



Convention on the Rights of the Child

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Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial reports of States parties due in 2011

Albania*

[6 December 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Abbreviations

AFRA	Armed Forces of the Republic of Albania
CC	Civil Code in the Republic of Albania
CMD	Council of Ministers Decision
Constitution	Constitution of Albania
CTD	Command of Training Doctrine
FC	Family Code in the Republic of Albania
Optional Protocol	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
MPC	Military Penal Code in the Republic of Albania
Parliament	Parliament of Albania
RoA	Republic of Albania

I. Introduction

1. The Optional Protocol to the International Convention on the Rights of the Child on the involvement of children in armed conflict, (hereinafter referred to as the Optional Protocol), was ratified by the Albanian Parliament, (further the Parliament), under Law no. 9233, dated 22.11.2007, “For the adherence of the Republic of Albania to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict”.
2. Pursuant to Article 122, paragraph 1, of the Constitution of the Republic of Albania, (further the Constitution), this Protocol has become “an integral part of the internal judicial system” since its publication in the Official Gazette of the Republic of Albania no. 165, dated December 10, 2007.
3. Promulgated under the Decree of the President of the Republic of Albania (no. 5529, dated 04.12.2007), the Law for the Adherence of the Republic of Albania (hereinafter referred to as the RoA) to the Optional Protocol has entered into force 15 days after its publication in the Official Gazette.
4. Submission of the initial report, apart from being an obligation (as referred to paragraph 2 of Article 8 in the Optional Protocol), constitutes also the engagement of Albania regarding its undertaken actions that assure effective implementation of the Optional Protocol in domestic level.
5. It presents a summary of the constitutional, legal, administrative and institutional framework of the RoA as well as the amendments made since its ratification by Albania in 2007.
6. This report has been worked out by the Ministry of Foreign Affairs in cooperation with the Ministry of Justice and the Ministry of Defense. Its structure complies with preliminary guidelines to the document (CRC/OP/AC/1), approved in the 28th Session of the Committee for the Children Rights and published by the latter on October 12, 2001.

II. General information on the legal framework of Albania for the enforcement of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

A. Definition of the term “children” in Albanian law

7. The Constitution of the Republic of Albania protects “human rights and fundamental freedoms” and considers them as “indivisible, inviolable and inalienable”, which stand on “the foundations of all judicial order”. As such, they are assured and equally valid not only to Albanian nationals, but also to aliens and to individuals without citizenship in the territory of Albania, without any form of discrimination.¹
8. The obligation of Albanian nationals to contribute to the defense of the Republic of Albania is sanctioned under Article 166 of the Constitution, which clearly specifies that “each Albanian national has the duty to participate in the defense of the Republic of Albania, as it is prescribed under law”.

¹ Constitution of the Republic of Albania – articles 15, 16, 17 and 18.

9. Regarding the subject of the Optional Protocol, Article 54 of the Constitution of the RoA assures “children and adults” (besides pregnant women and young mothers), “the right to enjoy special protection by the state”. Under the same provision, the Albanian law assures each child (born by marriage or out of wedlock) the right to be protected against “violation, ill-treatment, exploitation and their use for work, especially in minimum work age for children, which might harm their health and morals or endanger their lives and their normal development”.

10. Notwithstanding the meaning of the term “children” in daily life, no judicial definition can be found in Albanian legislation. Thus, in Article 2 of the Civil Code of the Republic of Albania, this subject is considered as “a person” and is inseparably connected with the institution of “judicial capacity”. This Article explicitly specifies that “Judicial capacity begins with the alive nascence of the person and ends with its death. The child, when born alive, enjoys judicial capacity since the time of its conception”.

11. Although one of the three chapters of the Family Code of the Republic of Albania² (hereinafter referred to as FC) is entitled “Children”, it doesn’t provide the legal definition for such a subject. In the provisions which lay down the right to paternity, maternity, parental responsibility, adoption, protectorship, etc. “children” are introduced as persons of lower age (not adults) and due to that they establish naturally and legally dependant relations with their parents/parental authority for the exercise of their rights.

