



**CHILDREN'S HUMAN RIGHTS CENTRE
OF ALBANIA – CRCA**



ALBANIAN CHILDREN'S RIGHTS NETWORK - ACRN

ALBANIA

ALTERNATIVE REPORT

**For the situation of children's rights and the implementation of
the Convention on the Rights of the Child in Albania**

Tirana, August 2004

This Alternative Report was prepared by these organisations:

The Children's Human Rights Centre of Albania - CRCA

Contact person: Altin Hazizaj - Director
S. Thornton Barkley - Director
Mail address: Kutia Postare 1738, Tirana / ALBANIA
Office address: Pallatet e Shallvareve, Vila mbrapa Fushave te Tenisit, Kati III,
Tirana
Phone / Fax: + 355 4 242264
E-mail: crca@adanet.com.al
Web address: www.crca.org.al/

Albanian Children's Rights Network- ACRN

Contact person: Altin Hazizaj
Mail address: Kutia Postare 1403, Tirana / ALBANIA
Phone / Fax: + 355 4 242264
E-mail: crca@adanet.com.al
Web address: www.crca.org.al/networking.html (in English)
<http://www.crca.org.al/shqip/rrjetezimi.html> (in Albanian)

CONTENTS

	Page
EXECUTIVE SUMMARY	4
I. GENERAL MEASURES OF IMPLEMENTATION	5
II. THE DEFINITION OF THE CHILD	6
III. GENERAL PRINCIPALS	6
- Non-discrimination	6
- The best interest of the child	7
- The Right to Life, Survival and Development	7
- Respect for the views of the child	8
IV. CIVIL RIGHTS AND FREEDOMS	9
- Name and nationality	9
- Preservation of identity	9
- Freedom of expression	9
- Access to appropriate information	10
- Freedom of thought, conscience and religion	10
- Freedom of association and peaceful assembly	10
- Protection of privacy	11
- The right to be subjected to torture or other cruel, inhuman or degrading treatment and punishment	11
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	12
- Parental guidance	12
- Parental responsibilities	12
- Separation from parents	13
- The family reunion	13
- Children deprived of family environment	13
- Adoption	14
- Illicit transfer and the non-return	14
- Abuse and neglect including physical and psychological recovery and social re-integration	15
VI. BASIC HEALTH AND THE WELFARE	16
- The Disable children	16
- Health and Health services	17
- Social security and child care services and facilities	18
- The standard of living	19

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	20
- Education, including vocational training and guidance	20
VIII. SPECIAL PROTECTION MEASURES	22
- Refugee children	22
- Children in armed conflicts including physical and psychological recovery and social integration	22
- The administration of juvenile justice	23
- Children deprived of their liberty, including any form of detention, imprisonment and placement in custodial settings	26
- Economic exploitation, including child labour	27
- Drug abuse	28
- Sexual exploitation and sexual abuse	29
- Sale, trafficking and abduction of children	31
- Children belonging to minorities or indigenous groups	32

EXECUTIVE SUMMARY

The Republic of Albania ratified the Convention on the Rights of the Child in February 1992, which entered into force on 28 March of the same year. In the Constitution of Albania it is stated explicitly that every international agreement ratified by the Parliament, is a constituting part of the internal judicial system. An international agreement ratified by law is superior to national law, which are not in accordance with it.

Although Albania has ratified the UN Convention on the Rights of the Child, the lack of political will of the government and the shortcomings in the knowledge on the Convention on the Rights of the Child by staff at local and central level have brought about its non-implementation as a whole and as a result, it can be said that the rights of the child are cruelly violated and in many other cases they have not been guaranteed or protected.

The lack of a national authority for the rights of the child means that all governmental initiatives remain separate acts of intervention, and not coordinated actions. Though, there has been increasing pressure from NGOs for the establishment of such a body, the Albanian government has resisted this for unreasonable reasons. The budget of government at central and local levels does not include a specific budget to cover children; nevertheless children in Albania make up almost 40% of population.

The lack of a system to protect children financed by government has contributed to the increase in the cases of child violence and abuse. The existence of a General Administration of Social Services at national level has not brought about any radical change in the protection of the child. In many cases, it has been noted the clear lack of standards

Child labour and child trafficking, street children, children in conflict with law and child abuse are the most striking phenomenon in Albania. Although the Government has taken a series of measures to improve children's rights situation in Albania, one has to say that those measures have been partially implemented and most of the times have resulted to non-effective. On several occasions, such as the issues of street children, child abuse and domestic child labour, the Government of Albania has refused to recognise that the phenomenon have had a negative impact on children's rights in the country.

The existence of a weak group of NGOs has meant that pressure against the Government at central and local levels, in implementing the Convention on the Rights of the Child has been limited and incomplete. Though various trainings have been carried out in many towns of Albania, the knowledge of the Convention on the Rights of the Child remains limited for both the members of Government and those of NGOs. Non-granting of funds by the Government has weakened the work of NGOs on the protection of the rights of the Child and the implementation of the Convention.

The non-existence of a child friendly media means that the important issues of the rights of the child are either omitted from the press or they never receive the proper attention. Often, the written and electronic media victimize or criminalize children, sometimes violating even the most elementary rules of the journalistic ethics.

This Report has been prepared during a one-year period under the leadership of the Children's Human Rights Centre of Albania – CRCA. The Albanian Children's Rights Network - ACRN has largely contributed to the preparation and revision process of the report, together with organisations such as Save the Children in Albania, Every Child, Roma Organisation "Amaro-Drom", Information and Research Centre for Children's Rights in Albania, Child Legal Protection Centre etc.

I. GENERAL MEASURES OF IMPLEMENTATION

The Constitution of Albania is very clear regarding the protection of the rights of the child in Albania.

After the ratification of the Convention on the Rights of the Child in Albania (CRC), there have been passed and approved many laws and resolutions on the protection of these rights, however, many of them are not implemented and are not known to the Albanian police are often directly working with children in the implementation and observation of their rights.

Though, by principle the Legislation of Albania is in conformity with the UN Convention on the Rights of the Child, in practice it is obvious that there is lack of mechanisms for implementation and financial support, as well as of the means for monitoring the implementation of CRC.

In general, the Legislation of Albania is a contemporary one, and the laws are good. The implementation of these laws in practice is often violated, especially when they are related to children.

In the Criminal Code, there should be made a more extensive and specific approach in relation to the children in conflict with law or those that become victims of crime.

Albania does not have a National Authority for Children, which can monitor the implementation of the Convention on the Rights of the Child. There are many difficulties and a serious lack in collecting, processing and analyzing data related to children. There are no reliable statistics on children in conflict with law. Children in conflict with law often are not separated by the adults in pre-trial detention centres or prisons. The absence of specialised staff for children in conflict with the law, as well as the non-existence of the Court of Minors are another concern for children's rights.

The Albanian society is a patriarchal one, not emancipated and outdated mentality existing in a part of the society. Many of them see the child simply as a subject of the right and not as its object. Also, it is difficult and sometimes astonishing for many people, including workers in the public administration to understand and accept that even children have rights and freedoms like adults, which should be implemented and respected uniformly and equally by law.

The knowledge of the Convention on the Rights of the Child at the level of the Government and society at large is very limited. Till 2001 the CRC was either published by the Government, or widely distributed via other means. This means that between 1992 when Albania ratified the CRC and 2001 when the first Edition of CRC came out, there didn't exist an official text of the CRC in the native language. This has contributed to the lack of respect for children's rights and an increasing number of crimes against children in Albania.

II. THE DEFINITION OF THE CHILD

In the Albanian Legislation there is not any clear definition of the term “Child”.

The Criminal Code and that of the Criminal Procedures Code, has not clearly and correctly stated from what age to what age a person is considered to be a child or a minor. In both of them, child is left to the reader to understand that is a person from 0-14 years of age; whereas a person from 14-18 years of age is considered a minor.

In the Article 24 of the Criminal Code it is stated: “The abandoning **of the child** under 14 years of age... When it is caused harmful damage of health or death of the child by the act ...” In the same Code, in the Article 129 it is said: “inducement or attraction of **minors** under 14 years of age....”

In the Articles 7 and 8 of the Civil Code it is expressly written: “The **minor**, who has come to 14 years of age...”

The minimum age for admission to employment defined in the Work Code of the republic of Albania, and it is above 16 years of age.

