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REVISED EUROPEAN SOCIAL CHARTER

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the Revised European Social Charter

submitted by

THE GOVERNMENT OF ALBANIA

(Articles 7, 8 and 19
for the period 01/01/2007 – 31/12/2009)

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REPORT OF ALBANIA
ARTICLES 7, 8 AND 19 OF REVISED EUROPEAN SOCIAL
CHARTER

Article 7 “The right of children and young persons to protection”

Paragraph 1

Chapter X “Special Protection for Minors and Women” and, specifically Article 98 “Minimum age” of the Labor Code of the Republic of Albania expressly defines that employment of minors under 16 years old is prohibited. Therefore, the minimum employment age is 16 years old.

According to Chapter II, Article 3 “Scope” of the Labor Code of the Republic of Albania, the Law shall apply to all public and private activities and self-employed.

Under Article 5, the work, which is carried out socially and voluntarily, household works that are carried out by the spouse, children...shall not fall under the scope when carried out during the time that they live together with the employer in a joint economy.

Under Article 32 of Law No. 10237 of February 18, 2010 “On safety and health at work”, child labor is allowed in industrial and agriculture activities and in homework provided that:”
The employer must assess all risks and exposure against hazardous elements in the work processes and conditions for those kinds of activities, which may constitute a special hazard to vulnerable groups, by means of defining their nature, extent and duration.”

Under Article 98, Paragraph 1 of the Labor Code, 14-16 years old minors may exceptionally be employed during school vacations in some easy jobs, which do not affect their health and growth.

Moreover, under Article 98, Paragraph 2 of the Labor Code, 14-16 years old minors may become subject to vocational counseling and training under the rules defined upon the Council of Ministers Decision No. 384 of May 20, 1996 “On the protection of minors at work”, as amended, published in the Official Journal No. 18 of June 24, 1996, page 665.

Heading B of the aforementioned Council of Ministers Decision defines that “*Minors under 14 years old may become subject to vocational training upon the authorization issued by the State Labor Inspectorate*”.

Minors who are 14-16 years old may be employed in some easy jobs, which do not affect their health and growth.

Under Chapter C of Council of Ministers Decision No. 384 of May 20, 1996 “On the protection of minors at work”, “easy job” means all jobs, which due to the nature of assignments that it involves to be performed and the special circumstances when performed,

- a) Do not affect minors’ safety, health and growth;
- b) Do not prevent them from attending school, do not prevent their participation in vocational education and training as adopted by the competent authority and do not affect their capacity to benefit from the acquired training.

In the case of minors under 16 years old, there should not be more than 6 hours of work per day. Minors of 14-16 years of age must have 4 weeks leave per year from school and from any kind of employment.

Pursuant to the Council of Ministers Decision No. 384 of May 20, 1996 “On the protection of minors at work”, the Ministry of Labor Social Affairs and Equal Opportunities has issued, upon the proposal of the State Labor Inspectorate, Instruction No. 13 pf July 06, 1998 “On the protection of minor at work”. This Instruction defines the employment procedures for minors up to 18 years old in cultural, artistic, sport and promotion activities and, more specifically:

“Employment of minors up to 18 years old with the purpose of participating in activities of cultural, artistic, sport and journalistic activity shall be subject to a preliminary authorization issued by the labor inspectorate.

The application for the authorization shall contain the first name and surname of the employer or, of his or her company, the address, the first name and surname of the employee, his or her date of birth, the job description and the work schedule.

The employer must provide the labor inspectorate with all other necessary data.

The authorization shall be issued under the conditions defined by the labor inspectorate and only if:

a) They are not of a nature that affect minors' safety, health and growth, and

b) They are not of a nature that prevent them from attending school, participation in vocational education and training programs as adopted by the competent authority and do not affect their capacity to benefit from the acquired training”.

In addition, it is worth mentioning in this aspect also the legal initiative taken by the Ministry of Labor, Social Affairs and Equal Opportunities to adopt the law “On child’s rights protection”. The purpose of this draft law is to provide special protection for child’s rights through the completion of a full legal and institutional legal framework pursuant to the Constitution, international acts applicable in this field, as well as, pursuant to the legislation in force. The Council of Ministers has already passed the draft law upon a decision of it and it is expected to be shortly submitted to the Parliament for adoption. This draft law ensures and guarantees, inter alia, banning of child labor less than 16 years old specifically in Article 22, Paragraph 2 “Protection against economic exploitation”. Moreover, under this Article, the 16 up to 18 years old minor may be employed in easy jobs that do not affect his or her health and growth as per the legislation in force.

Homework is regulated by the Council of Ministers Decision No. 255 of March 25, 1996 “On the home work contract”, according to which homework includes handicrafts and other services carried out manually or, with the help of equipments. Paragraph 14 of the Council of Ministers Decision No. 255 of March 25, 1996 provides for the prohibition of homework as carried out independently by minors under 15 years old. The provisions on homework, which are laid down in Article 15, Paragraph 2 of the Labor Code, stipulate that the worker who works at home is entitled to the same rights as those enjoyed by the worker who works in the enterprise.

Whereas Paragraph 15 “Safety and health” of the Council of Ministers Decision No. 255 of March 25, 1996, provides for the cases when work can not be carried out under home conditions since it needs premises. This is to the effect that work performed in them should be subject to a preliminary authorization issued by the authorities, which are responsible for the implementation of this decision, and specifically the labor inspectorate. These authorities must take sufficient care so that these work premises provide the necessary safety and health conditions to avoid affecting the workers’ health. The authorization is also issued when the worker is less than 18 years old or, when he or she is assisted by other family members who are under this age.

Moreover, Albania has ratified upon Law No. 8909 of June 06, 2002, International Labor Organization Convention No. 177 of 1996, which lays down a set of rules concerning homework and the exclusion cases when this damages the minors’ health.

Data of the inspection of private entities over years about the registered workers under 18 years old

Description	2005	2006	2007	2008	2009	2010
Inspected private entities	7219	7212	8905	10420	11724	7740
Recorded employees	83056	80047	111792	101306	128395	79861
Employees under 18 old (%)	387 (0.5%)	533 (1.7%)	737 (0.6%)	665 (0.65%)	415 (0.3%)	303 (03%)

No cases of employment of children under 15 years old have been observed and this complies with the labor legislation (Labor Code).

Paragraph 2

Under the Labor Code of the Republic of Albania, only major persons may be employed in difficult jobs or in jobs that pose a threat to their health or personality. Difficult or hazardous jobs and special rules regarding their duration are defined in the Council of Decisions No. 384 of May 20, 1996 “On the protection of minors at work”, as amended.

In the case of employment in difficult or hazardous jobs, the employer must inform the labor inspectorate about the employment of each worker who is 16 to 18 years old. The notification about the employment must contain the first name and the surname of the employer, the name of the enterprise, the employer’s address, the first name and the surname of the worker, his or her date of birth, the description of the job to be performed and the work schedule. The employer is obliged to provide the labor inspectorate with all other necessary data.

The Council of Ministers Decision No. 248 of April 13, 2010 “On an addition to the Council of Ministers Decision No. 207 of May 09, 2002” contains a list of all hazardous jobs and, more specifically, they are as follows:

- a) Work in mines, underground works and other mining works that are carried out by:
 - Miner, tunnel framework constructor, the person who sets and explodes dynamite charges and their assistants;
 - The technical manager (the engineering and technical staff);
 - Transportation and loading worker;
 - The airing service worker and the electrical and mechanical worker;
 - Mine rescue and inspection staff and the rescue and inspection unit staff of mines in Tirana.

- b) Work in civil aviation that is carried out by:
 - Aviation commander,
 - Pilot, air traffic controller,
 - Navigator
 - Mechanic,
 - Radiotelegraph operator
 - Radiotelephone operator.

- c) Work in copper, chromium and coal enrichment factories, in foundries and in the seacoast sand enrichment factories, in the quartz enrichment factories, which include:
 - Work in foundries;
 - Blacksmithing;
 - Work in heating systems and pressurized devices;
 - Welding with electric arc and the work of welding switch operators;
 - Welding with oxyacetylene;

- d) Other work including the following:

- diver
 - Welder, electro-welder in reservoirs, towers and cisterns;
 - Reservoirs internal cleaning worker;
 - Worker who works with aerosol and radioactive solutions;
 - Workers who work with radioactive radiation and in radioactive premises;
 - Machinist and assistant machinist.
- e) Work in education and culture field, such as:
- Ballet dancer and ensembles dancer;
 - Circus acrobat and gymnast;
 - Opera soloist;
 - Musician of wind instruments, orchestras and bands;
- f) Work in health field including:
- Work with ionizing radiation (cobalt therapy, imagery, classic radiology, scanner, magnetic resonance);
 - Work in microbiological laboratories;
 - Work in infectious diseases service, in surgical premises and anesthesia in surgery rooms with gases;
- g) Work in cooper industry.
- h) Work in chemical and processing industry including:
- work in production of batteries;
 - work in leather and furs processing;
 - Work in paper factories.
- i) Work in metallurgical, oil and its byproducts industry including:
- Ferrous ferrochromium industry;
 - Lamination mills;
 - Pig iron mills;
 - Furnace units;
 - Manufacturing of synthetic substances, polystyrene, polyethylene, etc.
- j) Work in electrical industry:
- in heights more than 5 meters above the ground;
 - In operation services, in substations of 110 kV and higher;
 - In services of appliances, which emit coherent monochromatic rays (laser rays), electromagnetic rays, with high frequency, very high frequency, low and very low frequency;
 - In services with electric cranes, with mobile towers;
 - In operation services of electric and distribution affiliates;
- k) Work in manufacturing of bricks and tiles and other ceramic items including:
- Cement production;
 - Glass, glaze and electrical bulbs production;
 - Leather industry;
 - Timber, paper and particleboard industry.
- l) Work in tobacco fermentation industry and cigarette making industry.
- m) Work in construction including:

- Asphalt worker and asphalt production worker;
 - Concrete making worker;
 - Worker who erects industrial stacks;
 - worker who mounts high voltage towers;
 - driller;
 - excavator operator;
 - quarry miner;
 - roller operator;
 - clay quarry miners;
 - polygrapher
- n) Work in military establishments including:
- ammunitions demounting;
 - removing of explosive stuff from the demounted projectiles;
 - removing of powder from the cartridges of demounted ammunition;
 - transportation of munitions, powder and explosives;
 - manipulation of pressurized appliances;
 - cartridges testing and shooting galleries;
 - manufacturing of dry batteries (preparation of the electrolyte and mixing of the agglomerate);
 - manufacturing lines in tunnels;
 - galvanic processes;
 - firecracker manufacturing;
 - tyres manufacturing (preparation of mash);
 - tin welding;
 - sand brushing and metal shining processes;
 - detonators manufacturing;
 - powder and explosives processing and manufacturing lines;
 - manufacturing and manipulation of detonating, igniting, powder and explosive substances

Paragraph 19 of this list sets forth prohibition of child employment in works involving welding, oxygen and electric cutting, except when implementing vocational training programs. Paragraph 1 of the Council of Ministers Decision No. 205/2002 “Minors under 14 years old may be employed only in the context of a vocational training system or in the frame of a training in an enterprise upon the authorization of the State Labor Inspectorate”. Meanwhile, Chapter VI “Risk vulnerable groups” of Law No. 10237/2010 “On safety and health at work”, defines that pregnant women, breastfeeding women, minors and disabled shall be protected against risks that specifically affect them. Article 34 stipulates more specifically that:

“1. Children shall be protected against all kinds of risks, which endanger their wellbeing and growth as a consequence of lack of experience, and information about a potential risk or due to the fact that they have not reached their full maturity yet.