12. In the Civil Code of the RoA (hereinafter referred to as CC), the constitutional right for the “Exercise of the rights” is closely connected with the ability of a person to act and directly with the person’s age. The first paragraph of Article 6 in the Civil Code sets forth that the person who has reached the age of 18 years bears the full judicial capacity to enjoy his rights and to undertake civil obligations through its activities.

13. Children who have not attained the age of 14 are not able to act, but they can perform judicial actions suitable to their age that bring them benefits, without any compensation. However, they should be assisted by a legal representative for all other judicial actions.³

14. A child who has reached the age of 14 can carry out judicial actions only after getting the previous consent of his legal representative. For the interpretation of Articles 6 and 8 of the Family Code, all minors between 14 and 18 years of age have the right to carry out judicial actions after getting the previous consent of their legal representatives.

15. The ability to act is deprived by a law court decision, in cases when: (a) a minor between the ages of 14 to 18 years is not able to take care of his or her affairs, because of a psychological illness or disorders of mental development; and (b) when an adult, due to a psychological illness or defect of mental development, is partially or totally unable to take care of his or her affairs.³

B. Legal instruments for the enforcement of the Optional Protocol in Albania

16. The accession of the Republic of Albania to an already considerable number of international conventions on human rights implies also its involvement and obligation to incorporate them into domestic legislation.

17. Despite the fact that legal matters of fact in this area have been scarce in this direction, Albanian legislation ensures the correct enforcement of the Optional Protocol. The Albanian legal framework contains no specific law drafted purposely for the special aim of protecting the rights of children involved in armed conflicts. Separate laws reflect the measures taken for such purpose, as necessary for concrete cases.

III. Enforcement of provisions in separate articles of the Optional Protocol in Albania

Article 1

18. Recruitment process of Albanian nationals in the Armed Forces of the Republic of Albania (hereinafter referred to as AFRA) is carried out in compliance with the following legal acts.

19. Law no. 9047, dated 10.07.2003, "For the military service in the Republic of Albania, revised"² has the objective to determine: (a) the rules for the accomplishment of the military service in the Republic of Albania; (b) the rights, obligations and responsibilities of citizens, of state organs and private subjects for the mobilization and the accomplishment of the military service.

20. Law no. 9210, dated 23.03.2004 "For serviceman status of the Armed Forces in the Republic of Albania" intends to define judicial, economical, financial and social position of servicemen, their general requirements of acceptance, their rights, responsibilities and limitations in AFRA due to the special nature of the duty and the military service and providing legal guarantees for their accomplishment.

21. Law no. 9171, dated 22.01.2004 "For the grades and the military career in the Armed Forces of the Republic of Albania" determines: (a) requirements and authority of accession to the Armed Forces; (b) the grade order, progress in ranks and career; (c) responsibilities derived from the special nature of the duty and the military service; (d) the cessation of the career of servicemen in the Armed Forces.

22. In Article 2, paragraph 2 in the Law no. 9047, dated 10.07.2003, "For the Military Service in the Republic of Albania", revised: "Military mobilization is defined as a legal responsibility of a national, judicial or physical person, for taking part and completing the units or departments of military structures with personnel, materials, techniques, animals, vehicles and other necessary means". The participation of Albanian nationals in "the military service" is a constitutional responsibility within the framework of the defense of the RoA and the accomplishment of state obligations towards international organizations adhered to (Article 2, paragraph 5, *ibid.*).

23. To Albanian nationals who are holders of a second citizenship this law lays down that the accomplishment of the active or alternative military service in the second state, based on the laws of the latter, is considered a completed obligation by the Albanian state. The Albanian national who is a holder of a second citizenship and permanent resident in Albanian territory, has the right, until the age of 19 years, to choose which military service is going to be carried out (Article 5, *ibid.*).

