the cases where a parent misuses the parental right, parental authority, or seriously neglects its exercise, or whose set of behaviours adversely impacts the education of the children, at the request of the other parent, the Guardianship Council, or the prosecutor, the competent court may rule to remove his parental right.

198. In establishing the parental authority in the case of the dissolution of a marriage, when a child or the children should go to live with one of the parents, a number of court rulings indicate that the courts have proceeded from the best interest of the child. In other cases, however, the courts decline to declare to the interest of the afflicted minor, or do so in a vague manner. The years preceding 1990 saw a more consolidated judicial practice in this aspect, also because of the Higher Court instructions, which, in accordance with the law, were binding on the other courts.

199. Under Articles 66 and 67 of the Family Code, in the event a child should go to live with one of the parents or other persons, as is the case, the minor should have his say in the matter if

he has attained the age of ten years. Hence, the court seeks the child's opinion after he has attained the age of ten years.

200. Article 98 of the Family Code recognises the right of the absent parent to maintain personal relations with him, as prescribed by court decision.

201. The Regulations of the Vaqarr Prison (a youth prison) confers the minors the right to four meetings in a month, one of which is foreseen to be a special meeting with the family. The convict's family is entitled to spend 12 hours with him within the prison compound.

202. The Family Code does not provide for the *separation de corps* before the dissolution of marriage. It contains a special provision on the relations between the parent and the child, who lives with the other parent (Article 66). This provision refers to cases where parents are separated though not divorced.

203. The Guardianship Council has the responsibility to make a decision with regard to the parent who the child will be living with, and the nature of the relations between him and the absent parent. However, given the fact that the Guardianship Council is inoperative, the issue of regulating the relations between the child and the parent with whom he lives, needs to be resolved, especially in the cases where parents live apart for reasons other than those leading to the dissolution of marriage. One such reason may be the transfer of one of the spouses for motives of work, and the spouses fail to reach an agreement on who of them the child will be staying with, as well as the relations between him and the other parent.

204. The existing laws reveal a problematic collision of provisions as to which body has the authority to appoint the parent who will be responsible for the upbringing and education of the child during the run-up to the dissolution of marriage. Following its endorsement, the new Family Code is expected to eliminate this colliding of the legal provisions.

205. Hence, on 1 June 1996 the Civil Procedure Code entered into force, and without amending or revoking the foregoing provision set forth in the Family Code, adopts a different approach to regulating the authority of the body entitled to appoint the parent who will be responsible for the upbringing and education of the child during the run-up to the dissolution of marriage. The Civil Procedure Code designates the Section for the Examination of Family Disputes at the District Court to reach a decision on the parent the child will be living with.

206. Hence, the family legislation explicitly provides for the right of both parents to maintain personal relations with their child, and not in the form of the right of the child to maintain relations with his parents.

207. The draft law of the Family Code provides for the cases where minor children, unable to live with their parents, are placed in the custody of and enjoy special protection by the State. These cases also incorporate the children's maltreatment by their parents, lack of parental care and removal of parental authority.

208. The present draft law also handles the custody of the child in the event of a divorce of his parents, as well as the relations between the child and the other parent. Great attention is attached to the relations between the child and both parents after divorce proceedings have been started.

Under the draft law, the court should give its ruling both on the way these relations are realised, and the way the child's material needs are met, and his residence issue is resolved. The draft law provides for the child's participation in the proceedings relative to his interests, so that the child may voice his own opinions and feelings. Under the draft law, the psychologist's presence during the trial is mandatory.

209. The draft law overrides the Guardianship Council, and provides for a major role of the court in the protection of the child's rights and interests. The draft law defines the child-legal guardian relations, which are similar to those between the child and his parents. The legal guardian looks after the minor, represents him in the judicial acts, and administers his property subject to the Code provisions on the parental authority.

210. Under the draft law, the minor placed under guardianship, generally speaking, lives with his legal guardian, unless the court provides otherwise. The draft law requires a court to listen to and take account of the opinion of the child who has attained the age of ten years, before moving on to the appointment of the legal guardian.

D. Family reunification (Article 10)

211. It is a well-known fact that a large number of Albanian citizens have immigrated to the neighbouring countries and beyond. So, it would be very important if the Albanian citizens were granted entry clearance into their territories so that many children can meet their parents who are working there, or happen to be in other countries for various reasons. Under Article 16 of the Constitution of the Republic of Albania, the fundamental rights and freedoms and the duties contemplated in the Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases where the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship. This general provision is laid down in specific laws governing certain areas of the human rights and freedoms.

212. Articles 38 and 40 of the Constitution of the Republic of Albania sanction that everyone has the right to move freely within the territory of the State, and to go freely out of the State. It also gives formal recognition to the foreigners' right of asylum in Albania. Under the Constitution, a specific law establishes the procedures and criteria to that effect.

213. Law no. 7939, dated 25 May 1995, "On Immigration", currently regulates the entry of persons into the Republic of Albania and their going out of it, as well as the granting of asylum and permit of residence in Albania. Under Article 6 of the present law, every Albania citizen who leaves the territory of the Republic of Albania has the right to return.

214. The said law, affecting both the Albanian citizens and the foreigners, allows for the granting of renewable permit of residence in Albania for a period ranging from three months up to one year.

215. Under the said law, spouses of the Albanian citizens, their children below the age of eighteen years, or their dependents are afforded facilities in obtaining the residence permit (Article 15). Further on, the said law covers the family members of the foreign citizens, who have come to Albania for various reasons (studies, investment, and work). In this case, the

spouse and the children below the age of eighteen years, or the dependents of the above-mentioned persons, obtain a residence permit that is valid for as long as the principal residence permit holder is valid. To that effect, they also have to produce evidence that they are self-sufficient and will not use public funds.

E. Recovery and maintenance for a child (Article 27, paragraph 4)

216. Under Article 125 of the Criminal Code, denial of the necessary child support maintenance from the person who, through a court order, is under the obligation to provide, constitutes criminal contravention and renders him liable to punishment by fine or imprisonment up to one year.

217. Following Albania's opening up to outer world 1990-1991, many parents immigrated abroad in search for a better life. In many cases, this resulted in the disintegration of families, and the breakdown of marriages, with many children being left without the necessary assistance to help them obtain education and live a normal life.

218. In their decisions, Albanian courts have often fixed the amount of child support maintenance to be paid by the parent who has left for another country, but they have not been given effect. The reason behind this is that, under the national laws, certain conditions have to be met before an Albanian court decision can be acknowledged. The conclusion of bilateral agreements between the Republic of Albania and the countries hosting the most part of Albanian immigrants has been identified as the final settlement to this question. The Civil Procedure Code also considers it as an alternative to the implementation of the court decisions of foreign countries (Article 393).

219. In this framework, Albania has ratified respective agreements with the Former Yugoslav Republic of Macedonia and Greece on the mutual execution of court decisions. Negotiations to conclude a similar agreement with Italy where a large number of Albanian immigrants work, are under way.

220. The draft law of the Family Code provides for the duty of the parents to maintain their minor children, as well as the duty of other persons assume in the absence of parents. Parents have the duty to maintain their minor children, if the latter do not possess sufficient means of livelihood.

221. The amount of support maintenance is fixed in compliance with the needs of the person who asks for it, and the economic possibilities of the person who owes it. In terms of the duty to provide child support maintenance, the draft law of the new Family Code contains no significant changes compared to the existing Code.

F. Children deprived of a family environment (Article 20)

222. Under the Constitution of the Republic of Albania, the State's care and help for the orphans is guaranteed (Article 59/e). In general terms, the Constitution also provides for the special protection of children by the State. Instead, the Family Code stipulates that the State has the duty to look after the upbringing and education of the children without parents and other support. (Article 10).

223. Under the Family Code, the Guardianship Council has the right to ask a court to rule to take a child away from his parents in the cases where parents do not look after his upbringing and education, or when this is necessary for the best interests of the child, and give a state-run institution or another person, if he agrees to it, custody of the child. In these cases, the parents' other rights and duties to their child do not cease to exist.

224. The Family Code also covers the cases where children are not in the care of their parents, and when both parents have died, are unknown, are declared untraceable, or have been deprived of their capacity to act. Such children are put into care, in which case they have access to suitable conditions for their upbringing, education, schooling, and all-sided development (Articles 102 and 103).

225. Under the Family Code, the Guardianship Council is entitled not only to appoint a legal guardian for the child, but also to place the child in special institutions for the care of children, dormitories, health institutions or other institutions (Article 105).

226. Allowing for the relevant amendments, Law no. 7710, dated 18 May 1993, "On Social Assistance and Care", establishes the manner how orphaned children are placed in institutions of social care. Under the law, these institutions may be locally- or centrally based. The law also covers the non-governmental social services that may be run by private individuals and non-governmental organisations that should conclude a contract with the Ministry for Work, Immigration, Social Protection and Former Political Prisoners.

227. The family head, the social administrator, or the commission of medical experts files the application for the placement of orphaned children or physically and mentally disabled children in an institution if the institution falls under the local government. At a central level, it is the Ministry for Work, Immigration, Social Protection and Former Political Prisoners that determines how their placement will be realised.

228. Law no. 8153, dated 31 October 196, "On the Status of the Orphan", considers as orphans persons between the age 0 and 25:

- who are born out of wedlock;
- whose parents are dead;
- whose parents have been deprived of the parental right by a final court decision, or whose only parent has been deprived of the parent right by a final court decision and the other is dead; and,
- Whom do both parents with unknown identity abandon.

229. Orphaned children are kept in institutions until they attain the age of fourteen years, and in the event they have not finished 8-year schooling, until they attain the age of seventeen years. The Social Assistance and Care Sections at the local government bodies cover food expenses for those that attend secondary or higher schools and live in dormitories, until they find a job.

230. Orphaned children are also afforded health care services free of charge until they pick up a job. Under the present law, they have access to a number of facilities to find a job, to obtain housing, and to have benefit from government-run immigration schemes, or recreation.

231. The Child and Infant Homes accommodate children aged 0-6, and children aged 6-14. The Decision of the Council of Ministers no. 510, dated 24 November 1997, "The Criteria for the Placement in Social Care Residential Institutions and the Necessary Documentation for Admission" establishes a certain legal procedure to be pursued in terms of the criteria for the placement of children in institutions by the State.

The social institutions for the care of children admit:

- a. Children who do not have any of the parents, and have no other family who could voluntarily assume the responsibility of raising and educating them.
- b. Children born out of wedlock, who for given reasons cannot be reared by their mother.
- c. Children whose parents, both or one of them when the other has died, have been deprived of the parental right by a court decision, and the court has established that they should be placed in institutions.
- d. Children whose parents, both or one of them when the other has died, are short of financial means to main them, are being hospitalised or are sentenced to imprisonment.
- e. Children of families without income or with insufficient income, or which are gripped by family crises, including divorce, marriages and remarriages, and other serious social problems.
- f. These institutions may also take in abandoned children whose parents have immigrated or will be immigrating abroad for economic reasons. In this case, these children are housed in the social care institutions until their parents' social/economic conditions improve.

233. The initiative to place abandoned children or children coming from families with social problems in suitable institutions for the care of children is taken by:

- The child's relatives or parents;
- The child's legal guardian if parents have died;
- Other interested parties empowered by the director of the maternity ward; and
- The relevant Social Assistance and Care Sections at the municipalities or communes, as well as other institutions contracted by the Social State Service.

234. The commission for the placement, transfer and removal of children from institutions, set up at the Social State Service, deals with the placement of children in child-care institutions. This commission examines the following documents pertaining to the child:

1. Birth certificate
2. Photo
3. Family certificate
4. A copy of the court decision on the removal of the parental right.
5. A notarised statement by the mother, or if that is impossible, by the director of the maternity ward on the abandonment of the child, or by the mayor, or by the commune
6. Medical tests for AIDS, hepatitis, with laboratory findings and vaccination records being attached
7. The child's health record
8. The school document

235. The Residential Child-care Institutions break down into state-run child-care institutions and child-care institutions run by foundations or associations, which have concluded contracts with the Ministry for Work and the Social State Service.

236. The following table shows the number of children placed in Residential State-run Social Care Institutions during the period 1996-2000:

Institution	Year 1996	Additions in 1997	Additions in 1998	Additions in 1999	Additions in 2000
Tirana aged 0-3	59	38	13	21	38
Korça aged 0-3	27	3	6	5	14
Shkodra aged 0-3	32	7	11	6	15
Durrës aged 0-6	42	19	21	30	17
Vlora aged 0-6	68	4	36	28	2
Shkodra aged 3-6	38	4	4	4	2
Shkodra aged 6-14	78	6	0	16	8
Tirana aged 6-14	117	4	18	8	19
Saranda aged 6-14	85	2	3	12	2
TOTAL	546	87	112	130	117

237. As early as 1996, a total of 992 children have been placed in the State Social Care Institutions.

The following shows the number of children found at present (2001) in these centres:

City	Capacity	Current number of children	Staff
Tirana aged 0-3	50 children	40	36
Korça aged 0-3	20 children	17	16
Shkodra aged 0-3	30 children	30	25
Durrës aged 0-6	45 children	40	30
Vlora aged 0-6	40 children	30	23
Shkodra aged 3-6	50 children	43	24
Shkodra aged 6-14	100 children	87	31
Tirana aged 6-14	100 children	91	38
Saranda aged 6-14	90 children	54	20

239. Institutions run by foundations and associations, which have concluded contracts with the Ministry for Work and Social State Service:

Betania – Fushë Kruja	Aged 0-14	36 children	40 staff
SOS Village – Tirana	Aged 6-18	91 children	100 staff
New Beginnings – Berat	Aged 6-14	10 children	7 staff
Warm Home – Gjirokastra	Aged 0-14	6 children	9 staff
Sunray – Tirana	Aged 0-14	11 children	10 staff
Home of Hope – Elbasan	Aged 6-14	28 children	16 staff
Wilhelm’s Assistance – Elbasan	Aged 3-14	28 children	20 staff
CEFA – Elbasan	Aged 6-14	10 children	15 staff
Mother Theresa’s Charity Missionaries – Korça	Aged 0-3	20 children	10 staff
Mother Theresa’s Charity Missionaries – Elbasan	Aged 0-3	20 children	10 staff

240. Great attention is devoted to the vocational training of the staff employed with the child-care institutions. Their recruitment is made on the basis of well-established criteria concerning the professionalism and morality of the persons hired in this highly delicate sector.

241. Workshops to update them on the contemporary methods for the upbringing and education of children are likewise run in a constant and planned way. The workshops are conducted in cooperation with different associations and foundations operating in this area, with experts from the medical, pedagogical, psychological and social fields being invited to speak.

242. Under the Civil Procedure Code, Article 351, the petition to place a [child] under guardianship is filed with the court by the child’s next of kin and by anyone who receives notice on a child remaining without parents, on the birth of a child of unknown parents and on any other circumstances for which the law requires placement [of a child] under guardianship.

243. The Civil Procedure Code also contains other provisions, which are actually incorporated in the material law, and have been enacted irrespective of the existence of the Family Code. At times, promulgation of different and uncoordinated laws has given rise to problems in the course of their application in the concrete cases, too.

244. Hence, under Law no. 7650, dated 17 December 1992, "On the Adoption of Minors", in its decision the court declares the minor abandoned, and establishes the manner in which the placement of the minor is achieved. Whereas the Law "For the Status of the Orphan" refers to a decision of the Council of Ministers, which lays down the criteria to be met with regard to this category of children as well, thus overlooking the existence of a law that is still in force.

245. There have been cases where a court decision establishing the manner in which the placement of a child will be achieved, has not been taken into account by the Ministry for Work, Immigration, Social Protection and Former Political Prisoners, which considers the placement of a child in an institution as a matter within the competence of that Ministry.

246. The draft law of the Family Code unifies the establishment of the guardianship, with the court being eventually identified as the competent body to tackle the cases provided for in the present Code. Bearing in mind the protection of the minors' rights, the draft law provides for accelerated timetables and trial by a court sitting with one single judge.

247. According to the draft law, minor children who are not in the care of their parents because both parents are dead, are unknown, are declared untraceable, have been deprived of their parental authority or their capacity to act, and because of any other ground accepted by the court, are placed in the custody of and enjoy special protection by the State.

248. The draft law also provides for the appointment of a legal guardian by the surviving parent, who does so by virtue of a will or a statement made before the notary for the purpose of protecting the minor's interests, and especially his property interests. The draft law also addresses the possibility of appointing a special guardian, with a court order establishing the limits within which he should exercise guardianship.

249. The foster family is also another alternative to taking a child into care. For that end, a draft law dealing with foster care towards minors in need has been drafted. The present draft law prescribes the cases and procedures for the placement of children with families to which effect certain conditions should be fulfilled.

250. Generally speaking, foster homes accommodate children up to the age of fourteen years. In some institutions run by foundations children are instead taken care of until they attain the age of eighteen years.

251. Children above fourteen years of age, i.e. after having finished the 8-year school, receive scholarships to pursue secondary education, and live in the dormitories of these schools. Following secondary school, these orphaned and abandoned youths enjoy the rights conferred upon them under the Status on the Orphan. This law requires municipalities to provide these children with economic assistance, housing and jobs, and until they are able to obtain housing they should live in dormitories.

252. Under the said Status, these children have access to medical and dental treatment free of charge. The offices for work place priority to the employment of the orphans. The latter are exempt from taxes if they are incorporated in the government immigration schemes.

G. Adoption (Article 21)

253. Under Albanian legislation, the Family Code, and Law no. 7650, dated 17 December 1992, "On the Adoption of Minors by Foreign Citizens and Several Changes in the Family Code", deals with the system of adoption.

254. Since the law for the adoption of minors was endorsed following the ratification of the UN Convention on the Rights of the Child, it was drafted in accordance with the present Convention and the Hague Convention on Inter-country Adoption of 29 May 1993, which at that time was in the form of a draft law. The foreword to the law for the adoption of minors underlines the principle that adoption is permitted only if it is in the best interest of the minor, and guarantees the respect for his fundamental rights (Article 1), bearing also in mind the first paragraph of Article 21 of the Convention on the Rights of the Child.

255. The law on the adoption of minors governs basically the inter-country adoption, since the previous legislation failed to live up to the new conditions that emerged in Albania after 1990.

256. The present law mainly establishes the administrative procedure pursued in the process for the adoption of a child. In the furtherance of the said Convention, the Albanian Committee for Adoption was set up. This Committee is the competent authority that prepares the necessary documentation for the adoption of a child within or outside of the country, before the issue is taken to court for examination.

