

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report –**

**Universal Periodic Review:**

**ALBANIA**

**I. BACKGROUND INFORMATION**

Albania is a State party to the 1951 Convention on the Status of Refugees and its 1967 Protocol since 1992. In 2003, Albania also acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

The national asylum legislation consists of the 1998 Asylum Law (amended in 2009) and of the 2003 Law on Integration and Family Reunion of Persons Granted Asylum. Other legal acts, such as the Laws on Foreigners, the Law on Data Protection, the Laws on the Guarding and Control of the State Borders, and the Laws on Citizenship complement the Albanian protection regime.

The Law on Asylum establishes the Directorate for Nationality and Refugees (DNR) as the main body in charge of asylum issues in the country. The DNR is responsible for registering asylum-seekers, carrying out refugee status determinations (RSD), administering the National Reception Centre for Asylum-Seekers, and pursuing the integration of refugees and other persons granted asylum in Albania. It has also the competency to identify massive influx situations and to offer group protection in such cases. The director of the DNR, the National Commissioner for Refugees, has been assigned the legal authority to pursue the appointment of legal guardians for refugee and asylum-seeking children.

The 2003 Law on Integration and Family Reunion of Persons Granted Asylum in Albania required the enactment of a number of bylaws, the endorsement of which has been very slow. Thus, the Law on Integration remains largely unimplemented.

At the end of 2012, there were 86 refugees (including 58 persons who were granted complementary protection) and 28 asylum-seekers in Albania. 16 persons applied for asylum in Albania during the first months of 2013, mostly Syrians who then abandoned the procedure and left the country irregularly. Syria however remains the top country of origin for asylum-seekers in Albania.

With the arrival of 88 Iranians resettled from Camp Ashraf in Iraq in July 2013, the total number of refugees in Albania now amounts to 174 persons.

Notwithstanding the accession by Albania to the international statelessness instruments, problems with birth registration, mostly amongst the Roma community, have created a situation where large numbers of unregistered persons suffer from marginalization and are unable to enjoy the rights they are accorded under the law.

## **II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

The recognition rate of refugees is more than 50%, not including the former Ashraf residents whom the Government had already agreed to recognize as refugees in the context of the resettlement procedure. The Directorate for Refugees has issued RSD decisions in a timely manner and largely in conformity with UNHCR's guidelines.

In May 2013, the Albanian Border and Migration Police (BMP) indicated its intentions to develop an enhanced pre-screening system. While results have yet to be realized or evaluated, joint training of trainers on joint monitoring mechanisms were organized by UNHCR in cooperation with the BMP. Moreover, BMP Headquarters has issued instructions to all border agents to ensure that the borders are kept open to Syrians and to prevent *refoulement*. However, these measures are not fully implemented and some Syrian are prevented from entering the country from Greece.

Following a One UN Programme project on empowering vulnerable communities in Albania, the Albanian authorities approved two legal acts. The first act ensured birth registration for Albanian nationals born abroad; the second ensured that foundlings who are unable to provide full registration data may still be registered. These acts tackle some of the challenges faced by the Roma minority in Albania, including de facto statelessness.

## **III. KEY PROTECTION ISSUES AND RECOMMENDATIONS**

### **Issue 1: Pre-screening, detention and access to asylum**

Treatment in the Albanian detention centre, and the endless obstacles for irregular migrants to seek asylum, have motivated many to leave Albania and continue on to Western Europe. Due to poor resources, lack of adequate interpreters, and other reasons, the performance of the pre-screening system has declined. When individuals are apprehended, a decision on whether to give them access to the RSD procedure is made on the basis of a short interview, in which irregular migrants are asked whether they would like to return to their country of origin or their last transit country. Additionally, the system lacks an effective monitoring mechanism. As a result, irregular migrants in detention have been unable to exercise the right to appeal removal orders by the Albanian Border Police. Additionally, UNHCR has not been able to enter the Detention Centre for Irregular Migrants since March 2013. The Albanian Border Police have not yet established a procedure allowing for UNHCR monitoring, because they consider that irregular migrants being processed under return procedures should not be allowed to apply for asylum.

The best interests of the child should be the primary consideration in all decisions taken concerning children. Currently, Albania does not have a procedure in place for initiating

a determination of the best interests of the child. Furthermore, neither legislation nor standard operational procedures have been established for the rapid and appropriate assessment and provision of needs and services to unaccompanied and separated children, including the appointment of a temporary guardian. Whereas the border police and other police units show particular care in identifying potential victims of trafficking, they have no specialized knowledge about the asylum procedures and specific safeguards for children in need of international protection.

In this regard, the Human Rights Committee, in its 108<sup>th</sup> session, indicated that it was “concerned that the automatic detention of all persons entering the country irregularly, including minors, and the lack of adequate information and referral of asylum-seekers among such persons to the asylum procedure, exposes persons in need of international protection to a high risk of refoulement.”<sup>1</sup> The Committee also expressed concern about “the poor standards of living [] in transit reception facilities for asylum-seekers and refugees.”<sup>2</sup> The Committee recommended that Albania ensure proper implementation of pre-screening procedures to insure the identification of persons who may be in need of international protection, refrain from deporting asylum-seekers on the basis of their manner of entry into the country, and improve the conditions in transit reception facilities.<sup>3</sup>

The Committee on the Rights of the Child, in its 61<sup>st</sup> session, also expressed concern that “children migrating to Albania, including unaccompanied children are generally considered as irregular migrants, detained in the National Detention Centre for Irregular Migrants in Karc and deported back without having had access to legal procedures to determine their best interests, or to specialized services and assistance of a legal guardian.”<sup>4</sup> The Committee recommended that Albania “ensure that children are properly identified and registered during pre-screening procedures at border points and no longer detained and that best interest determination procedures are initiated to define how to best address the child’s immediate and long term needs,” and encouraged Albania to “to ensure that the Border Police do not detain unaccompanied minors and in this regard to seek technical assistance from the Office of the United Nations High Commissioner for Refugees.”<sup>5</sup>

Similarly, Mr. Crépeau, the Special Rapporteur on the human rights of migrants, in his April 2012 report to the Human Rights Council, recommended that the Government “Take urgent measures to ensure that the return of Albanian unaccompanied children from neighbouring countries only takes place pursuant to an analysis of the best interest of the child and is properly followed-up on an individual basis by national authorities. Authorities of the concerned countries should conduct an in-depth assessment of the

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<sup>1</sup> UN Human Rights Committee (HRC), *Concluding observations of the Human Rights Committee - Albania*, para 13, 22 August 2013, CCPR/C/ALB/CO/2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> UN Committee on the Rights of the Child (CRC), *Concluding observations of the Committee on the Rights of the Child - Albania*, paras 72-73, 5 October 2012, CRC/C/ALB/CO/2-4.

<sup>5</sup> *Id.*

*situation and put in place prompt measures to ensure that no child is returned outside of the formal readmission agreements.”<sup>6</sup>*

The detention of asylum-seekers and refugees should normally be avoided and be a measure of last resort. Alternatives to detention should be sought and given preference, in particular for certain categories of vulnerable persons. If detained, asylum-seekers should be entitled to minimum procedural guarantees, including the possibility to contact and be contacted by UNHCR. *UNHCR’s Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention* highlight that “the position of asylum-seekers may differ fundamentally from that of ordinary migrants in that they may not be in a position to comply with the legal formalities for entry. They may, for example, be unable to obtain the necessary documentation in advance of their flight because of their fear of persecution and/or the urgency of their departure. These factors, as well as the fact that asylum-seekers have often experienced traumatic experiences, need to be taken into account in determining any restrictions on freedom of movement based on illegal entry or presence.”<sup>7</sup>

### **Recommendations:**

UNHCR recommends that the Government of Albania:

- Develop a comprehensive inter-institutional referral mechanism for the pre-screening of irregular migrants with the participation of UNHCR;
- Ensure individual procedural guarantees to detained persons immediately upon their detention without discrimination, including the right to interpretation, legal counseling and provision of information, in particular about the right to seek asylum;
- Establish, as part of its pre-screening and follow-up procedure, clear guidelines and procedures which ensure that all decisions in relation to child asylum-seekers or irregular migrants give due consideration to the best interest of the child;
- Provide UNHCR and its implementing partners unhindered access to detention centres for irregular migrants;
- Ensure that the detention of asylum-seekers is only used as a last resort, and where necessary, for as short a period as possible and apply alternatives to detention.