24. Military service in the Republic of Albania is classified in two categories: the compulsory active military service and the compulsory alternative military service. Article 9, point 1 in the above mentioned law stipulates that "the compulsory active or alternative military service is carried out by a male Albanian national of the age from 19 to 27 years, who meets the requirements specified under this law. The recruitment of a national for accomplishing the compulsory active or alternative military service begins right after he reaches the age of 19 years until the age of 26 years. In cases of general or partial mobilization, by law or by a decree of the President, nationals of 18 years old are also conscripted into the armed services.

² Revised under Law no. 9487, dated 06.03.2006 and Law no. 9999, dated 25.09.2008.

25. The compulsory alternative military service is applied for those nationals who, for conscientious reasons, do not accept to carry out armed services in the Armed Forces (AF) (Article 20, point 1, *ibid*). The request for carrying out such service, along with the required documents attached, is submitted to the recruitment-mobilization center or to the commanding unit (military unit) before the national has reached the legal age for enrolment into the compulsory military service.

26. The active military service or in reserve is carried out in the Armed Forces, while the alternative military service is carried out in public institutions or in the Armed Forces. The duration of active or alternative military service is 12 months (Article 10, para. 1, *ibid.*).

27. The legal framework for the Armed Forces governs not only the accomplishment of the compulsory military service but also the voluntary military service. Such regulation is prescribed not only under the provisions of the law no. 9047, dated 07.04.2003, "For the Military Service in the Republic of Albania", revised, but also by law no. 9171, dated 22.01.2004, "For the grades and the military career in the Armed Forces of the Republic of Albania" and by law no. 8671, dated 26.10.2000, "For the powers and authorities of commanding and strategic direction of the Armed Forces in the Republic of Albania", revised.

28. In addition, point 2 of Article 5 in Law no. 9171, dated 22.01.2004, "For the grades and the military career in the Armed Forces of the Republic of Albania", specifies that each Albanian national who meets the requirements set forth in point 1 of this Article and is 19-30 years old can be accepted to the Armed Forces as officers, non-commissioned officers and active salaried soldiers. This provision does not allow the recruitment of nationals below the age of 19 years even in voluntary services.

29. The same age criteria apply to nationals who wish to be enrolled in the AF of the RoA (Article 4 of Law no. 9210 "For the status of servicemen in the Armed Forces of the Republic of Albania"). Other criteria applied in such cases should be necessarily related to: (a) the provision of Albanian citizenship; (b) the provision of the full capacity to act; (c) the fulfillment of legal requirements for the education level and possession of health and physical abilities for the required job; (d) not to have been punished with imprisonment by any law court; (e) not being expelled from work for breaking discipline.

30. In military hierarchy, the servicemen are officers, non-commissioned officers and soldiers. The newly recruited persons and professional soldiers when entering the active services do not bear any grade and are called "recruits" until the successful completion of basic training, which lasts up to 3 months. Following the completion of such period the recruits get the grade of "Recruit the Ist" or "Seaman the Ist", while the professional recruit soldiers get the grade of "Professional Soldiers the Ist".³

31. Statistical evidences provided by responsible authorities show that recruits enlisted over the period from 2007 to 2009 comprise the following figures:

<i>No.</i>	<i>Year</i>	<i>Recruited persons</i>
1.	2007	2 446
2.	2008	2 349
3.	2009	1 894

³ Articles 4, 9 and 10 of Law no. 9171, dated 22.01.2004 "For the grades and the military career in the Armed Forces of the Republic of Albania".

32. Regarding the foregoing reference, responsible structures at the Ministry of Defence declare that in the AF of the Republic of Albania there has been no case of the recruitment of minors below the age of 18 years.

33. In support of the Military Strategy of the Armed Forces in the Republic of Albania, the Albanian government has undertaken serious steps within the framework of creating a professional army according to the NATO standards. It is already a known fact that from September 2009 and onwards no national is recruited for the active compulsory military service.

Article 2

34. The above mentioned legal framework constitutes the guarantee for no compulsory recruitment of children below 18 years old in the AF of the RoA, because in any case, no recruitment is made below this age, even voluntarily.