III. GENERAL PRINCIPLES

A. NON-DISCRIMINATION

The Albanian legislation does not provide any special disposition concerning the non-discrimination of children due to their position, activities, or the opinions and beliefs shared by them.

The Constitution of Albania, in its Article 18, it is clearly sanctioned the non-discrimination and equality of the citizens before the law, as well as the protection of the minorities living in Albania (Article 20).

The difficult economic situation and the deep poverty of our country (according to INSTAT, 20% of the population in Albania is rich, whereas 80 % of it is poor, and a rich person spends in one day 6 times more than a poor one) and the long and difficult transition have made that many times children without or insufficient economic incomes, children of divorced families, Roma children, patients with handicaps or other incurable diseases feel discriminated in their rights to education, to have a normal life like all the other children, and to a quicker social integration without much consequences.

Roma children, Gypsy are discriminated in Albania. This is seen in the confrontation of these children with the indigenous ones. This differentiation is evident in all the aspects of life: at school, nursery, kindergartens, in social-cultural life, and relations with the public administration (including police, the Attorney’s Office and Courts).

In the Albanian schools it is noticed the discrimination of children by their teachers according to the economic situation or social strata of their families. This is apparent in the relations of teachers with pupils and the way of differentiated treatment of children belonging to high social and economic strata and those belonging to lower strata. Also, this category includes disabled and chronically sick persons or

those with incurable diseases. These children are not treated with any special care either by the state or the teachers.

B. THE BEST INTEREST OF THE CHILD

In Article 54 of the Constitution of Albania it is expressed that the State guarantees the right of the child to have a special protection.

In the Criminal Code it is foreseen that the maximal punishment for the minors is half of the punishment stipulated by law (Article 51), as well the exclusion of the minor from punishment when the severity of the criminal act he is accused or suspected for is slight and for his good conduct (Article 52). Also, it is foreseen the sending of the minor at a reformation institution (*de facto* these institutions do not exist).

It often happens that in the Pre-trial Detention Centres, children in conflict with the law are maltreated and abused emotionally, and often there are cases in which physical abuse and tortured is carried out on them.

Often, the children in conflict with the law are sent to the Pre-trial Detention Centres for as much time needed by the prosecutors and investigators for the preliminary investigations. There have been cases when the social danger of the criminal acts, for which are suspected the children, or the severity of the crime carried out by the child himself has been petty and again these children have been sent to the Pre-trial Detention Centre where they have remained for many months and sometimes one year. Children in conflict with law cannot attend school while they are living inside a pre-trial detention centre. In all these cases, the Prosecutors Offices and the Courts System in Albania do not take the interest of the child into account.

In the cases of the divorce of parents, it happens the interest of one of the consorts is seen, and not that of the child, as it happens when it comes to alimony, and often the child does not receive the necessary amounts of money needed for his education, up-bringing, and many other personal needs.

C. THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT

The Constitution of Albania, in its Article 21 states: "The right to life is protected by law."

On 8 July of 2004, in the rooms of the Pre-trial Detention Centre of Rreshen, a 17 years old boy died. It resulted that the child had fractures in the back of his head according to the autopsy. This fact, though the two arrested guardians are still under investigation, shows that violence is often exercised against children and that the National Police Authority does not respect the right to life of the child.

The Albanian Government has to make more efforts to improve the social assistances concerning children with mental, physical, mental disabilities, children who are blind, deaf-mutes, those that are disabled those with terminal illnesses. We do not have in the Albanian legislation any clear-cut division of the criminal acts committed by this category of children.

According to the statistics, about 10 % of the convicts in the Albanian prisons are irresponsible, and according to the relevant experts, this is an increased number compared to the level of three years ago (8%) and of eight years ago (6%). This contingent, the number of which reached 40 mentally ill persons

in 1997, is cured in the only psychiatric hospital of the country, situated in Elbasan. There is no data on how many of these convicts are children. In addition, there is not any specialized department for children, who are in conflict with law, and at the same time have psychological, psychiatric problems.

Many regions do not have maternity hospitals and often, pregnant women are obliged to travel for hours in order to give birth to their children.

In Albania, there is no judicial administration system for juveniles, and, as a result, many children are included in criminal acts, and after suffering one's punishment, are not rehabilitated or ready to re-integrate in society.

The Roma and Gypsy children, as national minorities in Albania, live in rather difficult conditions, which have an influence on their rights to education, non-discrimination, social assistance, surviving and development.

The social services at a local and national level are inadequate and they are not "child friendly". They keep addressing to the family and not its individuals. To them, the individuals do not exist and as a result, monitoring the social situation of children in Albania continues to be inadequate and it does not meet their needs.

D. RESPECT FOR THE VIEWS OF THE CHILD

According to the Albanian Civil Code (Article 356), and to the Family Code, the child can be asked for his view to be taken into consideration when he reaches ten years of age.

In addition, the Criminal Procedure Code provides the right of a minor, who has reached sixteen years of age, to address the court by himself.

In the Criminal Procedure Code of Albania (Article 35), it is explicitly stated: "...to every minor defendant it is assured judicial and psychological help, with the presence of one's parent or other persons asked by the minor and accepted by the authority that precedes the case."

Although Children's Governments should be a form of child participation where children can freely express their views, the reality shows that those structures do not function, or when they function the Director's of Schools or teachers controls them. The Albanian Government has done very little to ensure the respect for the views of the child by its staff and institutions.

IV. CIVIL RIGHTS AND FREEDOMS

A. NAME AND NATIONALITY

The Civil Code of Albania guarantees the right to a name and family name.

The child should be registered at a Civil Office within 30 days of his birth. The declaration of the birth has to be carried out by the parents, which should decide his name also. It is considered a normal procedure that the child gets the family name of the Father, although the law itself asks the parents to consult each other before. In case the parents of child are missing, other relatives of the family can do the declaration of birth. The child is registered at the Birth Register at a Civil Office under the Municipality responsibility.

Although the Law on Civil Registration explicitly requires the parents or the Civil Law Officers to register the newly born child, in reality child registration is a grave problem in Albania, especially for Roma minority. Because of the lack of registration it is believed that a large number of Roma children may have been abducted and trafficked for economical and sexual exploitation in foreign countries.

The migratory movement of people within the country, lack of identity cards, addresses and of a communication system among Civil Offices throughout Albania, many children are not registered. Although the Law asks for fines being issued against the parents who do not register their children, so far it is widely believed that the law hasn't been implemented.

B. PRESERVATION OF IDENTITY

The Constitution of Albania and other laws of the country, foresee the right of a person to preserve one's identity in its specific elements. Also, there is given the obligation of State to respect and protect the national identity, which has a wider meaning than the identity of the person. In this respect, the treatment of the national minorities is mentioned as well.

In the Constitution of Albania (Article 19), it is said that everyone born of at least one parent with Albanian citizenship gains automatically Albanian citizenship. Gain and regain of the Albanian citizenship, as well as giving it up by a minor, is made through the approving of one's parents, and every change in child's citizenship, when he is of 14-18 years of age, is made by taking into consideration the child's consent as well. As for the children under 14 years of age, there are the parents those who decide on the citizenship of their child, whereas for children of 14-18 years of age their consent is needed.

C. FREEDOM OF EXPRESSION

Article 22 of the Constitution guarantees the right to information and freedom of expression. In the law "For the Right to Information" however there is no mention of the rights of the child to information.

Nevertheless the freedom of expression is not always guaranteed in practice to children. At the school level teachers deny to children the freedom of expression, and when children complain about this, often would be under pressure for their marks or their education quality might be neglected by the teachers.

The family in Albania also has problems to understand the importance of freedom of expression of the child. It is commonly known the expression that ‘the child should be seen but not heard’. Children within the family are not given enough space to express themselves and often will be subjected to physical and emotional abuse by the parents.

The printed media is mostly affected by the lack of space for children to be able to express themselves. There is not a single page in any of the mainstream media designed for children. On the other side there is general lack of printed materials that include children’s views as part of it.

D. ACCESS TO APPROPRIATE INFORMATION

The Law “For the public and private Radios and TVs ” does not address the right of the child to access appropriate information. However the law expresses in general terms for the respect of the rights and interest of children.

