

UN CRC	Ratification Date	Care-Related Concluding Observations
	27 Feb 1992	<p>CRC/C/ALB/CO/2-4</p> <p>7 December 2012</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fALB%2fCO%2f2-4&Lang=en</p> <p>III. Main areas of concerns and recommendations</p> <p>A. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)</p> <p>The Committee's previous recommendations</p> <p>Respect for the views of the child</p> <p>33. The Committee welcomes the creation of Youth Parliaments in twelve prefectures and the National Youth Strategy 2007-2013, which have led to a strengthening of the role played by children in certain decision making processes, mostly at municipal level. The Committee is however concerned that the overall participation in these parliaments remains limited to certain categories of children and generally excludes minority children, children from rural areas, and children with disabilities.</p> <p>The Committee is also concerned that:</p> <p>(a) The right to be heard is not recognized for children in administrative procedures affecting them and can only be exercised in criminal proceedings through children's legal representatives;</p> <p>(b) Although article 6 of the Family Code provides for the right of the child to be heard in all proceedings, this</p>

		<p>right is in fact rarely respected; and</p> <p>(c) Certain traditional and cultural attitudes might limit the full implementation of article 12 of the Convention and that children generally feel that their views are not taken into account in schools in alternative care institutions and at home.</p> <p>F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Family environment</p> <p>52. In spite of the ratification in 2005 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, the Committee notes with concern:</p> <p>(a) The lack of parent counselling programmes to support parents in caring for their children, especially parents with disabilities and parents of children with disabilities and to prevent domestic violence;</p> <p>(b) The fact that in the northern areas of the country, mothers are not allowed to maintain contact with their children when they live on their own or go back to their original families following divorce or death of their spouse due to the application of the “Kanun”;</p> <p>(c) The absence of a parenting plan to ensure that children maintain relations with both their parents after divorce; and</p> <p>(d) The insufficient enforcement of maintenance decisions, in particular with regard to the lack of implementation of judicial decisions to pay maintenance allowance, when the parent has emigrated abroad and the absence of legal provision supporting the periodic judicial review of the maintenance allowance in light of changing costs of living.</p>
--	--	--

		<p>53. The Committee urges the State party to:</p> <ul style="list-style-type: none">(a) Set up programmes to support parents and caregivers to understand and adopt good child-rearing practices based on knowledge of child rights, child development and techniques for positive discipline in order to support families' capacity to provide children with care and safe environment;(b) Launch an awareness-raising campaign to prevent children from being deprived of their mothers due to the application of the "Kanun" and ensure that the best interests principle is applied in all cases concerning custody and contact;(c) Set up a structure an system to facilitate relations between the child and both parents after divorce and ensure that responsibilities of parents for upbringing and development of their children are clearly established considering under all circumstances the best interests of the child; and(d) Take all necessary measures to ensure that alimony decisions are enforced, consider ratifying the Convention on the Recognition and Enforcement of Decisions relating to the Maintenance Obligations and the Convention on the Law Applicable to Maintenance Obligations and ensure by law that the amount of the maintenance allowance can be reviewed in accordance with the child's evolving need, his best interests and the situation of her/his parents. Children deprived of a family environment <p>54. The Committee welcomes the adoption of the Sectoral Strategy of Social Protection of 2008 which aims to establish family-oriented alternative care services for children without parental care, the de-institutionalization of children, the recognition of foster families as beneficiaries of the 2010 Economic Aid Law and the development of manuals for foster families and social workers. The Committee is however concerned that most of the children in institutions have been placed there because of poverty reasons and the lack of appropriate support provided to their families. The Committee is particularly concerned by:</p> <ul style="list-style-type: none">(a) The organization of institutions by age groups which results in frequent moves of children, the disruption of their relations with staff and children and the separation from their own siblings;
--	--	--