35. All by-law acts issued by the Ministry of Defense and by its subordinate structures, which have to do with recruitment in the AF, are worked out based on the above mentioned legal framework and also in accordance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

36. Failure to enforce legal acts and other by-laws in the area of the country defense is addressed under the Military Penal Code of the Republic of Albania (hereinafter MPC). It prescribes and specifies military penal acts and relevant sentences and other measures taken against the subjects committing such acts. The military penal acts are classified into military crimes and military offences. Their differentiation is made for each case under the provisions set forth in separate sections of this Code. (Article 1, *ibid.*)

37. Referring to Article 6 of the MPC, the military penal law is enforced for all persons comprising the armed forces, and also for those people that the law equalizes to servicemen. Regarding the Optional Protocol under which the present report is submitted, subjects to this law are also the people “called up for military training, for emergency tests and mobilization” (Article 3, point 4, *ibid.*). Responsibilities for respecting the provisions of this law, with regard to recruitment and mobilization in the AF of the RoA, are laid down in Articles 15, 16, 18 and 19 of the MPC:

(a) Article 15: “Avoidance of military evidences” or refrain from updating military evidences, performed more than once, constitutes a penal offence and is punished by a fine or imprisonment up to six months;

(b) Article 16: “Avoidance of military service call up” of an Albanian national for carrying out compulsory military service, while it doesn’t constitutes an administrative infringement, is punished as a penal offence by a fine or imprisonment up to two years;

(c) Article 18: “Fraud to recruitment”, explicitly states that “any person, who for the purpose of refraining from recruitment or for leaving the armed forces, submits inaccurate information and data or conceals them, has committed a penal offence and is sentenced by a fine or imprisonment up to two years”;

(d) Article 19: “Illegal recruitment”, is considered a penal offence and any person that assists other people to benefit from recruitment/appointment/leaving the armed forces, without meeting the conditions required by law, is sentenced by a fine or imprisonment up to two years.

38. Beyond the provisions of this Code, for assuring the correct enforcement of Article 2 of the Optional Protocol other measures are taken into account also, such as the Decisions of the Council of Ministers (DCM), which determine the forms and the ways for the

function of certain organs operating the process of recruitment. We may here mention DCM no.39, dated 22.01.2004, "For the composition, operation, responsibilities and the rights of the Alternative Commission" and DCM no. 69, dated 29.01.2004, "For the criteria and the amounts of payment for exclusion from the compulsory military service and some amendments to the Decision of the Council of Ministers no. 244, dated 20.04.2001, 'For the size of payments for exclusion from the active compulsory service and also for the treatment of soldiers on payments'".

39. The age for recruitment in the AFRA can be lowered only by law or by a decree of the President of the Republic, in event of general or partial mobilization. This is laid down in Article 9, point 1, of the Law no. 9047, dated 10.07.2003, "For the military service in the RoA", and revised. In such a case the age of recruitment can be lowered to 18 years. In no other circumstances is the recruitment of children below this age foreseen or allowed.

Article 3

40. The minimum age for voluntary recruitment in the AFRA, as stated in Article 4 of the Law 9210, dated 23.03.2004, "For the status of servicemen in the Armed Forces of the Republic of Albania", is 19 years. As it has been reported also for Article 2 in this document, the same minimum age limit is referred to in point 2 of Article 5 in the Law no. 9171, dated 22.01.2004, "For the grades and military career in the Armed Forces of the Republic of Albania". This legal base is in compliance with the Optional Protocol under which the report is being submitted.

41. The above mentioned legal framework determines also relevant procedures and documentation on which base the voluntary recruitment is performed. The required documentation should state and confirm, among other facts, the age of the candidate for voluntary recruitment.

42. Also, the Command of the Minister of Defense No. 2, dated 12.02.2008, specifies the requirements, documentation and procedures for recruitment of professional soldiers in the AF. Nationals who wish to be recruited in professional services can submit to Recruitment Centers a personal request and required documents. For verifying the age of volunteers for professional services, the reliable document is the personal Certificate or the Identification Card.