### **Issue 2: Quality of asylum decisions**

As mentioned above, asylum decisions in Albania show a high rate of recognition of refugee status or granting of complementary forms of protection.<sup>8</sup> However, the reasoning and consistency of asylum decisions requires further improvements, particularly because country of origin information is not systematically collected or duly

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<sup>6</sup> UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to Albania*, para 73, 10 April 2012, A/HRC/20/24/Add.1, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/129/01/PDF/G1212901.pdf?OpenElement>.

<sup>7</sup> UN High Commissioner for Refugees, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at: <http://www.unhcr.org/refworld/docid/503489533b8.html>.

<sup>8</sup> Complementary protection was introduced as a form of protection to bring the Albanian legislation closer to the EU directives, by replacing the term “temporary protection on humanitarian grounds.”

referenced in each case. Despite the establishment of an office for the collection of country of origin information within the Border and Migration Police, that office has so far not responded to any requests for country of origin information by the Directorate for Refugees. In this regard, the Special Rapporteur on the human rights of migrants, in his April 2012 report to the Human Rights Council, recommended “*regular updates and debriefing to Border and Migration Police on the situation of countries of origin of third country nationals arriving at the Albanian border.*”<sup>9</sup>

**Recommendation:**

UNHCR recommends that the Government of Albania:

- Establish a fully-functioning country of origin centre, based on good practices in other countries, which has the competence to offer information for use in asylum and RSD procedures.

**Issue 3: Rights of refugees and other persons granted asylum**

Albania has failed to produce identification cards for refugees. Therefore, many remain without any identification cards, birth certificates, other relevant certificates, or travel documents. Machine readable travel documents have also not been produced. While in some cases the lack of an identification card is compensated by providing permanent residence papers, the lack of travel documents has deprived persons in need of international protection in Albania of the ability to travel abroad or to have the opportunity to apply for visas at embassies. In a number of cases known to UNHCR, this has made family reunification in other countries impossible.

Housing is a significant constraint for the refugees trying to integrate in Albania. The existing housing legislation is mainly incorporated in the Law on Social Housing (Law no. 9232 On Social Programs for the Housing in Urban Areas), which allocates funds to the local government for so-called “social houses”. Persons in need of international protection are excluded from the right to social public housing. Only the most vulnerable among them, those with temporary or undetermined stays, are offered housing in the National Reception Centre for Asylum Seekers.

Refugees, asylum-seekers, and those receiving subsidiary protection do not receive welfare benefits in Albania. The legislation on social welfare needs to be amended in order to provide for their inclusion. In fact, Law No. 9355 on Social Assistance and Services specifically excludes asylum-seekers from social welfare benefits. The legislation should also include provisions on reducing the excessive number of documents required in order to access these social welfare programs. Considering the immediate link between access to social security and competitiveness in the labour market, such requirements pose challenges to refugees and asylum-seekers who are seeking work in Albania, hindering their ability to fully integrate.

In regards to these issues we agree with the recommendations of the Special Rapporteur on the human rights of migrants, who in his April 2012 report to the Human Rights Council, recommended that the Government *[c]omplete without undue delay the*

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<sup>9</sup> *Supra* note 6, at para 74.

*electronic registration of all asylum-seekers and refugees in the civil status registry for foreigners and provide them with the relevant identification and travel documents. Necessary measures to ensure their integration into society, notably through implementation of their rights to housing, work and social services, should be considered promptly.”<sup>10</sup>*

Many refugees, asylum-seekers, and those receiving subsidiary protection are also unable to naturalize in Albania. The naturalisation process is constrained by a series of bureaucratic requirements still in place, even in the case of recognized refugees. The Government and the President’s Office have not waived any such requirements and have maintained their position that original documents from their country of origin, such as birth certificates, are required for refugees.

**Recommendations:**

UNHCR recommends that the Government of Albania:

- Ensure that the Albanian Ministry of Interior completes the process of producing travel documents and ID cards for permanent residents, including refugees, as soon as possible. Enact bylaws to ensure that refugees are not required to bring or produce information from their country of origin. This is often not an option for refugees and asylum-seekers, as persons in need of international protection should not be asked to contact their country of origin;
- Conduct a full-fledged reform of the Law on Integration to ensure that it is properly implemented and that its implementation is not hindered by the lack of bylaws or restrictions on the rights of refugees or asylum-seekers. The clarification in the legislation is particularly important in the case of housing, where refugees and those receiving subsidiary protection should be included in the categories of persons who can benefit from the law. Amendments to the current law are also necessary to ensure that such persons have access to social welfare programs and retirement benefits;
- Establish procedures and processes to effectively facilitate the naturalization and integration of refugees and those receiving subsidiary protection.

**Issue 4: The identification and protection of stateless persons**

As noted above, Albania has acceded to both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, making both conventions part of its domestic legislation. During the 2011 population census in Albania, 7,443 persons self-identified as stateless but no other official data on stateless persons in Albania are available. Despite being a State party to the 1954 Convention, a formal statelessness determination procedure has yet to be established. Establishing a statelessness determination procedure is the most efficient means for States party to the 1954 Convention to identify the beneficiaries of the Convention with the view to providing them with appropriate protection.

**Recommendation:**

UNHCR recommends that the Government of Albania:

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<sup>10</sup> *Supra* note 6, at para 74.

- Adopt and implement in national legislation a statelessness determination procedure and a legal status to ensure stateless persons who are not refugees are guaranteed the rights they are entitled to under the 1954 Convention.

#### **Issue 5: The reduction of statelessness**

The Albanian Constitution and Law on Albanian Citizenship do not allow statelessness in cases of withdrawal or renunciation of Albanian nationality, in line with international standards. However, the Law fails to adequately safeguard against statelessness in cases of children born in Albania who would otherwise be stateless because their parents are stateless, or are foreign citizens unable to transmit their nationality to a child born abroad.

Registration of all children immediately after birth is not ensured in Albania. Low birth registration rates primarily affect members of the Roma community who, due to marginalization and lack of awareness, often fail to register themselves and their children in the Government civil status offices. Low registration rates are also seen among children of poor parents and children born outside maternity homes or in early marriages.

Without birth records and formal documentation, children are legally invisible and denied their basic rights. Unable to prove who they are, or that they even exist, they are at risk of becoming stateless. Birth registration can contribute to the realization of the right of every child to a nationality. Birth registration helps to prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such it serves as a key form of proof of whether a person has acquired nationality by birth or by descent. Failure to document a person's legal existence can prevent the effective enjoyment of a range of human rights, including access to education and health care. In 2012, the Human Rights Council adopted a resolution on birth registration and the right of everyone to recognition everywhere as a person before the law, calling upon "*States to ensure free birth registration, including free or low-cost late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures without discrimination of any kind.*"<sup>11</sup>

Under the One UN Joint Project supporting vulnerable communities in Albania that ran from 2009 to 2013, children and adults have been assisted among others, to register their births through free legal clinics.<sup>12</sup> Though government figures are not available, it is estimated many more persons are in need of (subsequent) birth registration, for which there is currently no legal or administrative procedure in place. In 2012, the project involved not only central and local government authorities and specialized legal assistance NGOs, but also 5 local Roma NGOs with specific knowledge on the issues and challenges surrounding Roma and the so-called Roma community of "Egyptians." This approach ensured that all cases in need of civil registration that were identified were referred for registration, while Roma NGOs increased their capacity for legal assistance.