2. Child labor shall be prohibited if:

- a) It objectively exceeds child’s physical and psychic capacity;*
- b) It includes an exposure against toxic and carcinogenic elements, it causes genetic hereditary damages or damages, which have chronic effects to the detriment of health throughout the entire life;*
- c) It includes exposure against radioactive radiation;*

d) *It includes the risk of accidents, which may happen, which may not be known or avoided by the children due to attention negligence or insufficiency of experience or education;*

e) *It poses a risk to health as a consequence of extreme cold or heat, noise or vibrations.”*

Meanwhile, Article 35 “Measures as taken by the employer for the children” lays down the following:

“1. The employer shall take the necessary measures to protect children’ health and safety at work by means of taking into consideration the specific risks as prescribed in Article 34, Paragraph 2 of this law.

2. The employer shall take measures regarding children’s risk assessment in their work and that is an assessment, which must be carried out before starting the work.

3. Following the assessment performed according to Paragraph 2 of this Article, the employer shall carry out, according to the provisions of the effective legislation, a periodical assessment and control concerning child’s health when observing the existence of safety and health risk at work, as well as, for the children’s mental and physical development.

4. If in the course of child’s labor relations an important change occurs in the work conditions, the employer shall show care about the following:

a) Design and exposure of the workplace.

b) Nature, type, level and duration of exposure against physical, biological, chemical, ergotamine, psychic and social agents.

c) The form, expansion and using of work equipments, especially the agents, the machineries, appliances and mechanisms, as well as, the manners of using them.

d) Measures of organizing the work process and the manners of their combination.

e) The education level and the instructions provided to the minor.

5. The employers shall define protective and preventive services about planning, implementation and monitoring of safety and health at work for the minors”.

Based on the checks carried out by the State Labor Inspectorate, it is observed that 14% of employed children result without individual employment contracts. Under Article 21 of the Labor Code, working hours and breaks comprise a mandatory element of it.

When violations of these provisions have been observed, economic entities are penalized. Administrative measures, which have been imposed due to the violation of the aforementioned provisions, make up 2.4% of 2009 total administrative measures imposed by the relevant structures of the State Labor Inspectorate.

Data about children under 18 years old, who are recorded as employed, and additional data that have to do with males and females, working hours, contracts, insurance, State Labor Inspectorate authorization, medical examination are data, which, since 2009, are entered into a database.

According to the data entered into the database about children, who are recorded as employed in 2009-2010, it results that:

- 49% of children are employed in clothing
- 30% in shoemaking
- 15% in hotels, bars and restaurants
- 6% in other activities

Employed children have 9-year school education and this makes up 94% of children who are recorded as employed.

The children who are recorded as employed include:

- 1.5% are 16 years old
- 16.2% are 16-17 years old
- 69.4% are 17-18 years old

12.9% are 18 years old

Inspections indicate that children, who are recorded as employed, consist mainly of girls to an extent of 71% at work.

When analyzing registered children's labor relations, it comes out that 13.3% of them were found without individual employment contracts. The rest have a contract and they work 6 hours per day with a workweek consisting of 30-36 hours.

1.5% of individual employment contracts result to be irregular, because children work 8 hours per day with a workweek consisting of 40 hours. The Council of Ministers Decision No. 499 of May 06, 2009 "On an addition to the Council of Ministers Decision No. 384 of May 20, 1996 On protection of children at work", as amended, published in the Official Journal of June 18, 2009, No. 90, Page 3946, stipulating medical examination of employees under 18 years old, is applied. Moreover, 87.7% of children who are recorded as employees are ensured employees, while 77% of children are employed upon State Labor Inspectorate Authorization. In case of provisions of the law, which deal with protection of children at work, five fines of 1,800,000 Albanian Leks equal to 13630,168¹ Euro have been imposed as penalties.

Paragraph 3

In the case of Paragraph 3, the Albanian legislation provides specifically in Law No. 7952 of January 26, 1995 "On preuniversity education", as amended by Law No. 8387 of July 30, 1998 "On some amendments to Law No. 7952 of January 26, 1995 "On preuniversity education", that all 6 years old children in the Republic of Albania must start elementary education, which lasts no less than 9 years. Each pupil must attend elementary education up to 16 years old. Law No. 7952 of January 26, 1995 "On preuniversity education", as amended, published in Official Journal No. 15 of 1995, page 619, emphasizes that education is a strategic priority that links education with various issues of the development of society, with globalization and shaping of citizen personality. Article 1 of Law 7952/1995 defines that "*Education shall be achieved in compliance with the principles set forth in the effective legislation based on the traditions and achievements of our national schooling and it shall be carried out in compliance with the international agreements and treaties as ratified by the Republic of Albania. Education shall respect children's and adults' rights set forth in these documents*". Under this Article, opening and operation of education institutions and conducting of education process (content of education curricula) is based, in addition to other documents, on respecting of two key documents: The Universal Declaration of Human Rights and the Convention on the Rights of Child. So, in principle and by law, children's rights are protected. Moreover, Article 60 of this Law defines that "*Employment of children who are subject to compulsory schooling shall be prohibited. When observing cases of employment of children, who are subject to compulsory schooling, the labor inspectorate shall penalize the state or public employer with a fine of 100,000 Albanian Leks and, in case of repetition, with a fine of 200, 000 Albanian Leks*". This stipulates prohibition of employing children who are subject to compulsory schooling".

The National Youth Strategy, as the key policy paper in the youth field, contains the measures, which are planned and the measures, which constitute the key principles of the European Social Charter.

In this context, obligations deriving from the European Social Charter are an integral part of this Strategy and of its Action Plan.

¹ 1 Euro = 132.06 Albanian Leks, Source: Bank of Albania, Average rate of exchange of 2009.

Chapter IV–Health and Social Protection (Juvenile Criminality, Violence against Children and Young Persons, as well as, Trafficking and Exploitation of Young Persons) constitute a strategic priority of our policies.

In cooperation with UNICEF, this priority is included as a joint part of annual work plans in order to protect young persons and children and to establish the sustainable basis of protecting the rights of children and young persons in the country.

The aim of organizing informing meetings and workshops for young persons about the Labor Code, legal improvements concerning work conditions of young people as laid down in this strategy is to protect children and young people when employed so that minimum age of their employment will be 15 years old, that they will be informed about their right as new workers to a fair remuneration and to other appropriate benefits and, that employed persons under 18 years old have the right to annual paid leave of a minimum of four weeks.

Moreover, entitling of young persons to vocational guidance by means of organizing new vocational training courses, as well as, through the improvement of the material base across various training centers is important.

Entitling of children and young persons to appropriate social, legal and economic protection by means of participation and creation of recreative activities for marginalized groups of young persons including children who are employed, children who have been subject to trafficking, Roma children, violated Egyptian minority children, children with social and economic problems and orphans. In addition, this may be achieved also by means of informal meetings, functioning of vocational training centers without payment or, with low prices or through other programs that are addressed in the National Youth Strategy in Chapter IV - Health and Social Protection, as well as, in Chapter V – Youth Recreation and Leisure.

Improvement of Artists' and Culture Operators' Skills

Enhancement of artists' and culture operators' skills is accomplished through various programs of public institutions and/or in cooperation with the non-governmental and private sector. The Ministry of Tourism Culture Youth and Sports fund a considerable number of playing and opera festivals, children theatre, music creation, etc., while it also awards prizes and titles to Albanian artists.

A special place is provided to the promotion of young artists through the “Young Persons Project”, which is accomplished in cooperation the national institutions depending on the Ministry of Tourism, Culture, Youth and Sports. These projects include about 100 young artists per year (instrumentalists, singers, actors, scenographers, visual arts artists, curators, exposition managers, etc.) over 20 premiers or exhibitions and more than 200 shows and exhibitions.

Programs of funding scholarships for artists are managed by the Ministry of Education and Science, Academy of Arts, and the network of secondary art schools in the country. In the frame of international cooperation, the Ministry of Tourism Culture Youth and Sports provides funding for the participation of artists and culture operators in various programs of vocational training in Europe and beyond.

The National Youth Strategy has addressed encouragement of young persons' creative skills and their access as a separate chapter. Priority has been given to the socialization of young persons in society through these elements, which have a direct impact on young persons empowerment and their abandoning of negative phenomena like drugs, alcohol, etc., as well as, promotion of unique values in the field of art, culture and sport as education tools.

Measures

- Organization of summer camps with the participation of young persons coming from youth organizations and youth structures, young persons belonging to marginalized groups and the purpose of this camp is to integrate these groups and to support talented young persons.
- Conducting of cross-cultural activities and various programs of cultural exchange by enabling Albanian young persons to participate as part of youth organizations in different international activities.
- Another measure, which has been taken, is the organization of cultural activities where creative elements as combined in the form of visual art exhibitions, photography, sculpture, design, graphic, competition between youngsters of different schools about free creations in fiction, as well as, various meetings with contemporary Albanian writers.
- The Ministry of Tourism Culture Youth and Sports has supported the libraries of high schools by providing them with contemporary and classic fiction editions, therefore enriching their inventory, as well as, it has provided financial support for youth organizations, which operate in these fields through best draft ideas.

Paragraph 4

Under the Council of Decisions No. 384 of May 20, 1996 “On the protection of minors at work”, as amended, the official maximum working hours for children under 16 years old may not exceed 6 hours per day and not more than 30 hours per week. At least once per year, minors from 14-16 years old must have a break period of 4 weeks free from any schooling activities and from any kind of job.