257. The Albanian Committee for Adoption is under the Council of Ministers, and is constituted of representatives from the most important ministries concerned with the interests of the minor. For cases of children adopted by foreign citizens, the Albanian Committee for Adoption concludes agreements with bodies or agencies dealing with the adoption of children in the respective countries. In the performance of its duties, this Committee should observe the obligations arising from international conventions and agreements in this field, which have been ratified by Albania (Articles 5 and 6).

258. Besides the necessary documents for the file of every single case of adoption, the Committee likewise requires that birth or adoptive parents give their informed consent to the adoption. It also seeks the minor's opinion in terms of adoption, if he has attained the age of ten years (Article 7).

259. The law considers the inter-country adoption as an alternative means of child's care, while initially urging the Committee to try and find a family in Albania before it gives its consent to a stable family abroad.

260. The Albanian Committee for Adoption may give its assent to inter-country adoption only if, at the end of a six-month period from the date when he was registered in the lists available with the Committee, the child cannot be placed in an adoptive family in Albania (Article 8 and 11). The practice the Albanian Committee for Adoption has pursued hitherto indicates that

priority has been given to national adoption on account of the numerous requests by Albanian parents to adopt Albanian children.

261. The final decision rests with the court (Section for the Examination of Family Disputes). The court once again looks into the documentation submitted by the Albanian Committee for Adoption, and requires that birth or adoptive parents give their informed consent before the court. The court, likewise, listens to the opinion of the child when he has attained the age of ten years (Articles 54 and 56 of the Family Code and Article 349 of the Civil Procedure Code).

262. Pursuant to Article 21/c of the Convention on the Rights of the Child, under the law on adoption of minors, adoption is not permissible if, in the country in which the adoptive family lives, the child does not enjoy safeguards and standards equivalent to those existing in the case of national adoption, or if the conclusion is reached that adoption is of grave consequences to the child. In accordance with Article 21/d of the present Convention, the law on the adoption of minors also provides for the sentence of imprisonment.

263. Under the said law, acceptance, demand of receipt, or receipt of money and other material benefits by the parents, the legal guardian or any other person for himself or a third party, in the process of the adoption of a minor, render them liable to imprisonment up to five years. The incorporation of this provision in the said law was also considered important in view of the abuses disclosed in the cases of adoption of minors by foreign citizens in the years 1990-1991. At that time, the thriving of this phenomenon was credited with lack of legislation on inter-country adoption.

264. The Rules of Procedure of the Albanian Committee for Adoption set out in detail the administrative procedure for adoption, and the necessary documentation, which is based on a psychological, social, emotional, medical and cultural study. Under the Rules of Procedure the Albanian Committee for Adoption should conduct preliminary work with the adoptive parents, and with the child if he is at a certain age and can understand. In this case, the Albanian Committee for Adoption provides counseling to the child so that he can grasp the concept of adoption, and briefs him on the adoptive parents, telling him about their life while producing pictures, videos and letters, and arranges his personal contact with the adoptive parents.

265. In the period May 1994-February 1998, the Albanian Committee for Adoption gave its consent to 298 cases of adoption. Albanian families adopted 211 children, and foreigners adopted 87 children. In terms of children adopted by foreigners, Italy ranks first (37), followed by the United States of America (31), France (14), Malta (4) and Austria (1).

266. One hundred and fifty one of the adopted children were girls, and 147 were boys. At the moment of adoption, 43 were below the age of one year, 224 were between the age of 2-6, and 31 were between the age of 7 and 16. Eight of the adopted children revealed disabilities.

267. By Law no. 8624, dated 15 June 2000, the Parliament of the Republic of Albania sanctioned Albania's adherence to the Hague Convention on the Protection of Children and Cooperation for Adoptions in Other Countries, of 29 May 1993. This entails Albania's commitment to bring the legislation on the adoption of minors into the present Convention framework. Albania adhered to the Hague Convention at a suitable moment, when significant changes are being made to family legislation.

268. The draft law of the Family Code also incorporated the material part of the law on the adoption of minors by foreign citizens, and accommodated changes made in accordance with the present Convention. The draft law also provides for a test period the child and adoptive parents shall have to go through before the court makes its final ruling on the adoption. Likewise, under the draft law, before the court gives its final ruling on the adoption, the rights of the birth parents override those of the adoptive parents. Hence, if the birth parents have given their informed consent to adoption but withdraw it although the time limits set forth in the present Code may have run out, they retain the right to withdraw it if the court has not made its final decision.

H. Illicit transfer and non-return (Article 11)

269. On the basis of the incomplete statistics available with the Equal Opportunity Committee, about 4,000 children have immigrated unaccompanied by their parents (3,000 to Greece and 1,000 to Italy). This category of children found in other countries, away from the family and its care, is often exposed to numerous risks, including maltreatment, physical and sexual abuse, and involvement in evil forms of work, traffic and other illicit activities. There are cases where children are sold out by their parents, or are exploited by the Mafia-type and criminal networks for reasons of profit.

270. The above-mentioned data indicate that the children who are subjected to trafficking:

- Come from divorced parents providing no family care;
- From families with many children, found in economic distress;
- From rural families looking forward to their children's assistance;
- Are orphaned children without any kind of care
- Are born to parents who have left to work in other countries
- Have dropped school, and have been engaged in begging and other illicit activities in Albania.

271. In the vast majority of cases, the trafficked children live under deplorable conditions. They are appointed to heavy jobs, work long hours and are paid a minimum wage enough to keep them going. These children are the targets of traffickers, because they are less costly and their work yields ever-higher profits.

272. The children trafficking usually sticks to the same routes as the traffic in human beings. The traffickers also produce false documents to prove that they are the children's legal guardians or parents. Children's reintegration, their return to Albania and their taking into care comprise a difficult enterprise. Its also calls for an all-sided involvement both of state-owned institutions and the international organisations and the NGOs, which have developed their own plans, and have already started work in this respect.

273. Under the Albanian legislation, "trafficking of human beings" in the form of the traffic in human beings, trafficking of women for prostitution purposes and trafficking of children is considered a specific crime. It also considers as such other criminal offences relating to the

trafficking of human beings, including the deliberative hiding away or exchange of a child, the illegal crossing of the state borders, and the assistance provided in illegally crossing the border. The same applies to the penalties for the organisation of prostitution and other related activities.

274. The Albanian Criminal Code provides for sanctions for criminal offences directly or indirectly affecting the trafficking of human beings. These sanctions concern the above-mentioned criminal offences, as well as the following: the running, using, funding and renting of premises for prostitution purposes; abduction of persons and children below the age of fourteen years; the unlawful deprivation of persons of their liberty, while risking their life or exposing them to grim physical suffering, beating, violent sexual intercourse; stealing of identity papers; forging of identity papers; threatening and commission of other criminal offences in collusion with criminal organisations or armed gangs.

275. Under the Albanian Criminal Code, all the objects serving or intended to be employed for the commission of criminal offences, including any kind of object, money or proceeds arising from a criminal offence, or the remuneration given or promised to be given for its commission, are confiscated, and following pronouncement of the sentence for the crime, become property of the State.

276. Under the Albanian legislation, citizens from other countries may be expelled if they have entered Albania illegally. Nonetheless, witnesses may be exempted from expulsion from Albania for interests of the State, as well as the need to have them as witnesses for as long as judicial cases are under way. The trafficking victims have the right to have a legal representative or a representative equipped with a power of attorney, to use the services of a translator who is paid by the State, to speak and receive information on the facts and acts, and proceed of the legal proceedings through the assistance of a translator.

277. At present (2001), Albania does not have a law on the protection of witnesses. The existing legislation does not prohibit the protection of witnesses, but the lack of financial resources and shortage of necessary staff render the granting of suitable protection to witnesses difficult.

278. Under the Criminal Procedure Code, the persons arrested or convicted for a criminal offence relative to drug trafficking, prostitution and human beings trafficking, who assist and collaborate with the judicial bodies, may not be sentenced to more than half of the term provided for the offence committed. In special cases, these persons may be exempted from being sentenced. A detailed analysis of the Albanian legislation on these issues has paved the way for a draft law on the amendments to the Criminal Code of the Republic of Albania. These soon-to-be-adopted amendments call for the incorporation of more specific provisions on the traffic in human beings, including primarily children, and other heavy penalties for the offenders committing such criminal offences.

279. Most importantly, the draft of the amendments to the Criminal Code reflects the concerted efforts made internationally in the combat against these phenomena, materialised in bilateral or multilateral agreements, or adherence to the existing agreements. In this framework, a powerful anti-traffic centre, a joint venture with other interested countries such as Italy, Germany and Greece, has been set up in the city of Vlora, South-western Albania. This centre will in the

first place be combating the human beings trafficking, and the trafficking of women and children in particular.

280. Law no. 3920, dated 21 November 1964, “On the Enjoyment of Civil Rights by Foreigners and the Application of Foreign Legislation”, extends special protection to refugee children equivalent to that existing in the case of the Albanian citizens. Under Law no. 8432, dated 14 December 1998, “On Asylum”, special protection and support is extended to refugee children, children from poor families, children risking to be engaged in criminal activity, and children who are victims of prostitution.

281. For this purpose, there are plans to establish Albanian Cultural Centres in the foreign cities with the highest concentration of the Albanian immigrants. These centres will be designed to offer various services to the immigrants’ children, ranging from Albanian language courses to film shows, different lectures, and library services.

I. Abuse and neglect (Article 19), including physical and psychological recovery and social reintegration (Article 39)

282. Under Article 54, paragraph 3, of the Constitution of the Republic of Albania, every child has the right to be protected from violence, maltreatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.

283. Pursuant to the Family Code, the court finding that the parent misuses his parental right or shows grave signs of neglect in its exercise, or through his actions adversely impacts the education of the child, is followed by a judicial order removing his parental right (Article 76).

284. Under the Family Code, if the parent who, following the dissolution of marriage does not have the care of the child, finds improper the actions or measures adopted by the parent exercising the parental right, he may turn to the Guardianship Council asking it to take the appropriate measures (Article 68). The Family Code declines to describe the kinds of actions that are committed against a child. However, judicial doctrine and practice refer to actions concerning the child’s maltreatment, physical violence, insult and sexual abuse. In certain instances, the Criminal Code also covers children’s maltreatment and abuse, providing for the relevant sanctions.

285. Under the Criminal Code, denial of necessary support for the livelihood of children from the person who is obliged, by virtue of a court order, to provide, constitutes criminal contravention, and renders him liable to punishment by fine or imprisonment up to one year (Article 125).

286. The Criminal Code also considers the abandonment of the child below the age of fourteen by a parent, or the person who has the care of the child, as a criminal offence. In this case, the offender is liable to punishment by fine or imprisonment up to three years. When the commission of such an offence has resulted in serious harm to the health or death of the child, it renders the offender responsible to imprisonment up to ten years (Article 124). However, the Criminal Code declines to provide for sanctions or specific punishment in the cases of a child’s insult, neglect, and mental violence. The Criminal Code provisions handle these cases like all the rest.

287. The draft of amendments to the Criminal Code deals with a serious threat for purposes of revenge or vendetta made to a secluded person, preventing the free movement of his children or minors who, because of this, have skipped school and shut themselves in the house, and prescribes it as criminal offence that renders the offender liable to punishment by fine or imprisonment up to two years. This change in the Criminal Code is important under the conditions when the secluded child is denied the right to free movement, information, and education. Indirectly, mental violence is exercised, which has far-reaching consequences for him.

288. Children's maltreatment is nowadays one of the most acute problems the Albanian society is facing. The bitter reality of children's maltreatment, materialised in various forms inside or outside of the family, is becoming ever more present.

289. A problem of great concern during the last decade has been that of the vendetta and revenge, directly or indirectly affecting children, both as perpetrators and as the inflicted party. Many children have been forced to give up school because of this phenomenon.

290. The street kids represent the most vulnerable group to the danger of maltreatment, insecurity, illiteracy, and malnutrition. Many economic, social, cultural, educational and family reasons support the marginalisation of this category of children. Incomplete data have identified nearly 800 street kids roaming the streets in Tirana as beggars, street sellers and shoeshine boys.

291. The unprotected children, the orphans and children with divorced parents do often fall "pray" to the varied forms of exploitation and violence. These children have been made the subject of media articles and news bulletins, and charity associations have handled a number of them.

292. The children, who are working and are engaged in other profit-making activities, have definitely skipped school. Others attend school part-time while they do various jobs, basically at the end of classes, in family or other businesses. Cases in recent times have indicated that juridical decisions do not properly tackle the reasons behind a child's maltreatment, or overlook a situation detrimental to the interest of the child arising in the family.

293. Under the Criminal Code, sexual or homosexual intercourse between a child and person who is in direct gender line, or who has the care of the child, is considered criminal offence. The relevant provisions render sexual and homosexual intercourse, and other sexual activities between parent and offspring, between brother and sister, or between other persons, who have either custodial or adoptive relationships among themselves, liable to imprisonment up to five years.

294. The draft law of the Family Code recommends that the sentence provided for homosexual intercourse and other sexual acts be enhanced from 5 to 7 years. The foreseen amendments, amongst others, take aim at a more comprehensive definition of the provision.

295. Under Article 54 of the Constitution of the Republic of Albania, children (including both those above and below the age of fourteen years) have the right to the enjoyment of special protection by the State. The issue here is one of the effective realisations of a child's judicial protection, not of just extending judicial protection to him. This concerns especially inwardly

closed families, in which case divulgence of the internal situation is hard to obtain and efforts to take timely protective and preventive measures in the interest of a child are hampered.

296. No genuine studies for the determination of the types of the child's maltreatment and the obtaining of the relevant statistics have been conducted so far in Albania. One such study has jumped to the conclusion that written and electronic media plays an important role in increasing the awareness of the society on the whole, and of children in particular. These media should come to the aid of parents and children especially in handling the psychological violence or neglect. In the vast majority of cases these phenomena lie in a latent state.

297. The establishment of special centres to assist children facing similar situations would provide them with emotional support, and gradually help them overcome the consequences of maltreatment. Decision of the Council of Ministers, no. 415, dated 1 July 1998, "On the Establishment and Functioning of the Woman and Child Committee", prescribes the establishment of the said Committee as a separate structure under the Council of Ministers.

298. The Albanian legislation does not contain specific provisions, summarised in a legal act, on the handling of children who are victims of exploitation, maltreatment and torture. However, sanctions to curb these phenomena are set forth in specific laws covering concrete instances.

299. The treatment of refugees arriving in Albania and the measures for their reintegration are laid down in the law on refugees. Whereas the Criminal Procedure Code provides for the manner in which non-property damage arising from a criminal offence is repaired.

J. Periodic review of placement (Article 25)

300. In compliance with the Law "On Mental Health", protection of mental health is afforded by the central administration structures and the designated public and private institutions. Associations, foundations, charity organisations, and the other non-governmental bodies and groupings of patients or their families contribute to the protection of mental health.

301. Public health structures provide free of charge treatment to mentally retarded persons and persons with mental disorders, including children. In the event a person below the age of eighteen years receives treatment in a private institution, the State covers the costs incurred to an amount that is equal to the costs of treatment in a public institution. The Ministry of Health and the Ministry of Environment, in cooperation with the Ministry for Work, Immigration, Social Protection and Former Political Prisoners, outline the underlying principles of the rehabilitation and educational policy for children and youths revealing different levels of mental retardation.

302. A special school functions for the all the children with lighter mental retardation. The school runs a periodic review of the treatment provided to children so as to determine the level of their development. This school is under the Ministry of Education and Science, and the children's treatment concerns, besides others, their education and learning so as to ensure their social reintegration to the extent their level allows.

303. A special institute has been set up to handle children with grave mental retardation. The said institute is under the Ministry for Work, Immigration, Social Protection and Former Political Prisoners, and has access to a special treatment allocated to it by the present Ministry. In terms of

children suffering from serious psychiatric diseases, the Law on the Mental Health provides for the periodic review of the treatment extended to these children, and the manner conducive to the achievement of this review.

VI. BASIC HEALTH AND WELFARE

(Article 6, paragraph 2, Articles 23, 24, 26, 18, paragraph 3, and article 27, paragraphs 1-3)

A. Survival and development (Article 6, paragraph 2)

304. The State devotes special attention to the survival and development of the child, being one of the social objectives laid down in the Constitution of the Republic of Albania. The Constitution provides for the right of children and youths to the enjoyment of special protection by the State.

1. Children, the young, pregnant women and new mothers have the right to the enjoyment of special protection by the State.

Children born out of wedlock have equal rights with those born within marriage.

Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development (Article 54).

B. Disabled children (Article 23)

305. Until 1990, the Ministry of Health carried the responsibility for the mentally and physically disabled children. Hence, the relevant institutions focused their attention on the health of children. The new conditions created in Albania after 1990 required a change in the treatment of this category of children, and the latter's integration into the Albanian society was their main focus of work for the present institutions.

306. In its treatment of this category of children, Albanian legislation takes into consideration the objectives of the Convention on the Rights of the Child. Under the chapter on the Social Objectives, the Constitution of the Republic of Albania prescribes the responsibility and intention of the State, which, within its constitutional powers and the means at its disposal, should see to the health rehabilitation, specialized education and integration in society of disabled people, as well as the continual improvement of their living conditions.

307. Under the Constitution of the Republic of Albania, the fulfilment of social objectives may not be claimed directly in court. The law defines the conditions and extent to which the achievement of these objectives can be claimed.

308. Law no.8092, dated 21 March 1996, "On Mental Health", outlines the preventive policies for the protection of mental health, and appoints the institutions responsible for their development. These institutions break down into: a) institutions handling mentally retarded persons, which focus on the rehabilitation, education of and care for this category of persons, including children, and b) psychiatric and rehabilitation institutions, including hospitals and homes for treatment (Article 4). Mentally retarded children and those with mental disorders have access to free of charge treatment in the public institutions of medical care, rehabilitation, teaching and education. In the event these children receive treatment in a private institution, the

State covers that costs incurred to an amount that is equal to the costs of treatment in a public institution (Article 6).

309. The Ministry of Health and the Ministry for Work, Immigration, Social Protection and Former Political Prisoners sets out the basic principles of the rehabilitation and educative policies for children revealing various levels of mental retardation. The Ministry for Work, Immigration, Social Protection and Former Political Prisoners, in accordance with the Law “On Mental Health”, should appoint to these institutions social workers who oversee the treatment provided to patients from the social perspective and from the angle of their protection.

310. Recognising the important role the associations, foundations and the non-governmental organisations play in general, the foreword to the law considers them as partners contributing to the protection of mental health. The law focuses especially on persons with mental disorders, providing for their engagement in various activities and jobs, thus facilitating their social reintegration.