43. The candidates are subjected to physical and intellectual tests at the Centers of Personnel-Recruitment and then to medical examination at the Central Military Hospital of the Armed Forces. Referring to Article 27 of the Law 9047, dated 10.07.2003, "For the military service in the Republic of Albania", revised, such Centers are responsible for the enforcement of the program of the General Staff of the Armed Forces for determining and securing the required personnel for the active compulsory service, reservists and professionals on pay.

44. In addition, Article 28 in the same law specifies the way of establishing, at the Centers of Recruitment-Mobilization, the Medical Commission for the examination of health and physical abilities of nationals recruited in the military services. The Medical Commission is established and operates at the Central University Military Hospital, where, besides servicemen, nationals sent by the Centers of Recruitment-Mobilization from different districts are also examined. The composition of commissions, their duties and responsibilities, are defined in the Rules and Regulation for the health and physical abilities of nationals and servicemen, which are approved by both the Minister of Defense and the Minister of Health Service.

45. With the beginning of the military service, every Albanian national swears the following oath: "I swear that I will loyally serve the Republic of Albania; I'll be a faithful

soldier of my people, a worthy fighter, brave and disciplined; I'll be ready at any time and everywhere and I will not spare even my life for the defense of the interests of my country. I swear!"

46. The duration of compulsory military service is subject to several factors, which have to do with early release from this service. The cases of early release, stipulated under Article 14 of the Law no. 9047, dated 10.07.2003, "For the military service in the RoA", revised, are as follows:

- (a) When the Medical Commission at the Central University Military Hospital of the Armed Forces determines that a soldier is not capable to go on with his military service;
- (b) Because of grave family misfortunes, when parents or spouse die or become disabled and children have no one to care for them;
- (c) When students are enrolled in high military schools or in the Police Academy;
- (d) When a national is the head of the family, is married and has one or more infants;
- (e) When entitled to a professional soldier.

47. The Ministry of Defense has continuously made great efforts to raise the awareness of young people in order to involve them in the ranks of the Armed Forces. Within the framework of agreements with other countries in the field of defense, this Ministry, every year, grants scholarships for studying abroad. Information is mainly disseminated through television and press. In addition, it is worth to point out the annual activities (open days to the public), where representatives from military units and departments of the Armed Forces organize meetings with students from secondary and high schools, or participate in informative broadcasting programs of national and local televisions. During these activities, leaflets and brochures are available for the participants, which provide them with sufficient information about military education, physical training, or about the missions of our soldiers abroad, etc.

48. Education and military qualification is based on the law for grades and military career, which determines the levels and relevant courses that the personnel of the AF should attend. The minimum age for entering military schools is 19 years.

49. In the Republic of Albania, the institutions of the military education system are subordinated to the Doctrine and Training Command (DTC), which is under the authority of the General Staff of the Armed Forces of the RoA. Actually, an educational plan is worked out for all institutional and functional courses, which is approved by the Chief of the General Staff of the AF. Following consultations with all interested structures, the plan is drafted based on the needs of military units and on the capacities of our educational institutions. These plans involve all educational institutions of the Armed Forces which are currently operating, such as:

- Skënderbej Military University
- The Center of Foreign Languages in UUS
- Spiro Moisiu Defense Academy
- Academy of non-commissioned officers, Thomson
- The School of Troops in KDS (for officers)
- The Center of Base Training, BUNAVI, KDS

50. The programs of military education include, among other things, the subjects of military, international, humanitarian and constitutional laws, etc. These programs pay special attention to human rights and fundamental freedoms and to the protection of the civil population in an area of armed conflict, as well.

51. Each military educational institution has its own internal Rules and Regulations, in compliance with its activity. These regulations define clearly applicable rules, which aim to assure high discipline at schools.

Article 4

52. Currently, peacekeeping missions involving armed forces of the Republic of Albania are located in Chad and Afghanistan. According to the NATO standards, the military personnel comprising such missions are selected from the contingents of active professional servicemen of the Armed Forces. It means that all participants in such programs are above the age of 18 years.