There is a lack of programming in the public and private mass media for children and adolescents. Although the private and public TV channels are supposed to use explanatory marks when transmitting programmes, often violence and inappropriate programmes are shown at a time when children watch TV. TV ads related to sex or other chat services (such as Hotlines, Sex lines and Chat Lines) are often showed at viewing times of children. A recent media report showed that many of the sex and chat lines were used by adolescents and young people.

E. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

The Albanian Constitution guarantees the freedom of thought, conscience and religion.

The Republic of Albania is secular and the country shares three official religions Muslim, Orthodox and Catholic ones. There is a long and good tradition of respect among all religions in Albania and the country has never faced any difficulties in maintaining these relations even at difficult times.

Although there have been few serious cases when children dressed in Muslim yashmak have been sent out of school, with the intervention of the Ombudsman those cases have been solved. The public maintains a common understanding about the religion, which is considered to be rather a private matter, then a public one. A recently established Governmental Committee for Religions has in its mandate to monitor the situation of the freedom of religion.

F. FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

The freedom of association and peaceful assembly are protected by the Constitution. Although there have been no verified cases of violation, often we see that children are most likely to be penalized or not taken seriously. This is evident in the Schools where there has not been any children’s organisation established since the change of the system in 1990.

Children’s Government are recognised as a form of organisation of children in schools. However as mentioned above in this report, most of the Children’s Governments at the 8th Class School System (6-14

years old) are not functioning. This is a serious flaw in the system, because it denies to the child the freedom of expression, association and peaceful assembly.

G. PROTECTION OF PRIVACY

The protection of privacy is again guaranteed in the Albanian Constitution and other related laws. Although none of them does mention children specifically, these laws are applicable to every person and are considered as basic human rights.

Although there are laws how can protect children privacy, the laws are not implemented and parents and teachers violate often children's privacy. Since the violations come within the family or at school, for a child to complaint to the relevant authorities would be rather impossible, because of lack of legal aid. The same can be said about children's privacy at police stations, pre-trial detention centers and prisons.

H. THE RIGHT NOT TO BE SUBJECTED TO TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT AND PUNISHMENT

Article 25 of the Albanian Constitution and the Criminal Code of Albania prohibit the use of torture or other cruel, inhuman or degrading treatment and punishment.

However, the situation of children in police stations, pre-trial detention centers and prisons it could be described as simply cruel and inhuman.

Torture is prohibited by the national and international standards approved and ratified by the Albanian Parliament. In more than one case we have faced the same type of torture used against children such as beating the children on their feet with hard or plastic sticks, hanging of children upside down and putting their heads in water. Other forms of torture used are the beating the children with hard objects such as chairs, plastic sticks on the head, back of the body, arms and legs. The torture is carried out during the holding and the arrest of children in public places and inside the police stations. The police officers use the torture as a means to find out the evidence of offences committed by children. There have been no legal trials against the police who use torture in police stations from any of the children, because they fear that the torture could be used against them again. On the other side the Officials of the Police stations say that there is no form of torture used in Police stations.

The children interviewed during fact-finding missions often declare that physical and psychological violence is used against them in police stations and Pre-trial detention centres during the interviewing by the investigating officers or by the police officers. The physical violence includes repeated use of slaps, punches and kicks. While the psychological violence includes the use of threats such as "You'll stay all your life in prison" or "I'll kill you if you don't say who did the crime".

The children in Pre-trial detention centres are not divided in cells with other children, but most of them share the space with adults. Generally they are divided in cells based on similar offences committed by them or the adult inmates. The Pre-trial detention centres are crowded and the cells have double the number of people allowed. In the cells there is little air circulation, because of the damp on the walls and the windows are as small as 60 cm long by 20 cm high. The children spend their time in cells by smoking and talking to other inmates. Books, newspapers, TV, Radio and other forms of information and

communication are not allowed, based on the *Guidelines for the Security of the Detainees* adopted by the Ministry of Public Order. There were no fridges or washing machines in the Pre-trial detention centres.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. PARENTAL GUIDANCE

In the New Family Code of Albania, which entered into force on January 2004, is expressed clearly the responsibility of the parents for the child education and development. Parents hold the same rights and obligations towards their child. The Code also recognises the institution of the Guardianship.

Children placed under guardianship enjoy a special protection by the state. The main reasons for a child to be put under guardianship should be when his/her parents cannot exercise their parental responsibilities, when parents are dead or they are not known, because they have lost parental responsibility and any other reason accepted by the court. There have been few cases when parents loose their parental responsibility because they abuse their children.

The new Family Code for the first time has provisions on Foster Care. It is considered as an alternative family for the child, which can be selected by the court, in order to offer the child a family environment, appropriate living conditions, physical care and emotional support. The foster families should be identified by the Social Services Department of the Municipality or Commune.

The Court should see the placement of the child in a public or private institution as the last resort. A Guardian is appointed to a child when in institution. The Guardian should care for the child, his property and should represent the child in whole legal proceedings. The Guardian also administers the property and finance of the child, based on the dispositions of the Family Code.

B. PARENTAL RESPONSABILITIES

In The Albanian Constitution the parental responsibility has not been mentioned in any specific sanction, but this has been regulated in the family Code. The Family Code says that the parents are responsible for the upbringing and the education of their child and that they have the same rights and obligations as well as equality of exercise.

According to the Family Code the parental responsibility is equal for both parents with reference to the child born during their marriage or under an extramarital affair, but only if both parents recognize it. Parents may also lose their parental responsibility if they have accomplished a penal offence towards their child, or if they have collaborated in an offence committed by their child or if they have been condemned for any of the reasons of family abandonment (article 223). The spouse who misuses the parental responsibility or neglects exercising it may lose the right of exercising his/her exercise their parental responsibility by request of the other parent or of the general attorney.

The parents have responsibility for their child's wealth. Both parents manage the wealth when they still exercise their parental responsibility.

The educational system establishes strict rules for all families and parents who do not send their minor to elementary school. Parents are administratively punished with fees, which vary from 5000 up to 50.000 leke (50 USD – 500 USD). In fact sanctions are not carried out by the Educational Departments.

C. SEPARATION FROM PARENTS

The Criminal Code of Albania foresees the cases when the actions of one of the parents are in contradiction with the judicial decisions. In this case the parent, who fails to act in the maximum interest of the child, is penalized.

When the child separates from its parents (there are several different cases of separation) the Institute of Guardianship is applied. The council of Tutorship founded near the Municipality leaves much to be desired and the functions and powers it used to have are inapplicable and this is in the disadvantage of the minor.

The parents, to whom the child has not been trusted by court decision, have the right to keep personal relationships with its child as decided by the court.

The new family Code has several deficiencies where among other things it has not been specified and does not specifically treat the cases of the abandoned minor or the cases when minor have been abused.

D. THE FAMILY REUNION

Analyzing the situation Albania is actually living in, where emigration is a very common phenomenon, it must be emphasized that the Albanian government must encourage concrete steps through bilateral agreements with the neighbor countries like Italy or Greece (these are the countries that have the greatest number of the Albanian emigrants) to facilitate the procedure of issuing the visas in the specific embassies for the minor whose parents have emigrated in these countries for work purposes.

The Albanian Government lacks a well-defined strategy for the minor separated from their parents due to emigration. The decisions of the Albanian Courts are almost not recognized by the states where the Albanians emigrate.

E. CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT

In the Republic of Albania the government takes care for the education and upbringing of children without a family environment. There is also Guardianship Council, which work is foreseen in the Family Code. This institute must guarantee appropriate conditions for the education, and the general development of children deprived of family environment.

There are seven Orphanages for children in different ages throughout Albania. The Law “On the Status of Orphans in Albania” describes the obligations in financial aid and other means by the Government. However the financial aid is so small that cannot cover even the most basic needs of the child. Although the number of children in orphanages is very low compared to other Eastern European countries, the conditions in orphanages still remain unchanged and lack the family environment.

Many strict rules exist in order to obtain the status of the orphan. Nevertheless, abuses are observed with the funds given to the orphanages especially with donations. The governmental care for children deprived of a family environment must be more intensive with reference to their education and upbringing.

Another concern concerning children deprived of a family environment is the lack of Governmental support when the child gets 14 years old. Although the child will receive the financial aid for a long time, after that age children are deprived of their Educators, Social Workers and other support staff. At the age of 14 both male and female children living in Orphanages are sent to Boarding Schools. At this difficult moment of their life, children deprived of a family environment are not any more assisted with professional staff by the Government. There have been cases of rape of a female child deprived of a family environment, when she was living in a Boarding School in north of Albania.