311. In terms of its content, the foregoing law is a contemporary one. Under the present law, a child receives the same treatment as that which is granted to all persons grouped in these categories. Specific provisions of the present law only provide for the category of children explicitly. The provisions dealing with the relations between a person and the family, and the establishment of a legal guardian by the court at the request of the legal-psychiatric commission make no differentiation in favour of a child. Indeed, one provision stipulates that the relevant provisions contained in the said law apply to the legal guardian of a minor, as well. The Family Code provides for a different procedure relating to this category of persons who need a legal guardian, as they do not have the capacity to act, while leaving it with the Guardianship Council to appoint a legal guardian (Article 110). The draft law of the Family Code has unified this issue, and just as the Civil Procedure Code, assigns the court to appoint a legal guardian for this category of children.

312. In Albania, disabled and mentally retarded children are part of the community of the persons with disabilities. Disabled and mentally retarded children have access to institutional services offered in treatment and rehabilitation centres, including residential development centres set up in several towns, and daily development centres based in the towns of Shkodra and Lezha.

313. These institutions handle about 250 children who have access to social and health services. They have a limited capacity as compared to the requirements and needs for these services. Foundations and non-governmental organisations play an important role and make a significant contribution to ensuring accommodation of the needs in this sector. They are able to provide a broad range of services, bringing about qualitative changes both in the perception and in the structure of the services granted.

314. Under Law no. 8092, dated 1 March 1996, “For the Mental Health”, persons with problems of the brain functioning, the mentally retarded persons, and persons with mental psychosocial disorders form the group of persons with mental disorders, including children. The mentally retarded persons and those with mental disorders have access to free of charge services in the public treatment, rehabilitation, learning and educational institutions. In the event persons below the age of eighteen years receive treatment in a private institution, the State covers the costs incurred to an amount that is equal to the costs of treatment in a public institution. Hence,

the present law provides for special support to children, covering part of the costs for them in the event they are placed in a private social care institution.

315. The Albanian legislation contains specific standards for this given category of disabled children.

316. Law no. 8098, dated 28 March 1996, "For the Status of the Blind", underscores the responsibility of the State and the society towards this category of persons, including children. Under the present law, the State and the society extend protection to the blind persons, creating for that end all the conditions for their integration into normal life, through employment, while establishing the professions fitting their physical condition, providing them with optimum life conditions, and allocating funds for their examination and re-diagnosing in clinics at home and abroad (Article 2).

317. The law, likewise, sanctions the State's duty to protect the blind against all forms of exploitation, discrimination, abuse, insult and mockery.

318. Under the present law aiming at promoting employment for this category of persons, the employer is entitled to having income tax reductions in proportion to the number of the blind working hands (Article 6).

319. Under the present law, blind persons may attend a public school free of charge. They may pursue secondary or higher education, with the costs being covered by the State. The specialised 8-year school for blind persons has been functional before the promulgation of the said law. Under the recent law, however, greater moral and financial support is extended to this category of children. The State undertakes to provide for the health care of a blind child, and covers the costs of the necessary medical treatment and medicines. The Albanian Association of the Blind plays an important role for the protection of the rights of the blind persons, by contributing its opinions both to the drafting and amending of the legislation operating in this area, as well as to the resolving of the problems pertinent to the blind.

320. Law no. 7889, dated 14 December 1994, "On the Status of the Invalid", handles persons with different levels of physical disabilities. It also sanctions the rights due to them especially in economic terms, including the ensuring of the necessary economic standards for them to live a dignified life, have suitable jobs, be exempted from taxes, and have access to treatment, education, and leisure and recreational activities.

321. Instead, the reality is less favouring as compared to the legal provisions the vast majority of which favour this category of persons and comply with the conditions in Albania.

322. Albanian legislation also addresses the education of the mentally and physically disabled children. Law no. 7952, dated 21 June 1995, "On the Pre-university Education System", contains a chapter on special public education, which is considered as an integral part of the public education system in the Republic of Albania. Under the present law, special public education aims at developing, to the extent possible, the skills of the physically, mentally or emotionally disabled children, fitting their needs and requirements for a most dignified life (Article 39). When it is in the interest of the child and with the consent of his parents, the child attends public education institutions free of charge. In this case, the State takes the appropriate measures to

ensure the gradual creation of the necessary conditions for the achievement of their integration. For children with special educational needs who cannot be introduced into ordinary schools, special classes and institutions providing free of charge specialised treatment are set up (Article 40). The curriculum designed for disabled children aims to meet the requirements of obligatory education.

323. Although the law provides for the opening up of branches and courses for the training of teachers involved in special education, this area leaves much to be desired, especially in terms of their preparation to handle disabled children attending the ordinary schools. The frequent workshops and training courses, organised jointly with the NGOs operating in this area, have focused on the improvement of the teachers' faculties.

324. Besides the law for the status of the invalid, sanctioned by Law no. 8626, dated 22 June 2000, the Parliament of the Republic of Albania has passed the law for the status of the paraplegic and quadriplegic invalid. The present law benefits all paraplegic and quadriplegic invalids, irrespective of their age, as well as the time and place of accident and the moment when insurance has been provided to them. The present law also handles minors, although it declines to a specific reference to them.

325. Under the said law, likewise, the State has the duty to create suitable conditions for paraplegic and quadriplegic persons so as to ensure that they take part in social life like everyone else, while providing them with the necessary economic standards so as to ensure that they live a dignified life, obtain housing, and have a suitable job, and have access to normal conditions for their treatment, education, and leisure, recreational and sports activities.

326. Law no. 7955, dated 20 September 1995, "On the Promotion of Employment", establishes the criteria on the basis of which, every calendar year, juridical, public or private subjects that recruit paraplegic and quadriplegic persons, are entitled to income tax reduction benefits in proportion to the number of the paraplegic and quadriplegic persons employed.

327. Under the present law, the State is duty bound to take measures to set up schools and institutions for the education and rehabilitation of paraplegic and quadriplegic invalids. Likewise, the State exempts this category of persons from health insurance contributions, and ensures that they receive medicines for their disease, a consequence of invalidity, free of charge. The present law also provides for other facilities for the invalids.

328. Law no. 7995, dated 20 September 1995, "For the Promotion of Employment", provides for the employment of disabled persons, including children, although it declines to set out specific provisions concerning this latter category. Its relevant provisions, however, apply to disabled persons of all ages. The law reflects the official employment policies, aiming, *inter alia*, at the professional rehabilitation of disabled persons, while developing other forms of support to help them find a job.

329. Under the present law, the State shall to the extent possible take all the necessary, workable measures to ensure that specialised services for the vocational training of the disabled persons, who seek assistance in making their choices and in changing their jobs, are set up and developed within the offices for work (Article 14).

330. Under the employment legislation, employers have the duty to ensure that one out of their 25 dependants is a disabled person. In an effort to encourage an employer to take on disabled persons, the work offices are entitled to allocate subsidies to him so as to ensure that he can provide a disabled person with the appropriate working conditions. The same applies to invalid children.

C. Health and health services (Article 24)

331. Under Article 55 of the Constitution of the Republic of Albania, citizens enjoy in an equal manner the right to health care from State. Law no. 3766, dated 17 December 1963, "For the Health Care", amended later on by Law no. 7718, dated 3 June 1993, and Law no. 7738, dated 21 July 1993, regulates health service in Albania.

332. The said legislation provides for the organisation of the health service in different public and private institutions. Under the law, public health care is afforded through health education, medical check-up and specific and general preventive measures, the relevant institutions, diagnosing, medication and rehabilitation of the sick persons.

333. Under Law no. 8167, dated 21 November 1996, "On Dental Health Service", as amended accordingly, dental, preventive service and treatment draws funds from the state budget. The Ministry of Health has provided the necessary equipment to the dental health services set up at schools.

334. Health care is ensured before, in and after childbirth. This bears on the appropriate health care for mothers. The Labour Code (Article 104 of the Labour Code) and Decision of the Council of Ministers no. 397, dated 20 May 1996, "On Special Protection of Pregnant Women and the Maternity" recognise the right of mothers to the enjoyment of maternity leave before and after childbirth. Medicines for children aged 0-1 are provided by the State free of charge. Vaccination of children aged 0-15 is obligatory for them to be protected against infectious diseases (Law no. 7761, dated 19 October 1993, "On Prevention and Combat of Infectious Diseases"). Vaccination is free of charge.

335. Under Article 3, point c of Law no. 8876, dated 4 April 2002, "On Reproductive Health", services for the education of children and teenagers are rendered free of charge. Article 7 under the present law provides for secure maternity, which entitles every woman to have access to the necessary health care throughout pregnancy until the delivery of the child.

336. The present law (Chapter VI, Article 37), prohibits the determination of the future sex of the child when employing assisted reproductive technologies. This again confirms the implementation of the principle of non-discrimination for reasons of sex.

337. During the last decade mortality among infants from 0-12 months and children aged 0-5 has been on the decline. At present, the infant mortality is at present reduced by half the rates in 1980's and 1990's. However, infant mortality rates in Albania remain the highest in Europe. The respiratory, new born and diarrheic diseases are the main causes for the infant mortality. Malnutrition and deficiency in several vitamins and micronutrients, including vitamins A, D, iodine and iron, is still a big problem. Hence, about 25 per cent of children aged 0-3 nationwide

suffer from mild and average forms of malnutrition, whereas 10 per cent from grave forms of malnutrition. This figure is twice higher for the areas in northeastern Albania.

338. Sixty-three per cent of children aged 10-12 has revealed grave forms of iodine insufficiency.

339. Woman consultation centres are functioning as separate units in towns, but they are under the health centres or polyclinics. The same holds true for the child consultation centres. There are 92 woman consultation centres and 157 child consultation centres in towns.

340. The woman and child consultation centres in the countryside fall under the services of the commune-based health centres and/or village-based ambulances. There are 1,300 ambulances (i.e. consultation centres as well) in the villages, and 530 consultation centres in the commune-based health centres. Hence, besides ambulances offering this service, there also exist other separate centres designated to deliver services to the woman and child only. All these hospitals provide pediatric and obstetric-gynaecological services.

341. There is a total number of 194 obstetric-gynaecological physicians, 214 paediatricians and 45 newborn paediatricians. The ratio between obstetrician-gynaecologists and women is 1 to 412. The ratio between the paediatricians and children is 1 to 349.

342. Law no. 7761, dated 19 October 1993, "On Prevention and Combat of Infectious Diseases" is of great importance in the area of health care. Under the law, in the event of suspected infectious diseases in schools and pre-school institutions, the physician in charge of the institution has to inform the relevant bodies, and ensure that diseases do not affect other children, and the sick children receive the appropriate health care.

343. To avoid these diseases the law provides for the obligatory immunization of children aged 0-15. Every child going to school for the first time has to produce a document issued by health institutions to prove that he has been immunized against infectious diseases, in conformity with the plan.

344. In terms of breastfeeding, the Parliament of the Republic of Albania has passed the Law no. 8528, dated 23 September 1999, "On the Promotion and Protection of the Advantages of Breastfeeding". The present law takes aim to promote and protect breastfeeding advantages, and regulate the trading of substitutes for milk from the breast so as to ensure children's healthy nutrition. Under the said law, the producers are obliged to ensure that the label to these products reads, "The milk from the breast is the ideal nourishment for the child's healthy upbringing and development". The local and national health centres by law have the obligation to encourage, support and protect breastfeeding, and highlight the major deficiencies alternative feeding may lead to.

345. Family planning units have been set up at maternity homes basically in Tirana, but they are still a far cry from playing the role due to them especially in rural areas where this service is almost nonexistent. Recent years have seen a number of non-governmental bodies such as associations or foundations involved in the area of family planning, but they are still in small numbers.

346. Specific provisions of the Labour Code provide for the pre-natal and post-natal health care for mothers. Under the Labour Code, work for pregnant women is prohibited during the 35 days prior to the anticipated date of childbirth, and 42 days after childbirth; the first period is 60 days when the pregnant woman has given birth before (Article 104). Law “On Social Security” establishes the benefits due to a woman giving birth to a child. The Labour Code recognises the right of a woman to family leave, prescribed also by Law “On Social Security”, which covers cases where a woman adopts a newly born child, as well.

347. Under Part “Care for Reproductive Health”, the draft law of the Family Code also incorporates the following:

- family planning services;
- health care for mothers before, in and after childbirth;
- health care for children aged 0-6;
- access to information, education and counselling on reproductive health.

348. The present draft law also recognises a series of rights of the mother and child, including the right to education in the area of reproductive rights, the right to medical assistance and other necessary medical services. Given parts of the said draft law have a rather pronounced declarative character, and fail to establish how family planning services function, and how mother-and-child health care is provided. All the present problems, and others that may possibly arise before and after its entry into force, are supposed to be regulated by normative acts to be issued by the Ministry of Health.

349. The Ministry of Health has jointly with UNICEF embarked on the following nationwide programmes dealing with:

- the promotion of breastfeeding advantages
- the mixed hospitals for children
- the integrated administration of the incidence of the pediatric disease MISP
- the nationwide programme for immunization
- the nationwide programme for the alert system

The Ministry of Health publishes the following periodicals:

- the magazine “Reproductive Health”
- the periodical magazine “Enternous”

350. The following set of statistics concern public health in the Republic of Albania. (Source: *INSAT*)

Selected indicators

ITEM	YEARS									
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Infants immunized against tuberculosis	94	80	81	82	87	97	94	94	87.	8
Infants immunized against diphtheria	90	78	94	99	96.3	97	98	98.6	96	9
Infants immunized against tetanus	90	78	94	99	96.3	97	98	98.6	96	9
Infants immunized against pertussis	90	78	94	99	96.3	97	98	98.6	96	9
Infants immunized against measles	85	80	87	76	81.2	91	92	95	90	9
Infants immunized against poliomyelitis	80	82	97	97	97	98	99.6	99.9	97	9

Infant Mortality Rate

ITEM	YEARS									
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Number of live births	82,125	77,361	75,425	67,730	72,179	72,081	68,358	61,739	60,139	57,
Number of deaths	2,061	2,547	2,550	2,401	2,547	2,162	1,762	1,387	1,215	95
Infant mortality (per 1,000 births)	28.3	32.9	32.8	35.4	28.3	30	25.8	22.5	20.5	18
Pre-natal deaths (per 1,000 L.B.)	12.5	14.1	11.5	11.2	14.6	13.4	14.4	15.2	14.3	13
ITEM	IN PER CENT									
Respiratory disease	37.2	39.4	41.5	42.5	37.7	34.8	30.9	33.3	30.3	
Gastro-intestinal diseases	9.1	10.5	9.4	11.1	13.1	7.7	8.1	9.3	8.8	
New born diseases	9.9	11	11.1	10.9	13.3	19.8	22.6	23.9	24.7	
Congenital diseases	14.7	10	8.5	7.9	7.4	9.9	10.5	10.3	13.6	
Infection diseases	7.4	4.5	5.2	5.4	4.5	4.9	6	5.9	4.5	
Without diagnosis	6.6	9.2	5.3	7.3	8.7	8.5	9.5	7.9	8.5	

Infant mortality structure

ITEM	YEARS					
	1994	1995	1996	1997	1998	1999
NUMBER OF LIVE BIRTHS	72,179	72,081	68,358	61,739	60,139	57,948
DEATHS BY SEX	2,547	2,162	1,762	1,387	1,215	957
Male	1,390	1,207	911	737	644	507
Female	1,152	931	825	628	571	450
Unknown	5	24	26	22
DEATHS BY RESIDENCE	2,547	2,162	1,762	1,387	1,215	957
Urban	759	654	597	457	413	353
Rural	1,788	1,508	1,165	930	802	604
NEONATAL DEATHS	1,040	966	984	937	851	733
Pre births	369	268	343	383	328	296
During births	161	121	128	90	70	46
After births d.e 6	510	577	513	464	453	391

Activity of Child Consultation

ITEM	YEARS									
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
No. of child consultation centres	2,890	2,685	2,480	2,406	2,268	2,167	2,167	2,026	1,661	1,677
Urban	160	143	157	164	191	176	181	177	175	157
Rural	2,730	2,542	2,323	2,242	2,077	1,991	1,986	1,849	1,486	1,520
No. of visits in consultation centres (urban) (per thousand)	8,167	5,860	4,249	4,070	2,272	2,009	2,363	1,669	1,374	1,222
No. of visits in consultation centres (rural) (per 1,000)	5,319	3,500	2,297	2,210	1,510	1,303	1,269	1,077	791	826

Activity of health centres, polyclinics and ambulances

ITEM	YEARS										
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total no. of institutions	3,302	3,260	2,967	3,022	2,733	2,507	2,437	2,155	2,253	2,242	2,24
Health centres	1,046	1,061	916	770	702	622	637	602	637	567	61
Ambulances	2,196	2,139	1,995	2,191	1,973	1,832	1,747	1,500	1,563	1,624	1,579
Poly-clinics	60	60	56	61	58	53	53	53	53	51	5

Indicators of hospital service

ITEM	YEARS						
	1994	1995	1996	1997	1998	1999	2000
Hospitals	51	51	51	51	51	51	51
Total beds	9,661	10,371	10,319	10,133	9,480	10,237	10,197
Total no. of people admitted to hospitals	28,199	1888,856	289,168	255,203	250,043	265,321	260,770

D. Social security and child-care services and facilities (Articles 26 and 18, paragraph 3)

351. Under the Constitution of the Republic of Albania, everyone has the right to social security in old age, or when he is unable to work, according to a system set by law. The present Constitution also sanctions that everyone, who remains without work for reasons independent of his volition, and has no other means of support, has the right to assistance under the conditions provided by law. Hence, the said Constitution declines to specifically address the rights of the child in the area of social assistance and social securities.

352. The laws for social assistance and social security, and the Constitution of the Republic of Albania handle the rights of a child in the framework of the family and the categories of persons benefiting them. The system of social assistance and care is addressed by Law no. 7710, dated 18 May 1993, "On Social Assistance and Care", amended by Law no. 7886, dated 8 December 1994, and Law no. 8008, dated 5 October 1995, as well as the normative acts issued in the furtherance of the present law by the Council of Ministers and the Ministry for Work, Immigration, Social Protection and Former Political Prisoners.

353. Economic assistance may be granted to families that are responsible for the maintenance of one or more of its members, including children, who:

- are blind;
- are mentally disabled;
- are with serious disabilities concerning their development;
- cannot look after themselves, and as a result, need the assistance of another person, provided that these disabled persons have no incomes, or have insufficient incomes, and are not placed in a public social care institution.