53. No provision in the penal law of the RoA deals with the definition termed as “Armed Groups” (in contrast to armed forces of a country) used in Article 4 of the Optional Protocol. The only provision that can somewhat approximate the contents of this article is found in the Penal Code of the RoA. Article 133 of such Code explicitly states that: “Creation of armed bands and criminal organizations or participation in them, for the purpose of committing crimes, is punished from five to fifteen years of imprisonment”.

54. Paragraph 1 of Article 134, *ibid.*, stipulates that the acts committed by armed bands or by criminal organizations are punished according to relevant penal provisions adding to the punishment of such committed crimes five other years of imprisonment (when the provision contains the punishment by imprisonment or punishments of moderate types), but always without exceeding the maximum limit of punishment by imprisonment.

55. Persons recruited in “armed groups” bear penal responsibilities for their acts if they have reached the age of fourteen at the time of committing a crime (Article 12, para. 1, *ibid.*).

56. With regard to the above reference, it has been ascertained that the legal framework in the Republic of Albania assures the right and correct enforcement of Article 4 of the Optional Protocol.

Article 5

57. During the reporting period (2007–2009), the Albanian government did not initiate any legal action, as a part of the legal framework, to secure the rights of children involved in armed conflicts. It was merely because of the simple fact that the Republic of Albania has not had or it has not taken part in any armed conflict. However, the legal framework applicable in the Republic of Albania assures the effective execution of the Optional Protocol. It includes the following documents:

- The Universal Declaration on Human Rights (adhered to in 1955)
- The Convention on the Right of the Child (CRC) (ratified on 27 February 1992 and entered into force in March 1992)
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children and child prostitution and pornography (adhered to on 5 February 2008)

- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (adhered to on 9 October 2008)
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), (adhered to on 11 May 1994)
- The Helsinki Conference Final Act, 1975
- The European Convention for the Protection of Human Rights and Fundamental Freedoms, (signed by the Republic of Albania on 13.07.1995, ratified on 31.07.1996 entered into force on 02.10.1996)
- Protocols No. 1, 2, 3,4, 5, 7, 8 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, (entered into force on 2.10.1996)
- Protocol No. 11 to the Convention (entered into force on 1.11.1998)
- Protocol No. 12 to the Convention (entered into force in 2005)
- Protocol No. 13 to the Convention, concerning the abolition of the death penalty in all circumstances” (entered into force on 1.06.2007)
- Protocol No. 14 to the Convention (ratified on 3.02.2006)
- The Convention on Citizenship (signed on 07.05.1999, ratified on 11.2.2004 and entered into force on 01.06.2004)
- The Constitution of the Republic of Albania; (approved by Law no. 8417, dated 21.10.1998, revised)
- The Civil Code of the Republic of Albania; (approved under Law no. 7850, dated 29.07.1994, revised)
- The Family Code in the Republic of Albania; (approved under Law no.9062, dated 08.05.2003)
- The Penal Code of the Republic of Albania; (approved by Law no. 7895, dated 27.01.1995, revised)
- The Military Penal Code of the Republic of Albania; (approved by Law no.8003, dated 28.0.1995, revised)
- Law no. 9047 dated 10.07.2003 “For the Military Service in the RoA”, revised
- Law no. 9210 dated 23.03.2004 “For the Status of Servicemen of the AF in the RoA”
- Law no. 9171 dated 22.01.2004 “For grades and military career in the Armed Forces of the Republic of Albania”
- Council of Ministers Decision (CMD) no. 39, dated 22.01.2004 “For the composition, function, responsibilities and rights of the alternative commission”
- CMD no. 69, dated 29.01.2004 “On criteria and payment amounts for exclusion from the compulsory military service and some amendments to the Decision of the Council of Ministers no. 244, dated 20.04.200, ‘About payment amounts for exclusion from the active compulsory military service, and also for the treatment of soldiers on pay””

Article 6

58. As it has been reported in Article 5 above, there has been no legal initiative introduced to Albanian legislation with regard to the protection of the rights of children involved in armed conflicts. The only amendments can be found in Law no. 9047, dated 10.07.2003 “For the military service in the Republic of Albania”.