		<p>(b) The situation of children who have to leave institutions at the age of 15 years, and are left with no support from the State party and are living in poverty, are marginalized and exposed to abuse and exploitation;</p> <p>(c) The insufficient number of staff to care for children in institutions and the lack of training they receive; and</p> <p>(d) The situation of children in the centre of Poliçan who survive thanks to the donations of the local community.</p> <p>55. The Committee urges the State party to take all necessary measures to ensure that children from the most marginalized families can be raised with their biological parents and to this end, increase financial allocations to families in need and combine them with social services appropriate for them.</p> <p>The Committee also urges the State Party to:</p> <p>(a) Amend Decree No. 209 of 12 April 2006 with a view to prohibiting the placement of children into institutions on economic grounds;</p> <p>(b) Further prioritize family-type care settings over institutional placements, by inter alia raising public awareness about the negative impact of institutionalization on a child’s development;</p> <p>(c) Take all the necessary measures to reduce children’s length of stay in institutions by the regular review of placement as required under article 25 of the Convention;</p> <p>(d) Ensure that children are no longer separated from their siblings and that they are cared for in a stable environment that favors the creation and maintenance of positive relationships with adults and children;</p> <p>(e) Abide by its commitment made during the Universal Periodic Review process to extend the age of leaving care from 15 to 18 years and ensure that children leaving institutions are provided with</p>
--	--	--

		<p>appropriate support;</p> <p>(f) Ensure that alternative care institutions are provided with the necessary human, technical and financial resources for the proper care of children; and</p> <p>(g) Harmonize its legislations with the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.</p> <p>Adoption</p> <p>56. The Committee expresses concern about disrespect of the provisions of the Law No. 9695 on “Adoption Procedures and the Albanian Adoption Committee” adopted in March 2007, concerning the periodic reporting on the situation of children in institutions. The</p> <p>Committee is particularly concerned by the considerable delays by the institutions to declare a child abandoned and by the judges to conduct adoption proceedings, as a result of which children are kept for years in orphanages although biological parents have released the child and new parents have been found. The Committee is also concerned that:</p> <p>(a) The views of children who have not attained 10 years are not given due weight;</p> <p>(b) There is no legal obligation in the Family Code to inform and provide counsel to biological parents;</p> <p>(c) The definition of “evident lack of interest on the part of parents” contained in article 250 of the Family Code which is used to determine the adoptability of a child remains vaguely defined; and</p> <p>(d) Procedures to be followed by the Albanian Adoption Committee have not yet been established.</p> <p>57. The Committee urges the State party to review adoption rules and procedures in order to:</p>
--	--	---

		<p>(a) Ensure that abandoned children below the age of 10 years have the right to be heard in adoption proceedings and that their views are given due weight in accordance with their age and maturity;</p> <p>(b) Clearly establish the right of biological parents to be properly informed and counselled;</p> <p>(c) Provide clear legal definition of the concept of “evident lack of interest” contained in article 250 of the Family Code;</p> <p>(d) Define procedures to be followed by the Albanian Adoption Committee and clarify the sharing of responsibilities, between that Committee and the institutions regarding notably declarations of abandonment; and</p> <p>(e) Ensure that judges take decisions relating to adoption procedures within a reasonable time, and can be held accountable for the failure to fulfill their responsibilities with due diligence.</p> <p style="text-align: center;">Country Report</p> <p>CRC/C/ALB/2-4</p> <p>8 December 2011</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fALB%2f2-4&Lang=en</p>
OPSC to CRC	Accession Date	Care-Related Concluding Observations
CRC/C/OPSC/ALB/CO/1	5 Feb 2008	V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

<p>6 December 2012</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fALB%2fCO%2f1&Lang=en</p>		<p>Measures adopted to prevent offences prohibited under the Optional Protocol</p> <p>19. The Committee is concerned by the limited measures taken by the State party to prevent offences under the Protocol. The Committee is particularly concerned about the lack of attention to identifying causes and risks leading to offences under the Protocol and in particular:</p>
<p>OPAC to CRC</p>	<p>Accession Date</p>	<p>Care-Related Concluding Observations</p>
	<p>9 Dec 2008</p>	
<p>ICCPR</p>	<p>Accession Date</p>	<p>Care-Related Concluding Observations</p>
	<p>4 Oct 1991</p>	
<p>ICESCR</p>	<p>Accession Date</p>	<p>Care-Related Concluding Observations</p>
	<p>4 Oct 1991</p>	
<p>CEDAW</p>	<p>Accession Date</p>	<p>Care-Related Concluding Observations</p>
<p>16 Sept 2010</p> <p>CEDAW/C/ALB/CO/3</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fALB</p>	<p>11 May 1994</p>	<p>Employment</p> <p>33. The Committee urges the State party to ensure de facto equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, including in respect of women who have been without work since the transitional period and are without adequate social insurance, so as to avoid them having to rely on social assistance when reaching the pension age. The Committee also recommends monitoring closely the situation of women working in the informal sector or at</p>