354. Decision no. 311, dated 11 July 1994, amended by Decision no. 457, dated 21 August 1995 and Decree no. 12, dated 16 June 1998, provides for the cases of the allocation of disability benefits. The following are eligible for the disability benefits:

- All the persons who are born disabled, or who have been inflicted by disability before the age of twenty-one years, and before the age of twenty-four years when they attend higher studies, which is attested by the Medical Commission Responsible for the Determination of the Incapacity for Work. Disability benefits are paid once a month, beginning from the month succeeding the date when the Commission establishes the incapacity for work. Disability benefits amount to 70 per cent of the minimum payment, and change as often as the minimum payment changes. The right to disability benefits is terminated for all the disabled persons placed in public residential rehabilitation centres for as long as they stay in these centres, and for the disabled persons who start a job.
- Disabled persons pursuing secondary education are eligible for twice the disability benefits described earlier on, and those pursuing higher education are eligible for three times the disability benefits.
- If disabled persons do not have access to daily services or special education in the areas they live, and the Medical Commission for the Determination of the Incapacity for Work establishes that these persons are eligible for continuous assistance, one of the family members who has no personal incomes, receives maintenance benefits amounting to 60 per cent of the minimum payment. These benefits are withheld if the disabled persons are placed in daily centres or attend special schools.

355. Law “On Social Assistance and Care” and Decision no. 307, dated 24 May 1994, provide for social care services. The latter include institutions designed for the aging, physically or mentally disabled persons, and orphans, as well as other similar institutions under the central or local government. These services include:

- services outside of the institutions, such as daily centres (for physically and mentally disabled children, street kids), at-home services and emergency relief;
- services in institutions for the orphaned and abandoned children, physically and mentally disabled children, and the disabled persons unable to look after themselves.

356. Orphans and disabled persons with no incomes are admitted to social care public institutions free of charge. The State covers the expenses for their maintenance in the institution, and pays out an allowance for incidental expenses. Parents who for various reasons seek to place their children in infant and child homes, contribute the necessary share, which should be in proportion to their incomes.

357. Persons placed in social care public institutions may have access to additional services against payment. The application for the placement of orphans, and the physically and mentally disabled children in an institution is filed with the respective district council, the municipality or commune. The head of the family, the social administrator or the expert medical commission submits this application. Private persons and non-governmental organisations on the basis of a contract concluded with the Ministry for Work, Immigration, Social Protection and Former Political Prisoners may run the social care institutions.

358. Decision of the Council of Ministers no. 52, dated 8 January 1996, "On the Establishment and Functioning of the General Council for Social Assistance and Services and the General Administration for Economic Assistance and Social Services", issued in the furtherance of the Law "On Social Assistance and Care", provides for the organisation and functioning of the General Council for Social Assistance and Services and the Administration of Economic Assistance and Social Care, that play an important role in this area.

359. The Council decides on the setting up of the Administration, which works out the general direction of the social policy in the area of economic assistance and social services. The General Administration for Economic Assistance and Social Services handles the system of economic assistance and social services, raises funds to that effect, sponsors projects and programmes submitted and administered by local government bodies, non-governmental bodies, and foreign donors, for the purpose of benefiting social assistance and services. The Administration, through regional and local offices set up all over Albania, focuses on the reduction of poverty and the increase in other services, by making use of the grants earmarked for the social assistance and services programmes allocated to municipalities and communes.

360. Children benefit from social security in various forms relevant to their situation. Under Law no. 7703, dated 11 May 1993, "On Social Securities in the Republic of Albania", children who work benefit from obligatory insurance in cases of temporary disability for work because of disease, invalidity, loss of the family breadwinner, accident at work, vocational disease and unemployment. An orphan maintained by a person who dies and who used to benefit or was eligible for supplementary state pension, benefits a family pension to the tune of 25 per cent of the payment referred to in accordance with law.

361. For every dependent below the age of fifteen years the ensured person eligible for invalidity pension receives an additional income amounting to 5 per cent of the base pension, but no more than 20 per cent of it. An orphan is eligible for family pension after it is proved that he was maintained by the person who has died, and he is below the age of eighteen years or below the age of twenty-five years if he studies, or is incapable for work, before he attains the above-mentioned ages.

362. An orphan is eligible for family pension even if the living parent is employed or retired. In this case, the amount of the pension paid to an orphan is less than half the pension the person who passed away was receiving or would be receiving.

363. The unemployment benefits comprise a base amount sufficient to ensure a minimum living standard, which is annually established by decision of the Council of Ministers. For every child beneficiaries with dependents below the age of fifteen years receive an additional family allowance to the tune of up to 5 per cent of the monthly unemployment benefit, but should not exceed 20 per cent for all children whose maintenance is their responsibility. If one of the parents has a job or receives full pension, the supplementary family allowance is halved, i.e. 2.5 per cent for every child below the age of fifteen years for whose maintenance he carries responsibility, but no more than 10 per cent for all the children for whose maintenance he has responsibility.

364. In the event parents are divorced, the parent who has the care of the children receives the family allowance. If the other parent pays child support maintenance, the family allowance is allocated to the extent of 2.5 per cent.

365. A considerable number of public or private institutions and services operating in different parts of Albania assist parents in various ways. Parents who have a job, or who find it impossible to look after their children during the day, may place them in the care of specialised persons in nurseries, kindergartens, and schools when children have attained school age.

366. After 1990, many specialised foreign and Albanian child-care services were established in the country. A large number of these institutions and services are administered by the State, and aim at offering contemporary and qualitative services. In this respect, local and foreign NGOs have also been helpful with their projects, which have improved the existing services or introduced new services.

367. The area of the right to work and benefit from social securities reveals the duty of the State to support parents in the performance of their child-rearing responsibilities. Under the Labour Code provisions, a working parent is eligible for a paid leave equal to four full-time working days annually so as to be in attendance on the child for whose maintenance he has responsibility. The Labour Code also recognises the right both of mother and father to benefit from the above-mentioned paid leave in order to be in attendance on the child, thus once again confirming their common responsibilities for the education and development of the child.

368. In addressing the parents' responsibilities, the draft law of the new Family Code relies on a great number of international instruments, including the Convention on the Rights of the Child and resolutions by the Council of Europe.

E. Living standards (Article 27, paragraphs 1-3)

369. Under the Family Code, the parents are responsible for the upbringing and education of the child (Article 7). The law stipulates that economic assistance should be provided to families of Albanian citizens who do not have or have insufficient incomes and living means. Where necessary and possible, public social care services are offered instead of the economic assistance, or as a supplementary to it.

370. Economic assistance is allocated to families of Albanian citizens who receive insufficient incomes or have no other supplementary material means arising from lawful activities ascertained by law.

371. Partial economic assistance may also be granted to farming families so that they can offset the insufficient incomes. In considering determination of the right to economic assistance benefits, account should be taken of their incomes from:

- land (except for the land in use)
- cattle, animals and birds
- vineyards, gardening and bee raising

372. Full and partial economic assistance is provided periodically as an immediate payment. The municipal council and the commune council are the bodies involved in the establishment of the monthly amount of economic assistance per family.

373. The monthly amount of the economic assistance allotted to families may not be higher than 100 per cent of the maximum amount of economic assistance established by the Council of Ministers. The amount of the economic assistance is given to a family in accordance with the decision taken by the municipal or commune council, after having examined its needs. The economic assistance is:

- complete in cases where the recipient has no income at all
- incomplete in cases where the recipient offsets his insufficient incomes, in compliance with the decision by the municipal or commune council

374. Under the Decision of the Council of Ministers no. 620, dated 6 November 1995, “For Granting of the Economic Assistance”, the base sum of unemployment benefits is taken into account in establishing the maximum amount of the economic assistance paid out on a monthly basis. The maximum full monthly amount of economic assistance allocated to a family may not be higher than 250 per cent of the base sum of unemployment benefits.

375. The maximum full monthly amount of economic assistance is broken down into two parts:

- the base amount allotted to the head of family only, which may not be higher than 95 per cent of the base monthly sum of the unemployment benefits;
- a percentage over the base amount intended for every other member of the family, which:
 1. should not be higher than 100 per cent of the amount allocated to the head of the family, if the member of the family is over working age, or is physically or mentally disabled;
 2. should not be higher than 20 per cent of the amount allocated to the head of the family, if the member of the family is of working age;
 3. should not be higher than 25 per cent of the amount allocated to the head of the family, if the member of the family is below working age.

376. The maximum full monthly amount of economic assistance varies in accordance with the change in the base monthly sum of unemployment benefits. The incomplete monthly amount of economic assistance a family benefits is the difference between the maximum level of the full monthly economic assistance and the current incomes of the above-mentioned families.

377. A family claiming for economic assistance is excluded from benefiting it in the event at least one of its members fits in with one of the following:

- he possesses some kind of capital, except the dwelling abode and the farming land he uses;
- he is self-employed or is employed by others;
- he is abroad for any reason other than study or medical treatment for a period of six months;
- he is not registered as unemployed and in search for work with the offices for work (with the exception of the members of a farming family);
- he refuses to accept a job when it is offered to an able-bodied member of the family who is of working age;
- he has not paid taxes to the State for the period he has been working;
- he declines to take up training and re-training;
- he changes residence, thus abandoning his old residence, property and living means. This rule does not apply to persons who are forced to change residence or are required to do so by the State, and if this is defined as a specific case on the basis of the decision by the commune council of their former residing place;
- he does not retrieve the allotted economic assistance within the period for which it is intended;
- he is found out to have pursued deliberate actions aimed at benefiting economic assistance, including avoidance of employment and training for employment, is involved in speculative donation of capital, and fails to make a real statement of his living conditions.

378. The employment offices, tax organs, the Labour Inspectorate and the Economic Assistance Inspectorate notify the municipal and commune councils about the families who are excluded from benefiting the assistance. The municipal or commune council works out the period required for the entitlement to the assistance in compliance with its nature.

379. As a rule, the period required for the entitlement to the assistance is one month. A family and the persons benefiting assistance submit a statement that their conditions have not changed, which makes them eligible for such assistance in the successive period. Besides the said

statement, the relevant office for work issues an authentication whereby certifying that the undersigned have no employment possibilities.

380. The State takes care of the children who are left without parents and support (Article 10). Under the Family code, both parents have the common responsibility for the maintenance of their minor children if the latter do not possess sufficient living means. Parents continue to have the responsibility for the maintenance of their children also for the period when they pursue secondary or higher education until they attain the age of twenty-five years. Parents are not deprived of the responsibility for the maintenance of their children even if their parental right has been terminated (Articles 79 and 80).

381. Under the Civil Procedure Code, the petition for divorce contains the request for the determination of the obligation of the other spouse to meet the expenses for the maintenance and education of children, except when this would render the consideration of the case difficult (Article 364). Under the Family Code, the court, by virtue of its decision on the dissolution of marriage, addresses also the issue of the parent who will have responsibility for the upbringing and education of the child, and establishes the child support maintenance that is required for the upbringing and education of the child (Articles 97 and 99).

382. Hence, the Family Code states explicitly that in its decision on the dissolution of marriage the court should also provide for the child support maintenance that is required for the upbringing and education of the child. Whereas the Civil Procedure Code leaves a gap in stipulating “except when this would render the consideration of the case difficult”. The Family Code sanctions the responsibility of the parents for the maintenance of their child. Under the present Code, parents are not deprived of the responsibility for the maintenance of their child even if their parental right has been terminated (Article 79). The parents have the responsibility for the maintenance of their minor child if the latter does not possess sufficient living means. The parents continue to have the responsibility for the maintenance of the child until he attains the age of fifteen years, if he is pursuing secondary or higher education (a minor is a person below the age of eighteen years).

383. In the event of a divorce of the parents, in its decision on the dissolution of marriage the court also fixes the child support maintenance to be paid by the parent who has not the care of the child for his upbringing and education. Under the Civil Procedure Code, the petition for the dissolution of marriage must also contain the sources and amount of incomes each of the spouses receives, if they have minor children or if any of them is incapable for work (Article 358). The present provision makes it obligatory for the spouses to reveal explicitly and unavoidably their incomes and, on the basis of the declared incomes, the court should establish the contributions both parents have to pay out for the maintenance of their child. In the event these contributions are not determined in a clear-cut way, the persons in need of economic assistance will benefit from social assistance, in accordance with legislation on the necessary financial means for living.

384. Two shortcomings have been found out with the judicial power in recent years:

a. The child support maintenance fixed by the court is largely insufficient to ensure the upbringing and education of the child. In the vast majority of cases, the court decisions fail to set forth the necessary argumentation so as to justify determination of the amount of the child support maintenance. In other cases, it is difficult to check on the incomes of the parent who does not have the care of the child, but has to pay out child support maintenance. The reason behind it

is that a considerable number of persons do not register their activities, as required by law, or have not concluded working contracts. Naturally, this runs counter to the interests of the minor to have the necessary living standards for his physical, mental, emotional, moral and social development.

In the course of the last two years, in a number of decisions courts decline to express their opinion in terms of the child support maintenance, whereas under the Family Code, still in force, it is incumbent upon the courts to do so.

385. A study of the concrete judicial practice in the last ten years has highlighted cases where parents have their private businesses, but they do not pay taxes and do not declare their activities. If the court does not have access to the necessary documentation, there is no way for it to make a decision on the basis of the financial sources. Problems are also encountered in cases where parents (mostly men) have immigrated: they have dissolved their marriages and do not pay out child support maintenance. In these cases, the court finds it impossible to access information on their real financial incomes, and generally, fixes the child support maintenance while basing itself on the levels of the unemployment benefits. These decisions are not executed, because the parent who has to pay no longer receives unemployment benefits. Being away, by law, does not make him eligible for unemployment benefits. In other cases, decisions are not executed because the competent bodies in the countries hosting Albanian immigrants fail to enforce decisions of the Albanian courts.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (Articles 28, 29 and 31)

A. Education, including vocational training and guidance (Article 28)

386. Under the Constitution of the Republic of Albania (Article 57), everyone has the right to education. Education, school, legislation on education, and the teaching and educational process inside and outside of school are important areas where the rights of the child are implemented.

387. Law “On the Pre-university Education System” incorporates the requirements, and specifically, the rights of the child set forth in the foregoing international agreements, which have been ratified by the Republic of Albania: Article 26 of the Universal Declaration of Human Rights; Articles 27-28 of the Convention on the Rights of the Child; Articles 13-14 of the International Covenant on Economic, Social and Cultural Rights; Articles 9-12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women; and Articles 2-5 of the Convention on the Fight against Discrimination in the Area of Education.

388. The preparation of children to pursue compulsory 8-year education takes place while they go to kindergartens managed and administered by the State and private subjects. The administration of public kindergartens to which children aged 3-6 are admitted, is the responsibility of the Ministry of Education.

389. The following tables (Source: the Institute of Statistics – INSTAT) produce a comprehensive picture of the pre-school system in the Republic of Albania for the years 1990-2000.

Level 0 – Total number of kindergartens and kindergartens providing meals

School year	Kindergartens			Providing meals	
	Total	Town	Countryside	Total	Countryside
1990-1991	3,426	804	2,622	665	351
1991-1992	3,174	793	2,381	384	69
1992-1993	2,784	676	2,108	221	9
1993-1994	2,656	362	2,294	111	3
1994-1995	2,668	334	2,334	90	-
1995-1996	2,670	333	2,337	93	-
1996-1997	2,656	338	2,318	100	-
1997-1998	2,408	328	2,080	100	-
1998-1999	2,330	382	1,948	97	-
1999-2000	2,111	380	1,731	97	-

Level 0 – Number of children in kindergartens and in kindergartens providing meals

School year	Children in kindergartens			Children in kindergartens providing meals	
	Total	Town	Countryside	Town	Countryside
1990-1991	130,007	61,192	68,815	31,820	5,342
1991-1992	108,889	54,573	54,316	2,383	108
1992-1993	81,117	38,055	43,062	9,047	162
1993-1994	80,395	32,274	48,121	4,290	-
1994-1995	80,394	32,650	47,734	5,448	-
1995-1996	84,536	34,495	50,041	6,846	-
1996-1997	84,232	34,389	49,843	8,726	-
1997-1998	80,418	33,741	46,677	8,370	-
1998-1999	81,734	37,013	44,721	9,173	-
1999-2000	80,337	36,600	43,737	10,185	-

Level 0 – Nursemaids and children/nursemaids ratio

School year	Nursemaids			Children/nursemaids Ratio		
	Total	Town	Country-side	With higher education in %	Town	Countryside
1990	5,664	2,771	2,893	5	23	24
1991	5,440	2,787	2,653	5	20	20
1992	5,081	2,407	2,674	5	16	16
1993	4,578	1,789	2,789	4	17	17
1994	4,428	1,691	2,737	4	17	17
1995	4,416	1,697	2,719	6	18	18
1996	4,463	1,732	2,731	8	18	18
1997	4,116	1,704	2,412	7	19	19
1998	4,092	1,779	2,313	10	19	19
1999	3,806	1,737	2,069	15	21	21

Level 0 – Percentage of children in the age-group 3-5 who go to kindergarten

	School year	
	1998/1999	1999/2000
1 – Age-group 3-5:	218,696	214,200
Males	112,766	110,363
Females	105,930	103,837
2 – Total children in kindergartens:	81,734	80,337
Males	40,784	39,549
Females	40,950	40,788
3 – Difference (1-2) of children who do not go to kindergartens:	136,962	133,863
Males	71,982	70,814
Females	64,980	63,049
4 – Percentage of children registered in kindergartens:	37	38
Males	36	36
Females	39	39

Level 0 – Pre-school Education by Districts, year 1999/2000

Districts	Kindergartens	Registered children	Nursemaids
Total	2,111	80,337	3,806
Berat	83	3,220	139
Bulqizë	34	938	52
Delvinë	23	573	35
Devoll	35	1,761	68
Dibrës	100	2,478	130
Durrës	78	4,135	177
Elbasan	108	5,010	243
Fier	92	3,781	174
Gramsh	58	1,502	77
Gjirokaštër	94	2,009	113
TABLE (continued)			
Districts	Kindergartens	Registered children	Nursemaids
Has	26	599	29
Kavajë	58	2,384	102
Kolonjë	21	765	45
Korçë	107	5,407	156
Krujë	31	1,556	72
Kuçovë	22	973	48
Kukës	69	2,604	110
Kurbın	21	1,460	58
Lezhë	47	1,979	89
Librazhd	81	2,301	111
Lusnjë	121	4,040	184
Malësi e Madhe	39	938	45
Mallakastër	18	725	37
Mat	46	1,550	71
Mirditë	45	1,049	57
Peqin	27	754	33
Përmet	30	109	47

Pogradec	46	2,695	116
Pukë	52	1,230	69
Sarandë	29	1,045	52
Skrapar	38	1,160	62
Shkodër	104	3,770	177
Tepelenë	74	1,480	74
Tiranë	102	3,037	137
Bathorja e Tiranës	39	5,349	252
Tropojë	19	555	38
Vlorë	94	4,428	277

390. The education legislation, like the rest of the Albanian legislation, is also a product of the efforts to bring it into line with the democratic standards of the UN and European acts, as an expression of the Albanian aspiration for the Euro-Atlantic integration.