Minors under 18 years old benefit a break of no less than 2 days per every seven work days and the weekly break includes Sunday (exceptions may be made only for justifiable reasons and when accepted by the labor inspectorate). Weekly break of 2 nonsuccessive days may be granted also in the form of 6 times per year, if this is imposed by justifiable technical and organization reasons. They benefit a paid break of no less than 30 uninterrupted minutes when they work no less than 4 hours and a half per day.

In addition, under Article 101 of the Labor Code, it is prohibited for employees under 18 years old to work at night, which means that Albania legislation has guaranteed in the relevant articles the protection of this age group against working hours and jobs that would risk and hinder their elementary education.

Under Article 6 of Law No. 9634 of October 30, 2006 “On labor inspection and State Labor Inspectorate”, published in Official Journal No. 124 of November 27, 2006, page 4955, the mission of the State Labor Inspectorate includes inspection, observation, counseling, notification, training, prevention and sanction. In addition, its task is to ensure enforcement of legal provisions about work conditions and the protection of workers when exercising their profession, the working hours, wages, insurance, sanitation and welfare, employment of children and women. Its tasks include also other issues that are closely linked with the workers to that extent that labor inspectors are assigned to ensure enforcement of these provisions.

Paragraph 5

Minimum wage in the Republic of Albania is ensured by the Albanian legislation. Under Article 111, “Minimum wage” of the Labor Code of the Republic of Albania, the wage of a worker may not be lower than the minimum wage defined upon a Council of Ministers’ Decision.

Under Paragraph 1 of Article 111 “Minimum wage” of the Labor Code of the Republic of Albania, the minimum wage is defined by the Council of Ministers’ Decision No. 522 of May 13, 2009 “On defining the minimum wage at a national level”, Official Journal No 77 of May 29, 2009, page 3406. This minimum wage is 18.000 (eighteen thousand) Albanian Leks per month or 136.3 Euro. When defining this wage, the feedback of representatives of workers’ and employers’ organizations in the tripartite commission, which operates in the Ministry of Labor, Social Affairs and Equal Opportunities, was solicited. This wage rate is mandatory for implementation for each national or foreign natural or legal person.

The Council of Ministers has the authority to also define a lower minimum wage rate to facilitate entrance of young persons into the labor market.

Actually, there is no legal incentive pursuant to Article 11, Paragraph 3 about defining a lower minimum wage to o facilitate entrance of young persons into the labor market.

During 2005-2010, the minimum wage kept increasing to higher rates compared to annual inflation by amounting in 2010 to 19000 Albanian Leks/month, with an increase of about 61 % compared to 2005. Increasing of minimum wage over years is provided in the following table.

Period	Minimum wage	Increase by %
May 2005	11800	9.2
July 2006	14000	18.6
January 2008	16000	14.3
July 2008	17000	6.2
May 2009	18000	5.9
July 2010	19000	5.5

There are no statistical data about the wage of young persons of 15-16 and 16-18 years of age, therefore we may not say that their wage is lower (20% acceptable) than the initial wage of an adult. In the budgetary system, the wage system envisages a wage supplement because of years of work, therefore the wage of new workers is lower.

Source: Labour Force Survey, INSTAT 2007, 2008

Labour Force for age-group 15-19 by education and sex

	2007			2008		
	Male	Female	Total	Male	Female	Total
8/9 years school	83.9	85.9	85	78.15	86.25	81.81
Upper secondary vocational 2-3 years	3.1	0.9	2	1.55	-	0.85
Upper secondary vocational 4-5 years	2.5	1.2	2	2.43	1.36	1.94
Upper secondary general	12.8	9.3	11	17.87	12.39	15.40
Tertiary/University	0	0	0	0	0	0
Total	100	100	100	100	100	100

Employment rate for age-group 15-19 by education and sex

	2007			2008		
	Male	Female	Total	Male	Female	Total
8/9 years school	17.2	19.2	18.5	13.8	15.3	14.6
Upper secondary vocational 2-3 years	14.2	-	14.2	11.0	-	10.0
Upper secondary vocational 4-5 years	26.2	7.5	19.0	18.8	5.5	12.9
Upper secondary general	22.2	6.5	14.3	16.6	5.2	10.0
Tertiary/University	-	-	-	-	-	-
Total	21.20	20.90	20.6	14.2	13.4	13.8

Unemployment rate for age-group 15-19 by education and sex

	2007			2008		
	Male	Female	Total	Male	Female	Total
8/9 years school	23.06	9.51	16.72	31.50	18.10	25.10
Upper secondary vocational 2-3 years	24.06	-	19.29	73.40	-	73.40
Upper secondary vocational 4-5 years	12.19	45.73	21.39	40.70	70.10	50.00
Upper secondary general	28.63	37.72	31.99	45.50	59.00	50.40
Tertiary/University	-	-	-	-	-	-
Total	23.53	12.45	18.57	34.90	13.70	29.90

Official minimum wage

	2004	2005	2006	2007	2008	2009
Official minimum wage (in leks)	10,080	11,800	14,000	16,100	17,000	18,000
Change of official minimum wage(%)		17.1	18.6	15.0	5.6	5.9
Change of Consumer Price Index (%)		2.4	2.4	2.9	2.2	3.5
Real official minimum wage growth (%)		14.32	15.86	11.76	3.32	2.30

Paragraph 6

Pursuant to the Council of Ministers' Decisions No. 384 of May 20, 1996 "On the protection of minors at work", as amended upon the Council of Ministers' Decision No. 205/2002, the Ministry of Labor, Social Affairs and Equal Opportunities issued upon the proposal of the State Labor Inspectorate Instruction No. 13 of July 06, 1998 "On children protection at work". This Instruction defined the procedures of employment of children up to 18 years through vocational counseling and training. This is provided in Section B, which specifically prescribes that "Beginning with 13 years and older minors (amended as "14 years old minors) may be employed only in the frame of an optional education system or through an internship in an enterprise on condition that such employment is carried out under the conditions approved by the labor inspectorate".

The application for authorization must contain the first name and surname of the employer or of his or her company, the address, the first name and surname of the employee, his or her date of birth, the job description and the work schedule. The employer must provide the labor inspectorate with all other necessary. The authorization of the labor inspectorate is not necessary when training or internship in an enterprise are organized by the authorities assigned with vocational education and training.

Paragraph 7

An important element addressed in the Labor Code is the working time and time off for children. Article 78/3 stipulates that the workday for workers less than 18 years of age must not exceed 6 hours per day.

More specifically, the Council of Decisions No. 384 of May 20, 1996, defines the working time and time off as follows: *“For each period of 7 days, minors under 18 years old shall be entitled to 2 successive leave days, including Sunday. No exception may be made to this rule, except for reasons, which are justifiable and acceptable for the labor inspectorate”*.

The employer may grant this 2 nonsuccessive leave days, at least, 6 times per year, if this is imposed by justifiable technical and organizational reasons.

If minors under 18 years old work longer than 4 hours and a half per day, they are entitled to a break of 30 minutes. Under no circumstances, the working hours can exceed 8 hours per day and 40 hours per week. The break for the days has to be, at least, 11 successive hours within the day or, if needed, two days in succession. No violation cases of the right of employed children under 18 years to time off have been observed, and this complies with the provisions set forth also in the labor legislation (Labor Code).

At least, once per year, minors from 14-16 years old must have a break period of 4 weeks free from any schooling activities and from any kind of job.

Article 7, Paragraph 7 of the European Social Charter is highlighted in the Council of Ministers Decisions No. 616 of December 04, 2002 “On defining the other special groups, which benefit from this Law”. This Council of Ministers’ Decision was drafted pursuant to Article 5 of Law No. 8872 of March 29, 2002 “On vocational education and training in the Republic of Albania” and it described the relevant target groups included in it. The report emphasizes that there are no specifications and measures in relation to their enforcement in practice.

We inform that since 2007, there are regular statistics in relation to the implementation of this Council of Ministers Decision about persons who benefit vocational training in all Regional Directorates of Public Vocational Education.

The following table provides detailed data by categories for persons who have received training in the vocational training centers.

	DATA ON TRAINEES OVER YEARS						
	2004	2005	2006	2007	2008	2009	2010
Total registered	9114	7574	6727	7400	7752	6915	6734
females	5243	4388	3693	3899	4409	3843	2752
employed	2080	1747	1068	1317	1495	1192	1226
unemployed	3611	3157	2901	3977	3429	3580	2625
School students	3260	2228	1995	2318	2563	2143	
By age group							
16-19 years	2911	2319	2310	2628	2659	1924	1331
20-24 years	2773	2443	2187	2295	2581	1920	1778
25- 34 years	1854	1497	1266	1488	1609	1258	1307
Over 34 years	1576	1315	964	989	903	725	941
By level of education							

8 year school	2065	1592	1515	2032	1902	1636	1081
Secondary	3624	3192	2808	2795	3170	2302	2138
Vocational	1279	1062	922	1968	574	418	613
University	2146	1728	1482	605	2106	1471	1525
Total certified	8328	7004	6118	7029	7577	6611	5139
Unemployed applying for a job	1005	1253	1683	1700	1857	2308	1329
females				615	780	938	573
With a reduced fee				1468	1396	1511	974
Free of charge				148	131	345	125
Of which							
- Roma				72	18	144	51
- orphans				35	82	67	41
- trafficked women				10	5	43	17
- former prisoners				29	26	10	
- disabled				2	0	81	16
Employed after a training course	675	764	855	742	541	791	178

Paragraph 8

Albanian legislation and, specifically Article 101 of the Labor Code of the Republic of Albania, prohibits night work for minors under 18 years old. No cases of employment of minors under 18 years old on night shifts have been observed. This article defines clearly that “employees less than 18 years old are prohibited to work at night. Therefore, no other provisions of laws or bylaws of the Albanian legislation are an exception to this provision of the Labor Code.

Paragraph 9

The Council of Ministers Decision No. 499 of May 06, 2009 “On the protection of minors at work”, as amended, defined the rule concerning children regular medical examination by taking into consideration EU Directive No. 94/33 EEC, which is identified as the referring Community instrument to make this change.

The Council of Ministers’ Decision No. 384/1996, as amended, provides that, before minors start work, the employer must verify the working conditions and, specifically:

- a) equipments and arrangement of the workplace;
- b) the nature, the extent and the duration of exposure against physical, biological and chemicals agents;
- c) planning of work processes and its organizational accomplishment;
- d) situation of minors education and information;
- e) examination of health condition of minors on regular basis and for free.

Under Council of Ministers Decision 499/2009, the regular health examination has to be performed:

- a) every 12 months of work for employees under 18 years old who are employed in easy jobs;
- b) every 6 months for employees under 18 years old who are employed in difficult jobs as laid down in the list of difficult jobs.