F. ADOPTION

The adoption of children is regulated by the new Family Code. Meanwhile the adoption process is regulated by the Albanian Committee of Adoption, which depends directly by the Council of Ministers.

The persons who wish to adopt an Albanian child may adopt only those who appear in the lists of the Albanian Committee of Adoption. The committee has the right to research on the people who wish to adopt minor and they send the specific documents to the court in written.

In any case of adoption, the research done on the interested person's leaves much to be desired and very often these studies and analyses are not sufficient.

It must be emphasized that in the cases when foreign citizens adopt Albanian children there is no periodic observation of the minor who has been adopted in other countries by the specific authorities who enjoy the competences of adoption.

During the years 1994-1998 there have been 298 adoptions, from these 211 minor were adopted by Albanian families and 87 from foreigners. 37 minor were adopted in Italy, 31 in USA, 14 in France, 4 in Malta and 1 in Austria. 43 of the adopted minor were under the age of 1, 224 between 2 and 6 while 31 were from 7 to 16 years old. 8 from these minors were disabled.

G. ILLICIT TRANSFER AND THE NON-RETURN

One of the factors which lead to the phenomenon of the trafficking of minor's is the unstable economic and political situation. Poverty, lack of control over the borders as well as corruption is the main factors that lead to the trafficking of minor's. This traffic is very sophisticated and gives the impression that these minor pass the border legally. These so-called "legal" procedures are not fought by the Albanian government.

In the Albanian legislation there are provisions missing on the trafficking of minors and this is a phenomenon very much discussed lately in Albania. There is also a lack of the well defined definitions in the Albanian legislation to determine the distinction between the traffic of minor and the contraband of persons.

Statistics of a detailed study and qualitative data is missing for the trafficking of children. The services with reference to the trafficking of minors are not adequate and do not answer their needs for rehabilitation and reintegration. The existing centres can not meet the requests and needs of minors all over Albania.

Albania lacks Governmental policies as well specific legislation so as to accomplish the protection of children from any kind of trafficking for economic or sexual exploitation.

The legislation of the country must protect minors from any type of hard labor and it should specify by legal and sub legal acts and regulations the traffic of minor.

The number of female lawyers and general attorneys is very small and this is one of the reasons why an improvement of the situation by the Albanian government is needed and expected.

The Albanian government must approve the law “For the protection of the witness” as soon as possible because the absence of this law leads to the non-identification or the non-punishment of the Traficant’s as well as other people involved in these criminal acts.

The cooperation with the countries where minors are being trafficked must be very intensive so as to secure the rehabilitation and reintegration of the minor victims of the traffic of the human beings.

H. ABUSE AND NEGLECT INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION

Child abuse is not new phenomena in Albania. One can characterise the Albanian culture related to children as based in concepts such as “Old” and “Young”, “Responsible” and “Irresponsible”, “Tall” and “Small” etc.

The above concepts are very common in Albania, and children are grown up to believe that they don’t have a status of their own in society as long as they haven’t reached adulthood.

The mentality, traditional living and practices of most of the members of the society stimulate these concepts, and they are largely present in the thinking and policies of the Government and institutions in the country. Although legislation and has been improving considerably in the country, still the children are considered the sole matter and responsibility of the family, despite the fact how good or bad this might be to the child protection or development.

One can put few facts about child abuse in Albania, as following:

- 1.Children in Albania are considered as a sole internal matter and responsibility of the family;
- 2.Albania lacks the basic services for abused children.
- 3.Children are abused inside family and the main forms include physical and emotional abuse. However new facts show that sexual abuse of children is becoming also a concerning phenomena.
- 4.Child Trafficking is the worst form of child abuse in the country. Albania is a country of origin and transit for child trafficking towards Western Europe.
- 5.Children in institutions
 - Children in orphanages often become victim of physical abuse, or get involved in trafficking;

- Children in police stations, pre-trial detention centres and prisons often become victims of abuse or torture by police forces, adults or other children;
- Children in schools. Physical abuse of children by teachers is largely accepted by the families of children and teachers themselves as a “good” method of education;

6. Roma Children are victims of verbal and physical by the non-Roma people.

Meanwhile the main facts about child neglect that could be mention are as following:

- Albania is one of the poorest countries in Europe, thus between 40-60 percent of population is living with less than 1 USD per day.
- Although there are data about poverty, we lack the data on neglected children.
- Few months ago the country was shocked by the “Zyberi Family” story, where a young child was found dead in his house, frozen and malnourished. The other seven children of the family were moved into institutions.
- Children in orphanages often are neglected by the responsible authorities especially related to their food, clothes and education.
- There is a large number of child Labourers and street children in the country.
- Most of the Roma children leave under miserable conditions.

There has been no answer to child abuse by the Albanian Government. Albania should be one of the fewest countries in the world that does not have any institution (hospitals, courts, police, social services) working on child abuse. When cases of child abuse are reported, the only institution involved is the Police Authority. Nor there are rehabilitation services or follow up of the case by social services, hospitals etc. Although in 2001 the Government approved the National Strategy for Children and the National Plan of Action, so far few of the actions included in the Strategy have been implemented into practice.

VI. BASIC HEALTH AND THE WELFARE

A. THE DISABLED CHILDREN

The services for the mentally disabled minor as well as the mentally disordered are treated for free by the government in public institutes of treatment, rehabilitation and education. When minor under the age of 18 are treated in private institutions the government covers the expenses which reach the amount of their treatment in a public institution, which may be reconsidered by the government so that the economic assistance is bigger for this category of people especially for the minor of no other economic support, do not have their parents or have been abandoned.

A law for “the mental health” is under existence where the Ministry of labor and of social affairs as well as the Ministry of Health is the institutions, which treat this category of minor. Nevertheless, the Albanian government must conduct a more serious work with reference to the mentally and physically disabled minor, so that they conduct a normal and adequate life, so as to ensure its dignity, to encourage autonomy and facilitate its active participation in the life of the community.

There are about 250 disabled minors with physical problems receiving some sort of social and health services. These institutions attending to the needs of these minor have limited capacity compared to the needs and demands for services these minor must receive. Many lame minor can be seen out in the streets begging, and in most cases they are tutored and forced into it.

Another category of minor in need is the blind, the deaf and the mentally retarded. These minors can be seen in the streets without any support from their families or the state institutions. In most cases these minor are maltreated and exploited for different purposes.

The Albanian Criminal Code, article 79, letter B, provides for “Intended murder due to particular characteristics of the victim”, and includes the mentally retarded, psychopaths, gravely sick and the pregnant women. Under the letter A of the same article, the provision refers to minor under 16 years old, but there is no provision in the entire Criminal Code or other relevant laws to address a victim that is at the same time a minor and a mentally retarded or handicapped.

The state entities must make available sufficient funds for this category of minor, bearing in mind their families’ income, in order that these minor can attend schools, can receive health services, rehabilitation services, training for potential employment and entertaining activities so that their integration in the society is very smooth and they may attain self development, inclusive of their cultural and emotional development.

The law for the promotion of employment provides for the employment of handicapped persons. The main discrepancy is that throughout the Albanian legal framework on handicapped persons there are no specific provisions for minors who suffer from some sort of handicap. Minor are addressed with the same provisions the adults are addressed.

The separation of the two must be the one of the near future goals for the Albanian Government, as well as the adjournment of the existing laws. The year 1997 has witnessed many minor been gravely injured and mutilated, and in great need for health and social services.

Under the Family Code and the Civil Procedure Code it belongs to the Court to nominate a guardian for this category of minor what gives birth to many issues that need to be discussed for improvements.

a. HEALTH AND HEALTH SERVICES

The Albanian Constitution provides that all citizens of Albania have an equal right to health care services offered by the government. (Article 55)

Albanian Legislation extends protection to pregnant women and refers to them as the starting point of a life. The Criminal Code specifies all the potential punishable offenses against pregnant women.

The health care services are offered by public and private institutions. The State sponsors dentistry services associated to the educational institutions. For minor under 12 months old the medicine is offered for free. In the near future a project law will be promulgated that would entitle minors and third generation persons to free medicine as well.