391. Under Article 122 of the Constitution of the Republic of Albania, any international agreement that has been ratified constitutes part of the internal juridical system, and has superiority over the laws of the country. Under Article 1 of the Law “On the Pre-university Education System”, “Education in the Republic of Albania is a national priority. Education is administered in a manner consistent with the international agreements and treaties ratified by the Republic of Albania, and respects the rights of the child and adults sanctioned in these instruments.”

392. Albania emerged from the last decade of the 20th century with educational institutions in place at all levels, ranging from the pre-school level to the post-graduate educational institutions. The 1990 quantitative indicators give the following picture of the development of pre-university education: 56 per cent of the children in the age-bracket between three and five years pursued pre-school education, 96-98 per cent of pupils pursued compulsory 8-year education, and about 70 per cent of the 8-year school graduates pursued secondary education.

393. One of the negative phenomena of the transition period, which was noted in education, concerned the fact that the possibility for children of different age-groups to have access to pre-school and secondary education was significantly reduced. The intake in 8-year schools declined as well.

394. The following figures show the number of children registered in educational institutions in 2000: 36 per cent of the children aged 3-5 pursued pre-school education, 534,967 pupils pursued 8-year compulsory education, and 102,971 students pursued secondary education.

395. In the academic year 2000-2001, there were 2002 pre-school institutions (kindergartens) with 80,443 children and 3,749 kindergarten teachers, as against 80,337 attending the said institutions in the academic year 1999-2000.

396. Children pursue compulsory education after they attain the age of 6 years. Children may partly choose the form of education or training in special schools of compulsory education, including art schools. However, the majority of children choose to pursue secondary and higher education.

397. In the academic year 2000-2001, there were 1,820 8-year schools and 1,395 branch schools, with 535,238 pupils (259,931 of whom were females) and 28,321 teachers. The drop-out rates in the 8-year compulsory education have gone down from 3.01 per cent (16,730 pupils) in June at the end of the academic year 1998-1999, to 2.6 per cent (14,163 pupils) in June at the end of the academic year 1999-2000.

398. In the academic year 1999-2000, 388 secondary schools (43 of which were technical and vocational schools) were in place across the country, with the number of students totaling to 102,971 students. In the same academic year, 4,250 more students than in 1998 pursued secondary education. In the academic year 2000-2001, there were 373 secondary schools (43 of which were technical and vocational schools), with 107,435 students. The present academic year saw an increase of 4,500 students as against the previous academic year 1999-2000.

399. In the academic year 2000-2001, 63 per cent of the 8-year school graduates, or 2 per cent more than in the academic year 1999-2000, pursued secondary education.

400. The legal provisions on compulsory education are set forth in Law no. 7952, dated 21 June 1995, "On the Pre-university Education System". The present law sanctions the requirements, principles and standards contained in the international agreements on the human rights in general, and the rights of the child in particular, in the area of education.

The said law sanctions:

- the equal right of the citizens in the Republic of Albania to receive instruction at all the levels of pre-university education, irrespective of the social status, nationality, language, sex, religion, race, political views, health condition and economic standards (Article 3);
- the right of national minorities to be taught in the mother tongue, and learn about their national history and culture (Article 10);
- the right of children aged 3-6 to pre-school public education (Articles 17-19);
- compulsory public education in the Republic of Albania is unified and general (8-year education is broken down into two four-year long cycles: primary and senior cycles) (Articles 20 and 22);
- the obligation of parents to ensure children aged 6-16 years pursue compulsory education (Article 24), and the rendering of parents whose children skip compulsory education without any reason liable to administrative contravention punishable by fine (Article 59);

- the prohibition of employing children who, instead, should be pursuing compulsory education, and if the contrary is the case, the punishment of public or private employer for administrative contravention punishable by fine (Article 60);
- the rights of citizens to receiving education in general and vocational secondary public schools following the completion of compulsory education (Articles 26-28 and 33-37);
- the right of students to receive training in subjects of their choice while pursuing secondary public education (Article 31);
- the right of children with special educational needs to be introduced into special public schools free of charge, and the duty of the State to gradually provide the necessary conditions for this purpose (Article 40);
- the right of children, considered special cases, to pursue compulsory education privately while staying with their families (Article 49);
- the right of public education staff to training (Articles 14 and 41);
- the right of Albanian and foreign citizens to attend private, secular and religious schools (Articles 43-48), and to leave public schools and go to private schools (Article 45);
- the right of citizens to attend supplementary educational courses (Article 50);
- the duty of the State to guarantee the right to safety of life and the activity of the teachers and students, as well as the inviolability of the educational institutions and their compounds (Article 66);
- the aim and mission of the Albanian pre-university education directed to: the spiritual emancipation; the material progress and the social development of the individual (Article 2); the development of the intellectual, creative, practical and physical abilities and the personality of the pupils going to compulsory public schools (Article 21); the development of the personality of the students attending secondary public schools in the fullest and most harmonious way possible (Article 26).

402. The Ministry of Education and Science released the following statistics on the number of the schools of the pre-university system for the academic year 2000-2001:

Institutions	Public	Private
Kindergartens	1,852	55
8-year schools	1,798	55
Secondary schools	375	32

403. Secondary public education is organised on the basis of different levels of education. It takes account of the differences in the substance and vocational directions. Special secondary public schools are in place to accommodate students' requirements in the artistic and social-cultural areas (Articles 27 and 32).

404. The following table contains data on the total number of students and teachers in the last decade:

Institutions	Students		Teachers	
	1990-1991	2000-2001	1990-1991	2000-2001
Kindergartens	130,000	78,690	5,664	3,547
8-year schools	557,000	528,733	28,798	27,672
Secondary schools	206,000	117,623	9,708	5,720

Years	1990	1995	1999	2000
% of students in secondary education	72.4	55.5	61	63

405. The following table reveals data on the scholarships granted in the last decade:

Institutions	Number of scholarships	
	1990-1991	2000-2001
8-year schools	430	40
Secondary schools	450	2,500

406. Under the law, children aged 6-16 are obliged to pursue compulsory education that lasts not less than 8 years. Parents are compelled to ensure that their children, falling in the age-bracket subject to compulsory education, attend public or private institutions of compulsory education.

407. In an effort to ensure as large a participation of pupils and students in the educational process as possible measures have been taken:

1. to create the appropriate objective conditions;
2. to raise the awareness of children and parents around the importance of learning and school; and
3. to provide for imperative and vigorous measures or sanctions.

First, creating the appropriate objective conditions.

The Ministry of Education and Science and the educational directories in the regions and districts, under the present Ministry, have worked jointly with the local-government bodies to take the following measures:

- Special public transportation means, with reduced prices, have been provided for the public school pupils and students and teachers. This is mostly the case in areas where pupils and students have to walk long distances to school.
- Several public schools on a regional basis have been grouped. Integral migration and the movement of a considerable number of inhabitants from rural areas, especially mountainous and hilly areas, towards urban centres, especially coastal towns, have given rise to a new phenomenon. The number of children (pupils) left behind in villages and certain areas, especially northeastern areas, but also in some other mountainous areas, is so small for schools of compulsory education to function in every village, as it used to be in the past.
- For this reason, children (pupils) living in several villages have been assembled in schools on a regional basis, and have been provided with transportation facilities. The grouping of several schools on a regional basis also creates possibilities to ensure a qualitative educational process, because there are no more collective classes (pupils in different grades grouped into one class). This also helps ensure the necessary material stuff for teaching.
- The State has granted a number of scholarships. This has led to the increased participation of children in the educational process. This helps a number of children from poorly doing families attend school, which otherwise would have been impossible.
- Special teachers and curricula have been ensured for the secluded children and those with poor health. These measures are established in the Act of the Ministry of Education and Science, dated 31 July 1996, “Normative Acts for Public Schools”. Under Article 11 of the present act, in cases of accidents or when they fall ill, the pupils involved in compulsory education have access to at-home teaching on the basis of a special curriculum, by teachers assigned by the educational directorate. This applies also to children (pupils) who have shut themselves in because of the vendetta, especially in Northern Albania.

- The increase in the number of private kindergartens and schools is another factor leading to increased intake at school. In this respect, the Ministry of Education and Science has contributed by issuing an ever-increasing number of licenses (upon verification of the compliance with the relevant legal conditions and standards) to subjects keen on developing private education.

Second, raising the awareness of children and parents around the importance of learning and school

- These measures aim at ensuring that children and their parents understand the role and importance of school and education for the progress of every individual and the progress of the society on the whole, and become aware of the indispensability of taking part in the educational process and pursuing and completing at least compulsory education. These goals are achieved through the teachers' work with the children and the parents' community, through the elected council of parents established at the school, and through the joint efforts of the school and the civil society community. These efforts concern specifically the children, who have skipped school, and their parents, so as to ensure that these children go back to school.

Third, application of sanctions for parents whose children skip school

- These measures originate in Law no. 7952, dated 21 June 1995, "On the Pre-university Education System". Under Article 59 of the present law, the parents of children who do not attend school without any grounds or skip it are liable to punishment by fine between 5,000 and 50,000 lekë for administrative contravention. The said law provides for sanctions against employers of children who should instead be pursuing compulsory education, because this is one of the reasons why children absent themselves from school and skip it. Under Article 60 of the said law, employment of children who should instead be pursuing compulsory education renders public or private employers responsible to punishment by fine for administrative contravention. The labour inspector imposes fines ranging from 100,000 to 200,000 lekë. These measures are taken to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention on the Rights of the Child.

408. The measures for breach of school regulations are set forth in the "Normative Provisions for Public Schools" of the Ministry of Education and Science, dated 31 July 1996, being a normative act of great significance for the teaching process. The present provisions set out the concrete normative acts concerning the teaching and education process, including the rights and duties of pupils and students and teachers. The said acts are also pervaded by the spirit of important instruments, including the UN Universal Declaration of the Human Rights and the UN Convention on the Rights of the Child. For pupils and students and teachers who fail to comply with their duties and infringe the regulations of the teaching process, measures are taken along with and following continuous educative efforts.

409. The “Normative Provisions for Public Schools”, which are applied in schools, provide for the measures designed for pupils and students:

- (a) Admonition;
- (b) Reprimand – competency of the tutor teacher;
- (c) Warning for expulsion from school;
- (d) Expulsion from school – competency of the schoolmaster.

410. The measures taken against teachers infringing the regulations of the educational process range from admonition to dismissal from job. They originate in the Labour Code (Article 37 and 13.2), and should be set forth in the collective contract.

411. Under Law no. 8387, dated 30 July 1998, amending the Law “For the Pre-university Education System”, parents withholding their children aged 6-16 from going to school, or whose children absent themselves from school without any reason, or skip it, are made liable to punishment by fine varying from 1,000 to 10,000 lekë, for administrative contravention.

412. Children refraining from attending school without any reason for 30-50 per cent of the time, in two successive months, are liable to punishment by fine ranging from 1,000 to 3,000 lekë, and if they repeat this again, the fine amounts to 5,000 lekë. Children being absent without any reason for over 50 per cent of the time in two successive months are liable to punishment by fine varying between 5,000 and 7,000 lekë, and if they repeat this again or skip it, the fine amounts to 10,000 lekë.

413. Upon the proposal by the schoolmaster, the mayor or the head of the commune takes the decision on the imposition of the fine. An appeal may be lodged against the decision on the imposition of the fine within ten days from the date of the proclamation of the decision with the court of the district where the contravention has been committed. Parents whose children are registered in schools outside of the country are exempted from the fine. However, the reality reveals that these measures have hardly been enforced. The number of children failing to pursue compulsory education has increased because their families have moved from rural areas to areas where there have been no inhabitants, and as a consequence there have been no schools, and because they have found jobs, especially in the rural areas

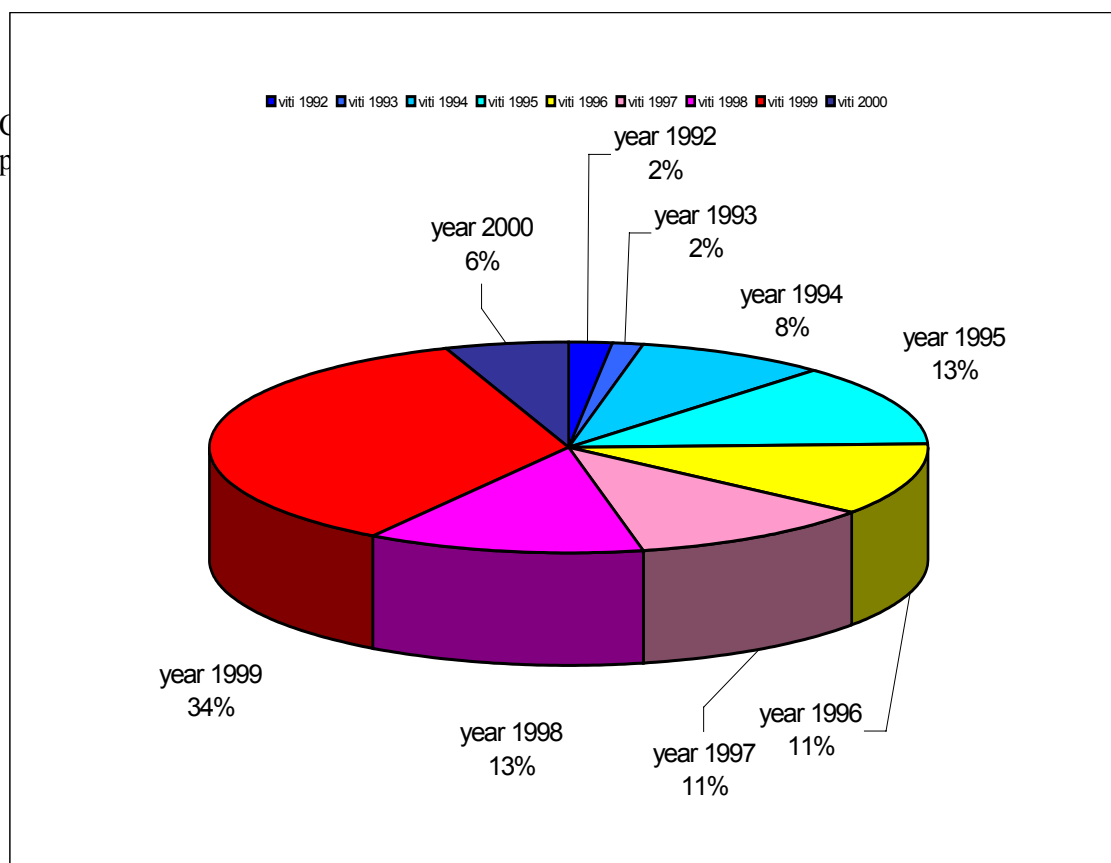
414. The State provides the pupils and students attending public educational institutions with teaching tools, material support and teaching staff free of charge. School buildings sustained heavy damages in the course of 1990-1992, and the conditions in the schools deteriorated even further during the 1997 events.

415. During 2000, considerable investments were committed to construct and reconstruct school buildings: respectively, 1.5 billion lekë were taken out of the state budget, and 1,055,138 lekë were earmarked for a total of 12 prefectures.

416. The following table indicates the increase in investments:

Activity	Year 1999	Year 2000
Investments for funds in thousand lekë	3,753,939 (including additions during the Kosova crisis)	1,520,000
Objects	578	153
Classes	2,792	1,595
Benefiting pupils and students	69,800	39,875
Kindergartens reconstructed with public funds	23	14
New 8-year schools constructed with public funds	38	16
8-year schools reconstructed with public funds	111	61
New secondary schools constructed with public funds	1	0
Secondary schools reconstructed with public funds	58	32
New university edifices constructed with public funds	0	0
University edifices reconstructed with public funds	30	10

417. In accordance with Article 28/3 of the Convention on the Rights of the Child, the Ministry of Education and Science is entitled by law to conduct experiments, in compliance with international standards and in cooperation with domestic and foreign institutions, aiming at the enhanced quality of education.



Investments with funds from the state budget and donors' contributions for objects during 1992-2000

B. Aims of education (Article 29)

418. Under Article 59 of the Constitution of the Republic of Albania, the State aims at ensuring the education and qualification according to the ability of children and the young. Likewise, the Law "On the Pre-university Education system" stipulates that the mission of education is to bring about the spiritual emancipation, material progress and social development of the individual, and respects the rights of children established by law. The enhancement of the learning-educational level of pupils and students, and their maximum integration into social life, and involvement in the emancipation and progress of the country is achieved through efforts made by the community of public schools, constituted of pupils and students, teachers, parents and other social partners.

419. Under the present law, compulsory public education takes aim at promoting the intellectual, creative, practical and physical abilities of the pupils, and developing their personality, and equips them with the fundamental elements of a general culture and manners (Article 21). Whereas secondary public education is directed towards the development of a more harmonious personality and the potential of the students so as to make them able to make most active contribution to the economic, political, social and cultural developments in the country.

420. Besides, the realisation of human rights in the teaching process ensures that pupils and students receive education in the spirit of knowledge of and respect for the human rights. This education will be achieved through close cooperation between the Ministry of Education and Science and the Albanian Centre for Human Rights (QSHDNJ), on the basis of the agreements they have entered into jointly. This education will aim at:

- The training of teachers and headmasters, through seminars, for a better acquaintance of the human rights framework and the realisation of these rights in school activities (amounting to 5,000);
- The training, through certain courses, of a group of trainers so that they can organise qualitative activities for the observance of the human rights (464 trainers have been trained);
- The setting up of a system of pilot or model schools in 24 districts of Albania to ensure a more effective education in the spirit of knowledge of and respect for the human rights; this will imply a more special training of teachers, establishment of classes for the teaching of human rights, training and activities of specialist teachers or educators involved in human rights;
- The activities for the integration of human rights teachers in the teaching-educational process in secondary schools, with a view to introducing certain aspects of human rights in several subjects, and drafting given curricula.
- The organisation of summer schools for children to get acquainted with knowledge of and respect for the human rights through recreational and leisure activities (competitions, concerts, excursions, painting exhibitions and exhibition of handicrafts). Nearly 17,189 children participated in these activities, with nearly half of them coming from Kosova.
- Preparatory activities leading to the introduction of human rights lectures or seminars in teacher-training university branches.
- Publications to the aid of teachers and pupils and students at all the levels of school: handbooks, pupils' books for the 1st-8th grades, booklets "My Rights" designed for children and teenagers, and modules for students in teacher-training branches.