<p>%2fCO%2f3&Lang=en</p>		<p>home and introducing employment-related measures to make sure that women have access to full-time and permanent jobs with adequate social benefits if they so wish. The Committee requests that the State party strengthen special training programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened, especially in rural areas, and that the sharing of domestic and family responsibilities between women and men be promoted, inter alia, through further awareness-raising and education initiatives for both women and men on the adequate sharing of care of children and other dependent family members, and domestic tasks.</p> <p>Social and economic benefits</p> <p>37. The Committee recommends to the State party that gender impact analysis of all social and economic policies and of measures aimed at reducing poverty be conducted regularly. It recommends that the State party take targeted corrective measures, including enhancing opportunities to access property, loan and credits and providing for sufficient day-care institutions for children, so that women, especially those who are members of ethnic minorities or who live in rural or remote areas, as well as women who head households, are able to fully and equally benefit from growth and poverty reduction.</p>
CRPD	Ratification Date	Care-Related Concluding Observations
<p>CRPD/C/ALB/CO/1</p> <p>25 September 2019</p> <p>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fALB%2fCO%2f1&Lang=en</p>	<p>N/A</p>	<p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5-30)</p> <p>Children with disabilities (art. 7)</p> <p>15. The Committee is concerned that the National Agenda for Child Rights (2017-2020), which is currently at the implementation phase, refers to children with disabilities only with regard to health services and education, failing to take into account the respect of the rights of children with disabilities in all aspects of their life. The Committee is concerned about the lack of steps taken to improve available social and health care services, including early intervention-related services for children with disabilities. It is also concerned</p>

	<p>about the lack of information on the health care and educational assessment procedures in place and that individualized support and accommodations are not consistently provided for children with disabilities in mainstream schools based on students' requirements of individualized support.</p> <p>16. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Include, in the National Agenda for Child Rights 2017-2020, measures to taken into account the specific requirements of children with disabilities and that guarantee the respect of their rights in all spheres of life;(b) Provide all children with disabilities, regardless of their impairment, with sufficient social and health care services, including early intervention and development services, in cooperation with representative organizations of children with disabilities, including at the local level, and with a transparent roadmap to achieve progress;(c) Ensure that health care and educational assessment procedures are in line with the Convention and the human rights-based approach and include the involvement of experts from multiple disciplines;(d) Adopt a legally defined procedure for the provision of reasonable accommodation at all levels of education and allocate the resources necessary to guarantee reasonable accommodation according to individual requirements in consultation with the child concerned. <p>Liberty and security of the person (art. 14)</p> <p>27. The Committee is concerned that the current legislation permits the deprivation of liberty, forced hospitalization and forced treatment of persons with intellectual or psychosocial disabilities. It is also concerned about the use of physical restraints, particularly on persons with intellectual or psychosocial disabilities, including at home, and that police authorities have not consulted the respective organizations of persons with disabilities in adopting protocols to ensure the elimination of the use of restraints.</p> <p>28. The Committee recommends that the State party repeal laws permitting the deprivation of liberty on the basis of impairment, forced treatment, the use of restraints and coercive measures based on a medicalized model of disability. It also recommends that the State party provide effective remedies to persons with disabilities deprived of their liberty on the basis of impairment and that, in close consultation with representative organisations of persons with disabilities, it adopt relevant protocols. The Committee further calls upon the State party to be guided by its obligations under article 14 of the</p>
--	--