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<sup>11</sup> UN Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503cdba52.html>.

<sup>12</sup> Under this project 1581 cases have so far been assisted (at end September 2013) with different types of registration, including the issuance of birth certificates for 128 children.

In this regard, the Human Rights Committee, in its 108<sup>th</sup> session, expressed concern that “the Roma minority continues to face discrimination in access to housing, employment, education, social services and political life.” Among their recommendations, the Committee indicated that Albania “should take immediate steps” to “[i]nclude Roma communities in housing schemes” and “[e]nsure that all Roma people have identity cards.”<sup>13</sup>

The Committee on the Rights of the Child, in its 61<sup>st</sup> session, also expressed concern about these issues, noting that “birth registration is not free of charge,” “[r]egistration of all children immediately after birth is still not ensured and ... Roma and poor children, children born abroad, outside maternity homes and of early marriages are the ones most affected by the lack of birth registration,” and “[c]hildren without birth certificates might still be refused access to schools in spite of measures taken to avoid such a situation.”<sup>14</sup>

Additionally, in its 79<sup>th</sup> session, the Committee on the Elimination of Racial Discrimination also addressed the issue of birth registration for the Roma Community, calling on Albania to “take immediate steps to ensure that all Roma have access to personal documents that are necessary for them to enjoy, inter alia, their economic, social and cultural rights, such as employment, housing, health care, social security and education.”<sup>15</sup>

#### **Recommendations:**

UNHCR recommends that the Government of Albania:

- Amend the Law on Albanian Citizenship to bring it in line with the 1961 Convention, notably by ensuring that children born on territory acquire citizenship automatically at birth,
- Amend and implement the Law on Civil Status of 2002, along with its bylaws regulating the issue of documents and birth registration procedures in hospitals immediately following birth, as well as the recognition of births outside hospitals or abroad.
- Ensure that all individuals, including members of the Roma community, have prompt and effective access to birth registration and ensure their fundamental human rights.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**September 2013**

<sup>13</sup> *Supra* note 1, at para 23.

<sup>14</sup> *Supra* note 4, at paras 35-36.

<sup>15</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations of the Committee on the Elimination of Racial Discrimination - Albania*, paragraph 7, 14 September 2011, CERD/C/ALB/CO/5-8, available at: <http://www.refworld.org/docid/4ef1fe7c2.html>.

**Excerpts of Concluding Observations and Recommendations from UN Treaty  
Bodies and reports from UN Special Procedures mandate holders**

**Albania**

Below please find selected excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to the Albania.

**I. Excerpts from UN Treaty Monitoring Bodies**

**Human Rights Committee**

CCPR/C/ALB/CO/2, 108<sup>th</sup> Session  
22 August 2013

12. While appreciating the inclusion of articles 86 and 87 in the State party's Criminal Code that criminalizes acts of torture and ill-treatment, the Committee is concerned at the large number of complaints against law enforcement officials of ill-treatment of persons deprived of their liberty, including Roma who were detained in the context of forcible evictions from their homes in 2012. The Committee is also concerned at the lack of information on case-law invoking article 86, and about reports that investigations into such crimes rarely result in the conviction of perpetrators and in compensating victims (arts. 2, 7 and 10).

**The State party should ensure strict implementation of the prohibition of torture and ill-treatment. In this connection, the State party should ensure that law enforcement personnel receive training on the investigation of torture and ill-treatment by integrating the Istanbul Protocol in all training programmes for law enforcement officials. The State party should thus ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the seriousness of the crime, and that the victims are adequately compensated.**

13. The Committee is concerned that the automatic detention until deportation of all persons entering the country irregularly, including minors, and the lack of adequate information and referral of asylum-seekers among such persons to the asylum procedure, exposes persons in need of international protection to a high risk of refoulement. The Committee is also concerned at the poor standards of living conditions in transit reception facilities for asylum-seekers and refugees (arts. 6, 7, 9 and 10).

**The State party should ensure proper implementation of pre-screening procedures at the border and inside the country to ensure that persons in need of international protection are identified and referred to the asylum procedure regardless of whether or not they entered the country in an irregular manner. It should refrain from detaining asylum seekers on the basis of the manner of entry into the country. It should improve living conditions in transit reception facilities.**

14. While taking note of the information provided that the State party is no longer considered a transit country for trafficking, the Committee is concerned that it remains a country of origin, mainly for trafficked women and children (arts. 3, 8 and 24).

**The State party should reinforce existing measures to prevent and combat trafficking in persons. In particular, it should continue to identify victims of trafficking and take necessary measures to ensure that victims of trafficking in persons are provided with medical, psychological, social and legal assistance. Protection should be provided to all witnesses and victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against those held responsible. It should also devote sufficient resources to investigations of cases of trafficking in persons by identifying those responsible, prosecuting them and imposing commensurate penalties.**

15. The Committee is concerned at reports that children in conflict with the law are ill-treated in police stations after arrest. It is also concerned at the lack of: (a) Chambers designated for juveniles with specialised judges, (b) long-term rehabilitation programs for such children, and (c) educational facilities for convicted children (arts 7, 9, 10, and 24).

**The State party should effectively investigate all allegations of ill-treatment of children in police stations. It should reform its juvenile justice system by: (a) establishing juvenile chambers with trained judges, (b) creating long term rehabilitation programs with a view to facilitating integration of those children in society after release, and (c) ensuring that imprisonment of children is sought as a last resort, and providing for education facilities for imprisoned children.**

16. The Committee is concerned about inhumane conditions of detention, including overcrowding and poor sanitation conditions in detention facilities. The Committee is particularly concerned about reports that even the newly established facilities do not meet international standards (art 10).

**The Committee reiterates its concern (CCPR/CO/82/ALB, para 16) and urges the State party to improve the conditions of detention for those held on remand and for convicted persons. It should also ensure that new facilities meet international standards by allocating sufficient resources for their construction and operation.**

17. The Committee is concerned about the reportedly frequent incidence of arbitrary detention and expresses its concern that access to a lawyer after arrest is often hindered and that police decisions on the release of arrestees may be subject to bribes. The Committee expresses its concern about undue delay in delivering court decisions in criminal cases; that reasoning of court decision's at first instance is not delivered in time which compromises the ability of the aggrieved party to appeal; that hearings are often not public, and; that the transfer of files to the court of appeal is often delayed. The Committee is also concerned about the ineffectiveness of the free legal aid for persons in need (arts. 9, and 14).

**The State party should ensure full respect for article 9 of the Covenant, and to this end it should:**

- (a) Take measures to avoid arbitrary deprivation of liberty, and ensure that victims of arbitrary detention are adequately compensated; and,**

- (b) Ensure immediate access to a lawyer following arrest, and combat corruption.

The State party should uphold the right to a fair trial in line with article 14 of the Covenant. In this regard it should:

- (a) Urgently improve the functioning of the judicial system, including through increasing the number of qualified and professionally trained judicial personnel, and training judges and court staff in efficient case-management techniques; and,
- (b) Ensure that adequate compensation is awarded in cases related to lengthy proceedings; and,
- (c) Ensure the actual availability of free legal aid of for persons in any case where the interest of justice so requires.