59. Law no. 9487, dated 06.03.2006, “For some amendments and changes to Law no. 9047, dated 10.07.2003, ‘For the military service in the Republic of Albania’”, apart from several amendments related to act legal techniques, also predicts the exclusion from the compulsory military service of Albanian nationals that have graduated full time university studies within the country or abroad. In addition, this law provides “the executive title” to the decisions of the commission for examination of offences committed at the recruitment-mobilization centers.

60. Amendments made under Law no.9999, dated 25.09.2008, “For some changes to Law no. 9047, dated 10.07.2003, ‘For the military service in the Republic of Albania’”, revised, have to do mainly with clarifying some definitions added to the previous law. This law also changes the deadline (from 31 December 2010 to 31 December 2009) “for completing the active compulsory military service or alternative service on pay”. This is the reason why from September 2009 no recruitment has been made for the active compulsory military service or alternative service on pay.

61. Referring to the duties of peacekeeping personnel, within the framework of the Optional Protocol enforcement, for increasing the awareness of local authorities, we would like to point out that all Albanian contingents sent in peacekeeping missions have been just of military nature and no training mission is sent so far. The missions of these troops do not include tasks related to the monitoring and execution of the Optional Protocol and of the Convention on the Rights of the Child in Albanian territory because this is a responsibility of the local public authorities.

62. As specified also in Article 3 of Law no. 8671, dated 26.10.2000, “For the powers and authorities of strategic command and direction of the Armed Forces in the Republic of Albania”, revised, the respective public structures, responsible for the implementation of the Optional Protocol and coordination between them and their relevant subordinate authorities are as follows:

(a) The Parliament approves by law the document on the strategy of security, the instrument of the defense policy, the military strategy in the RoA and other laws in the area of defense and Armed Forces;

(b) The President of the Republic is the General Commander of the Armed Forces of the Republic of Albania. In time of peace, he conducts the direction of the AF through the Prime Minister and the Minister of Defense, while in time of war, he commands them directly or through the Commander of the Armed Forces. In case of a military attack against the Republic of Albania, on the request of the Council of Ministers, he declares the state of war;

(c) The Council of Ministers has these responsibilities: (i) to prepare and submit to the Parliament for approval the draft laws on the country’s defense, the document on the strategy of security and the instrument of the defense policy of the Republic of Albania and other laws for the effective operation of the Armed Forces; (ii) it submits to the Parliament the proposal for changing the limits of personnel numbers in the AF; (iii) on the proposal of the Minister of Defense, it approves the plan for the general mobilization, in time of war, of human, material and financial resources of the country; (iv) it submits to the Parliament the budget for the defense and special financial programs of the AF in time of peace and war; (v) it conducts the activities of the central government and district organs coordinating the

work with other local authorities for partial or general mobilization of the AF and of required resources for war; (vi) on the proposal of the Minister of Defense, it determines the salaries and economic treatment of the military and civil personnel serving in the AF; (vii) it conducts and collaborates with the local authority organs for recruitment of nationals for accomplishing the active compulsory military service or in reserve forces; (viii) it organizes and manages the civil defense of the RoA and decides the establishment and operation of defense headquarters at the district level all over the territory; it also releases by-laws for the defense and the AF of the RoA; (ix) it approves certain programs for equipment and modernization of the Armed Forces;

(d) The Minister of Defense is responsible before the Parliament, the President and the Prime Minister for the implementation of the policy of defense and the military strategy;

(e) The General Staff constitutes the highest military structure of the Armed Forces and conducts its unique command. It is responsible for establishing a common and integrated military force including infantry, navy and air forces, capable to carry out their constitutional mission;

(f) The Commanders of forces (infantry, navy, air): The control and direct command of infantry, navy and air forces is conducted by the commander of each force. The control and direction of effectives of the command of logistical support and of the command of doctrines and training is performed by the commander of the relevant command.