The Albanian health care system today faces a major challenge that is infant mortality. The Ministry of Public Health has not done enough to improve the health strategy in regard to this problem, although this

problem it's not new to the experts. Obviously the Ministry of Public Health does not consider it a matter of vital importance.

Reproduction techniques are legalized in Albania, while the infant mortality remains amongst the highest in Europe. Malnutrition, respiratory system diseases and diarrhea related illnesses are among the main causes for infant mortality.

In the northeastern part of the country the infant mortality is even higher and 25% of minors aged between 0-3 years old suffer from some form of malnutrition.

The Albanian Government must take the appropriate measures to reduce infant and child mortality rates, fight against various diseases and malnutrition under the framework of primary health care by using among others easily attainable techniques as well as provision of appropriate alimentary products and clean potable water, taking into consideration the risks of natural contamination.

It is important to develop further the preventive health care by consulting parents, raising awareness in the field of the family planning. Mothers must receive adequate care before and after giving birth to the minor.

In the far-flung rural areas as well as in some municipalities the situation of the ambulatory services is lamentable, hygienically and hydro-sanitary wise. Not every town has a maternity hospital and those available lack the basic equipment. For this reason pregnant women must travel for hours in order to give birth. In certain cases in the mountainous areas of the country heavy snowing blocks roads and women have delivered in the village or town ambulances, since the helicopter services have not been available.

It has become a ritual to pay cash for services upfront to the doctor or the nurse otherwise none would attend the sick and the needy for health care.

Corruption in the health care services has become a major plague for the society today and this phenomenon is "encouraged" by the strategy implemented in employing and low compensation offered to doctors by the Ministry of Public Health.

The current rate for obstetric doctors is 1 for 412 women and 1 pediatrician for 349 children.

B. SOCIAL SECURITY AND CHILD CARE SERVICES AND FACILITIES

In the Constitution of the Republic of Albania the right of any person in age or unable to work for the insurance is foreseen. It is also established by special law the cases when a citizen is unemployed or when he loses his job. The government is obliged to pay a social assistance determined by law for each citizen who is unemployed for reasons independent of his will and has no other means of living.

The law "For the Civil Employment" foresees the cases of job abandonment of each of the employees of the civil administration against his will, and the payment for one year of a social assistance and insurance paid by the center where he used to work.

All the employees of the governmental administration who enjoy the military status are paid a social assistance and insurance for the period of two years by the center where he used to work after abandonment of work.

The laws for the social assistance and insurance as mentioned in the Constitution, the rights of the minor are treated in the family aspect and of those who actually profit from them.

All the families that are in charge of mentally disabled, blind or not physically developed minor receive social assistance. But it must be pointed out that this assistance is minimal and that these families live in extreme conditions.

The orphans and the disabled minor, who do not have any income of any kind, are welcomed in the public institutes for free. The government covers the expenses of board in the institute and gives these minor an amount for the personal expenses. With which the heads of the institutes usually abuse (the last case has involved in a scandal a director of the orphanage in Tirana).

The familiar pensions and those of invalidity are very low for a normal living of the minor. The insurance and the social assistance the minor receive are very small and are not enough for a normal life.

In most of the cases the court appoints ridiculous amounts that each of the divorced parents should pay if they do not live with their child. This is because the parent cannot afford to cover the child's expenses because he is either unemployed or in very difficult economic situation or in other social problems. In these cases it is the government that should contribute more. In all the cases of divorce the court acts to the best interest of the child. Each parent is obliged to pay food expenses until the child reaches the age of 18 and when he continues the higher studies until the age of 25.

In any case of divorce the court hears the child's opinion when the child has reached the age of 10. When the persons in charge of the food expenses of the child cannot afford to pay for them then this obligation passes to the person next in rank of importance.

C. THE STANDARD OF LIVING

In Albania the law foresees the granting of an economic assistance to all the families who lack or have insufficient income and all means of living. When possible public services of social care are also offered.

All the families who do not have material means of living are offered an economic assistance. It must be pointed out that this assistance offered by the Albanian government is sufficient for an extremely poor life. Many families buy things by paying the shopkeeper later back by owing them lots of money and the amount of money they receive from the government is enough to stay alive. This difficult situation comes as a result of unemployment and of the miserable conditions in which the Albanian society and government is going through. And this miserable situation is especially reflected to the less protected category of our society, the minor.

The maximum level of the full monthly economic assistance that the Albanian family receives is not bigger than 250% of the basic level of the unemployment payment.

The living standard of the minor in Albania is miserable. They usually reflect the difficult situation in which their parents live.

The government is unable to follow strong social policies so as to assist the minor. The construction of the amusement parks of the cultural and sportive activities, libraries, youth centers, etc must be the main objectives of the local government so as to built a of a strong and healthy generation, who are going to be the future of Albania. The social policies for the minor expected to be followed by the Albanian government must be stronger aiming at a better and healthier life conditions for these minor.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. EDUCATION, INCLUDING VOCATIONAL TRAINING AND GUIDANCE

The elementary education is obligatory and for free in Albania. While the high school education is for free but not obligatory. Anyway there are also private high schools. The people may continue the higher studies towards a payment and an average school degree. All the students must undergo a competition so as to be accepted in the higher education. This is because the ratio of the request for higher education is bigger than the ration of the job market for the students who finish the higher studies. Due to this fact the students who can follow the higher studies is done from the beginning although the above mentioned selection in many cases results unjust and not very democratic because not all the young people who wish to follow the higher studies have the chance to be accepted in the universities of Albania, many of them are disqualified in the entrance examination.

The number of minors in Albania is 1.396.000 in a population of 3.320.000 inhabitants. 33% of these minor are under the age of 15, 40% are under the age of 18. In accordance with the Albanian Constitution, minors enjoy special rights and protection from the government.

Corruption of the professors in the high schools and universities is present every day. Different professors develop private courses for the pupils, while the pupils who are not able to follow these courses may fail the exams.

In rural areas the schools are very far from their houses, and so children are obliged to walk kilometers on foot in bad weather conditions in order to go to school.

The repair of schools is still a big problem for the Ministry of education who does not have enough funds or make abuse of the little funds they have under their possession. Repair works lefts in the middle or miserable conditions of schools are a permanent problem for the Albanian schools in the rural areas or even in cities.

The discipline in school among professors and students leaves much to be desired. Even in education, the discrimination is a present phenomenon.

In many cases it happens that professors in Albanian schools classify students into rich and poor groups. From this point of view it is not the duty of the school to create equality among students because they are actually equal according to law, to the rights they enjoy and according to their status in the society, but the school should offer them equal opportunities of development, whether they are rich or poor.

A well-established education shall be considered as respect and contribute for the government, by preventing negative premises for the growth of the minor since they are infants. This fact is not put in practice and it is even neglected by the Albanian teachers.

The abandonment of school by minors is another phenomenon that the Albanian school has undergone during the last 13 years. The percentage of minors who should follow the obligatory education (elementary school) has decreased from 95 % in 1990 to 75 % in 1999. More serious is the situation of the minors who are not registered in school at all. This phenomenon is especially evident in the areas undergoing inner migration. About 35 % of the minor who live in these areas are not registered in schools.

The statistical evidence of the registration of minors in educational institutions in the year 2000 shows only 36 % of minors aged 3-5 were registered in preschool education. In the obligatory education there were 543,967 students and in the high schools 102.971 students.

The overpopulation of the urban areas has caused problems not only in the geographic establishment of schools but also in the normal functioning of the class hours of the existing schools. In cities, the number of students per one class in the elementary school is 45 students per class and 35 for the classes of the high schools.

More urgent is the situation of the kindergartens of the mountain and rural areas, especially in the north east of the country. We can openly say that the above mentioned educational institutions do not exist at all.

It must be emphasized that the civil education is not known for the greatest part of these minor. In fact they would laugh if they heard that they have equal rights and freedom to their parents and the whole society that surrounds them.

Many Albanian minors feel obliged to go to school and not as a preparation for their future and that of the society. They are most of the times obliged by their parents to go to school and very rarely by the institutions appointed by the government (Education departments or the education sections of the communes and municipalities).

VIII. SPECIAL PROTECTION MEASURES

A. REFUGEE CHILDREN

In the law “For asylum in the Republic of Albania” foresees the criteria to obtain the status of the refugee and the assistance that the government gives in such cases for the refugees in general and minor especially.