20. The Committee expresses its concern about reports of a lack of cooperation between the State party and the Greek authorities in order to establish the whereabouts of 502 Roma street children from Albania who went missing after being arrested by Greek police for begging and were admitted to a child institution in Greece between the years 1998-2002 (art.24).

**The State party should intensify its efforts in engaging with the Greek authorities with a view to furnishing the truth surrounding the disappearances of those children and establishing their whereabouts. In doing so, the State party should involve the Ombudsman and relevant civil society organizations.**

23. The Committee is concerned that despite the adoption of the National Strategy for Roma and the Decade of Roma Inclusion (2010- 2015) the Roma minority continues to face discrimination in access to housing, employment, education, social services and political life (arts. 2, 25, 26 and 27).

**The State party should take immediate steps, in consultation with the Ombudsman, Commissioner for Protection Against Discrimination, civil society organizations, and the Roma community, to:**

- (a) Effectively implement the National Strategy for Roma and the Decade of Roma Inclusion (2010 to 2015), by allocating adequate earmarked resources and ensuring sufficient linkage between all Roma-related programs;
- (b) Include Roma communities in housing schemes, and as a matter of priority provide those forcibly evicted from their homes in 2012 with adequate and permanent housing;
- (c) Act on the Ombudsman's recommendations on Roma minority, particularly those relating to Roma children education;
- (d) Refrain from blocking access to existing livelihoods, facilitate a wide variety of employment opportunities, including through the strengthening and expansion of temporary special measures in the public sector, and the provision of vocational training;
- (e) Ensure that all Roma people have identity cards so as to facilitate their right to vote.

**Committee on the Rights of the Child**

CRC/C/ALB/CO/2-4, 61<sup>st</sup> Session

5 October 2012

### **Follow-up measures undertaken and progress achieved by the State party**

6. The Committee also welcomes the following institutional and policy measures:

(c) The National Strategy for the Fight against Child Trafficking and the Protection of Trafficked Children, adopted in July 2008; and

### **Data collection**

17. While noting the collection of data on children by the National Statistics Institute (INSTAT), the Committee is however concerned that INSTAT has not established a comprehensive data collection system covering all areas of the Convention and that data collection remains insufficient as regards notably children at risk of being trafficked, abused and neglected children, abandoned children, children belonging to minority groups and children with disabilities.

**18. The Committee encourages the State party to strengthen its efforts to set up a comprehensive data collection system with the support of its partners and to analyze the data collected as a basis for assessing progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention and its Optional Protocols. Data should include all children up to the age of 18 years, be disaggregated, inter alia, by age, sex, urban/rural area, ethnicity and socio-economic background to facilitate analysis on the situation of all children.**

### **Non-discrimination**

27. While welcoming the enactment of Law No. 10221 of 4 February 2010 on the Protection against Discrimination and the appointment of the Commissioner for the Protection against Discrimination in May 2010 and other efforts undertaken to counter discrimination especially against minorities in the State party, the Committee is concerned that, inter alia, girls, children belonging to minority groups, especially Roma, children living in rural areas and children with disabilities continue to be the victims of serious discrimination, especially in their access to education, social protection, health and adequate housing.

**28. The Committee urges the State party to ensure that its programmes address as a matter of priority the situation of discrimination against girls, children belonging to minority groups, children living in rural areas and children with disabilities. The Committee further urges the State party to include information in its next periodic report on measures and programmes relevant to the Convention and in particular to the situation of Roma children undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

### **Birth registration**

35. While welcoming the adoption in May 2009 of the Law “On the Civil Registration Offices” which notably eliminates the judicial procedure engaged in case of late registration, the Committee notes with concern that insufficient awareness-raising about this new law has been conducted for its effective implementation. The Committee is also concerned that:

(a) Although the law provides for financial incentives for those who register their children, birth registration is not free of charge for families;

(b) Registration of all children immediately after birth is still not ensured and that Roma and poor children, children born abroad, outside maternity homes and of early marriages are the ones most affected by the lack of birth registration; and

(c) Children without birth certificates might still be refused access to schools in spite of the measures taken to avoid such a situation.

**36. The Committee urges the State party to continue and strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory and that registration is free of charge. The Committee also urges the State party to take proactive measures targeting categories of children whose birth registration remains problematic. The State should also urgently issue clear instructions to all schools throughout the territory that all children, irrespective of their registration status should be enrolled into public schools and that failure to enroll these children might lead to administrative sanctions.**

#### **Harmful practices**

47. The Committee, while noting that the minimum legal age of marriage is set at 18 years, expresses concern about the persistent practice of early and forced marriages, especially in the Roma community.

**48. The Committee recommends that the State party fully enforce the minimum legal age of marriage and take all the necessary measures to curb the harmful practice of early and forced marriage, including the development of sensitization programmes and campaigns involving community leaders, society at large and children themselves on the negative impact of early and forced marriages.**

#### **Health and health services**

60. While welcoming the information provided by the State party during the dialogue on the national programme to reduce child malnutrition and the national awareness campaign launched in March 2012 on “The new and better ways of feeding babies and children in Albania”, the Committee is concerned over the still high infant mortality rate - largely resulting from malnutrition - which affects particularly children living in remote areas.

Furthermore, the Committee is concerned by:

(a) The high proportion of Roma children (almost half of them) that do not have a health card and therefore are deprived access to health services;

(b) Children’s access to health care being subject to their mother’s membership in the scheme of social insurance;

(c) The difficulty for children of rural and remote areas to access health care services;

(d) The pervasive practice of health workers and doctors asking for informal payments which prevents children from accessing health services;

(e) The fragmented organization of maternal and child health services and the lack of proper relations between those services and early childhood care institutions;

(f) The declining rate of exclusive breastfeeding; and

(g) The impact on children’s health of air pollution especially in the capital Tirana, of contamination of drinking water with pesticides and bacteriological substances and of poor food quality.

**61. The Committee urges the State party to prioritize the allocation of financial and human resources to the health sector with a special emphasis on primary health care in order to ensure equal access to quality health services by all children,**

including children living in remote areas and Roma children. In particular, the Committee recommends that the State party:

- (a) Strengthen its efforts to address child malnutrition, focusing primarily on the most disadvantaged categories of children and on nutrition education and access to quality food;
- (b) Ensure that all Roma children are provided with a health card and have effective and unimpeded access to health services; membership in the social security schemes;
- (d) Take all necessary measures to counter the pervasive practice of health workers and doctors asking for informal payments;
- (e) Strengthen the link between maternal and child health services, including pediatric institutions and the collaboration of these services and the early childhood care institutions;
- (f) Strengthen its efforts to promote exclusive breastfeeding until 6 months of age by raising the awareness of health personnel and the public of the importance of exclusive breastfeeding; and
- (g) Take all the necessary measures to address air pollution and contamination of drinking water.

#### **Standard of living**

66. The Committee notes that poverty levels in the State party continue to be high and thus welcomes the creation of child protection offices in the communes and at district level and the commitment made by the State party to establish a functional child protection system to deal with issues of child poverty. The Committee is however concerned that social protection schemes do not focus specifically on children, are limited to small cash transfers and have failed to lift families, in particular Roma families and families with children with disabilities, out of poverty. The Committee is also concerned that two thirds of poor families are left without any economic aid.

**67. The Committee recommends that the State party reform its child protection system and undertake structural changes in order to address child poverty, including by ensuring priority access to services for all families and children at risk, paying particular attention to Roma families and families with children with disabilities. In that regard, the Committee recommends that the State party provide all families with child allowance as a universal benefit and that cash transfers to families living in poverty are complemented by measures to promote employment for women and children after completing education and provide skills training, housing, transport and other benefits. The Committee also recommends that the State party ensure that social workers are well trained, receive sufficient salaries and are clearly instructed to identify families and children at risk, to manage the social schemes effectively and to follow-up on their implementation and assess their impact.**

68. While welcoming the information provided by the State party during the dialogue that the forcibly removed Roma families from their settlement near the Tirana train station in February 2011 were finally provided with housing solutions, the Committee remains concerned about the precarious housing conditions that some of these families still remain.