The employer covers expenses of minors’ regular health examinations and ensures

maintaining of confidentiality of every record concerning his or her health situation.

The regular medical examination of employed minors under 18 years old is carried out every six months. Actually, reorganization of health service at work is being reviewed by means of reviewing bylaws that derive from Law No. 10 237 of February 18, 2010 “On safety and health at work”.

The entirety of examinations, which minors under 18 years old perform, is the standard general check, which includes physical examination, thorax x-ray, complete blood and urine test and specific examinations, based on the exposures against agents specified by nature of work and medical doctor’s evaluation.

Specific exposures include defining of the level of toxic elements in blood and urine. Nonetheless, the list of examinations on the routine check is under review as a result of the legal obligation set forth in Law No. 10 237 of February 18, 2010 “On safety and health at work”, as adopted 6 months ago.

Under the Council of Ministers’ Decision No. 742 of November 06, 2003 “On some additions and amendments to the Council of Ministers Decision No. 692 of December 13, 2001 “On special measures of safety and health protection at work”, as well as, the Council of Ministers Decision No. 2 of June 25, 2004, the medical doctor of the enterprise carries out the regular medical examination of all workers once in 6 six months. In addition, before starting work, the worker must be provided with a report by the Forensic Commission indicating that he or she is able to work. Employees under 18 years old become also subject to these regular examinations.

Article 99 of the Labor Code provides for the employment of children of 16-18 years of age. This category may be employed in easy jobs, which do not damage their health and growth. The Council of Ministers’ Decisions No. 384 of May 20, 1996 “On the protection of minors at work”, provides for the employment of minors following their issuance with the relevant authorization of the State Labor Inspectorate. The application for authorization must contain the first name and the surname of the employer or, the name of the enterprise, the employer’s address, the first name and the surname of the worker, his or her date of birth, the description of the job to be performed and the work schedule. The employer is obliged to provide the labor inspectorate with all other necessary data.

The inspections, which the State Labor Inspectorate has carried out, have ascertained that 14% of employed children result to be without individual employment contracts. Under Article 21 of the Labor Code, working hours and breaks constitute a mandatory element of it. Several economic entities were penalized because of the violations of these provisions that were observed during the inspection. The administrative measures were based on the aforementioned violations and they make up 24% of 2009 total administrative measures.

Paragraph 10

The Constitution of the Republic of Albania (Constitution of the Republic of Albania adopted upon Law No. 8417 of October 21, 1998, as amended) has laid down special provisions to protect children’s and young persons’ rights. As part of the human freedoms and rights, the Constitution recognizes children’s personal rights (protection of life), political, economic, social and cultural rights. In the frame of economic, social and cultural freedoms and rights protection, the state has the obligation to ensure protection of children against violence, maltreatment, exploitation and use at work and, especially of children under employment minimum age, which may hurt their health and moral or may risk his or her normal life and development (as provided for by Article 54 of the Constitution).

The Article stipulates, in a general manner, the special protection for all children’s rights without forgetting here also children’s protection against economic exploitation, the

performed work, as well as, worst forms of it, although legal addressing of this phenomenon does not suffice with that.

The Labor Code specifies further the legal regulation of this issue specifically in Chapter X “Children’s special protection”. All articles of this Chapter, but not only, indicate clearly the special protection that is reserved for this age group of the society. Certainly, Albania has ratified long before Convention No. 138 “On minimum age” and Convention No. 182 “On the worst forms of child labor”, therefore harmonizing also the legislation with the standards laid down in these conventions.

Measures taken by the Government of Albania concerning prevention and fighting against trafficking in children over 2005 – August 2010

The information, as provided hereunder, is mainly focused on the measures that are taken in the frame of legal amendments, institutional framework, and mechanisms to protect children who are victims of trafficking, as well as, statistical data covering 2005 – 31 August 2010.

1. Legal amendments

Trafficking in human beings was set forth for the first time as a criminal offence in the Penal Code of the Republic of Albania in 2001. Ratification of the UN Convention against transnational organized crime, as well as, of its two additional protocols in 2002 was followed by important amendments to the Penal Code concerning trafficking and smuggling in human beings. In compliance with the Convention and its two additional protocols, the Penal Code of the Republic of Albania was amended by Law No. 9188 of February 12, 2004, therefore amending Articles 110/a “Trafficking in persons”, 114/b “Trafficking in women”, 128/b “**Trafficking in children**”, as well as, Article 298 “Assistance for illegal border crossing”. With these amendments, the content of articles, which prescribe the criminal offence of trafficking, is in full compliance with Article 3 of Palermo Protocol. Under Article 128/b of the penal Code “*Trafficking in children*” sentencing for the perpetrators of this criminal offence ranges from 7 to 15 years of imprisonment and a fine of 4 to 6 million Albanian Leks. Depending on the aggravating circumstances, the perpetrator may be sentenced to no less than 20 years of imprisonment or, to life imprisonment in addition to a fine of 6 – 10 million Albanian Leks. When the offence is committed by means of using the state function or public service, sentencing to imprisonment and the fine increase by ¼ of the sentencing.

Apart from stipulation of trafficking in children as a criminal offence, the Parliament adopted Law No. 9859 of January 21, 2008 where Article 124/b “**Minors maltreatment**” condemns, inter alia, the phenomenon of forced labor, begging and other forced services. Moreover, it includes an addition to Paragraph 117 “Pornography” about child pornography, as well as, an addition to Article 128/b “**Trafficking in children**”, under which sale of children is punished by law in addition to recruitment, hiding, reception, etc.

In addition to amendments made to the Penal Code, a set of other laws have been drafted and adopted and they supplement the legal framework about prevention and fighting against trafficking in human beings and, specifically children’s protection. We may mention here the following:

- Law No. 9642 of November 20, 2006 “On the ratification of Council of Europe Convention on the measures against trafficking in human beings”;
- Law No. 9669 of December 18, 2006 “On the measures against domestic violence”;
- Law No. 9749 of June 04, 2007 “On the State Police”;

- Law No. 9834 of November 22, 2007 “On the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which was the main drive of amending Article 117 “Pornography” of the Penal Code;
- Law No. 9959 of July 17, 2008 “On foreigners”. This law fully regulates the competences of Border and Migration Police to gather, save and process personal data and to keep the records on foreigners supervision in compliance with EU standards and provisions of the Law “On personal data protection”;
- Law No. 10071 of February 09, 2009 “On the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”;
- Law No. 10173 of October 22, 2009 “On the protection of justice witnesses and collaborators”;
- Law No. 10192 of December 12, 2009 “On the prevention and tackling of organized crime and trafficking through preventive measures against assets”. This Law expands its scope also to other criminal offences and it considerably empowers the judiciary to seize criminal assets. Moreover, this Law will have an impact on the improvement of the protection of trafficking victims, because it enhances the possibility of seizing illegal assets, which may be seized at any moment when they are unjustifiable and this will increase the fund for social integration purposes under this law.
- Law No. 10193 of December 03, 2009 “On jurisdictional relations with foreign authorities on criminal issues”. Adoption of this Law helps a lot in the improvement of cooperation with other countries, especially in the execution of rogatory letters;
- Law No. 10 252 of March 11, 2010 “On some additions and amendments to Law No. 9355 of March 10, 2005 “On social assistance and services”, as amended. Under this Law, victims of trafficking will benefit social assistance, in addition to social services provided to them during the accommodation in the reception and reintegration centers, even after leaving the social care institutions (reception centers) up to the moment when they are employed. Moreover, this Law stipulates that reception centers receive funding from the state budget based on the agreements with the State Social Service and the local government units where they provide support service for trafficking victims;
- National Strategy of the Fight Against Trafficking in Human Beings and the National Strategy of Fight Against Trafficking and Protection of Child Victims of Trafficking.

The Government of Albania, as well as, all governmental and nongovernmental agencies involved in the fight against trafficking in human beings have carried out their activity based also on a cooperation and coordination between them in regard to the implementation of the National Strategy of the Fight against Trafficking in Human Beings. This document has been in place since 2001 and it has been improved over the following years (2004, 2005-2007, 2008-2010). These Strategies have served as very important instruments in the fight against trafficking in human beings. By the end of the deadline of their implementation, evaluation reports have been drafted including the one on the implementation of the National Antitrafficking Strategy 2005-2007, which, apart from the informing aspect, have served as a key source, based on which the following strategies were drafted such as the case of the strategy for 2008-2010. Reports, as well as, other strategic documents concerning fight against trafficking in persons may be found in the following official website:

http://www.moi.gov.al/index.php?option=com_content&view=article&id=61&Itemid=167

The fight against trafficking in children and protection of child victims/potential victims of trafficking remains a priority of the government agenda. To this end, a separate strategy and an action plan against trafficking in children were attached to the National Strategy of the Fight against Trafficking in Human Beings. It constitutes an irreversible part of this strategy and emphasizes the specific approach that is needed to address the phenomenon of trafficking in children by taking into consideration and having as a priority respecting and guaranteeing of children's rights. The National Strategy of the Fight against Trafficking in Human Beings and the National Strategy of Fight against Trafficking and Protection of Children Victims of Trafficking, as well as, the Action Plans 2008 – 2010 were adopted upon the Council of Ministers Decision No. 1083 of July 23, 2008. The strategy enjoys the full support and commitment of all stakeholders, especially of the civic society, which is already an active part of conducting and accomplishing the activities and objectives envisaged for 2008-2010. These documents define clearly all required objectives and targets, which are elaborated into concrete activities. The institutions and agencies responsible for carrying out all activities have been identified. The deadline has been set for each activity and the institution, which will provide financial resources and the capacities to carry them out, has been identified.

1. Institutional framework and the mechanisms to protect child victims/potential victims of trafficking

Special structures and agencies are established and operate across the country to prevent and fight against trafficking in human beings, especially to protect children vulnerable to trafficking. To coordinate the efforts concerning fight against trafficking in human beings, the **Office of the National Coordinator for the Fight against Trafficking in Human Beings** was established in 2005 and the **Antitrafficking Unit**, which was established upon the Prime Minister's Order No. 203 of December 19, 2005 "On the functioning of the Antitrafficking Unit", operates under it. The National Coordinator is represented by the Deputy Minister of Interior for the Issues of Fighting against Trafficking in Human Beings and he or she is the focal point of coordinating the operations between various ministries in the fight against trafficking, as well as, all other governmental and nongovernmental structures at a national and international level. Several measures have been taken to establish structures across all levels beginning with the policy drafting level up to the level of enforcement and action, based on the National Strategy of the Fight against Trafficking in Human Beings and the National Strategy of Fight against Trafficking and Protection of Children Victims of Trafficking.

