



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Sixty - first session

17 September – 5 October 2012

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

#### **Concluding observations: Albania**

1. The Committee considered the initial report of Albania (CRC/C/OPAC/ALB/1) at its 1740th meeting (see CRC/C/SR.1740), held on 26 September 2012, and adopted at its 1754th meeting, held on 5 October 2012, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/ALB/Q/1/Add.1). However, it regrets that the report did not follow the revised guidelines adopted in 2007 regarding form and contents of initial reports to be submitted by State parties (CRC/C/OPAC/2). Furthermore, while taking note of the additional information provided by the State party after the dialogue, the Committee regrets the absence of representatives from the Ministry of Justice in the delegation of the State party, which impeded the dialogue on some issues of the Optional Protocol and in particular those related to judicial matters.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined second to fourth periodic reports under the Convention (CRC/C/ALB/CO/2-4) as well as those on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ALB/CO/1), adopted on 5 October 2012.

#### **II. General observations**

##### **Positive aspects**

4. The Committee welcomes the accession or ratification by the State party of:

- (a) The Optional Protocol on the sale of children, child prostitution and child pornography, in February 2008;
- (b) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in February 2008;
- (c) The Rome Statute of the International Criminal Court, in January 2003; and
- (d) The Geneva Conventions of 1949, in May 1957 and the Additional Protocols I and II thereto, in July 1993 and August 1989 respectively.

5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

- (a) The declaration made by the State party upon ratification of the Optional Protocol that the minimum age for voluntary enlistment (on a contractual basis) in its national armed forces is 19 years;
- (b) The fact that no national has been recruited for carrying out compulsory and active military service in the Armed Forces since September 2009; and
- (c) The endorsement by the State party of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, and the Paris Principles and guidelines on children associated with armed forces or armed groups, in September 2009.

### **III. General measures of implementation**

#### **Legislation**

6. The Committee is concerned that not all the provisions of the Optional Protocol have been fully incorporated into the State party's domestic legislation.

**7. The Committee urges the State party to undertake a review of its domestic legislation with a view to fully incorporating the provisions of the Optional Protocol into its domestic legislation.**

#### **National plan of action**

8. The Committee regrets the lack of information on objectives and measures specifically related to the implementation of the Optional Protocol in the Action Plan for Children 2012-2015.

**9. With reference to its concluding observations under the Convention (CRC/C/ALB/2-4 paras. 11 and 12, 2012), the Committee recommends that the State party include in its Action Plan for Children 2012-2015 objectives and measures for the full implementation of the Optional Protocol, including activities related to peace education.**

#### **Coordination**

**10. While noting the information received during the dialogue that the Ministry of Foreign Affairs is the entity responsible for the coordination and implementation of the Optional Protocol and, with reference to paragraphs 13 and 14 of its concluding observations under the Convention the Committee recommends that the State party put in place an effective institutional mechanism with overall responsibility for the implementation of the Optional Protocol, for effective coordination among ministries,**

including the Ministry of Defence, and other government entities and partners with respect to the implementation of the Optional Protocol and provide in its next periodic report under the Convention information in that regard.

#### **Dissemination and Training**

11. While appreciating that the State party organizes and conducts training on international humanitarian law for its military personnel, the Committee is concerned that no specific training programmes on the provisions of the Optional Protocol are included in the training curricula of military and law enforcement personnel. Furthermore the Committee regrets that the State party has not taken sufficient measures to raise awareness on the Optional Protocol among the public at large, including children.

12. **The Committee recommends that the State party include a specific module on the practical application of the Optional Protocol in the training of its military and law enforcement personnel. It further encourages the State party to develop systematic education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children, notably police officers, lawyers, prosecutors and judges, teachers, health professionals and social workers. It also recommends, in the light of article 6, paragraph 2, of the Optional Protocol, that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public, including children.**

### **IV. Prevention**

#### **Peace education**

13. The Committee is concerned that there are no programmes to systematically incorporate peace education into school curricula.

14. **With reference to its general comment No. 1 (CRC/GC/2001/1), the Committee recommends that the State party take effective measures to include peace education in school curricula and to encourage a culture of peace and tolerance within schools. It also encourages the State party to include human rights and peace education in the training of teachers.**

### **V. Prohibition and related matters**

#### **Prohibition of recruitment by non-State armed groups**

15. The Committee notes with appreciation Law No. 10347 of 3 November 2010, “On protection of Children’s Rights” which specifies that children are not permitted to be involved directly or indirectly in armed conflicts. However, the Committee is concerned that this law does not explicitly criminalize the recruitment of children by non-State armed groups.

16. **The Committee urges the State party to specifically prohibit and criminalize the recruitment and use in hostilities of persons under the age of 18 years by non-State armed groups.**

#### **Extraterritorial Jurisdiction and Extradition**

17. The Committee is concerned that extraterritorial jurisdiction is not permitted over crimes under the Optional Protocol. The Committee is further concerned that extradition is

not permitted if the penal offence has a military character and that it is subjected to the criterion of double criminality.

**18. The Committee recommends that the State party ensure that domestic legislation enables it to establish and exercise extra-territorial jurisdiction over crimes under the Optional Protocol. The Committee further recommends that the State party takes prompt legal measures to ensure that crimes under the Optional Protocol are included in extradition agreements, and that extraditions concerning such crimes are not hindered by their military character or by the criterion of double criminality.**

## **VI. Protection, recovery and reintegration**

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

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

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

## **VII. International assistance and cooperation**

### **International cooperation**

21. While appreciating the State party's active contribution to peacekeeping operations, the Committee encourages the State party to continue ensuring that its personnel is fully trained on the provisions of the Optional Protocol and that military contingents are aware of their responsibility and accountability with respect to children's rights.

## **VIII. Follow-up and dissemination**

22. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, *inter alia*, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court, and to local authorities, for appropriate consideration and further action.

23. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## **IX. Next report**

**24. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**

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