The refugee who obtains asylum has the right of the same social treatment as the Albanian citizens as well as the social assistance, which may be withdrawn from the offices for the refugees.

The competent department, which deals with the applications for asylum, is the Office for the Refugees, which are lead by the National Commissioner for Refugees. This institution was established with the refugees coming to Albania due to the war in Kosovo in 1999. Nevertheless, this office is running presently because refugees from Iran, Pakistan and distant China come in Albania and ask for political asylum in Albania.

The centre where these refugees are welcomed is in miserable conditions and a greater assistance from the Albanian government is expected for the procedures of asylum, arrangement and integration of the refugees in the Albanian reality.

The Albanian government has supported the Convention for the status of the refugees and has signed in Geneva in 28.07.1951 as well as the Protocol for the status of the refugees signed in New York in 31.01.1967. The parliament has also ratified the “Agreement between the Government of the Republic of Albania and the High Commissariat of the United Nations for the refugees”.

Although all the practices for the realization of the protection of the Albanian minor’s rights in the places where they emigrate exist, they feel unprotected and insecure in these countries, due to the fact that the above-mentioned mechanisms do not function and the engagement of the Albanian government and the power it should have is absent.

B. CHILDREN IN ARMED CONFLICTS INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY SOCIAL INTEGRATION

In the law “For the Military Service in the Armed Forces in the Republic of Albania” the age of 19 to 27 has been established for the persons who are roll-called to complete the obligatory military service. In extraordinary situations or in case of war the age is reduced to 18.

The Albanian legislation has not foreseen special provisions gathered in one legal act for the treatment of children, who could be exploited, mistreated, and torture in case of war in Albania.

The centers for the minor who need physical and psychological treatments do not exist for the extraordinary or war cases. The conditions of the hospitals are very miserable due to the small number of the beds not to mention the social re-integration of the persons affected by war, natural disasters or the assistance towards the refugees who leave their country (the case of Kosovo).

C. THE ADMINISTRATION OF JUVENILE JUSTICE

In the Albanian Constitution and in the Criminal Procedure Code of Albania, it is foreseen that every person whose freedom has been limited has the right to be treated as a human and be respected as such. To every child it should be secured legal and psychological protection from the moment he is accompanied to the police station. (Article 35 of the Code of the penal Procedure) as well as in the cases when he is arrested and in any step of the procedures taken towards him. He must be questioned in the presence of one of the parents or of the layer chosen by him and accepted by the authorities that conduct the procedures

From the practices of the Chile Legal Protection Office (a CRCA – DCI programme) it has been noticed that in many cases the officers of the court police near the police stations question the child without the presence of the parent or the layer. There have been cases of physical, psychological and emotional mistreatment. The physical violence exerted by police officers results in throb on the legs and arms so that no signs are visible in the body of the child. In many cases the mistreated child accept the penal offences due to the violence exerted on them although they may not have committed the crimes or they sign the minutes arranged by the police officers without reading them and after the police officer has promised to set him free afterwards. In such a case, the tutor appointed by the police officers and paid by the government not only do not protect the interests of the client but make alliances with the accusing departments by facilitating their job.

In contradiction with the Code of the Penal Procedure the arrested child are shown in the news as authors or suspects for commitment of penal offences.

It often happens that the close interest of the child is not considered, but the general attorneys and judges send them into the detention centers in attendance of the results of the preliminary investigations, which make take several months. This fact influences the personality, dignity and the future of the child who is traumatized. The detention and the treatment of the child in penal, legal procedures must be considered as the last alternative and not as a solution to the problem. The reeducation institutions for child do not exist as well as the rehabilitation centers or the psychosocial treatment necessary for the proper treatment of the child.

Albania has not ratified the UN rules for the administration of juvenile justice.

The way the police communicate with the child who has legal problems leaves much to be desired. They usually act brutally and humiliate the child. These children are often under psychological pressure and traumatized due to these attitudes as well as the bad conditions in which they are kept. There have been cases when the Albanian police officers have accepted the fact that the only way to make child admit the crime was the physical and psychological violence.

In many cases due to the absence of witnesses the preliminary investigations may take months or years. The child suspected of a crime is kept in a common room of detention while according to law they must be detained separately. It is common that the convention for the protection of the child's rights is unknown to the police officers or general attorneys of judges, that's why it is necessary for them to specialize and train of the different categories of the employees of the institutions of the Albanian law.

During the accompaniment that should not exceed the time period of 10 hours, the police officers do not inform the child's parents and they do not appoint a lawyer, which is in contradiction with article paragraph 1 of the Constitution.

According to article 12 of the Criminal Code person who is 14 years has penal responsibility from the moment of accomplishing a penal offence. For the infants who in the moment of accomplishing the penal offence have not reached the age of 18 they cannot be detained more than the half of the punishment predicted by law for the accomplished crime (Article 51)

More immediate is the establishment of a court for the young child, which should have a very qualified staff of judges and the procedures taking place in the presence of a psychologist or a social worker.

The way police officers communicate with the child who are in conflict with the law leaves much to be desired.

It often happens that the private life of the child is not respected as a basic right. Such kinds of abuses are noticed every day in the police Departments either when they are accompanied to the police station or when they are arrested, detained and in attendance of their verdict.

The way police officers communicate with the child who are in conflict with the law leaves much to be desired. It often happens that the private life of the child is not respected as a basic right. Such kinds of abuses are noticed every day in the police Departments either when they are accompanied to the police station or when they are arrested, detained and in attendance of their sentencing.

Due to a study conducted in several cities of Albania by the Children's Human Rights Centre of Albania (CRCA) it has been observed that in the pre-detention centers a child awaiting trial is detained for months and sometimes for years according to the offence they have committed. The preliminary investigations taking place take a very long time by ignoring and not respecting the rights and interest of the child.

Conditions for many children living in pre-trial detention centers are very difficult and do not meet the proper human living standards. In these rooms where they spend part of their childhood you may notice the darkness, humidity, the bad smell the dirtiness of the blanket, lack of a toilet inside the room and the overpopulation of 7-8 people in each room and the absence of the beds in some cases. The food is always the same and in many cases the interviewed child says they lack appetite.

The medical care in the detention rooms is insufficient and does not meet the necessities of the child. In the doctor's room there is a bed and some general medicine, which in most of the cases has expired and is out of date. A deficiency is observed in the fact that the doctors working in these environments depend on the Ministry of the public order. This influences in their professional independence. Due to this dependence the doctors do not report or denounce the cases of violence and torture towards these child in the detention rooms.

Creative activities for child in attendance of their punishment do not exist. There is no television or radio or any other means of information (magazines and newspapers). The families may visit them three days a week for the total of 45 minutes in a month.

The psychologist or the social worker are usually absent in the police departments and the detention rooms because they are not part of the structure approved by the Ministry of public order, which does not foresees these professional personalities.

Childs detained in these environments are totally separated from education and school because there is no means of education in the detention rooms. The psychological-social assistance offered by many Non

Profitable Organizations is refused by the prison's regulation. The specialized staffs of detention institutions do not exist.

Sport activities are very rare not to say totally absent. Although in the high security prison 313 where there are child prisoners there is a small football pitch yet is never used by these child. The number of child detained in this center waiting for a verdict is about 27 from whom 4 are females (18.06.2004). In other cities of Albania child lack any opportunity for sports and recreation activities, rather dominates an apathetic and lethargic situation. In pre-trial detention centers there is no natural or electric lighting, adequate ventilation, bed and bathroom.

Children are allowed to talk to their families on the phone for only three minutes every 15 days. Only an iron gate and two guardians separate adult and children units, and contacts as well as troubles arise in the corridors.

Spaces designed for meetings with family members, social workers and psychologists are at lamentable levels and not at all appropriate for private or confidential communications.

Children are detained in the same cells with adults and persons convicted for up to 20 years in prison, and are exposed to maximal social risks. Female children are detained in same cells with adult females. Their living conditions are austere poverty.