The Serious Crimes Court and Serious Crimes Prosecution Office have become operational since 2004 and they have a country-covering jurisdiction. This court exercises the authorities of the first instance court and the appellate court. All issues, which have to do with trafficking in persons including trafficking in children, are under the jurisdiction of the Serious Crimes Court and Serious Crimes Prosecution Office.

Concerning the administrative level, Albania has commissioned **special police structures** to fight organized crime, including here also the establishment of a new department in the Police general Directorate where the Sector against Illegal Trafficking is one of the most important sectors. This sector operates in each Police Directorate in 12 regions of the Albania.

Upon Prime Minister's Order No. 139 of June 19, 2006 "On the establishment of Regional Committees of Fight against Trafficking in Human Beings", the Antitrafficking Units have been established and operate in 12 regions of the country. The purpose of establishing these structures is to supervise and coordinate the governmental and nongovernmental actions at a regional/local level to prevent the trafficking phenomenon and to protect trafficking victims/potential victims. The Regional Antitrafficking Committees have systematically

convened to address concrete cases of exploited or vulnerable persons in the communities where they operate. Out of these activities, we could mention in particular the raising of awareness of women and girls of the community, identification of social vulnerable groups, identification of trafficking cases, as well as, reporting about measures as taken about these cases, identification of the number of children that have dropped out of school and their return to school, identification of civic society organizations, which operate and implement different projects in the filed of fight against trafficking in human beings in the relevant communities, as well as, the support for them to implement the projects.

To improve the child's rights protection system, the Ministry of Labor Social Affairs and Equal Opportunities in cooperation with other agencies and civic society has drafted the Law "On child's rights protection", which ensures the protection of children's rights. It additionally includes new rights such the right to social protection (Article 20), the right to protection against all forms of violence (Article 21), the right to protection against economic exploitation (Article 22) and the right to protection against all forms of sexual exploitation and abuse (Article 24), in compliance with the international conventions, to which Albania has acceded. The law lays down also the establishment of local and central institutions. To ensue appropriate functioning of these mechanisms, the draft law defines the legal obligation of mechanisms coordination under the rules as elaborated upon a Council of Ministers Decision. The draft law stipulates establishing of mechanisms including the following: a) The National Council of the Child' Rights Protection at a Council of Ministers level; b) a Government Agency for Child's Protection; c) a commissioner for the child' rights protection at the level of Ombudsman; d) Units of Child's Rights in the Regional Council; e) Child's Rights Protection Units in the Municipality/Commune.

Actually, the **Child's Protection Units** have been established and operate at municipal level concerning protection of exploited and vulnerable children and protection of children without parental care. These are multidisciplinary units responsible for identification, protection, assisting and integration of this category of children in 12 municipalities and 3 communes in Lezha Region. Under the draft law on child protection, these units will be established in each local government unit. Over 2009, in 26-day centers in Tirana, Korça, Elbasan and Berat, **1493 children** received treatment, 99 of which were treated in the public centers. The help, which was provided to these children, included food, clothes, school items, referral/registration in nurseries, kindergartens, schools or vocational training courses, legal assistance to register in the civil registry offices, referral or registration in the day centers or residential ones, psychological and social counseling, referral to hospitals or health clinics, referral of their families and/or family members to the employment offices, to the offices of social assistance, etc.

One of the most important forms of the protection of trafficking victims is the **Cooperation Agreement for the Establishment of the National Referral Mechanism (NRM) of the Identification and Improved Assistance for the Victims of Trafficking in Human Beings** signed in July 18, 2005. The Agreement was signed by the authorities of the Ministry of Labor Social Affairs and Equal Opportunities/General Directorate of State Social Service, the National Reception Center for Victims of Trafficking, Ministry of Interior/General Directorate of State Police, Ministry of Foreign Affairs/Directorate of Consular Services, "Vatra" (Hearth) Nongovernmental Organization, "Tjeter Vizion" (Another Vision) Nongovernmental Organization and International Organization of Migration (IOM). The Agreement defined a clear frame of cooperation between key stakeholders in the fight against trafficking in human beings, it defined the responsibilities that the involved parties have in terms of identification, referral, accommodation, assistance and rehabilitation of the victims of trafficking. The substance of the Agreement consists in the establishment of a national operation network between governmental and governmental agencies including specifically

the police, social service, diplomatic and consular service, as well as, reception and rehabilitation centers for the victims of trafficking to enable identification, safety, referral, protection and rehabilitation of the victims of trafficking in the country.

The Office of the National Coordinator for the Fight against Trafficking in Human Beings has closely cooperated and it has met a large support of all stakeholders involved in the fight against trafficking in human beings and, especially, the civic society. National NGOs and international organizations, which provide rehabilitating or preventive services for the victims of trafficking and for all endangered groups, especially children, have given a special contribution in the fight against trafficking in human beings and especially in the prevention of this phenomenon. We could highlight here the reception and reintegration offices, which play a significant role in terms of providing various services to the victims including the children. Actually, Albania has 5 licensed centers of providing services to the victims/potential victims of trafficking with a capacity of 166 places. These centers have specific premises, trained staff and they provide a variety of services to the victims of trafficking including the children. These centers are located in different cities of the country, therefore making the referral of cases easier. The centers are as follows:

- National Reception Center for Victims of Trafficking (Tirana)
- “Vatra” (Hearth) Center (Vlora)
- “Tjetër Vizion” (Another Vision) Center (Elbasan)
- “Të Ndryshëm dhe të Barabartë” (Different but Equal) Center (Tirana)
- “Jetë dhe Shpresë” (Life and Hope) Center (Gjirokastrë)

Pursuant to Article 13, Paragraph 4 of the Code of Penal Procedure, Presidential Decree No. 6218/2009 “*On the establishment of special criminal sections for the adjudication of children in the courts of judicial districts*” was adopted. It lays down the repealing of Decree No. 5351/2007, “*On the establishment of special criminal sections for the adjudication of children in the courts of judicial districts, as amended, by adding the establishment of a new section for children in the Court of Elbasan Judicial District*”. This Decree refers to the establishment of sections for children based on the concept of judicial districts.

The Council of Ministers Decision No. 171/2005 “*On the adoption of the National Strategy of Fight against Trafficking and Protection of Children Victims of Trafficking and for an addition to the Council of Ministers Decision No. 8 of January 05, 2002 “On the establishment of State Committee of Fight against Trafficking in Human Beings”*”, defines the main directions of the fight against trafficking in children through coordination of cooperation between the governmental, international and domestic institutions and bodies, as well as, NGOs.

The Council of Ministers Decision No. 368/2005 “*On the adoption of the Child National Strategy*” defines the strategic objectives in the field of child rights protection against all forms of violence, abuse and discrimination. This will be achieved by encouraging and strengthening the cooperation and coordination of work with all responsible stakeholders including the central and local government, the civil society, as well as, the active participation of the community and of the individual in this process.

In a special paragraph, the Council of Ministers Decision No. 463/2006 “*On the adoption of the national plan for the implementation of the Stabilization and Association Agreement*”, provides for the training on the teaching methods for children and the approach of conducting the study. The Council of Ministers Decision No. 913/2007 “*On the adoption of the National Strategy on Gender Equality and Domestic Violence 2007-2010 and the action plan regarding its implementation*” lays down the objectives and the specific measures of each structure assigned with the law enforcement to be accomplished by complying firstly with the principle of “*the child’s highest interest*”.

Prime Minister's Order No. 203/2005 "On establishing the Antitrafficking Unit under the National Antitrafficking Coordinator" will be the basis of drafting concrete measures and instructions concerning effective organization and operation of the fight against trafficking. The *Council of Ministers Decision No. 80/2008 "On the adoption of sector strategy of social protection and the action plan for its implementation"* provides for taking concrete measures to protect child's rights, mainly of orphan children.

With regard to international cooperation, a set of regional and bilateral agreements have been signed, among which we could highlight the agreement with Greece as a significant legal instrument concerning child protection. **The Agreement with Greece "On the protection and assistance for children victims of trafficking"** as ratified with Law No. 9544 of May 29, 2006 is the first of this kind in the region and it is a very important document in terms of prevention, protection and integration of Albanian children victims of trafficking. The agreement defines specific obligations for the signatory parties to act and address concrete cases. Since August 2009, the time when the first repatriations were carried out in the frame of the aforementioned agreement, we may convincingly say that its successful implementing has already started.

During 2007, the Memorandum of Understanding on the Promotion and Implementation of the Code of Conduct about Prevention of Children's Sexual Exploitation in Tourism was signed between the OSCE presence in Albania, Ministry of Tourism, Culture, Youth and Sports (MTCYS) and the Ministry of Interior. This Memorandum of Understanding defines the forms of cooperation between the three parties in support of the Implementation of the Code of Conduct about Prevention of Children's Sexual Exploitation in Tourism, when it is favored by tour operators. Pursuant to the implementation of this Memorandum of Understanding, 24 tour operators (tourist agencies and accommodation units), signed a cooperation agreement on the implementation of the Code when conducting their activity.

1. Statistics – Trafficking victims database

Another very important achievement was also the set up and commissioning of a **trafficking victims' database** with data from the police offices, Albanian diplomatic and consular service, state social service, as well as, from the centers mentioned above. Starting as of 2008 and beyond, the database has been operational. This database enables analyzing of information to generate a clear picture of the trafficking situation in the country, as well as, it is possible to timely record the trends of the phenomenon so that the response of the responsible structures is swift and effective. The National Coordinator Office permanently monitors the tendencies of trafficking in human beings by relying on two important sources, the information received from the reporting of Regional Antitrafficking Committees and the data generated by the trafficking victims' database. During January 2008 – January 2009, 108 persons (victims and potential victims of trafficking including children) were recorded in the database based on the National Referral Mechanism. **17 of them were children**. While in 2009, 92 trafficking victims, **22 of which were children** and 72 adults, were identified, referred and received assistance (in the centers or in-house assistance).

The Ministry of Labor Social Affairs and Equal Opportunities is committed to achieve the objectives of the Government Program, Stabilization and Association Agreement and the obligations that derive from the sector and cross-sector strategies in the field of fight against trafficking in human beings and social protection including the following:

- "The National Strategy of the Fight against Trafficking in Human Beings 2008-2010 and the supplementing document "The National Strategy of Fight against Trafficking and Protection of Children Victims of Trafficking" as adopted upon the Council of Ministers Decision No. 1083 of July 23, 2008;

- “The National Strategy of the Fight against Trafficking in Human Beings” and “The Strategy against Trafficking in Children” as adopted upon the Council of Ministers Decision No. 1083 of July 23, 2008.
- Law No. 9355, “On the state social assistance and services”, as amended.
- Social Protection Sector Strategy 2007-2013, as adopted upon the Council of Ministers Decision No. 80 of January 28, 2008;
- National Child Strategy, as adopted upon the Council of Ministers Decision No. 368 of May 31, 2005.