**69. The Committee recommends that the State party address the housing conditions of all the affected Roma families and refrain in the future from forced evictions.**

### **Education, including vocational training and guidance**

70. While the Committee welcomes the introduction of the “Second Chance” programme, it is concerned that only 3.2 per cent of the State party GDP was devoted to education in 2011, which is well below the minimum international standard and below the regional average. The Committee is particularly concerned about the dilapidated state of school buildings, the poor situation of hygiene and sanitation, the poor education services and learning conditions in rural areas. The Committee is also concerned that:

- (a) Although compulsory education lasts until Grade 9, only primary school is free, and costs compromise the ability of parents to send their children, especially girls, to school;
- (b) Despite efforts to provide transportation to schools, most schools are concentrated in the centre of the communes;
- (c) There are barriers to accessing education for children lacking birth registration and identity documents including Roma children, children with disabilities, children from remote areas and children with HIV/AIDS;
- (d) Although pregnant girls are allowed to continue education, they are in practice often encouraged to do distance learning;
- (e) Only 10 per cent of all children between 1 and 3 years have access to preschool education and children from the Roma communities have even lower access, although enrolment in pre-school education would provide them with opportunities for early language skills, socialization with other children and preparation for primary school;
- (f) The educational system continues to be seriously affected by corruption; and
- (g) Contrary to the law, minority children and in particular Roma children, have limited possibility to be taught in their own language and to learn their history and culture within the framework of the national teaching curricula.

**71. In light of its general comment No. 1 (CRC/GC/2001/1), the Committee urges the State party to significantly increase its budgetary allocations to the education sector. The Committee also urges the State party to take all necessary measures to:**

- (a) Assess whether the “Second Chance” programme is effective and sustainable in attracting students who drop out of school to resume their education;**
- (b) Invest in teacher training and in the maintenance and renovation of the educational infrastructure, in particular in rural areas and to ensure that adequate facilities are available for quality education;**
- (c) Ensure that compulsory education is free throughout the years of compulsory schooling for all children, including with regard to textbooks and transportation to school for disadvantaged children and families living in rural areas;**
- (d) Ensure effective access to education to children with disabilities children, children infected by HIV/AIDS, Roma children and pregnant girls;**
- (e) Ensure that Roma children, children with disabilities, children of single mothers and households classified as poor have priority access to comprehensive preschool programmes to facilitate early learning and socialization and ensure adequate funding for an effective implementation of policies which encourage their enrolment in pre-school education;**
- (f) Prosecute perpetrators of corruption in schools; and**
- (g) Train educators and develop curricula, textbooks and other aids in order to provide minority-language education, particularly for Roma children and develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights**

**of Roma in Albanian society and consider ratifying the European Charter for Regional and Minority Languages.**

#### **Asylum-seeking and refugee children**

72. The Committee expresses concern that children migrating to Albania, including unaccompanied children are generally considered as irregular migrants, detained in the National Detention Centre for Irregular Migrants in Karec and deported back without having had access to legal procedures to determine their best interests, or to specialized services and assistance of a legal guardian. The Committee is further concerned that asylum-seeking and refugee children with no proof of educational background may not have access to education.

**73. The Committee recommends that the State party ensure that children are properly identified and registered during pre-screening procedures at border points and no longer detained and that best interests determination procedures are initiated to define how to best address the child's immediate and long term needs. This should include the appointment of legal custodians as well as provision of comprehensive information to minors on their return prospects. The Committee encourages the State Party to ensure that the Border Police do not detain unaccompanied minors and in this regard to seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR). It also urges the State party to ensure that asylum-seeking and refugee children have access to education. It further recommends that the State party takes into account its general comment No.6 (CRC/GC/2005/6) and to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Children in situations of migration**

74. The Committee expresses concern about the physical, psychological and social impact that massive labour migrations have on the rights and wellbeing of children and the preservation of the family unit.

**75. The Committee recommends that the State party study the impact of migration on children as previously recommended by the Committee on Migrant Workers (CMW/C/ALB/CO/1 para.37, 2010) and to provide children with all the necessary social services for them to fully enjoy their rights under the Convention.**

#### **Children belonging to minority groups**

76. The Committee notes with concern the weak implementation of the various programmes and strategies for Roma due mainly to inadequate allocation of resources and the insufficient coordination between institutions involved at central and local levels. The Committee is also concerned that Egyptians are not recognised as a minority in the State party and that Egyptian children therefore might not be entitled to the special protection measures for vulnerable groups of children.

**77. The Committee urges the State party to further strengthen and implement its various programmes and strategies for Roma children, in particular by further allocating human and financial resources. The Committee also recommends that the State party amend its National Strategy to Improve Living Conditions of the Roma Minority and take active measures specifically aiming at preventing and combating discrimination and marginalization of Roma children. The Committee further**

**recommends that the State party recognises the Egyptian minority, in order to guarantee special protection measures that their children are entitled to.**

#### **Sale, trafficking and abduction**

82. The Committee welcomes the various measures undertaken in order to combat trafficking of children, including the adoption of the National Action Plan for the Struggle against Trafficking of Children and for the Protection of Children Victims of Trafficking (2011-2013), the incorporation in the curricula of high schools of awareness-raising programs about the danger of being trafficked and the establishment of a database for the victims of trafficking. However, the Committee is seriously concerned that the State party continues to be a source country for children subjected to sex trafficking and forced labour, including forced begging within the State party and abroad. The Committee is further concerned that:

- (a) Roma and Egyptian minority children are over represented among children victims of trafficking;
- (b) The involvement of police and government officials in trafficking cases and the corruption within the judiciary hamper the overall anti-trafficking law enforcement;
- (c) Efficient mechanisms to protect witnesses and victims of trafficking have not been set up; and
- (d) The State does not financially support non-governmental organizations providing trafficking victims with shelter, care and assistance.

**83. The Committee urges the State party to take vigorous measures to end the trafficking of children within the State party and abroad. To this aim, the Committee urges the State party to:**

- (a) Ensure that the National Action Plan for the Struggle against Trafficking of Children and for the Protection of Children Victims of Trafficking (2011-2013) addresses prevention measures targeting in particular children from Roma and Egyptian minorities;**
- (b) Take active measures to bring to justice police and government officials involved in trafficking cases;**
- (c) Establish a mechanism to protect victims and witnesses of trafficking;**
- (d) Provide children victims of trafficking with shelter, psycho-social support and assistance for reintegration and consider supporting civil society organizations which already do so; and**
- (e) Ensure that thorough investigations and robust prosecutions of persons committing these offences are carried out and that sufficiently effective and dissuasive sanctions are imposed in practice as recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations (Observation, 2010).**

**Committee on the Rights of the Child: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

CRC/C/OPSC/ALB/CO/1, 61<sup>st</sup> Session

5 October 2012

#### **Positive aspects**

4. The Committee notes with appreciation the State party's accession to or ratification of:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in December 2008;

(d) The Council of Europe Convention on Action against Trafficking in Human Beings, in February 2007;

(g) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in August 2002;

5. The Committee notes the adoption of the following institutional and policy measures related to the implementation of the Optional Protocol:

(a) The establishment of the Anti-Trafficking Unit, attached to the National Coordinator's Office in the Ministry of Interior, in December 2005;

(b) The National Action Plan on the fight against trafficking in human beings, and its supplementing document the National Action Plan on the fight against trafficking in children and protection of children, victims of trafficking 2011-2013, in February 2011; and

(c) The signature of the bilateral agreement with Greece "On the protection and assistance for the children who are victims of trafficking", in February 2006.