D. CHILDREN DEPRIVED OF THEIR LIBERTY, INCLUDING ANY FORM OF DETENTION, IMPRISONMENT OR PLACEMENT IN CUSTODIAL SETTINGS

Albania does not have a separate prison for juveniles, or either re-education facilities that can be attended by children. However two adult prisons in Tirana (the capital of Albania) host male and female children. The Female prison is known as the Prison 325, meanwhile the male juveniles they serve their sentence at Prison of Vaqar, 10 km far from Tirana. Both prisons recently have improved their facilities, but none of them has designed facilities to be used only by juveniles.

At the Prison 325 juvenile females live and share their rooms with other adult females. Because of lack of space female prisoners are unable to attend formal schooling or vocational training. However several NGO's have been providing leisure and non-formal education for the female children. The number of juvenile females is rather very low, compare to the numbers of juvenile males in the Prison of Vaqar. Both prisons are over capacity and this means, because of shortage of jails in the country.

The Prison of Vaqar is situated 10 km far from Tirana and host juvenile and adult males from all over Albania. At the present there are 27 juveniles between 14-18 in this prison, while the overall population of this prison is at around 240 prisoners. Till late nineties the children use to share their rooms with adult males and many complaints of sexual abuse of juveniles have been reported.

However in early 2000 the Ministry of Justice opened a separate section for juveniles in the same prison. At the present there are three rooms available to juveniles, meaning that each juvenile has to live in a room with other six juveniles. Several missions in this prison often report that juveniles are in contact with the adult males, because of the overpopulated space of the prison. One example would be the showers, where because of lack of water in prison, juveniles have to share their showers with adults.

Until 2000 the Government of Albania could offer formal education to the juveniles in the prison of Vaqar. A school was opened inside the prison and all juveniles attend school from Monday to Friday. However the quality of Education is not at the required level and many children have problems in reading and writing.

Leisure activities are very limited, and although there are some facilities to organise sports activities, because of lack of funds, the Prison is not able to provide sports equipments. However few NGO's are providing the juveniles with leisure activities at the present.

One of the major problems that juveniles face are the rigid rules applied by the police authority in the prison. There have been several complaints of children of violence being used against them by the police officers. Few staffs of both prisons are trained and have a good knowledge of the Convention on the Rights of the Child.

Family meetings are held regularly and few juveniles have been complaining of not being allowed to meet with their families. The contact with the families is very important for juveniles, as because the food quality in the prison is extremely poor, the families remain the only source of appropriate food.

There are no rehabilitation programmes organised by the Prisons system or the Government. Most of the rehabilitation work is left in the hands of NGO's, who however are not financially covered for the services by the Government. As Albania lacks a good progressive system of juvenile justice, it should come by no surprise there is a good number of juveniles who become re-offenders.

F. ECONOMIC EXPLOITATION, INCLUDING CHILD LABOUR

Child labor is a very emergent problem and its closely related to the economic difficulties that Albanian Economy is facing. Large migration of population from rural areas into urban ones, poverty and the transition period for the country, have placed Albanian family under a great pressure which escalates when it comes for the children to relate to these difficulties in a way or another.

A survey held by the Children's Human Rights Centre of Albania (CRCA), through a questionnaire in regard to the reasons contributing to school drop out among children in Albania, concluded that 17 % of these drop outs needed to work to support their families. Approximately 50 thousand children work at least part or full time.

Children in the streets represent the worst cases, the most sensitive and less protected one, which are exposed to maltreatment, uncertainty, illiteracy, malnutrition and hard labor more than any other social group. Only in Tirana over 800 children live as beggars, mobile vendors, shoe-polishers etc.

The low economic level causes for parents not to be able to meet all children needs. Schools offer very limited opportunities for entertainment or other free time activities after school time. Parents in most cases are not able to spend enough time with their children and can not bring up happy children.

During June 2000- November 2001, approximately 9,047 Albanian children are reported not accompanied by adults. This group of children living abroad, away from their families, are faced with multiple perils such as maltreatment, kidnapping, exploitation, prostitution, hard labor mostly unpaid or exchanged for a place to live and a piece of bread hoping for a better future.

Roma children live in extreme poverty and very difficult social existence. Most of them live by begging in the streets of Albania. During summer these children migrate illegally into Greece where they work or beg.

The Albanian Government must take all the necessary measures to prevent hard labor for children as well begging or exploitation of children in hard labor or jobs inappropriate to them. Unprotected children, orphans, children with divorced parents and other children exposed to social risks could easily fall prey of various forms of exploitation, violence and more on.

Children that are involved in profit making activities are those that have definitely abandoned schools, and a part of them still goes to school and works, mostly after school assisting in this way the support for their families or themselves.

Albania has ratified the Convention 138 of ILO “On the determination of minimal age for work” and the Convention 182 “On Prevention of Hard Labor for Children”.

According to the Albanian Labor Code minimal age for work is 14 years old in reasonable jobs (following the completion of mandatory education), and 16 years old for jobs that don’t harm the health of children (such as night shifts, etc). Albanian government must make stronger efforts to prevent child labor and progressive increase of minimal age for child labor in accordance with children needs for physical and mental development. As well the legislation needs to be enriched with new provisions that penalize exploitation and hard labor of children. Our legislation lacks appropriate provisions relating to slavery and forced child labor.

Evidencing, inspections and administrative controls by the government are necessary to ensure non-inclusion of children in labor that does not correspond with their age and are prohibited by law. The Labor Inspectorate in Albania is quasi inexistent and not at all efficient, since it does not take any measures against the employer even in cases of evidencing child labor under the relevant age.

Corruption and bribery of inspectors in these cases is the constant solution to the problem. In the center of the Albanian capital children can be seen washing cars, pushing carts, working on construction sites attending to the “master mason”.

Implementation of monitoring tools while consulting work groups and employee unions, would be one the most important mechanisms for the implementation of the ratified Conventions by the Albanian Government.

G. DRUG ABUSE

Drugs and their use is a phenomenon, which was unknown before by the Albanian reality. Since 13 years, drug use by the Albanian young people has become a concerning phenomenon for the Albanian society and family. Although the legislation of the country provides severe measures for persons trafficking narcotic substances, Albania is a transit country and as a result a part of it remains in Albania. The criminal legislation needs to be reviewed and it has to foresee first of all the relation of the phenomenon of drugs use with children, seeing that this legislation is not complete and many criminal acts concerning children are not foreseen.

Young ages, but even children under 18 years of age, especially students of high schools and teenagers are part and victims of the phenomenon. They become prey of the drugs' traffickers and pushers, and often teenagers, in order to ensure their everyday dosage, turn into users of what they deliver.

According to the Centre of Drug-Treatment at the Military Hospital of Tirana, the most vulnerable group-ages to become drug users are from 15 to 25 years of age, 93% of which are users of heavy drugs such as heroine, cocaine and amphetamine.

In many villages of Central Albania "cannabis saliva" is cultivated in the fields. Recently, there have been sequestrated even opium roots in the area of the Central Albania. Often, the Albanian state has undertaken actions to burn down and eliminate these substances, but this phenomenon persists, because of the deep poverty of the Albanian peasant, who is more interesting in sowing drugs rather than vegetables or grain in his field.

Up to these days, the devices for making evident the transition of drugs in the Albanian Customs and land, sea and air boundaries. The American Government has donated some devices that detect drugs hidden in cars passing through the border. Also, in the only airport of Albania, there is installed modern equipment for detection of trafficked narcotic substances.

In Albania, there exists only a rehabilitation centre for drugs users and alcohol-addicted persons. It has a capacity of 30 persons. This demonstrates the need of other new such centres to be set up by the government to help those who are regular drugs users, children especially.

According to the statistical data of the Albanian State, the number of users of narcotic substances in Albania reaches up to 10 000. We do not have other statistics about the number of children, drugs user. Also, there is lack of statistical data about the infectious diseases caused by drugs use: such as: AIDS, or various hepatitis and other infectious diseases.

The specialized staffs of medical doctors are inexistent. There is only one medical doctor specialized in drugs for the whole Albania. This specialist is at the same time Director of the Toxicology Department in the Military Hospital of Tirana. It should be stressed that in his department are recovered persons in abstinence and they take the necessary medications to quit. It consists of only one room and children and adults, or males and females are not separated. There are nearly ten beds, and this department does not cover the needs of the Albania

It is obvious that the Albanian government has a great need for specialized staffs, premises and a better regulation and clear definition from the legal aspect of the problem of drugs in general, and that of children in particular, since in the Criminal Code it is not explicitly stated and it remains evasive and it is abused as regards to the definition about the persons should be called pusher, the one caught with little amounts for personal use, and if they should be legally prosecuted or treated as an ill person from drugs use.