421. At the same time, the school cooperates with the community, and especially with the parent and children community, on a large scale. Parents are invited to participate in the school boards, and take an active part in the organisation and well functioning of schools. In every school, parents of children are regularly briefed by teachers on the progress of their children at school, the problems they are facing and the ways of how they can enhance their care for and check on their children.

422. The Constitution of the Republic of Albania also looks at the possibilities for pupils and students to study in non-public schools set up in accordance with law. Under Law no. 7952,

dated 21 June 1995, "On the Pre-university Education System", amended by Law no. 8387, dated 30 July 1998, private educational institutions are permitted to be established at all levels of pre-university education. Whereas as far as public pre-university educational institutions are concerned, institutions of vocational education only may be privatised. For the purpose of introducing comprehensive education for children, the legislation also provides for the setting up of new structures in support of and adding to the educational system, including cultural centres, school documentation centres, lecture rooms, special courses, and vocational training centres.

C. Leisure, recreation and cultural activity (Article 31)

423. Under the chapter of Social Objectives of the Constitution of the Republic of Albania, the State aims at ensuring the development of sport and of recreational activities (Article 59).

424. Recreation is an important component of the children's life. At present, much of the cultural and recreational infrastructure for children does not function in Albania. It has either changed direction or is facing complete degradation. As a result, there exists a very small number of environments for the recreation or education of children. Playgrounds, where children may have fun and play, are almost nonexistent. The former playgrounds are disappearing with each passing day, leaving room to new constructions, which are mercilessly destroying those few playgrounds for children who are too weak to call a halt to them

425. The dwelling place is the only environment left to them to play, watch TV and operate electronic games. In every town there is a single state-run cultural centre for children. It makes arrangements for the children's festival that takes place every year on the 1st of June.

426. Lack of environments appropriate to them has driven children into spending long hours in front of the TV-sets. Its influence is so evident that, at the lowest levels, has succeeded in shifting the other natural interests of their age. Today psychologists and sociologist's trace increased juvenile criminality to the intensive perception of the television reality, the powerful effect of violent scenes on children's emotions and their tendency to imitate in real life the television scenes they experience so profoundly. In this aspect, the relevant legislation helps to prevent and reduce the negative influence of electronic mass media on increased violence among members of this age-group. Parents who are doing poorly economically speaking, find it impossible to provide for the numerous cultural and recreational needs of their children.

427. Schools offer very limited possibilities for out of class leisure and recreation. Nonetheless, the vast majority of the cultural or sports activities are organised by schools, whereas parents who take an interest in their children's recreation arrange others.

428. Even when the families can devote all the needed time to their children, more often parents do not have the appropriate preparation to raise a happy child. Children are facing the same social-economic situation as the whole of the Albanian people. However, the foregoing peculiarities raise the need for possibilities to be created to ensure a gradual lessening of the impact of the negative consequences of the difficult transition Albania is going through. This will help children live their life and make their contribution to the society, making use of the rights due to them

VIII. SPECIAL PROTECTION MEASURES
(Articles 22, 38, 39, 40, 37 b, c, d, 37 a, 39, 32, 33, 34, 36, 35, 30)

A. Refugee children (Article 22)

429. Law no. 8432, dated 14 December 1998, “On Asylum in the Republic of Albania”, lays down the criteria for the refugee status, and looks at the assistance the State gives in these cases for refugees in general, and children in particular. The law also deals with the cases of persons who fail to fulfil the criteria to benefit the refugee status. In this case, account is taken of humanitarian reasons. A failing person is accorded temporary protection and is not driven out of Albania, proceeding also from the relevant reasons declared in the Convention on the Rights of the Child, and other conventions, to which the Republic of Albania is a party. Hence, the law explicitly extends protection to children who do not acquire the refugee status (Article 5).

430. The Parliament of Albania has also passed the Law no. 8492, dated 27 May 1999, “On Foreigners”, which regulates the entry, residence, circulation, and employment of foreigners in the Republic of Albania, and their exit from its territory. The law recognises the right of minors below the age of sixteen to apply for entry clearance or the right to enter the Republic of Albania with the permission of the legal guardian and accompanied by grown-ups. The present law does not apply to minors entering Albania as asylum-seekers.

431. In furtherance of the Law “On Foreigners”, the Council of Ministers has adopted the Decision no. 439, dated 4 August 2000, “On the Entry, Residence and Treatment of Foreigners in the Republic of Albania”, which sets out in detail the criteria for the movement of foreign citizens, as well as minor children, in the Republic of Albania.

432. In accordance with Article 22/2 of the Convention on the Rights of the Child, Law no. 8432, “On Asylum in the Republic of Albania”, establishes the granting of asylum on the basis of the principle of family reunification. Under the present law, the right to asylum is extended to the spouse and children below the age of eighteen of the refugee, who has been granted asylum, provided that they live together.

433. Children benefiting asylum in compliance with the principle of family reunification continue to enjoy the entitlement to asylum even after they have attained the age of eighteen, as well as in the event of the dissolution of marriage, divorce or death of the refugee on whose account the child has acquired the right to asylum in Albania (Article 6). The refugee who is granted asylum is entitled to social treatment to the same extent as the Albanian citizen do, including welfare benefits, which he retrieves in the Office for Refugees.

434. If the asylum-seeker entering the territory of the Republic of Albania illegally is an unaccompanied child below the age of sixteen years, action is taken in compliance with international acts on the rights of children, which have been ratified by the Republic of Albania (Article 16).

435. The Office for Refugees is the competent body handling the applications for asylum. This Office is under the National Commissioner for Refugees. The National Commissioner for Refugees assigns a legal guardian to every unaccompanied asylum-seeker below the age of eighteen, or with mental disabilities, in accordance with the Albanian legislation. Appeals against the decisions of the Office for Refugees may be filed with the National Commission for Refugees.

436. Law no. 8492 “On Foreigners” establishes the cases where permit of residence is issued as a result of family reunification. Under the present law, a foreigner may apply for residence permit for reasons of family reunification, if one of the members of his family is an Albanian citizen, a refugee or a foreigner who has a residence permit valid for not less than one year. By Decree no. 200, dated 3 June 1992, of the President of the Republic, the Republic of Albania adhered to the Convention on the Status of Refugees, signed in Geneva on 28 July 1951, and the Protocol on the Status of Refugees, signed in New York on 31 January 1967. Likewise, by Law no. 7833, dated 22 June 1994, the People’s Assembly ratified the “Agreement between the Government of the Republic of Albania and the United Nations Higher Commissariat for Refugees”.

437. On 28 January 1999, the Parliament of the Republic of Albania passed the Law no. 8451, “On the Denunciation of the International Labour Organisation Convention no. 21 on the Inspection of Migrants”.

438. The main issue for Albania is the departure of children from Albania, accompanied or unaccompanied by their families, who, while in other countries, very frequently do not receive the treatment they are entitled to in accordance with the UN Convention on the Rights of the Child, although these countries are parties to the present Convention. Children started to leave Albania as early as 1990-1991, and they continue to do so, especially to the neighbouring countries.

439. In furtherance of Article 22/2 of the Convention on the Rights of the Child, the Parliament of the Republic of Albania has adopted the Law no. 8456, dated 11 February 1999, “On Functioning of the Legal Human Rights Representatives at International Bodies”. Under the present law, the legal representative officially represents the Albanian State in all the cases concerning the situation of human rights in Albania taken up for consideration by the international organisations. The legal representative also instructs and calls on the relevant bodies to provide explanations on the follow-up of cases, and the implementation of the human rights international treaties to which Albania is a party. Hence, there is no shortage of the mechanisms to ensure realisation in practice of the Albanian children’s rights in the countries where they have immigrated.

B. Children in armed conflicts (Article 38), including physical and psychological recovery and social reintegration (Article 39)

440. Under Law 7527, dated 11 December 1991, “On Military Service in the Armed Forces of the Republic of Albania”, duly amended, persons who have attained the age of nineteen years are recruited into the Armed Forces to do their military service.

441. Albania has not been dealing with the problem of ensuring protection and care of children affected by an armed conflict, as no armed conflict has occurred in Albania so far. The Albanian legislation contains given rules in terms of providing shelter to the population and its treatment in the event of a conflict.

442. The Albanian legislation provides no special provisions, summarised in a separate legal act, on the treatment of children who are victims of exploitation, maltreatment, and torture. However, special laws cover these measures on a case-by-case basis. The treatment of refugees arriving in Albania and the measures taken to ensure their integration are set forth in the law dealing with refugees.

443. The Criminal Procedure Code looks at the way of the recovery of non-property damage caused by a criminal offence. In recent times, we witnessed to the inhuman treatment to which the Kosovar children were subjected in Kosova. A number of them spent some times in Albania, during which Governmental, non-governmental structures, and skilled specialists were involved in a huge amount of gradual work to ensure that they received foods and appropriate physical and psychological rehabilitation.

C. The administration of juvenile justice (Article 40)

444. Under the Constitution of the Republic of Albania, a person who has been deprived of his freedom, is entitled to the enjoyment of a human treatment and respect for his own dignity. Under the Albanian legislation, a minor defendant is afforded juridical and psychological assistance, at all the stages of the proceedings, in the presence of his parent or other persons required by the minor and accepted by the authority conducting the proceedings.

445. During the phase of trial, in compliance with the minor's age, the court takes account of the requirement to ensure that concrete educative processes are not interrupted. Under the Criminal Code, the special status of a minor is not established merely by the minimum age when he bears criminal responsibility: after he has attained the age of fourteen years in the case of the commission of a serious criminal offence (commission of a crime), and after he has attained the age of sixteen in the case of a transgression.

446. The Criminal Procedure Code provides for the following guarantees to protect minors and their personality:

- Questioning of minors in hearings behind closed doors.
- The right of the minor's legal guardian to protect his interests in the capacity of the inflicted plaintiff.
- Professional obligatory protection of minors below the age of eighteen years.
- Prohibition of the publication of the generalities and pictures of minor defendants and witnesses charged with or damaged by the criminal offence.
- Refraining from arresting [minors] for a criminal offence prescribed as a criminal transgression.

These guarantees complete the procedural legal framework in the criminal proceedings, and provide minors with the necessary protective means due to them because of their age.

447. Under Article 29 of the Constitution of the Republic of Albania, no one may be accused or declared guilty of a criminal act that was not considered as such by law at the time of its commission, with the exception of cases, which at the time of their commission, according to international law, constitute war crimes or crimes against humanity. Under the Criminal Code, no one may be sentenced for an offence, which the law existing at the time of its commission, did not consider it a criminal offence. Under the Constitution, during a criminal proceeding, everyone has the right to question witnesses who are present, and to seek the presentation of witnesses, experts and other persons who can clarify the facts. The Albanian Constitution stipulates that everyone has the right to be notified immediately and in detail of the charges against him, of his rights, as well as to have the possibility to notify his family or those close to him. Everyone has the right to have the time and sufficient facilities to prepare his defence (Article 31).

448. With regard to juridical assistance that should be provided to a minor, under the Criminal Procedure Code, a minor defendant is afforded juridical and psychological assistance, at all the stages of the proceedings, in the presence of his parent or other persons required by the minor and accepted by the authority conducting the proceedings.

449. Under the Criminal Procedure Code, the assistance of a defending lawyer is obligatory for defendants below the age of eighteen years. The Criminal Procedure Code, adopted in 1995, lays down a number of rules referring primarily to the actors in the process, as well as rules determining the relationships among them, and in every case, different provisions of the Code look at minors particularly. Under Article 35 of the Criminal Procedure Code, a minor has access to special legal and psychological assistance at every stage of the proceedings, in the presence of the parent or persons required by the minor himself. Article 41 of the present Code contains provisions dealing with the care to be taken by the proceeding body in fixing the accurate age and the personality of the minor.

450. Under Article 42, the judicial body should collect data on the conditions of the personal, family and social life of the minor defendant so as to be able to clarify his responsibility and the level of responsibility, and to evaluate the social importance of the fact in order to determine an appropriate criminal sentence.

451. Having regard to Article 40/b (iii) of the Convention on the Rights of the Child, by decision no. 30, dated 28 January 1999, the United Colleges of the Higher Court agreed to the defence being provided to a minor at all the stages of trial, either in his default or not. The Constitutional Court adopted the same approach while referring to the Convention on the Rights of the Child, and relying on Article 122 of the Constitution of the Republic of Albania stating that any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Gazette of the Republic of Albania. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.

452. Under the Constitution of the Republic of Albania, no one may be obliged to testify against himself or his family or to confess his guilt (Article 32), and everyone has the right to appeal a judicial decision to a higher court (Article 43). Under the Criminal Procedure Code, appeal and recourse may be made to higher judicial bodies, according to the concrete case (Articles 249 and 407).

453. In accordance with Article 40/2(b), the Constitution of the Republic of Albania provides for the free assistance of a translator if the child cannot understand or speak the Albanian language (Article 31). The Criminal Procedure Code specifies better the assistance a translator should provide, by assisting a minor defendant to understand the charge against him and be able to follow the actions taking place during the criminal proceedings.

454. Having the privacy of a minor respected at all the stages of the criminal proceedings, along with what is contemplated in the Constitution of the Republic of Albania, the Criminal Procedure Code prohibits the publication of the generalities and pictures of a minor defendant, charged of having committed a criminal offence.

455. The Criminal Procedure Code also establishes the rules determining the cases where the searches of residence and wiretapping of conversations or communications may occur (Articles 202, 221 and 222).

456. The Civil Procedure Code, adopted by Law no. 8116, dated 29 March 1996, provides for the establishment of separate sections adjudicating disputes concerning a minor and his family at the First Instance Court (Articles 320, 349 and 368). This has ensured that problems relating to minors are handled in a more specialised way. Here it is provided that, when several interrelated proceedings are under the competence of the ordinary court and the rest under the competence of the court for minors, the latter is the competent court to handle all the proceedings.

457. Frequent amendments to the legislation will be focusing on the treatment of children, with a view to preventing criminal offences committed by them. Considering the large number of minors adjudicated, under article 13 of the Criminal Procedure Code, the trial for juveniles is held by judges who are qualified for these trials and who have been especially and additionally assigned this task. Specific sections adjudicating juveniles, both in the civil and criminal area, are set up at the first instance courts. The training of these judges has been made possible through projects run by the Albanian Ministry of Justice in cooperation with the Albanian Magistrature School and experts of the French Ministry of Justice and judges dealing with juvenile cases in France.

458. Under Article 25 of the Law “On the Organisation of the Judiciary”, the panel of judges dealing with juvenile cases should comprise a psychologist, too. However, the Ministry of Justice considers the setting up of the Court for Minors a priority. Studies into this priority are currently under way.

459. In accordance with Article 40/3(a) of the Convention on the Rights of the Child on the fixing of a minimum age below which children shall be presumed not to bear criminal responsibility, under Article 12 of the Criminal Code, a person bears criminal responsibility if, at the time he commits an offence, he has attained the age of fourteen. A person who commits a criminal contravention bears responsibility at the age of sixteen.

460. Referring to the third paragraph, letter “b” of Article 40 of the Convention on the Rights of the Child, Law no. 8465, dated 11 March 1999, “On the Mediation in the Settlement of Conflicts”, provides for the settlement of criminal contraventions without resorting to judicial proceedings. The law declines to declare a special reference to minors, but groups them in the category of the persons who have committed a criminal transgression, irrespective of their age. The settlement of a conflict arising from a criminal contravention committed by a minor without resorting to judicial proceedings, is one of the measures contemplated in this paragraph.

461. It is very important that both minors and grown-ups have knowledge of the rights provided for in the Convention on the Rights of the Child: the former should know them in order to require that they are complied with, and the latter should know them in order to provide children with the necessary conditions to make of them a reality. Education of children with their human rights is currently part of the curricula. However, the NGOs involved in human rights, and children’s rights inclusive, should play a significant role in this aspect.

462. Under the draft law of the Criminal Procedure Code, which is under discussion, the relevant sections set up at the courts of the judicial districts will adjudicate all criminal offences, including serious criminal offences, committed by minors. Under the draft law, a panel constituted of two judges and a psychologist, enjoying the status of judge, shall adjudicate minors.

D. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (Article 37 (b), (c))

463. The Albanian legislation contains no provisions on keeping the children under conditions of slavery. Similar situations are nonexistent at present. Put differently, the Albanian reality has never known a phenomenon of this nature. A minor below the age of eighteen is entitled to the enjoyment of obligatory defence during questioning and trial.

464. Under Law no. 8331, dated 21 April 1998, “On the Execution of Criminal Decisions”, and Law no. 8328, dated 16 April 1998, “On the Rights and Treatment of Convicts”, execution of criminal decisions occurs in favouring locations and ways, as provided by law. Under Law “On the Rights and Treatment of Convicts”, the latter are entitled to the enjoyment of the following fundamental rights:

- Respect for their dignity
- Non-discrimination
- The right of request and appeal

465. The sentence is served in special educational institutions for minors. A modern building for minors to do time is built in Kruja. It is designed to serve the education of this category of children who need to reintegrate in social life. Statistics available at the Prison of Vaqarr indicate that 8 minors are currently serving sentence there.

466. Under Article 17 of Law “On the Rights and Treatment of Convicts”, women and children serve their sentences in specially designed institutions, or in areas separate from the other institutions. At present, these minors are doing time separately from the adults. Civil educators and sociologists are also involved in the treatment of these minors, along with the police employees in charge of the institutions, as well as regulations and discipline in these facilities.

467. Another form of sentence for a minor is the fragmentation of his sentence. This provision is applicable for sentences to imprisonment up to one year, or when serious family, medical, professional or social circumstances exist. Fragmentation implies that the sentence is executed for not less than two days every week for a period of not longer than three years.

468. Under Article 59 of the Criminal Code, if the person [and the circumstances under which the criminal act was committed] is of little dangerousness the court may rule that the convicted be put on probation, thus suspending the execution of the sentence. Probation extends from eighteen months to five years. During this period the person may be required to carry out a number of activities, mainly of a social character. This kind of penalty serves as an educational or reintegrating sanction. Article 63 of the Criminal Code also provides for the execution of the decision by performing labour of public interest. This kind of labour automatically leads to the rehabilitation of the person.

469. The General Regulations of Prisons provide for the existence of humane conditions, including the living areas, hygienic services, food, and medical services.