#### **Data Collection**

6. While noting that since 2008, data on trafficking in human beings has been collected by the State party, the Committee regrets that data is available only on cases of trafficking and that an integrated and centralized system of data collection on sale of children, child prostitution and child pornography and on children in general does not exist.

**7. The Committee recommends the State party to establish a consolidated system for systematic data collection, in order to effectively analyse, monitor and assess the impact of laws, policies and programmes on all the areas covered by the Optional Protocol. This would include data on both perpetrators and victims of sale of children, child prostitution and child pornography. Data should be disaggregated, inter alia, by the nature of the offence and by age, sex, urban/rural area, ethnic and socio-economic background and by paying particular attention to children who are especially vulnerable to becoming victims of the offences covered by the Optional Protocol. The Committee also recommends that the State party establish a system of common indicators when collecting data for the various states and territories.**

#### **Legislation**

8. While welcoming efforts to integrate various provisions of the Optional Protocol into the legislation of the State party, the Committee is concerned that such efforts have focused almost exclusively on trafficking and prostitution. The Committee is further concerned that existing legislation does not explicitly address all offences covered under the Optional Protocol, and that the definition of sale of children in State party legislation is not in conformity with the Optional Protocol.

**9. The Committee requests the State party to take all necessary measures to fully incorporate the Optional Protocol in its domestic legal system. The Committee recommends that the State party amend the definition of sale of children in national legislation, which is similar to but not identical to trafficking in persons, in order to adequately implement the provision on sale contained in the Optional Protocol.**

#### **National Action Plan**

10. While noting the National Action Plan on the fight against trafficking in human beings, and its supplementing document the National Action Plan on the fight against trafficking in children and protection of children, victims of trafficking 2011-2013 as well as other national strategies with regard to trafficking, the Committee is concerned that this Action Plan and the national strategies do not cover all the provisions of the Optional Protocol. The Committee is further concerned about the lack of adequate resources devoted to their implementation, the unclear division of responsibilities among governmental bodies and mechanisms to make the Action Plan and the national strategies effective; and the limited measures taken to monitor their impact.

**11. With reference to its concluding observations under the Convention (CRC/C/ALB/2-4) paragraphs 11 and 12, the Committee recommends that the State party adopt a comprehensive programme of action targeting specifically all issues covered under the Optional Protocol in its Action Plan for Children 2012-2015 and provide adequate human, technical and financial resources for its implementation. In doing, so the Committee recommends that the State party take into account the evaluation and review of projects under the existing Action Plan and national strategies on trafficking. Furthermore, the Committee recommends the State party to ensure the effective implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro in 1996, 2001 and 2008 respectively.**

#### **Dissemination and awareness-raising**

13. While noting as positive the importance accorded by the State party to dissemination and awareness-raising about trafficking in human beings, the Committee is concerned that the Optional Protocol has not been sufficiently promoted and disseminated. The Committee is concerned that children who are particularly at risk of becoming victims of sale, child prostitution and child pornography, and notably, children of minority groups and children in street situations, as well as their parents do not have adequate knowledge of strategies to protect children from these violations.

**14. The Committee recommends that the State party:**

**(a) Make the provisions of the Optional Protocol widely known to the public, particularly to children and their families, through, inter alia, developing and implementing long-term awareness-raising programmes, and including the provisions of the Optional Protocol into school curricula at all levels of the education system using appropriate material created specifically for children; and**

**(b) In cooperation with civil society and media and in line with article 9, paragraph 2, of the Optional Protocol, intensify and promote awareness raising among the public at large, including children, through information by all appropriate means, about the harmful effects of all the offences referred to in the Optional Protocol and encourage the participation of the community and, in particular, children and child victims of both sexes, in such awareness raising and information and education programmes.**

#### **Training**

15. While noting that training activities on combating human trafficking are carried out for some professionals, the Committee regrets that these are not systematic and do not include all areas covered by the Optional Protocol, including the sale of children.

**16. The Committee recommends that the State party strengthen training activities focused on the rights of children in all areas covered by the Optional Protocol for all relevant professionals working with and for children, including judges, public prosecutors, police officers, medical staff, social welfare officers, media and other groups of professionals concerned.**

#### **Allocation of Resources**

17. While noting that resources have been allocated for the fight against trafficking in human beings, the Committee is concerned about the absence of allocation of human, technical and financial resources specifically for the implementation of the Optional Protocol.

**18. The Committee urges the State party to ensure that sufficient resources are allocated for the implementation of all areas covered by the Optional Protocol, by providing, in particular, the necessary human, technical and financial resources for the development and implementation of programmes aimed at the prevention, protection, physical and psychological rehabilitation and social reintegration of victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol.**

#### **Prosecution**

29. While noting the efforts undertaken by the State party to prosecute individuals for trafficking offences involving children, the Committee is concerned at the low number of convictions that result from such prosecutions. The Committee is also concerned about the lack of information provided concerning reported cases of offences covered under the Protocol, including information on the investigation, prosecution and punishment of perpetrators.

**30. The Committee urges the State party to ensure that all crimes under the Optional Protocol are investigated and that perpetrators of such acts are effectively prosecuted and duly sanctioned if found guilty. The Committee urges the State party to provide specific information on investigations, prosecutions and punishments of perpetrators of these offences under the Optional Protocol in its next periodic report.**

#### **Recovery and reintegration of victims**

39. The Committee welcomes the Law No. 10192 of 3 December 2009 “On the prevention and striking of organized crime and trafficking through preventative measures against the property” that establishes a Special Fund designated for social purposes, including rehabilitation and integration of victims of trafficking. However, the Committee is seriously concerned that:

(a) Children who have experienced commercial sexual exploitation are unable to break the cycle of abuse and are often turning into recruiters or pimps for exploiting younger children; and trafficking through organized crime and do not adequately take into account the needs of victims of sale of children, child prostitution and pornography offences under the Optional Protocol.

**40. The Committee urges the State party to take all appropriate measures for the physical and psychological recovery and social reintegration of child victims of all offences under the Optional Protocol, and ensure that those measures take place in an environment that fosters the self-respect and dignity of the child. It further recommends that child victims provided with appropriate support, including educational and vocational assistance, to help break the cycle of abuse.**

**Committee on the Rights of the Child: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

CRC/C/OPAC/ALB/CO/1, 61<sup>st</sup> Session

5 October 2012

**Measures adopted to protect the rights of child victims**

19. The Committee regrets the lack of information regarding measures taken to identify children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities abroad, as well as inadequate measures taken for their physical and psychological recovery and social reintegration.

**20. The Committee encourages the State party to take all measures to identify children who may have been recruited or used in hostilities abroad, and take the necessary measures for their physical and psychological recovery and social reintegration. Such measures should include careful assessment of the situation of these children, reinforcement of the legal advisory services available for them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance.**

**Committee on the Elimination of Racial Discrimination**

CERD/C/ALB/CO/5-8, 79<sup>th</sup> Session

2 September 2011

**Positive Aspects**

4. The Committee notes with interest the following legislative and other measures taken by the State party:

(c) The “Action Plan of the Decade of Roma Inclusion”, adopted in 2009.