Updating of the existing legislative situation

- Law No. 10252 of March 11, 2010 "On some additions to Law No. 9355 of March 10, 2005 “On the state social assistance and services”, as amended, was adopted. Under this Law:
 - **Victims of trafficking will be beneficiaries of social assistance**, after they leave the social care residential centers up to the moment when they are employed.
 - Funding of nonpublic residential centers **for victims of trafficking will be carried out through the transfer of central budgetary funds to the local government units and from the local government units to the center where the service will be provided.**
 - Reception centers will benefit funds based on the agreements with the State Social Service and the local government unit where they provide their service to support the victims of trafficking. The agreement defines the rights and obligations of parties, as well as, the organization of the structure, which monitors the management.
 - The draft Council of Ministers’ Decision was drawn up on an amendment to the Council of Ministers Decision No. 787 of December 14, 2005 on defining the criteria, the procedures and the amount of social assistance to be provided to the victims of trafficking after leaving the institutions of care.
 - The standards of social care services in the residential centers for persons who are trafficked or, who are under the risk of being trafficked, were drafted and adopted upon the Council of Ministers’ Decision No. 195 of April 11, 2007.
 - The Instruction No. 316 of February 10, 2010 of the Minister of Labor Social Affairs and Equal Opportunities “**On the implementation of standards of social care services** for persons who are trafficked or, who are under the risk of being trafficked”. The instruction will unify the practice and the documentation in each public and private institution, which provides services for trafficking victims or for persons who are under the risk of being trafficked.
 - The instruction was drafted to help the social service providers (public and nonpublic residential centers that provide services for victims of trafficking) to meet the national service standards in the residential centers for persons who are trafficked or, who are under the risk of being trafficked. These standards were drafted and adopted upon the Council of Ministers’ Decision No. 195 of April 11, 2007. The aim of the instructions and the forms attached to them is to help the residential service providers to implement the standards effectively, to promote referrals using unified forms and procedures. Moreover, the aim is also to make clear to the residential service providers and to the inspectors the indicators, which should be used in the course of inspection to monitor and evaluate the implementation of standards in the licensed centers.
 - The guideline, the manuals and the attached forms will be published to help the service providers of victims of trafficking.

- Instruction No. 423 of February 24, 2010 of the Minister of Labor Social Affairs and Equal Opportunities “On the criteria of using the unallocated fund of social protection” adopted.
 - The Evaluation Report on the implementation of the National Strategy against Trafficking in Human Beings 2005-2007 was drafted in Mars 2008.
<http://www.moi.gov.al/images/pdf/buletini/RaportiVleresuesStrategjiseKombetareAntitr afikim2005-2007.pdf>.
 - The Report on the implementation of the National Strategy against Trafficking in Human Beings for January – December 2009 was drafted;
http://www.moi.gov.al/images/pdf/Raporti_final_shqip.pdf.
 - Central and regional level Services Inspectorate periodically inspects the public and private service providers about the implementation of service standards for persons who are trafficked or who are under the risk of being trafficked.
 - The Instruction on commissioning the Transnational Referral Mechanism (TRM) for victims of trafficking has been drafted. Work has been done in the filed of Standard Operation Procedures (SOP) concerning the care to be taken when intervening in cases of emergency and the suport for the rehabilitation and reintegration of the victims of trafficking.
 - The Standard Operation Procedures of the Identification and Referral of Trafficked Persons are in drafting process.
 - The main purpose of drafting the Standard Operation Procedures of the Identification and Referral of Trafficked Persons pursuant to the stipulations set forth in the National Strategy of the Fight against Trafficking in Human Beings 2008-2010 is to timely identify and refer the adult or minor trafficked persons, all types of domestic or international exploitation whether or not related to the organized crime. The main purpose of the identification of trafficked persons under the procedures described here is to protect and provide help, therefore having a significant impact on the two other fronts of fighting against trafficking in persons, prevention of trafficking and penalizing of traffickers.
 - The Strategy for Reintegration of Returnees and Reaccepted Persons 2010-2015” as a part of the Migration Cross-sector Strategy 2005 – 2010 was drafted and adopted upon the Council of Ministers Decision No. 461 of June 09, 2010.
 - The Council of Europe Convention on Action against Trafficking in Human Beings was ratified upon Law No. 9642 of November 20, 2006.
 - The standards and procedures have been drafted concerning the child victims initial reception in the presence of social workers and their interviewing.
 - The presence of a social worker (State Social Service or NGO) is provided when conducting the initial identification procedure in 10 most affected border-crossing points.
1. The Constitution provides that, in the frame of the protection of economic, social and cultural freedoms and rights, the state ahs the obligation to guarantee facilitating procedures when adjudicating children in the court of law processes, as well as, to ensure child protection against violence, maltreatment, exploitation and use at work. This refers especially to the cases of children’s employment under the minimum age, which may damage child’s health and moral or may endanger child’s life and normal growth (as set forth in Article 54 of the Constitution).
- In the frame of economic, social and cultural freedoms and rights protection, the state has the obligation to ensure facilitating procedures when adjudicating children in the court of law processes, as well as, to ensure child protection against violence, maltreatment, exploitation and use at work. This refers especially to the cases of children’s employment

under the minimum age, which may damage child's health and moral or may endanger child's life and normal growth. The following constitutional provisions, under the term "everyone/every person" includes also children, protection of whose rights and freedoms must constitute a priority and maximum political and social commitment compared to the initiatives taken by other age groups of the society.

2. The *European Convention "On the relations with Children"* was ratified upon Law No. 9359/2005 and its objects include the following:
 - a) Defining of general principles to be implemented in relation to decisions on the relations where children are a party.
 - b) Regulation of appropriate guarantees to ensure due exercising of relations and immediate return of children by the expiration of the relation.
 - c) Establishing of cooperation between central bodies, judiciary and other bodies to encourage and improve the relations between children, their parents and other persons who have relations with the children's family members.
3. Albania acceded upon Law No. 9446/2005 to the *Hague Convention "On the civil aspects of international child abduction"* as signed in Hague. The purpose of this Convention is to ensure quick return of children who unduly leave or, who are kept in the contracting state, as well as, to ensure that custody and contact rights under the law of a contracting state are effectively respected by the other contracting states. .
4. Albania acceded upon Law No. 9443/2005 to *Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*, and its objects include the following:
 - a. to determine the State whose authorities have jurisdiction to take measures directed to the protection of the person or property of the child;
 - b. to determine which law is to be applied by such authorities in exercising their jurisdiction;
 - c. to determine the law applicable to parental responsibility;
 - d. to provide for the recognition and enforcement of such measures of protection in all Contracting States;
 - e. to establish such co-operation between the authorities of the Contracting States as may be necessary in order to achieve the purposes of this Convention
5. The *Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece about Protection and Assistance for Victims of Trafficking in Children* was ratified upon Law No. 9544/2006, while its main purpose is to encourage cooperation to fight trafficking in children and all forms of children's exploitation.
6. Albania acceded, upon Law No. 9834/2007, to the *Optional Protocol to the Convention "On the Rights of the Child" and "On the sale of children, child prostitution and child pornography"*, the purpose of which is to ban the sale of children and all other actions or transactions, by way of which a child is transferred from one person or group of persons to another in exchange of payment or any other action. In addition, the aim of this Convention is to ban child prostitution and pornography, as well as, all forms of their appearance.

7. Albania acceded, upon Law No. 9833/2007, to the *Optional Protocol of United Nations "On the child's rights", "On the implication of children in armed conflicts"*. The states, which are parties in this document, commit to make sure that persons who have not turned 18 years old must not be forced to be recruited in their armed forces and persons who have not turned 18 years old must not directly participate in fighting operations.
8. Republic of Albania became state party with the States of the Council of Europe, which together undertake to prevent and fights children's sexual exploitation and sexual abuse, as well as, to promote national and international cooperation against this phenomena, upon Law No. 10071/2009, "On the ratification of the *Council of Europe Convention "On the Protection of Children against Sexual Exploitation and Sexual Abuse"*, Lanzarote, October 25, 200. The aim of the ratification of the Convention is to complete the existing legal framework in the field of child's rights protection with the object of ensuring legal means of protection and concrete rehabilitating measures and services for the child victims of sexual exploitation and sexual abuse by means of promoting and developing the standards, which are defined by the legislation in general and, by applying practices specifically in this field.
9. The *European Convention "On the protection of fundamental rights and freedoms"* was ratified upon law No. 8137/1996.
10. The *Council of Europe Convention "On the measures against trafficking in human beings"* was ratified upon Law No. 9642 of November 20, 2006.
11. Protection of Child's rights is addressed widely and meticulously in the *Family Code as adopted upon Law No. 9062/2003*. This Code includes the general principles of Conventions, the international acts and instruments of the child's rights protection field and, particularly the provisions of the Convention on the Child's Rights. This Code provides a special attention to treatment and care for the children and to the parental obligations, the exercising of parental responsibility concerning management of assets that are acquired by means of children's work and, to the authorization of children work. The Code additionally defines the institutional obligations of the state vis-à-vis the children, which lack parental care, and the manner of their enforcement.
12. *Law No. 9859/2008 "On some additions and amendments to Law No. 7895/1995 "The Penal Code of the Republic of Albania"* has added a Paragraph to Article 117, which stipulates "Using of children to produce pornography stuff, to disseminate or publish in internet or in other forms shall be sentenced from one to five years of imprisonment and to a fine of one up to five million Albanian Leks".
13. Moreover, Article 124/b "Child's maltreatment" is added after Article 124/a with the following content "Child's physical and psychological maltreatment by the person who is obliged to care about him or her, shall be sentenced to one up to two years of imprisonment. Forcing of the child to work, to generate incomes, to beg or to carry out actions that hurt his or her growth shall be sentenced to up to four years of imprisonment and to a fine of five thousand up to one million Albanian Leks. When the offence has caused a serious damage to the child's health or his or her death, the perpetrator shall be sentenced to ten up to twenty years of imprisonment".
14. *Article 63 of Law No. 10023/2008 "On some additions and amendments to Law No. 7895/1995 "The Penal Code of the Republic of Albania"*, as amended, defines suspension of the execution of the imprisonment court of law ruling in exchange of carrying out a work of public interest. This is ruled based on the limited threat of the person and the circumstances of committing a criminal offence when the ruling contains a sentencing to up to one year of imprisonment. Under these circumstances, the court of law may rule suspension of the execution of the imprisonment ruling and its replacement with the obligation that the punished person must carry out work of public interest.