470. The Prison of Vaqarr has a library frequented by its occupants. Minors attend computer and foreign language training courses, as well as courses for the study of religion. The sports grounds enable them to carry out sports activities. A legal educator who introduces them to their rights to lodge an appeal and have access to legal assistance assists minors. A social worker is also attached to the present prison, and he conducts continuous talks with minors to help them reintegrate into social life and avoid repeating offences.

471. Minors regularly attend classes that are run inside the institution in furtherance of a bilateral agreement reached between the Ministry of Justice and the Ministry of Education and Science.

472. Minors are engaged in various activities within the institution, including sports games. They attend different foreign language training courses that are run as part of various projects, and attend religious ceremonies.

473. In the Prison of Vaqarr, minors are sentenced for various criminal offences, mainly for armed thefts or murders. Their minimum age is fifteen and their maximum age is seventeen. The highest sentence pronounced on them is 10 years of imprisonment. According to the statistics available, the minor convicts come mainly from families with a working or farming background.

474. Correctional (reintegration) centres do not exist at present in Albania. However, the Ministry of Justice and UNICEF have co-authored a report setting out recommendations for the establishment and functioning of these centres. Considering this one of the priorities of its work, the Ministry of Justice has shaped its goals in this respect.

475. These centres will be perceived as a preparatory stage for minors due to be released. Hence, minors will be serving the last part of their time in these centres, so that they are prepared to gain freedom and cope with the reality outside of them. In doing so account has been taken of the fact that, once he is released, a person deprived of his liberty will be taking in too much of a freedom, which is very difficult to be managed. This intermediate stage helps in handling this phenomenon.

476. These reintegration centres could and should also serve minors who:

1. have no family
2. are not welcome in their own families
3. run the risk of entering into conflict with afflicted party

477. This solution is presumed to help minors:

1. overcome the first economic difficulties arising in the post-prison period, with the offices for work and the local government organs making their contribution to ensuring employment for them;
2. deal with the conflicts, with this effort calling primarily for the input of the staff of the reintegration centres, in cooperation with other governmental and non-governmental structures.

E. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (Article 37 (a))

478. The rights contained in the Convention on the Rights of the Child are reflected in the Albanian legislation in the general framework of the human rights, considering that some of its provisions should not necessarily cover the rights of the child.

479. Under Article 25 of the Constitution of the Republic of Albania, no one may be subjected to cruel, inhuman or degrading torture, punishment or treatment. Under the part of general provisions of the Criminal Procedure Code, no one may be subjected to torture, degrading treatment or punishment.

480. By Law no. 7727, dated 30 June 1993, the Republic of Albania adhered to the "Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment". The Albanian legislation does not provide for the death penalty. Under the Albanian criminal legislation, life imprisonment is not imposed on persons below the eighteen years of age. Under Article 51 of the Criminal Code, for minors, who at the time they committed the criminal act were below the age of eighteen years, the imprisonment sentence may not exceed half of the term of punishment provided for by law for the criminal act committed. In the event that the criminal offence is of little dangerousness and the minor has been behaving himself in the past, the court may exempt him from punishment, and may decide on his placement at an education institution.

481. Under Article 5/3 of the Criminal Procedure Code, a person sentenced to imprisonment shall be provided human treatment and moral rehabilitation. Under its section on the treatment of persons sentenced to imprisonment, the Albanian legislation devotes special attention to the preservation, improvement and restitution of the relations between the minor and his family, developing a favourable programme to that effect. The Criminal Code fixes the minimum age of fourteen below which children shall be presumed not to have the capacity to commit a criminal offence, and the minimum age of sixteen below which children shall be presumed not to have the capacity to commit a criminal contravention.

482. The Criminal Procedure Code provides for the criteria and circumstances the court should have regard to in its imposition of the security measures, especially in terms of criminal offences committed by minors. In the case of a minor the court takes also account of the request not to interfere with the concrete educational processes. The measure of arrest is not imposed on a minor committing a criminal contravention.

F. Economic exploitation, including child labour (Article 32)

483. Children's labour is a problem that needs to be addressed urgently also internationally. It is closely related with the economic difficulties of the developing countries (including Albania), which require international cooperation in order to be coped with. Under the Constitution of the Republic of Albania, every child has the right to be protected from violence, maltreatment, exploitation and his use for work, especially under the minimum age for work, which could damage his health and morals, or endanger his life or normal development.

484. Economic, social and political transformations, the closing down of many industries and state-run enterprises, the development of the private sector, the movements of the population from rural to urban areas, and the immigration waves during the last decade, brought pressure to bear upon the Albanian family. These political or non-political reforms caused unemployment among the females and males aged 40-50.

485. The majority of them had to maintain their families and children, and they were found in larger number in the rural areas. These facts do underline the main reasons for children picking up a job: poverty, family tradition and lack of access to education in the difficult areas of the country.

486. Surveys hitherto conducted indicate that children in Albania work as:

- Salesmen of cigarettes, lighters and other items on the street
- Shopkeepers selling vegetables or other items
- Beggars within or outside of Albania
- Farmers or salesmen of farming and dairy products
- Shepherds
- Shoeshine boys

- Assistants to drivers of private vehicles for the transportation of people
- Fishermen using various means
- Car washers, flower boys and newsboys

487. The Labour Code extends special protection to minors. The minimum age for admission to employment is sixteen years. The Labour Code also provides for other minimum ages for admission to employment (fourteen years). However, in the event children are employed at the age of fourteen years, they should be protected from performing any work that is likely to be hazardous to their health. These cases are established by decision of the Council of Ministers, and they should occur during holidays only (Article 99). Employees below the age of eighteen years are not allowed to work night shifts, and they are admitted to employment following a thorough check-up ascertaining their capacity for work, of which expenses are covered by the employers (Article 103). The employees below the age of eighteen years should not work more than 6 hours daily, as against 8 hours, which is the normal working day (Article 78). The Labour Code provides for a sanction against an employer who hires someone who has not attained the minimum age for admission to employment. Violation of the present provision shall render a person liable to fine to the tune of five monthly minimum salaries (determined by decision of the Council of Ministers).

488. In furtherance of the Labour Code, Decision no. 384 of the Council of Ministers, dated 20 May 1996, "On the Protection of Minors at Work", was taken. The said decision establishes the working conditions, the light and difficult jobs, and leave. The present decision recognises the right of employees below the age of eighteen years to the enjoyment of protection from any work that is likely to be harmful to a child's health or physical, mental, spiritual, moral or social development, or to interfere with his education. Minors aged 14-16 may pick up a job during holidays only provided they are placed at light jobs for which the labour inspectorate should empower the employer. At least once a year, minors aged 14-16 should enjoy a 4-week period of break, during which time they should be free of any school activity and any other work. Cases of children aged 16-18 employed in difficult or hazardous jobs should be reported to the labour inspectorate, which checks on the enforcement of the criteria for their employment, and whether they are harmful to the children's health or not. A child cannot work more than 8 hours a day, and a total of 40 hours a week. Annual leave lasts at least 4 weeks. The labour inspectorate should issue a prior authorisation concerning admission of children below the age of eighteen years to employment for purposes of participation in cultural, artistic, sports or journalistic activities. Under the Law "For the Labour State Inspectorate", the inspectorate has the right to carry out regular inspections on the employment of women and children. The labour inspectorate has the right to check on all employers, employees, self-employed persons and members of their families, who have businesses in the Republic of Albania, irrespective of their nationality.

489. For every 7-day long period, minors below the age of eighteen are entitled to a minimum holiday period of two consecutive days, including Sunday. In the event minors below eighteen years of age work longer than four and a half hours daily, they are entitled to a 30-minute nonstop break.

490. The Labour State Inspectorate determines the target groups, the specific areas, the sectors and forms of employment that take priority, and cooperates with all the relevant institutions to alleviate incongruities, and ensure the application of laws in this field. Labour inspectors act in conformity with the national strategic policies. They assess and handle any inappropriateness in the minors' working relationships at their work places. They also work on the determination of the priority target groups, the working children who should be the first to have access to support, and the children who have been doing difficult jobs with less support.

491. In this framework, Albania has signed the Convention no. 182 of the International Labour Organisation on "The Heavy Work Performed by Children". Hence, it is very important that employers, local government departments, NGOs operating in the field of the protection of the children's rights, think tanks, trade unions, health institutions and universities cooperate closely to ensure a harmonised training of employed children, their employers and their respective families.

492. The Albanian Government is working to ensure Albania's adherence to the Convention no. 182 on "The Worst Forms of Work for Children". Before the ratification of the present Convention, the Labour Code should be amended (as the Labour Code is adopted earlier than the said Convention) in terms of the working criteria, specification of the employer's rights and obligations towards a child, as well as the responsibility of a juridical person in the event of eventual violations.

493. The Law "On the Labour State Inspectorate" should be reviewed both in the administrative aspect, providing for children specifically, and in the juridical aspect, giving priority to the check on children's performance. Priority is placed on capacity building through the training of labour inspectors. The latter's training aims at equipping them with the required knowledge and professional technical skills with regard to the employment of children, bearing in mind that they comprise a very specific category for all employers in general.

494. By Law no. 8086, dated 13 March 1996, the Republic of Albania adhered to the following International Labour Organisation Conventions: Convention no. 105 on Abolition of Forced Labour, Convention no. 111 on Discrimination (Employment and Occupation), and Convention no. 138 on Minimum Age for Admission to Employment, of which provisions are automatically incorporated into the national juridical system.

G. Drug abuse (Article 33)

495. The use of drugs has not been a reason for concern in Albania on account of the latter's total isolation. Following 1992-1993, drug abuse and its trafficking became a phenomenon involving principally persons in the age-bracket 14-25. Teenagers (children aged 14-18) risking to be exposed to drugs, are emerging as a new marginalised group in Albania.

496. The NGOs dealing with this area give an estimate of nearly 10,000 drug users in Albania, 80 per cent of who are in Tirana, and 40 per cent of who are children and youths. Drug addicts belonging with the latter group not only are present in Tirana and in the other major urban areas, but their number is increasing rapidly in other smaller towns.

497. Youths coming from urban families with a good economic standing are exposed to a higher risk of becoming drug addicts, because they can buy drugs. Teenagers run a higher risk to become drug addicts, because drugs are distributed for free in school environments. Equally exposed to the risk of drugs are the youths that distribute and trade them.

498. A special study will be conducted in order to establish the number of drug addicts. Thereafter, special centres for the treatment of this category of persons, and especially of children who comprise the largest group of drug addicts, will be set up.

499. The Agreement between the Government of the Republic of Albania, the Association “Emmanuel Centre” and the Albanian Caritas for the establishment and functioning of the Polyvalent Social Centre in Vaqarr, Tirana, is adopted by Law no. 8494, dated 27 May 1999. The Social State Service, a governmental agency, cooperates with a considerable number of NGOs involved in the area of social services, and especially, with the “Emmanuel Centre” that offers rehabilitation services to persons addicted to drugs and alcohol. Reports submitted by the Social State Service during 2000 reveal that 13 persons were treated in this residential Centre. This Centre places priority on the children and women in need, and young drug and alcohol addicts, especially in the urban areas, who are in need of the assistance by the State and the society. This Centre provides treatment particularly to children who are drug addicts. It is also serving as a good experience for the establishment of other centres in Albania in compliance with the concrete needs in this aspect.

500. Law no. 7975, dated 26 July 1995, “On the Narcotic Drugs and Psychotropic Substances”, sets out the rules for the production, manufacturing, importing, exporting, trading, use, control and preservation of the narcotics and psychotropic substances. This law is built upon the Unique Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971.

501. The law also prohibits the production, manufacturing, trading and wholesale and retail distribution, transportation, keeping, supply, selling with money or for free, purchasing, use, import, export, transit of drugs and substances of great dangerousness, which are not used in medicine.

502. By its Decision no. 412, dated 20 May 1996, “On the Establishment of the National Committee for Drugs”, the Council of Ministers has perceived the latter as an intra-ministerial body headed by the Deputy Prime Minister. The present decision, *inter alia*, provides for the establishment of the National Centre of the Drug Information System at the Institute of Public Health, which will help in the achievement of the tasks and targets this Committee has set.

503. Law no. 8279, dated 15 January 1998 provided for major amendments to the Criminal Code of 1995. Other amendments to provisions concerning drug-related criminal offences are expected to be made during 2003.

504. The Criminal Code provides for the criminal offences of the production and selling of any sort of narcotic drug or psychotropic substance in breach of the law (Article 283), the criminal offence of the trafficking of narcotic drugs (Article 283/a), of the creation of the facilities for the taking and use of drugs (Article 283/b), the cultivating of narcotic drugs, the production and manufacturing of narcotic drugs and psychotropic substances (article 284/c), the criminal offence

of organising and leading criminal organisations for the purpose of cultivating, producing, and the illicit manufacturing of narcotic drugs (Article 284/a), as well as the criminal offence of storing, producing and transporting chemical substances (Article 285). The Criminal Code does not provide for any specific provision for the engagement of children in drug selling and trafficking. However, under the general provision that may be applied in this case, any person who induces or entices children below the age of fourteen years into crime is imprisoned to not less than 5 years.

505. The school plays a major role in raising the awareness of youths with regard to the consequences of drugs and its damages. Taking account of the fact that the vast majority of drug addicts are in Tirana, the District Education Directorate has occasionally launched awareness campaigns encompassing different effective approaches.

H. Sexual exploitation and sexual abuse (Article 34)

506. The problem of the sexual exploitation of children, mainly girls, has taken on worrying proportions in Albania, especially in recent years. Although it has become an acute social problem, the real situation and the number of the exploited children is not known, yet data confirm that this phenomenon is quite present in Albania. Most part of girls subjected to exploitation are lacking in the necessary information, and end up in the deceitful trap of exploiters and of this new phenomenon unknown to them.

507. The part on sexual crimes of the Criminal Code has been amended by Law no. 8279 of 1998, and other amendments are expected to be made to it during 2003. The last amendments to the Criminal Code provide for the change of the term “minor girl” into “minor”, and the addition of homosexual intercourse, as well as every other sexual act.

508. At present, under Article 100 of the Criminal Code, intercourse, homosexual intercourse or any other sexual act with minors who have not attained the fourteen years of age, or have not reached sexual maturity, is considered a criminal offence. When the sexual act was had without consent, or has resulted into death or suicide of the minor, it is punishable by a heavier penalty.

509. The Criminal Code also provides for the criminal offences of forceful sexual intercourse with minors aged 14-18, or with physically or mentally disabled persons, including children aged 14-18 (Articles 101 and 103). Under the Criminal Code, serious immoral acts conducted with minors who have attained the age of fourteen years are considered criminal offences (Article 108).

510. In 1993-1994, the crime of forceful sexual intercourse with minors aged 14-18 took on considerable proportions. Judicial practice indicates that sentences passed initially were not very heavy. It was only when this crime took on worrying proportions that the court decided to definitely pronounce significantly heavier sentences, which was made possible following the adoption of the new Criminal Code in 1995.

511. Under the Criminal Code, the exploitative use of children in prostitution is considered a criminal offence. Soliciting prostitution, mediating or gaining from it is heavily punished.

512. Given the situation in Albania where minors are exploited for prostitution purposes through deceit, coercion, violence and close family, in-law and guardianship ties, the Criminal Code provisions on the exploitation of prostitution were changed by Law no. 8279, dated 15 January 1998.

513. The foregoing elements were also included in the aggravating circumstances concerning exploitation of prostitution. Exploitation of prostitution against a person that has been forced or coerced into exercising prostitution out of the territory of the Republic of Albania is considered a criminal offence. This criminal offence was introduced because of exploitation of prostitution in other countries rather than in Albania.

514. The draft of new amendments to the Criminal Code will also introduce a new provision on the traffic in women for purposes of prostitution. Under that prescribed provision, traffic in women for purposes of prostitution, material gain or any other gain, is punishable by imprisonment from seven to fifteen years. This same offence, when committed in collusion or more than once, or associated with the maltreatment and coercion through physical or psychic violence of the victim in an effort to induce him or her to work or carry out various acts, or results in serious consequences, is punishable by imprisonment not less than fifteen years or life imprisonment.

515. Under the Criminal Code, production, delivery, advertising, import, selling and publication of pornographic materials in minors' premises constitutes a criminal offence.

516. In establishing the Anti-traffic Centre in the city of Vlora, the Albanian Government aimed primarily to put an end to the traffic in women and children, especially the traffic in those persons destined for the prostitution market in the neighbouring countries.

I. Other forms of exploitation (Article 36)

517. There are no data so far on other forms of exploitation, except for those considered in the foregoing articles of the Convention on the Rights of the Child, particularly on the economic and sexual exploitation. Of course, along with the economic and sexual exploitation prescribed in the foregoing provisions, other forms of exploitation may be installed.

J. Sale, trafficking and abduction (Article 35)

518. Under the Criminal Code amended in 1998, abduction or keeping as hostage of a child below the fourteen years of age is considered a criminal offence punishable by imprisonment to not less than fifteen years. When this act has resulted in the death or disappearance of the child it is punishable by imprisonment to not less than twenty years, or life imprisonment. Under the Criminal Code, the hiding or replacement of a child with another, committed by the medical staff, is considered a criminal offence punishable by imprisonment up to eight years.

519. Under the expected amendments to the Criminal Code, to be effectuated in 2003, traffic in children shall be considered a criminal offence. Under the said amendments, traffic in children for purposes of material gain or any other gain shall be punishable by imprisonment from ten to twenty years. When this is committed in collusion or more than once, or associated with maltreatment and coercion with physical or psychic violence against the victim in an effort to

induce him or her to work or do various acts, or results in serious consequences, is punishable by imprisonment to not less than fifteen years, or life imprisonment.

520. Adoption, especially international adoption, is another form of trafficking children. The case of Albania has proved that a major international cooperation is needed so as to reveal the abuses associated with adoption, and to improve the situation.

521. Under Law no. 7650, dated 17 December 1992, "On the Adoption by Foreign Citizens", the request for taking or the taking of money and material benefits by the parent, the legal guardian or any other person for himself or for a third party, in the process of adoption of a minor is punishable to imprisonment up to five years.

522. Law no. 8193, dated 6 February 1992, "On the Transplantation of Organs", contains a special provision banning the selling and purchasing of the transplanted organs, and any other activity in favour of the advertising, trading and illegal trafficking of the transplanted organs. The second paragraph of this provision makes mention of the Criminal Code provisions providing for the punishment of the said activities.