**Domestic law and minorities**

7. The Committee reiterates its concern about the distinction in domestic law between national minorities (Greek, Macedonian and Serbian-Montenegrin minorities) and linguistic minorities (Roma and Aromanians). While noting the statement by the State party that this distinction does not have any effect on the rights enjoyed by persons belonging to such minorities, the Committee is concerned, nevertheless, that the justification of the distinction may be incompatible with principle of non-discrimination. (art.2)

**7. The Committee reiterates its recommendation that the State party reconsider the criteria on the basis of which the distinction between national minorities and linguistic minorities is based, in consultation with the groups concerned, and ensure that there is no discrimination in terms of protection or enjoyment of rights or benefits, either across groups or across territory.**

### **Roma children and education**

8. While acknowledging the use by the State party of special measures to advance the enjoyment of rights by persons belonging to minority groups in specific areas, especially with regard to the promotion of access to education by Roma children, the Committee is concerned about the absence of a clear position by the State party on the application of special measures for the advancement of the rights of minorities and other disadvantaged groups. (art.1 and 2)

**8. The Committee, recalling its General Recommendation No.32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, recommends that the State party adopt clear principles regarding the use of special measures to advance the enjoyment without discrimination of the rights of individuals belonging to minorities, and that when adopting and implementing such measures, the targeted groups are appropriately consulted.**

### **Antidiscrimination policies**

11. The Committee, while welcoming the adoption of a wide range of strategies and policies to improve the situation of the Roma minority, notes that the effectiveness and impact of these measures have not been sufficiently assessed. The Committee notes with interest the statement of the State party that both the National Strategy for Roma and the Action Plan of the Decade of Roma Inclusion are in the process of being evaluated. (art.5)

**11. The Committee, recalling the General Recommendation No.27 (2000) on non-discrimination of Roma, urges the State party to fully implement all antidiscrimination policies that have been adopted with regard to the Roma minority in access to education, housing, employment, health and other social services, and in access to public places, to closely monitor and evaluate progress in implementation of these policies at national and local levels, and to make an assessment of the impact of the measures already implemented in its next periodic report.**

### **Aromanians**

12. The Committee is concerned about the situation of Aromanians with regard to the enjoyment of rights without any discrimination.

**12. The Committee recommends that the State party address the situation of persons belonging to the Aromanians minorities with regard to their rights to freedom of opinion, of expression, to education and to have access to public services without any discrimination.**

### **Birth registration**

14. While welcoming the information provided by the State party regarding the measures being taken to address the situation of unregistered Roma, the Committee is concerned about the difficulties that many Roma still experience in obtaining personal documents, including birth certificates and identification cards. (Art. 5)

**14. The Committee recommends that the State party take immediate steps to ensure that all Roma have access to personal documents that are necessary for them to enjoy, inter alia, their economic, social and cultural rights, such as employment, housing, health care, social security and education.**

### **Roma youth**

15. The Committee reiterates its concern about allegations that members of the Roma minority, especially the young, face ethnic profiling and are subjected to ill-treatment and improper use of force by police officers. It regrets the absence of specific information in this regard by the State party. (art.5)

**15. The Committee reiterates its recommendation that the State party take measures to halt such practices and to increase law enforcement officials' sensitivity to human rights and training in matters involving racial discrimination.**

### **Right to education**

16. While commending the efforts undertaken by the State party in the area of education for minorities, including the provision of education in their languages and courses on their native languages, the Committee regrets that effective enjoyment of the right to education is not guaranteed for all children from minorities and other vulnerable groups, many of whom do not have access to education in their own language. (art.5)

**16. The Committee encourages the State party to step up its efforts to ensure effective access to education of children belonging to minority groups. The Committee also requests the State party to provide detailed information in its next periodic report, including disaggregated statistics, on enrolment in primary, secondary and higher education of members of minorities and other vulnerable groups.**

### **Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**

CMW/C/ALB/CO/1, 13<sup>th</sup> Session  
10 December 2010

### **Positive aspects**

5. The Committee notes with appreciation that Albania piloted at its border points a unique pre-screening procedure, for migrants in an irregular situation, asylum-seekers, unaccompanied minors and victims of trafficking entering Albania. This procedure has been in place since 2004 and aims to improve the treatment of irregular migrants.

6. The Committee welcomes the efforts undertaken by the State Party to promote and protect the rights of Albania's migrant workers abroad, including:

- (a) The National Strategy on Migration and National Action Plan on Migration;
- (b) The Government Information and Communication Policy addressed to the Albanian Migrant Community abroad; and
- (c) The establishment of Migrant Service Centres in all Regional Employment Offices.

7. The Committee also welcomes the binational institutional dialogue to pursue/renew labour agreements/protocols of implementation with Greece and Italy.

8. The Committee further welcomes the ratification of the following instruments:

- (a) The Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2008;
- (b) International Labour Organization (ILO) Conventions No. 97 on Migration for Employment (1949), in 2005; No.143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

(Supplementary Provisions), in 2006; No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), in 2001;  
(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants By Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2002.

### **Expulsion**

23. The Committee takes note of information that migrant workers and members of their families are entitled to lodge an appeal against an expulsion order with an administrative body – the Border and Migration Department in the Police Directorate General - and, if they do not agree with this decision, have the possibility to address the first instance court.

**24. The State party is invited to ensure that, pending such appeal, the person concerned shall have the right to seek a stay of the expulsion.**

### **Residence permit**

25. The Committee notes that the law does not provide for a renewal of the residence permit to members of the family of a migrant worker in case of divorce or in case of death of the migrant worker.

**26. The State party is invited to ensure that the rights of the families of the deceased or divorced migrant worker are guaranteed in conformity with article 50 of the Convention.**

### **Trafficking**

39. The Committee take note of the National Strategy adopted by Albania on combating trafficking in human beings and its National Action Plan, as well as the Cooperation Agreement to establish a national Referral Mechanism for the enhanced identification of and assistance to victims of human trafficking. However, it notes with deep concern that the State party has emerged as a country of origin, as well as a transit country, for persons trafficked for the purposes of sexual exploitation and forced labour, including women and children.

40. The Committee is equally concerned at information according to which police personnel and Government agents would be involved in the trafficking, and by the absence of efficient mechanisms to protect witnesses and victims.

41. The Committee, while acknowledging the adoption of the National Strategy and Plan of Action for the Fight Against Child Trafficking and the Protection of Child Victims of Trafficking, notes that children who fall victim to trafficking for labour exploitation remain a concern in the State Party.<sup>20</sup> The Committee is particularly concerned at the fact that, until 2004, about 4,000 children had migrated unaccompanied by their parents.

**42. The Committee recommends that the State party:**

**(a) Evaluate the phenomenon of trafficking in persons and compile systematic disaggregated data with a view to better combating trafficking in persons, especially of women and children, and bringing perpetrators to justice;**

**(b) Allocate sufficient financial and human resources to implement national strategies to combat trafficking, including child trafficking;**

**(c) Apply measures, at the national and international levels, to dismantle trafficking networks;**

- (d) Increase its efforts to identify victims of trafficking, to enforce antitrafficking laws, to train police forces, judges, prosecutors and social service providers, and to fund ambitious prevention of trafficking campaigns;**
- (e) Intensify efforts to determine the causes of massive departure of unaccompanied minors and to reduce the magnitude of this phenomenon;**
- (f) Define the crime of sale of children and to adopt laws on accessible procedures for victims of trafficking to obtain reparation; and**
- (g) Vigorously prosecute labour trafficking offenders and public officials who participate or facilitate human trafficking;**

#### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/ALB/CO/3, 46<sup>th</sup> Session

16 September 2010

#### **Positive aspects**

9. The Committee commends the State party for programmes adopted with the aim of accelerating elimination of discrimination against women and promoting gender equality, including the National Strategy and Action Plan on Gender Equality and Domestic Violence 2007-2010, the National Strategy for the Fight against Trafficking in Human Beings 2005-2007, the National Strategy and Action Plan for the Fight against Trafficking in Human Beings for 2008-2010 and the National Strategy and Action Plan for the Fight against Trafficking in Children and Protection of Child Victims of Trafficking 2008-2010.