Article 58, as reformulated, stipulates execution of court of law ruling containing sentencing to up one years of imprisonment under semi-free conditions due to the reasons listed in the first paragraph of this Article. The tasks are performed out of jail during the time defined by the court of law ruling and, once completed in compliance with court ruling, the person sentenced to imprisonment returns to jail.

Under the provisions set forth in the criminal laws of other countries, as well, a based on the practice and the existing formulation of the Penal Code, a more expanded listing of the causes has been made (Articles 63 and 64) when the court of law may suspend execution of the imprisonment ruling and setting of the punished person under probation.

Moreover, Article 53 of the Penal Procedure Code stipulates that minor defendant must be provided with legal and psychological assistance in every situation and stage of proceedings, in the presence of the parents or in the presence of other persons as requested by the minor and accepted by the proceeding authority. The proceeding body may carry out actions and draft acts, which require the minor's participation without the presence of persons as described in Paragraph 1, only when such a thing is in the child's best interest or, when the delay may seriously affect proceedings, although always in the presence of the defender.

Article 49 of the Penal Procedure Code provides that when the defendant is under 18 years old or, he or she has physical and psychological disabilities that hinder him or her to defend himself or herself, the support of a defender is compulsory.

Concerning special criteria of ruling the security measure of imprisonment, Article 230, Paragraph 4 of the Penal Procedure Code stipulates that minors shall not be arrested when accused of penal misdemeanors. In addition, the court of law rules that court hearing or some of its procedural actions will be conducted with closed doors when deemed necessary to interrogate minors.

15. *Law No. 9355/2005 "On social assistance and services"*, lays down measures to provide social assistance and services to individuals and vulnerable groups due to their limited economic, physical, psychological and social possibilities including also children. This law provides that children, young persons up to 25 years old and orphans older than 25 years, unemployed persons, who are not in institutions or under any custody, are social assistance and services beneficiaries. Moreover, the law defines also the criteria of functioning and organization of residential institutions for children and young persons. Article 13 of this Law defines that social and healthcare services are provide by specialized staff in reintegrating and rehabilitation centers, daycare centers or in-house, to individuals, who are not able to live a normal life due to temporary or permanent physical, psychic, mental and sensor deteriorations.
16. *Law No. 9381/2005 "On the compensation of unfair imprisonment"*, provides, inter alia, the right of presenting the application to also benefit the compensation of unfair imprisonment, including house arrest of the child whose right is exercised by the legal custodian.
17. *Law No. 9398/2005 "On some additions and amendments to Law No. 8454/1999 "On the Ombudsman"*, provides that, in cases when the Ombudsman start the procedure of reviewing the case upon his or her initiative, and when the minor's custodian or the legal representative does not act, the consent of the affected person is not required when he or she is a minor.
18. The purpose of *Law No. 9518/2006 "On child protection against alcoholic use"*, is to prevent children's health consequences due to alcohol consumption as a result of using alcoholic drinks and it provides for taking measures to prevent alcohol use by minors (alcohol percentage is equal or higher than 1,2 percent).

Moreover, the law stipulates that selling or providing of alcoholic drinks to children without payment or their consumption in public places by the children be forbidden. The minor can attend a night bar or facility, in which alcoholic drinks are traded, from 22:00 – 06:00 hours only if the child is accompanied by his or her parent or custodian. The person who accompanies the minor produces at the entrance of the facility his or her identification document, as well as, the documents, which certify his relation as minor's parent or custodian.

The Law provides, inter alia, for the prohibition of all kinds of alcoholic drinks advertising in children's education institutions, as well as, the prohibition of broadcasting of all alcoholic drink advertisements during a show for children, as well as, 15 minutes before and after this show. Another ban set forth in the Law includes also generation and broadcasting of advertisements, which contain scenes with children who consume alcoholic drinks, as well as, all other forms of advertisements of alcoholic drinks, which is addressed to children in the cinema and theatre halls during a performance for children. The Law stipulates also concrete coercive measures when the provisions of this Law are violated.

19. *Law No. 9669/2006 "On the measures against domestic violence"* lays down the legal measures against violence and the establishment of a coordinated network of responsible institutions to protect, support and rehabilitate the victims, to alleviate consequences and prevent domestic violence, especially to prevent children's violence and maltreatment.
20. *Law No. 9695/2007 "On the procedures of adoption and the Albanian Adoptions Committee"*, stipulates legal rules and norms, which aim at making sure that adoptions are carried out to serve children's highest interest by means of respecting their fundamental rights. The goal of the aforementioned Law is to define the procedures of carrying out an adoption and the manner of the organization and functioning of the Albanian Adoptions Committee, to provide the children, who are deprived of family environment, with an alternate family entitled to the rights and duties equal to those of biological parents. This Law approved based on the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption" and the family Code, which stipulates in a separate chapter the adoption and its associating procedures.
21. *Law No. 9749/2007 "On state police"*, sets forth the measures, which the state police take to guarantee the citizens' rights. Measures, which the state police undertake to keep order, envisage that if the disturbance of public order and safety has occurred as a consequence of the actions of a minor under 14 years old, the police officers inform, apart from the measures taken by them, the parent or the custodian of the minor under 14 years old to interrupt the illegal acts of the minor. Moreover, the law stipulates that in case of children's searches by the police, the parent or the custodian must be present. The Law provides that the police officer take the persons in the police premises or to the body, which issues the warrant, to supervise the children for education purposes or to take them into custody in the competent body.

Returning of the child to the parents or to the custodian or, sending of the child to the care center is included in the protection measures that the police officer takes for the child who is not supervised or, who has abandoned his parents or custodian.

22. *Law No. 9888/2008 "On some amendments and additions to Law No. 8328/1998 "On the rights and treatment persons sentenced to imprisonment, as amended"* provides that it is prohibited to keep children in the same cell with adults or placing of minor girls in the same cell with boys in pretrial institutions. In addition, the amendments to this Law lay down that children must be put in separate rooms and sections, therefore providing them with the opportunity of special treatment. Minor girls should be kept under the supervision and care of female staff.

23. *Law No. 9952/2008 “On prevention and control of HIV/AIDS”*, sets forth rules about HIV/AIDS prevention and control, care, treatment and support for persons who live with HIV/AIDS. Under Article 9 of this law, abandoning by the parent of the child who is infected with HIV, abandoning by the legal custodian of the child who is infected with HIV is prohibited.
24. *Law No. 10024/2008 “On some amendments and additions to Law No. 8331 of April 21, 1998 “On the execution of penal decisions”*, defines the concrete mechanism of the application of alternative punishments and the relations that it creates with the state institutions and with the court of law. New amendments to Law No. 8331 are not specific only for children, but when drafting the provisions on the establishment and functioning of the Probation Service and the alternative measures that this service will supervise, protection of the rights of children in conflict with the law and their social reintegration were taken into consideration.
25. *La No. 10039 of December 22, 2008 “On legal assistance”*, defines the conditions, the type, the manner and the procedures of how the state provides the legal assistance to protect the individual’s fundamental freedoms and rights, as well as, other legitimate interests of him or her. This Law sets forth the legal assistance for minors who have violated the law. Specifically, Article 13, Paragraph 2 of Chapter III “Legal assistance services and its beneficiaries” of the draft law expressly defines that “*children, whose defending in penal proceeding and adjudication is obligatory by law, shall also benefit legal assistance*”. This stipulation has been set to complete the provisions set forth in the Code of Penal Procedure, as well as, in the frame of meeting the obligations that derive from international acts in the field of child’s rights protection, in which the Albanian state is a state party with full rights and obligations.
26. *The draft law “On the child’s rights protection”*, approved by the Council of Ministers’ Meeting convened on June 30, 2010. This draft law defines the rights, protection and responsible mechanisms, which ensure effective achievement of the protection of these rights and special and legal care for the children. Moreover, the draft law aims at the special protection of child’s rights through the development of a complete legal and institutional framework pursuant to the Constitution and international acts that operate in this field and to the legislation in force. Another aim of it is to take measures to provide the child with the opportunity to exercise his or her rights in compliance with the growth and personality, based on his or her highest interest, as well as, to take measures to ensure cooperation between central and local authorities and the organizations, which protect child’s rights.
27. *The Council of Ministers Decision No. 564/2005 “On the licensing of social service providers”*, which enables licensing of NGOs that provide social services to vulnerable social groups.
28. *The Council of Ministers Decision N. 659/2005 “On the service standards for children in residential institutions”*, which defines the service standards for abandoned children in their care institutions.
29. *The Council of Ministers’ Decision No. 786 of June 06, 2008 “On the adoption of the state police regulation of discipline”* lays down the obligation and the rule of conduct for the police officer to provide special treatment to children during his or her duty/service.
30. *The Council of Ministers’ Decision No. 1104/2008 “On some additions to the Council of Ministers’ Decision No. 80/2008 “On the adoption of the social protection sector strategy and the action plan for its implementation”*, provides for the protection of orphan children rights by means of defining the criteria of custodial family. More specifically, this strategy defines that applicants must not have discriminating behaviors against

disabled or ethnical minorities and they should respect exercising of child/children's religious faith in order to be custodial parents.

31. The *Council of Ministers' Decision No. 302/2009 "On the adoption of the regulation "On the organization and functioning of the Probation Service and setting of standards and procedures for the supervision of the execution of alternative sentences"*, defines the rules regarding organization and functioning of the institution of the Probation Service and the role of this institution in each stage of penal proceedings. Moreover, this decision defines rules about the statue of the Probation Service staff, the standards and procedures of the supervision of the execution of alternative sentences and the approach of respecting the inmates' rights, where the minors' rights are included.
32. The *Council of Ministers' Decision No. 303/2009 "On the adoption of prisons general regulation"* defines the approach how the prisoners, persons sentenced to imprisonment and detainees exercise their rights, the organization of their life, the manner and the conditions of executing penal decisions of imprisonment, carrying out of work and the remuneration for the carried out work. It additionally defines the functioning manner of the Prisons General Directorate and of the institutions of penal decisions execution, in compliance with the legislation in force.
33. *Order No. 4763/2009 of the Minister of Justice "On the adoption of the internal regulation of the Albanian Adoption Committee"* defines rules about the internal functioning and organization of the Committee concerning the progress of adoption procedures development.
34. *Order of the Minister of Justice No. 6325 of July 31, 2009 "On defining the rules of cooperation of the Probation Service with NGOs and the mediation service"* sets detailed rules of cooperation of the Probation Service with NGO-s and the mediation service to accomplish the social reintegration process of the former prisoner.
35. *Memorandum of Cooperation between the Ministry of Justice and the Ministry of Education and Science (December 2008)* concerning the education of detained persons and prisoners, including also detained, arrested or sentenced children.
36. The *Council of Ministers' Decision No. 786 of June 06, 2008 "On the adoption of the state police regulation of discipline"* lays down the obligation and the rule of conduct for the police officer to provide special treatment to children during his or her duty/service.