		<p>Convention, and the Committee’s guidelines on Article 14 of the Convention (2015) (see report of the Committee on the Rights of Persons with Disabilities Supplement No. 55 (A/72/55), annex I), throughout the regional discussions concerning an Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No 164) (Oviedo Convention).</p> <p>Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)</p> <p>29. The Committee is concerned that persons with disabilities are subjected to involuntary commitment and treatment procedures. The Committee is concerned about the lack of information on undertaken visits and procedures in place for conducting independent investigations of violations of the rights of persons with disabilities in institutions (see CRPD/C/ALB/1, para. 101) and about the lack of effective safeguards and sanctions. The Committee is also concerned about the absence of a mechanism mandated to monitor psychiatric institutions or other residential facilities where persons with disabilities are deprived of their liberty.</p> <p>30. The Committee recommends that the State party take effective legal and administrative measures to prohibit and prevent the practices of involuntary commitment or hospitalization, forced medical treatment and, in particular, forced psychiatric treatment on the basis of impairment. It also recommends that the State party establish an independent mechanism to monitor residential centres for persons with disabilities, including centres where children with disabilities may still reside, in order to prevent, and offer protection from acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.</p> <p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>31. The Committee notes with concern reports of violence against and abuse of persons with disabilities, especially in institutions, and about the absence of effective measures for remedies, such as compensation, rehabilitation and social reintegration of victims of violence, particularly children and women with disabilities. The Committee is also concerned about the lack of information on the concrete results of the implementation of the Law on Measures against Violence in Family Relations enacted in 2018 as well as about the lack of availability of comprehensive data and statistics of persons with disabilities victims of violence, sexual violence and abuse or multiple discrimination.</p>
--	--	--

		<p>32. The Committee recommends that the State party take all necessary steps to prevent exploitation, violence and abuse against persons with disabilities, both inside and outside of institutions. The Committee further recommends that the State party:</p> <ul style="list-style-type: none">(a) Revise the current monitoring and inspection procedures of social care homes and psychiatric institutions to prevent violence against and abuse of persons with disabilities, and particularly of children and women with disabilities;(b) Ensure that persons deprived of liberty have access to independent complaints mechanisms and that appropriate remedies are provided to victims of abuse, such as redress and adequate compensation, including rehabilitation;(c) Ensure the implementation of the Law on Measures against Violence in Family Relations, ensuring a disability perspective and addressing the specific risks of gender-based violence and the barriers to protection faced by women and girls with disabilities. <p>Living independently and being included in the community (art. 19)</p> <p>33. The Committee is concerned about the insufficiency of:</p> <ul style="list-style-type: none">(a) Effective measures taken to urgently advance the deinstitutionalization process of persons with disabilities;(b) Progress made in implementing independent living arrangements and the lack of programmes and in-home, residential and individualized support in the community, including personal assistance for persons with disabilities who require it and benefits for housing, so that they may exercise their right to independent living and to be included in their community;(c) Disaggregated data on the number of persons with disabilities still living in institutional settings;(d) Information on legal, administrative and financial measures taken to ensure the right of persons with disabilities to choose their place of residence and where and with whom to live. <p>34. In line with its general comment No. 5 (2017) on the right to independent living and to be included in the community and recalling the report of the Commissioner for Human Rights of the Council of Europe following her visit to Albania (para. 83), the Committee recommends that the State party to:</p> <ul style="list-style-type: none">(a) Develop and implement an effective deinstitutionalization plan, with a clear time frame and benchmarks and allocate sufficient funds for its implementation, particularly at the local level;
--	--	--

		<p>(b) Promote independent living schemes and roll out programmes and services, including personal assistance for persons with disabilities who require it, so that they may exercise their right to live independently and be included in their community;</p> <p>(c) Collect disaggregated data on the number of persons with disabilities still living in institutions;</p> <p>(d) Take all necessary measures to develop community support services for persons with disabilities to ensure that they have the right to choose their place of residence and where and with whom they live, including in rural areas, on an equal basis with others;</p> <p>(e) Ensure the involvement of organizations of persons with disabilities in the development of independent living strategies and schemes that provide for accessible community services, supports and facilities, especially at the local level, including accessible and affordable housing.</p>
UPR	Date of Consideration	Link to Page
	2 Dec 2009	http://www.ohchr.org/EN/HRBodies/UPR/PAGES/ALSession6.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	12 Sep 2000	https://www.hcch.net/en/states/hcch-members/details1/?sid=18

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

OPAC to CRC Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN United Nations
UPR Universal Periodic Review