#### **Harmonization of national legislation**

18. The Committee notes the efforts to reconcile the newly enacted gender equality and anti-discrimination laws, legislation previously in force and the Convention, especially in addressing multiple and intersecting forms of discrimination experienced by ethnic minority women, women with disabilities, rural women and other disadvantaged groups of women, and notes the legal basis for imposing sanctions for acts of discrimination.

**19. The Committee recommends that the State party monitor the impact of the gender equality and anti-discrimination legislation, identify inconsistencies and address them, as appropriate, with a view to ensuring that the implementation of the legislation is conducive to the effective elimination of discrimination against women, especially women belonging to disadvantaged groups, such as ethnic and linguistic minority women, women with disabilities, older women, women living in rural or remote areas, migrant women, women living with HIV/AIDS and women discriminated against on the grounds of their sexual orientation and gender identity.**

#### **Trafficking and exploitation of prostitution**

28. The Committee recognizes the efforts by the State party, and the positive results achieved, in combating trafficking in women and girls, including for the purpose of sexual and economic exploitation, through legislative, strategic and institutional measures. These include, inter alia, the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the conclusion of bilateral agreements on cooperation in respect of trafficking in human beings, the adoption of domestic laws and various national strategies and action plans (see paras. 8 and 9 above), the establishment of several institutions engaged in the fight against trafficking in human

beings and of centres for victims of trafficking, the organization of various professional training projects aimed at strengthening the rendering of assistance to victims and the establishment by the Ministry of the Interior of a centre for the processing of data on victims of trafficking. The Committee remains concerned, however, about gaps in the implementation of legislation and strategies, the low number of criminal convictions for trafficking in women, the failure to effectively protect victims of trafficking as witnesses and the lack of compensation for victims. It is also concerned about re-trafficking of victims and internal trafficking in women, as well as about the lack of effective preventive measures. The Committee reiterates its specific concern, contained in its previous concluding observations (see A/58/38, para. 70) that prostitutes and victims of trafficking remain subject to criminal punishment under the Penal Code.

**29. The Committee urges the State party to ensure that offenders who commit either cross-border or internal trafficking are prosecuted and punished. It recommends that free legal aid be guaranteed for victims of trafficking and that witness protection laws be effectively applied. The Committee also recommends that the Penal Code be amended to the effect that victims will not be subjected to criminal prosecution and punishment and that internal trafficking will also be covered under the criminal offence of trafficking in human beings. Such measures are also conducive to promoting the cooperation of victims of trafficking with law enforcement agencies and their use of existing, but rarely utilized, compensation schemes. The Committee further calls upon the State party to strengthen preventive measures, including educational opportunities for disadvantaged groups of women, including teenage girls and girls belonging to linguistic or ethnic minorities. The Committee requests the State party to introduce, where lacking, exit programmes, including social support, rehabilitation and reintegration measures, for trafficked women and girls, so as to diminish the chances of women and girls becoming victims of re-trafficking. Victims of trafficking suffering from serious health problems, including post-traumatic stress disorder, must have access to adequate health care. The Committee encourages the State party to improve its monitoring system, as well as the evaluation of the phenomenon of cross-border and internal trafficking in women, with a view towards more effective implementation of anti-trafficking legislation, policies and measures. The Committee urges the State party to amend its Penal Code so that prostitutes are not criminally prosecuted and punished, and to provide adequate support programmes for women who wish to leave prostitution. The Committee further requests the State party to provide in its next periodic report comprehensive information and data on trafficking in women, including on the progress made.**

#### **Education**

30. The Committee commends the State party for the comprehensive reforms undertaken and the achievements made in the field of education that reflect gender issues, for example in the training of teachers and the review of school curricula and textbooks. The Committee expresses a number of concerns, however, in relation to the education of girls in rural or remote areas and girls belonging to linguistic or ethnic minorities. Such concerns relate to the high dropout rate from schooling, especially at the secondary level, resulting from early marriages, traditional sex-role stereotypes, lack of means of transportation, secondary costs of education and involvement in economic activities, indicating poverty as a strong predictor. The Committee also expresses concern about the

lack of comprehensive data on the rate of enrolment of Roma women and girls, as well as women and girls with disabilities, at all levels of education, which is an impediment for the State party in assessing their situation with a view to improving it. The Committee is also concerned about the low level of representation of women in senior management positions in educational institutions at the primary, secondary and tertiary levels.

**31. The Committee recommends that the State party continue raising awareness of the importance of education for the empowerment of women and that it take concrete comprehensive measures to overcome traditional attitudes and other obstacles to the education of girls and women. The Committee especially recommends intensifying efforts to promote the access of girls and women living in rural or remote areas, including minority girls and women, to education and their retention at all levels of education. The Committee calls on the State party to enhance temporary special measures currently in place in the form of quotas, in order to ensure the representation of women in high-level positions in universities and other educational institutions. It requests inclusion, in the next periodic report, of comprehensive data and information on the educational situation and opportunities of disabled women and girls, as well as those belonging to ethnic and linguistic minorities, particularly Roma women and girls.**

## **II. Excerpts from UN Special Procedures mandate holders' reports**

### **Human Rights Council: Report of the Special Rapporteur on the human rights of migrants, François Crépeau**

A/HRC/20/24/Add.1, 20<sup>th</sup> Session  
10 April 2012

#### **Normative and institutional framework for the protection of the human rights of migrants**

70. The Government should:

(c) Place vulnerable groups – children, women, youth and the Roma – at the heart of a human rights-based national migration strategy. The Government is called upon to undertake analysis on (i) the interrelation between migration and all forms of exploitation, including trafficking, and (ii) the human rights of women in the context of migration, and to ensure sustainability of shelters for victims of violence.

#### **National human rights protection system**

71. The Government should:

(f) Undertake systematic training on human rights and migration for lawyers and judges, social workers, migration and border police, civil servants, representatives of the media and members of parliament. The Government is strongly encouraged to continue and further develop, in partnership with civil society, the training programmes on migration law undertaken by the School of Magistrates in Tirana;

(g) Strengthen anti-trafficking measures, notably through increased funding of shelters for victims of trafficking, amendments to the Criminal Code (providing for victims to be legal parties in criminal proceedings), and putting in place a mechanism for proactive identification of potential victims of trafficking.

(g) Formulate, in partnership with returnee women and children themselves, specialized programmes for Albanian women and children migrants returning voluntarily or forcibly for their reintegration at local level.

### **Returnees**

73. The Government should:

(a) Take urgent measures to ensure that the return of Albanian unaccompanied children from neighbouring countries only takes place pursuant to an analysis of the best interests of the child and is properly followed-up on an individual basis by national authorities. Authorities of the concerned countries should conduct an in-depth assessment of the situation and put in place prompt measures to ensure that no child is returned outside of the formal readmission agreements;

### **Foreign migrants**

74. The Government should:

(a) Take prompt steps to ensure that the right to seek and enjoy asylum is fully respected. The Special Rapporteur recommends regular updates and debriefing to Border and Migration Police on the situation of countries of origin of third country nationals arriving at the Albanian border. Availability of interpreters and pre-screening forms in all relevant languages and training of Albanian lawyers on migration and asylum matters should be addressed as issues of priority;

(b) Complete without undue delay the electronic registration of all asylum-seekers and refugees in the civil status registry for foreigners and provide them with the relevant identification and travel documents. Necessary measures to ensure their integration into society, notably through implementation of their rights to housing, work and social services, should be considered promptly.