

Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report (Excerpts of Treaty Body Concluding Observations and Special Procedure Reports) - Universal Periodic Review:

Albania

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to Albania.

Treaty Body Concluding Observations

**CERD/C/63/CO/1, 63rd Session
10 December 2003**

25. The Committee regrets the lack of information provided by the State party on the possible impact on the application of the Convention of the changes made to its domestic legislation to combat terrorism.

The Committee invites the State party, in its next periodic report, to provide information on its law and practice in this regard, particularly on identity, entry and residence checks of foreigners, the right of asylum and extradition.

**CRC/C/15/Add.249, 38th Session
31 March 2005**

Non-discrimination

23. The Committee welcomes the many legislative amendments providing for equal rights to all children, including giving children equal inheritance rights without discrimination based on their status at birth. However, the Committee is concerned that discrimination persists in particular with respect to ethnic minorities, including Roma children, disabled children and children living in remote areas many of whom have reduced access to support and protection. The Committee regrets the lack of information on the efforts made by the State party to counter these forms of discrimination while noting statements that this is primarily a result of mentality and attitudes rather than lack of related legislation. Furthermore, the Committee regrets the general lack of information related to discrimination against girls.

24. The Committee urges the State party to undertake concerted actions to develop and implement policies aimed at countering the various forms of discrimination in the country. This would include revision of existing legislation, introduction of comprehensive anti-discrimination legislation and conducting educational campaigns to address discrimination against the Roma and other minorities, as well as discrimination on grounds such as disability, sex, birth status or others.

Birth registration

34. *The Committee notes the significant efforts made by the State party to ensure that every child is registered within 30 days after birth. Nevertheless, it appears that those failing to meet the deadline encounter additional difficulties.*

35. *The Committee recommends that the State party take appropriate measures to promote the registration of all children, including through facilitating late registration when necessary and paying particular attention to the most vulnerable and marginalized groups. In this context, the State party should ensure that the provisions of article 7 be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents. Meanwhile, immediate access to basic services, such as health and education, should be ensured to children who were not registered at birth, while their registration is being properly prepared.*

Family reunification

42. *The Committee is concerned that family reunification procedures may not always be dealt with in a manner consistent with the general principles (arts. 2, 3, 6 and 12) and in particular, article 10 of the Convention.*

43. *The Committee recommends that the State party take all necessary measures to ensure that family reunification procedures are dealt with in a positive, humane and expeditious manner. In this context, the Committee also urges the State party to take measures for the effective implementation of the Law on Integration and Family Reunion of Persons Granted Asylum (Law No. 9098 of 2003) and to enact all necessary by-laws.*

8. Special protection measures

Refugee and internally displaced children

64. *The Committee welcomes the progress made in establishing a clearer legal framework governing the treatment of refugees and the prevention of statelessness, including the progress made in securing access by all refugee and asylum-seeking children to Albanian schools. Nevertheless, the Committee considers that additional steps need to be taken to ensure full compliance of the relevant legislation and practice with the Convention.*

65. *The Committee recommends that the State party amend the current asylum legislation by introducing specific provisions ensuring that the best interests and the views of the child are taken into account, in particular during the status determination procedures. It further recommends that pre-screening procedures of foreigners be extended to the border-points with a view to guaranteeing maximum protection to child asylum-seekers and trafficked children, who may otherwise risk refoulement. The provision of adequate training on refugee child issues to all persons involved is highly desirable. The Committee further recommends that the State party consider seeking assistance from the Office of the United Nations High Commissioner for Refugees in this respect.*

Unaccompanied children

66. *The Committee notes that the departure of children from Albania to neighbouring*

countries is a significant problem, and that approximately 4,000 children have left the country unaccompanied by their parents.

67. The Committee recommends that the State party strengthen its efforts in this area, in particular:

(a) To determine and address the causes of such large-scale departure of unaccompanied children and introduce safeguards to reduce the phenomenon, in particular if such children are victims of illegal networks;

(b) To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;

(c) To strengthen cooperation and accelerate conclusion of agreements with neighbouring countries in order to ensure respect for the rights of these children, as well as their protection and education.

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
April 2009**