523. In recent years, much has been said in Albania about the traffic in children and transplanted organs, especially in the press. However, this net of traffickers, if it exists, has not been detected yet. On the contrary, child abduction for a time turned into a means of profit for the abductors. Judicial practice knows of many such cases. However, the competent bodies have not succeeded in detecting many other cases. This has come through the lack of qualification of the persons placed in these bodies, as they are considered as nearly new crimes for Albania, but also through shortage of the means required for their detection.

K. Children belonging to a minority or an indigenous group (Article 30)

524. Under the Constitution of the Republic of Albania, persons who belong to national minorities have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organisations and societies for the protection of their interests and identity.

525. The present provision declines to specify the rights of children belonging to national minorities, but refers to them with the term employed by the Constitution, "person who belong to national minorities".

526. The rights mentioned in Article 30 of the Convention on the Rights of the Child are in principle guaranteed to children of every ethnic, religious or linguistic group in Albania, who may really enjoy the individual freedom of conscience and religion, and the right to education, organisation and assembly. Persons who belong to national minorities enjoy the same rights as the Albanian citizens, and the way they have been treated has never been a problem.

527. Moreover, under Decision of the Council of Ministers no. 396, dated 22 August 1994, "On the Eight-year Education in the Mother Tongue of the Persons Who Belong to National Minorities", the persons who belong to national minorities have the right to learn their mother tongue in educational units and given public educational institutions.

528. In the framework of the school curriculum, in these educational units conditions are created for the pupils and students who belong to the national minorities to study their history, traditions and culture. The Decision of the Council of Ministers also provides for the cases where not enough persons who belong to national minorities live in a dwelling area for a special school to be opened up for them. Given the situation, these persons are given the optional choice to study their mother tongue in the framework of the obligatory public education.

529. By Law no. 8496, dated 3 June 1999, Albania ratified the Council of Europe Framework Convention on the Protection of National Minorities, committing itself to implement the present Convention.

530. Both the domestic legislation and the adopted international instruments, protecting everyone from acts of discrimination, enmity or violence and providing for heavy criminal sanctions against those who perpetrate them, guarantee legal assistance to the persons who belong to national minorities in Albania.

531. Under Article 73 of the Criminal Code of the Republic of Albania, special part, "The execution of a premeditated plan aiming at the total or partial destruction of a national, ethnic, racial or religious group directed towards its members, and combined with the following acts, including intentionally killing a group's members, serious physical and psychological harm, placement in difficult living conditions which cause physical destruction, applying birth preventing measures, as well as the obligatory transfer of children from one group to another, is punishable by imprisonment to not less than ten years, or by life imprisonment."

532. Under Article 74 of the Criminal Code: "Killing, massacres, slavery, internal exile and deportation, as well as every act of torture or other inhuman violence committed for political, ideological, racial, ethnic and religious reasons, are punishable by imprisonment to not less than fifteen years, or by life imprisonment." Every person, who is a victim of ethnic or racial discrimination, either open or covert, may turn to court for juridical protection. The Albanian juridical practice does not know of any lawsuit filed by members of the national minority groups against acts of discrimination, enmity or violence for reasons of their ethnic, cultural, linguistic or religious belonging.

533. During the nineties, the cultural and artistic activity of the members of the national minority groups has been promoted significantly. All the national minority groups have set up different organisations and associations, which play a major role in making the history, traditions and culture of the national minorities known.

534. The new textbooks designed for the members of the Greek and Macedonian national minorities, "Language and Literary Readings" and "Albanian Language and Literary Readings", prepared and published by the Textbook Publishing House, in the respective languages of the national minorities and in Albanian, incorporate pieces selected from the folklore of the Greek and Macedonian national minorities, works by writers and poets who belong to these national minorities, as well as renowned writers and poets of the Greek and Macedonian literature who have lived in different periods.

535. Publications containing out of class readings from the literature of the national minorities and the Greek and Macedonian literature have also increased. The Greek Library and Cultural Centre, Aromanian associations, different non-governmental organisations, the League of Writers and Artists of Albania, the National Museum, and the Gallery of Arts have given a significant contribution in this aspect. Their various activities have ensured a large attendance of outstanding Albanian celebrities and celebrities who belong to the national minorities renown in the fields of literature, art, culture and history. These activities have frequently been set up to commemorate important events in the life of the national minorities and their mother countries, to pay homage to their distinguished celebrities and launch new publications.

536. In June 2000, the Ministry of Culture, Youth and Sports, in cooperation with a private agency, organised in Tirana the Festival of the Children of National Minorities entitled “The White Dove”. The artistic groups of the children belonging to all the national and linguistic minorities, who live in Albania, took part in this festival.

537. A number of projects the Albanian Government is running in different districts of Albanian in cooperation with different international organisations and the Soros Foundation in particular, aim at enhanced school attendance and social integration of the children of the Roma families. These projects, which cover cultural and sports activities in which both Albanian and Roma children take part jointly, have also contributed to the promotion of respect for their feelings of friendship and cooperation.

538. The Association of Creative Persons who Belong to National Minorities carries out its activities in Dropull, the Prefecture of Gjirokastra, in which outstanding writers, poets, painters and artists who belong to national minorities take part. The “Dropull” Folklore Ensemble, which is one of the best known ensembles in Albania, takes an active part not only in the cultural and artistic life of the country. The Ministry of Culture, Youth and Sports, the Municipality, the Cultural Centre and various private sponsors have directly supported it to perform in a large number of concerts also abroad, amongst which those staged in Greece have won them a good name.

539. The “Družba Prespa”, operating in the Commune of Liqenas in the Prefecture of Korça, organises and directs the activity of the folk groups from the villages of Macedonian national minority. This association has organised the Festival of Liqenas, and has been on a number of artistic tours in Albania and in the neighbouring suburbs in the Former Yugoslav Republic of Macedonia. Through the folk songs, melodies, dances and particularly costumes it has testified to the values of folk tradition and its preservation.

540. The cultural association “Morača Rozafa” of the Montenegrin national minority operates in the Commune of Vraka, the Prefecture of Shkodra. It has been involved in a number of cultural and artistic activities intended to keep the songs, dances, rites and traditional costumes of the Montenegrin folk tradition alive.

541. The Roma are organised in the following associations: “Amaro-Drom” founded in March 1991, “Amaro Divas” founded in 1996, “Romani Baxt” founded in 1991, and “The Group for the Development of the Roma Culture”.

542. The “Amaro-Drom” Association is based in Tirana, and according to the information released from their Tirana-based office, relies on four coordinating centres in order to carry out its activities: Fushë Kruja, Lushnja, Fier and Korça. This association has its Women’s Forum and Youth’s Forum. The association puts out its monthly newspaper “Star of the Caravan”. The association plays a major role in the preservation of the languages, the Roma rich folklore and the art of music. It has set up a number of artistic groups of talented instrumentalists, singers and dancers, who have taken part in many national and international activities. The “Amaro-Drom” Association has also put together a football team, which has taken part in some activities nationwide.

543. The “Amaro Divas” Association carries out similar activities. It has its own artistic group and is running a course to teach musical instruments. This association publishes its own monthly magazine, carrying the name of the association.

544. Following 1990, the Aromanians (Vllahs) have set up their own associations: “Armeni-Alban”, “The Association of Voskopoja Vllahs” and “Aefallofisi”. These associations play an important role in the preservation of their language, culture and traditions. They publish their newspaper “Fratia-Vëllazëria”, which comes out on a monthly basis both in Albanian and Aromanian.

545. Democratic changes in the last decade led to the restitution of the freedom of conscience and religion. In this framework, all the religious objects were reopened in the country, and the people were left free to practice their religion and religious rites. The last official statistics of 1953 reveal the following composition of the Albanian population: Muslims – 50 per cent, Bektashi – 20 per cent, Orthodox – 20 per cent, and Catholics – 10 per cent.

546. Democratic changes that occurred in Albania during the last decade provided the favourable environment for the development and initiatives of the non-governmental sector, while observing the rule of law. All the national minorities living in Albania have made use of this possibility to impart a new impetus to the preservation and development of the principal components of their identity, language, religion and cultural heritage.

547. It should be said that the mother tongue has been handed over from generation to generation in the families who belong to the national minorities, Greek, Macedonian or Montenegrin, and to the linguistic minorities of the Roma and Aromanians. Although under Article 14 of the Constitution of the Republic of Albania, “the official language in the Republic of Albania is Albanian,” under Article 20 of the present Constitution, persons who belong to national minorities have the right to preserve and develop and “to study and be taught in their mother tongue”.

548. The right to use the mother tongue in private and in public is also guaranteed in practice. In the everyday life, the individuals who belong to national minorities use their mother tongue freely with one another, in public meetings, their associations, electoral campaigns, the press, their publications of a cultural, literary, historic or scientific nature, the mass media, as well as religious ceremonies. The numerous public or private schools opened up for the education of the children of the persons who belong to the national minorities are an important factor for the preservation and development of their mother tongues.

549. The Roma in Albania have been able to preserve their traditional language they speak in their environment. The Roma write their language on very rare occasions, because there have been no Roma schools in Albania.

550. The Aromanians have also succeeded in preserving their traditional language they speak in their own environment. It has been preserved better especially in compact groups, which live in villages, and to some extent, among the elderly and middle-aged persons living in towns.

551. A brief historical overview of the national minorities living in Albania

In Albania, minorities that have a mother country with which they share the following characteristics: spiritual constitution, language, culture, habits, traditions and religion, have historically been considered as national minorities. The Greek, Macedonian and Montenegrin minorities have been regarded as such. The Roma and Aromanians have been recognised and respected as linguistic minorities.

552. Greek national minority

A Greek population that comprises the largest national minority lives in Southern Albania, on the border with Greece. The 1989 general census of the population and households estimates the members of this community at 58,759. They live mainly in the districts of Gjirokastra, Saranda and Delvina.

553. Macedonian national minority

The Macedonian national minority is concentrated in the area of Prespa. This area is located in South-eastern Albania, bordering on the Former Yugoslav Republic of Macedonia and Greece. Prespa has a total area of 213.9 square kilometres. It has a total population of 4,878 inhabitants, which means 240 inhabitants per square kilometre.

554. Montenegrin national minority

The Montenegrin national minority is basically concentrated in several small villages in the area of Vraca (the villages of Gril, Omaraj, and Boriç i Vogël), north of the city of Shkodra (Northwestern Albania), on the shores of Lake Shkodra and close to the border with Montenegro. The 1989 census does not produce specified and accurate figures on the number of this minority. Anyway, the survey the Albanian Helsinki Committee conducted last year reveals that this population amounts to 2,000 inhabitants. It has managed to preserve its own compactness as a national minority, as well as its language, culture, religion, and the traditions of the mother country.

555. Roma

There are no statistics on the number of the Roma living in Albania, because no general census of this population has ever been carried out. They are made up of four main tribes: *Kallbuxhinj* (Tirana, Elbasan, Pogradec, Korça, Bilisht, Gjirokastra, Saranda); *Meçkarë* (Lushnja, Fier, Vlora); *Kurtofë* – distributed all over; and *Cergarë* – nomads. It may be said that the Roma, as a community in itself, are subjected to no discriminatory treatment. However, the problem of

the Roma is the problem of a community with a very low living standard. In a way, the Roma face the same problems as the Roma do region-wide.

556. Aromanians

Aromanians (basically known as Vllahs) are one of the national minorities living in Albania. Albanian territories, in given areas and at given times, have been populated by Aromanian nomads. The 1950 census produces the first figures on the number of the Aromanian minority in Albania. This census reveals 2,381 members of the Vllah population. Whereas the 1955 census gives an estimate of 4,249 inhabitants. Later censuses do not contain figures on the number of Aromanians in Albania.

557. For the purpose of ensuring that national minorities preserve and strengthen their cultural identity, and stay in constant contact with the political, social, economic and cultural developments both nationally and internationally, the Albanian legislation recognises their full access to their mother tongue, both in the written and electronic media.

558. The freedom of expression, as provided for in the Council of Europe Convention on the Protection of the Human Rights and Fundamental Freedoms, is one of the fundamental constitutional rights in Albania. Under Article 22 of the Constitution of the Republic of Albania, the freedom of the press, radio and television is guaranteed for all, including the national minorities, and prior censorship of a means of communication is prohibited. Under the existing legislation, the members of the national minorities, like the rest of the Albanian citizens, have the right to set up without prohibition their media written in their mother tongue. The press of the national minorities, like the rest of the press in Albania, is not subjected to prior censorship.

559. At present, the Greek minority population living in the districts of Gjirokastra, Saranda and Delvina, publishes the following magazines and newspapers: the newspaper "Lajko Vima" dating way back to 1945; the weekly "I Foni tis Omonias" (The Voice of Omonias); the newspaper "2000" issued in Greek, English and Albanian; and the illustrated magazines "Oaz" and "Progres". The foregoing newspapers and magazines are distributed in every village free of charge. Another 15 newspapers and magazines published in Greece reach the area of this minority.

560. The Macedonian and Montenegrin press also reaches the Macedonian and Montenegrin minorities in Albania without any obstacle whatsoever. The Aromanians have their newspaper "Fratia-Vëllazërimi", which comes out once a month in Albanian and Aromanian.

561. Law no. 8410, dated 30 September 1998, "For the Public and Private Radio and Television in the Republic of Albania", guarantees the national minorities access to electronic media. The law declares the freedom of the activity of radio and television and their editorial independence (Articles 4 and 5).

562. Under Article 39 of the foregoing law, "the broadcasting of programmes urging violence, aggressive war, and national and racial hatred" is forbidden. Whereas Article 36 of the present law stipulates that "radio and television broadcasts should respect the personal dignity and the fundamental human rights, impartiality, comprehensiveness and plurality of information, the rights of children and teenagers, the public order and national security, the language and culture,

the constitutional and human rights of the citizens and of the national minorities in compliance with the international conventions signed by the Republic of Albania, as well as the Albanian religious diversity.”

563. Under Article 37 of the said law, “Use of the Albanian language is obligatory in all the programmes, except for musical pieces with their texts in foreign language, the foreign language teaching programmes, programmes specifically reaching out to the national minorities, and programmes of the local radio and television stations licensed to broadcast in the languages of the national minorities.” On this basis, the opening of local radio or television stations by members belonging to the national minorities in their respective mother tongues is guaranteed.

564. Under Article 14 of the Constitution of the Republic of Albania, the official language in the Republic of Albania is Albanian. Hence, the entire documentation available with the central government bodies and the administrative units of local government is compiled in Albanian. Whereas the members belonging to the national minorities and the local government administration authorities in the areas where they live, because in the vast majority these authorities belong to the national minorities, may verbally communicate in their mother tongue, if they choose so.

565. Under Article 28, point 1, of the Constitution of the Republic of Albania, “everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him.” Whereas under Article 31, point c, of the present Constitution, during a criminal proceeding, everyone has the right to have the free assistance of a translator, when he does not speak or understand the Albanian language.”

566. Under Article 8, point 2, of the Criminal Procedure Code, in all stages of the proceedings “persons who do not know Albanian shall use their mother tongue and, through the assistance of a translator, enjoy the right to speak and to be informed of the evidence and acts and of the conduct of the proceedings.”

567. Regarding the compilation of the criminal procedural acts, Article 98, point 2, of the present Code stipulates that “the person who does not speak Albanian is questioned in his own mother tongue and the minutes are also kept in this language. The procedural acts given to him at his request are translated into the same language.”

568. The right to testify in his own language is also recognised to a witness in a process. The persons who do not know Albanian have the right to use their own language, or to compile the procedural acts in their mother tongue also during the civil trial proceedings.

569. Under Article 27, second paragraph, of the Civil Procedure Code, “Persons who do not know Albanian, use their own language. They receive knowledge on the evidence and for the whole development of the trial through a translator.” Whereas Article 116, second paragraph, of the present Code provides that “The court calls a translator when questioning persons who do not know the Albanian language, or for the translation of documents written in a foreign language.”

570. Finally, under Article 5 of Law no. 8328, dated 16 April 1998, “For the Rights and Treatment of the Convicts”, “the treatment of convicts should reveal no discrimination on the grounds of sex, nationality, race, economic and social status, political views and religious beliefs.”

571. Articles 13, 45, 53 and 63 of the Prison General Regulations of the Republic of Albania, adopted by Decision of the Council of Ministers no. 96, dated 9 March 2000, likewise sanction that the convicted persons should be notified in the language they understand about the prison regulations, the way in which they should serve time, and the prisoners’ rights and obligations. All the rights set forth in the foregoing articles also apply to children who belong to the ethnic, cultural, religious or linguistic minorities.

572. The members of the national minorities living in Albania are free to choose and bear their names and surnames, according to the tradition, in their own language, and have access to the right of the enjoyment of their official recognition. The members of the national minorities record their names and those of their family members in the registrar’s offices in the municipalities or communes where they live.

573. In accordance with the law, the registrar enters their names and surnames in the registers of the registrar’s office respecting their phonetic pronunciation and using Latin letters, also used by the Albanian language, which at the same time is the official language in Albania. This rule is enforced also due to the fact that the languages of the three national minorities, which live in Albania, use the Greek or the Cyrillic alphabets. On the other hand, the registration of the names and surnames of the members of these minorities by using the letters of the Greek or Cyrillic alphabets would give rise to numerous problems, and confusion in their relations with the rest of the public administration and the other various institutions in Albania.

574. In Albania, special attention has been devoted to the education of the national minorities. Under Article 20, paragraphs 1 and 2, of the Constitution of the Republic of Albania, “Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue.”

575. The legislation operating in the area of education also affords equal rights for all. Article 3 of Law no. 7952, dated 21 June 1995, “On the Pre-university Education System”, guarantees all citizens equal rights “to receive education at all the levels ascertained by the present law, irrespective of the social status, nationality, language, sex, religion, race, political beliefs, health situation and the economic level.”

576. As is the case with Albanians, the national minorities have access to three levels of education: pre-school, 8-year, and general education. In 1998, new subjects were also introduced in the schools attended by members belonging to the national minorities: “Knowledge on the History of the Greek People” and “Knowledge on the History of the Macedonian People”.

577. In the academic year 200-2001, 1,845 pupils attended the 8-year schools of the two national minorities, comprising 0.37 per cent of the total number of pupils pursuing 8-year education. Out of a total of 297 teachers, 267 are members of the national minorities.

578. There are 35 kindergartens with 628 children in the area where the Greek and Macedonian national minorities live. In these kindergartens, there are 43 teachers who are members of the national minorities. For the two major national minorities the teacher-pupil ratio is 1 teacher to 6 pupils, whereas in the Albanian 8-year schools this ratio is 1 teacher to 19 pupils. The teacher-pupil ratio in the schools intended for the national minorities is small, and, although the intake has decreased significantly as people have immigrated abroad, they have been kept open.