H. SEXUAL EXPLOITATION AND SEXUAL ABUSE

Poverty and the extreme difficult situation of the Albanian family, has brought about the increase of the number of females less than 18 years of age prostituting in exchange for money. This prostitution is carried out by females that consider it as a job, and by student girls that "sell" their body to earn money,

since they need money to precede their studies and their families are very poor and can't help them financially.

Often, The Albanian police have undertaken actions for the identification of these females and arresting of their pimps or these females themselves. Controls are carried out by the police in motels, where these girls exercise their activity.

Sexual crimes committed both to females and children are foreseen in the Criminal Code in some forms. But, it still tends to be promulgated more specific laws and additional laws related to the chapter of these crimes in the Criminal Code, above all, related to children.

The phenomenon of spreading pornographic pictures or visual views of children in Internet or in other kinds or forms is not widespread, but it should be said that there exist illegal public houses in which prostitution is exercised against payments. There are not to be excluded cases of children's presence in these Public houses. However, there are no available exact statistics about the phenomenon of child prostitution provided by the state.

Albania is a transit country for many girls (not to be excluded that among them there are girls under 18 years of age) coming from countries like: Moldova, Ukraine and Serbia that use Albania as "a springboard" to pass to Italy or Greece. This contingent is exploited by the indigenous criminality, and often these girls are bought and sold among the Albanian mafia's groupings, to end up later in Italy, where they are again exploited and abused under the pressure of physical and psychic violence.

As regards to the statistics of the Albanian State on the phenomenon of sexual exploitation and abuse with children, there is lack of them. In 2001, the number of females escaping from trafficking was 135, whereas that of the foreign females was 57. The number of the reported cases of trafficking for sexual purposes in 2001 was 196, whereas for the other years there is no data.

It is thought that the number of the Albanian children trafficked in Europe for sexual and economical exploitation is estimated between 3000 – 5000 children.

The Albanian Legislation lacks some dispositions related to the selling of children for exploitation and sexual abuse, pornographic and prostitution purpose. There is lack of a clear definition concerning the "trafficking" and "smuggling" of persons. It is not known the exact number of children, which are trafficked for exploitation purposes and that of the smuggled ones. It should be said that the Albanian government is not prepared to combat and detect the so-called "legal" forms of trafficking in children.

The traffickers provide children with visas and other regular documents to go to the western countries, though, in reality, it is often the parents and the relatives of the children those who pay enormous sums of money for them. Thus, the work of the children's traffickers has become more sophisticated than in the first look, and according to the documentation and procedures of the cross the borders one has the impression that the children cross the border legally, since their trafficking is not made through speed boats, but with regular documents as it was explained above.

A study should be made by the public institutions to draft detailed policies for the repatriation, protection and re-integration of the children, victims of trafficking, exploitation and sexual abuse.

The government does not stimulate through special funding of NGOs, which work with the trafficked children for sexual exploiting purposes, in order facilitate their rehabilitation and re-integration in society.

Also, the government should strengthen the law enforcement agencies in order to combat the trafficking in children for exploitation, prostitution and other sexual abuses, by training specialists and through financial sources on the ground of the absence of specialized staffs. The government has no policies and specialized staffs for this category of children, victims of the sexual exploitation and prostitution inside and outside the country.

The corruption within the police force, as well as the including of persons in uniforms in this kind of business, like the exploitation of children for prostitution, is another problem of the Albanian government

I. SALE, TRAFFICKING AND ABDUCTION OF CHILDREN

Although child trafficking in Albania is prohibited, one cannot find a definition of the term “child trafficking” in the existing legislation. The relevant reference for the offence of child trafficking is described in the Albanian Criminal Code, Article 128/b, newly amended by the Albanian Parliament in year 2002. Before this date child trafficking was not an illegal offence in Albania.

The Albanian legislation provides specific articles on trafficking in human beings and severe sentencing for the authors. The Criminal Code has a specific article related to child trafficking, namely Article 128/b.

According to the Criminal Code, Article 110/a trafficking of women and children for the purposes of sexual exploitation, or material or other gainful purposes, is sentenced between 5 to 15 years or life imprisonment, depending on the severity of the offence.

The Albanian legislation differentiates among “trafficking of human beings” related to trafficking of women and children for sexual exploitation, and other criminal offences such as concealing or exchanging a child, the illegal border crossing, or aiding someone to cross the border illegally. It also punishes the organisation of prostitution and related activities.

The Albanian Criminal Code provides penalties for criminal acts related directly or indirectly to trafficking in human beings, including children. As well as the above mentioned acts, these include keeping, using, financing or renting premises for the purposes of prostitution; kidnapping and abduction of children under the age of 14; depriving a person of his freedom by putting his life at risk or by causing him severe physical sufferings, beatings or rape; the removal of identification papers; forgery of identification papers; and threatening or committing other criminal offences in collaboration with criminal organizations or armed groups.

Victims of trafficking have the right to be legally represented and have the right to a translator paid by the Government. They have the right to speak and to be informed about the evidence and documents related to them. However, Albania does not have a witness protection law. The absence of such a law means that traffickers often are not denounced by their victims who are afraid for their lives or the life of their parents.

During 2001, the Albanian Government adopted a National Strategy to Combat Trafficking in Human Beings. A National Plan of Action (NPA) was prepared and attached to the Strategy. The NPA includes concrete measures for every ministry and governmental institution to combat trafficking in human beings. The National Strategy and the Action Plan were prepared by an inter-ministerial working group, where local, national, and international NGOs participated actively in the process.

Nevertheless, the National Strategy does not have a separate chapter related to child trafficking, although during 2003 the Albanian Government formed a Working Group under the responsibility of the Ministry of State for the preparation of the National Strategy to Combat Child Trafficking. The working group members include representatives from Ministries, NGO's, INGO's and other interested parties. It is expected that the new Strategy will be prepared and approved by the Government within 2004.

J. CHILDREN BELONGING TO MINORITIES OR INDIGENOUS GROUPS

By the last census in Albania (1989), it results that 98% of the population is of Albanian nationality and 2% of it are a minority. However, there exist other opinions and studies about the national minorities in Albania, through which some organisms and organizations, including political parties as well, draw the conclusion that the Albanian population is 95 % and the minorities, 5%, 3% of which are of Greek minority.

According to the Constitution of Albania, in its Article 14 it is stated: 'The official language in the Republic of Albania is Albanian.' Whereas, in the Article 20 it is said: "The minorities have the right to preserve and develop, to study and to be taught in their mother tongue."

In the Albanian Constitution it is sanctioned and provided for the national minorities to have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging, as well as unite in organizations and societies for the protection of their interests and identity.

It is not expressively specified in the legislation of Albania the rights and the freedoms of the child, but they are included under the term "Persons who belong to national minorities".

To children of every ethnic grouping, in principle, are guaranteed the rights mentioned in the Convention on the Rights of the Child, such as those to religion or language, conscience, education, to unite in organizations and societies. The National minorities, or said in other words, the minorities enjoy almost all the rights enjoyed by the Albanian citizens.

Albania recognises as ethnic minorities the Greek, Macedonian and the Montenegrin ones. However the same recognition is not granted to the Roma population living in Albania, making it one of the most decimated and neglected minorities in the country. Although Albania has signed the Framework Convention for the Minorities of the Council of Europe, again Roma children cannot learn in schools the Roma language.

Child dropouts of school is the most common phenomena among Roma children. Since Roma children do not speak Albanian language until they get to the age of primary education, their education in the formal Albanian schools is very difficult. This results in large number of children dropping out of school or not even registering for formal education. Those who attend the formal education have to face discrimination by their friends and teachers. Roma children are bullied and called names related to their colour by both native children and teachers.

One of the gravest concerns is the children registration from Roma families. Because large numbers of Roma people are mobile, is difficult for them to register to the Civil Offices in another town. This means

that unspecified number of Roma children are not known if they are living in Albania or have been trafficked in other countries. Roma children lack generally appropriate social and health services.

There are no official data on how many Roma families and how many children live in Albania. However the Roma community claim that there should be at least 120 thousand Roma people living in the country, a claim that is not taken into consideration by the Government of Albania.