Electronic database

An electronic database for victims of trafficking has been set up and it contains data provided by the police offices, state social service, Albanian diplomatic and consular service, etc. The database was set up in the frame of establishing a harmonized and unified official information network, which generates accurate and verifiable figures about trafficking in human beings. It enables, in this manner, the analyzing of this information to have a clear picture of trafficking in the country and, it enables timely identification of the trends of the phenomenon so that the response of the responsible structures against it will swift and effective.

The database is integrated in TIMS (Total Information Management System). Statistics entered into them will be saved in full compliance with the laws on the safeguarding of trafficking victims' personal data.

State social service data and the data of the centers, which provide services for the victims of trafficking, as well as, the data about trafficked children who have received services provided by public and nonpublic service providers are periodically entered in to the electronic database and processed.

Recording of the data of victims/potential victims of trafficking in the established database started in July 2008. Social Services Directorate records the data of the cases of victims,

which have been assisted, referred, treated and protected in the Centers that provide services to the trafficking victims. A joint reporting table is established consisting of 4 items: 1. *detailed identification information*, 2. *manner of identification*, 3. *exploitation background*, 4. *treatment in the center*.

According to the database records, it results that 94 trafficking victims, 72 of which were women and girls and 22 children, received services in the residential centers in 2009.

Food quotas: Under Article 24 of Law No. 9355 of March 10, 2005 "On social assistance and services", as amended, the Minister of Labor Social Affairs and Equal Opportunities issued Instruction No. 1547 of August 27, 2009 "On the food rate expenses in the public residential and community institutions of social care". This Article also defines the rate of expenses in private institutions, which provide residential or community social services, may not be lower than those of the public institutions may.

The new Instruction not only defines, in a specific manner, the food quotas for customers in residential centers for the victims of trafficking, but it also proposes that the food quotas for the residential and community institutions should increase compared to 2007. More specifically, the food quotas should increase by 20% up to 25% compared to 2007.

II. *Responsible structures for the monitoring of trafficking issues.*

2.1 *The National Coordinator Office*

The National Coordinator Office is the key point of coordinating the anti-trafficking efforts in the country. The National Coordinator Office systematically collects information and data about cases, which are linked with this phenomenon. This information is provided to the interested parties upon application.

The Anti-Trafficking Unit was established upon Prime Minister's Order No. 203 of December 19, 2005. The Office operates in the Ministry of Interior and the *National Coordinator of the Fights against Trafficking in Human Beings/Deputy Minister of Interior* manages the office when carrying out its functions. The Anti-Trafficking Unit monitors and coordinates the operations of all structures and other public, governmental and nongovernmental stakeholders (domestic and foreign partner agencies) regarding the implementation of the anti-trafficking strategies. Additionally, the Anti-Trafficking Unit drafts periodical reports about the trafficking situation in Albania and performs the role of the Technical Secretariat of the State Committee (Interministerial) of the Fights against Trafficking in Human Beings.

2.2 *National Referral Mechanism (NRM) for the Victims of Trafficking*

The Cooperation Agreement about the Establishment of the *National Referral Mechanism (NRM)* of the Identification and Improved Assistance for the Victims of Trafficking on Human Beings was signed on July 18, 2005. The Agreement was signed by the authorities of the Ministry of Labor Social Affairs and Equal Opportunities/General Directorate of State Social Service, the National Reception Center for Victims of Trafficking, Ministry of Interior/General Directorate of State Police, Ministry of Foreign Affairs/Directorate of Consular Services, "Vatra" (Hearth) Nongovernmental Organization, "Tjeter Vizion" (Another Vision)

Nongovernmental Organization and International Organization of Migration (IOM). The Agreement is open to be signed also by other parties, including centers and NGO-s. Signatories are required to meet the participation criteria as laid down in the Agreement.

The agreement defines a clear framework of cooperation between key stakeholders of the fight against trafficking in human beings, it defines the responsibilities that involved parties have in terms of identification, referral, accommodation, assistance and rehabilitation of the victims of trafficking. The substance of the agreement consists in the establishment of an operational national network between several governmental and nongovernmental agencies including specifically the police, social service, diplomatic and consular service, as well as, reception and rehabilitation centers for the victims of trafficking to enable identification, safety, referral, protection and rehabilitation of the victims of trafficking in the country. State Social Service is part of the National Referral Mechanism concerning reception, assisting and rehabilitation of repatriated victims of trafficking. The agreement defines the duties of the State Social Service to make available a social worker to participate in the initial reception and interviewing of the victims or potential victims of trafficking in all border-crossing points or in the regional police directorates.

2.3 Responsible Authority

The Responsible Authority was established upon the Joint Instruction of the Minister of Interior, Minister of Labor Social Affairs and Equal Opportunities and Minister of Foreign Affairs No. 1192 of May 19, 2006. The Responsible Authority is the responsible structure which coordinates, processes and reports necessary actions of all structures participating in the agreement (National Referral Mechanism) that carry out operations and provide services to the victims/potential victims of trafficking. The Responsible Authority serves as a coordinator of the National Referral Mechanism to protect and assist victims of trafficking and to define the tasks of institutions, which are involved in this process.

The Responsible Authority consists of two representatives of the three participating ministries with a direct function in identification, investigation, referral, protection and assistance to trafficking victims. The composition of the Responsible Authority consisting of representatives also coming from the police structures, representatives of social services, representatives of Consular Directorate, was set up as such so that decisions, as made about cases followed up by the Responsible Authority, get a multidisciplinary solution. The task of the Responsible Authority is to coordinate the referral process for help, initial protection and long-term rehabilitation for all victims of trafficking in close cooperation with other involved institutions and public and nonpublic centers, which provide services to victims of trafficking. The purpose of establishing this authority is to periodically record and report the data about cases of trafficking as referred to other organizations and institutions.

2.4 National Anti-trafficking Task-force

Pursuant to Instruction No. 30 of the Minister of Interior of February 05, 2010 “On the joint action of enforcement structures of the National Strategy of the Fight against Trafficking in Human Beings”, the Ministry of Labor Social Affairs and Equal Opportunities participates in the National Anti-trafficking Task-force. The National Anti-trafficking Task-force consists of anti-trafficking stakeholders at technical level, including representatives of state authorities, General Prosecution Office, Regional Anti-Trafficking Committees, NGO-s, etc. The Responsible Authority (established in 2006) serves as the coordinator of the as a coordinator of the National Referral Mechanism to protect and assist victims of trafficking in close cooperation with other involved institutions and public and nonpublic centers, which provide services to the victims of trafficking.

2.5 Regional Anti-Trafficking Committees

The *Regional Committees* of Fighting against Trafficking in Human Beings, which were established in 12 regions of the country upon Prime Minister's Order No. 139 of June 19, 2006, play an important role in the assessment of vulnerable groups, identification of cases of potential victims of trafficking, prevention of this phenomenon, etc. They consist of main local stakeholders such as, for example, representatives of police regional directorates, social, educational and health services, local government, etc.

The committees have also a small working group at technical level "Anti-traffic Technical Tables". This includes representatives of all structures participating in the Committee (*regional directorates of state social services, regional labor directorates, social care offices in the municipality/commune, chief of regional police anti-trafficking sector, State Information Service regional directorates, regional education directorates, reproductive health inspector (mother and child), representative of the region prosecution office, representatives of NGO-s*). The Committees must play an important role in the prevention of the phenomenon by means of defining the vulnerable categories, establishing of protection networks for them, especially for children, and protection and rehabilitation of the victims of trafficking through the local institutions at region level.

2.6 Transnational Referral Mechanism (TRM)

Transnational Referral Mechanism (TRM) is a cooperation agreement between the countries of the region in relation to cross-border transfer and care for victims of trafficking, functioning of an effective system of identification, referral, protection and assistance for the victims of trafficking. The main purposes of Transnational Referral Mechanism include the following:

- A joint official agreement on the strategy about safe movement and supporting of victims between countries of destination, transit and/or origin.
- Standard operation procedure of an effective and safe transnational referral of victims of trafficking in the focus of a set of indispensable services.
- The monitoring and evaluation mechanism of the Transnational Referral Mechanism (TRM).

The transnational mechanisms network is a tool of identification, referral and protection for the victims of trafficking across state boundaries. It is also a transnational mechanisms network, which serves and supports the victims of trafficking through enabling and standardizing interstate and cross-border cooperation and dialogue of police organizations and the organizations, which support the victims of trafficking. As a transnational mechanisms network, it additionally helps in the quick exchange of information concerning identification, investigation and return of the victims of trafficking between countries in the frame of "The Program in Support of the Establishment of Transnational Referral Mechanisms (TRM) for Trafficked Persons in the South-East Europe.

III Public and Private Centers that provide services for the Victims of Trafficking

Psychosocial Center "Vatra" (Hearth) in Vlora Social started in 2001 the provision of social services for victims of trafficking. After that, a center in Tirana started providing social services supported by IOM. Latter on, this service was transferred to the Albanian organization "Te Ndryshem dhe te Barabarte" (Different and Equal). "Tjeter Vizion" (Another Vision) in Elbasan also provides services for the victims of trafficking. The National Center for the Reception of the Victims of Trafficking (NCRVT) was established in 2003 upon a Decision of the Council of Ministers. Since 2005, services for this category are provided also in Gjirokastra by "Jetë dhe Shpresë" (Life and Hope) organization. All centers,

which provide services for the victims of trafficking, are organized in the National Anti-trafficking Shelters Coalition (NASC). The purpose of this coalition is to cooperate and coordinate work and services, to provide protection, to assist, to support, to rehabilitate and to reintegrate the victims of trafficking. The typology of services in all nonpublic centers is a mixed one. These centers provide services for the victims of trafficking that return from abroad, but also services for other vulnerable categories including persons under the risk of being trafficked, irregular (clandestine) migrants, victims of violence and the children of these victims. The public services center for victims of trafficking treats mostly victims of trafficking, who return from abroad, children, and persons under the risk of being trafficked, domestic and foreign irregular migrants.

The activity of centers, the services typology, number of beneficiaries and the donations are as follows:

3.1 Psychosocial Center “Vatra” (Hearth)

The Psychosocial Center “Vatra” (Hearth) was established in 1999.

In 2001, Vatra (Hearth) expanded its activity by establishing the first shelter in Albania, therefore covering two main fields of this phenomenon: (i) prevention of trafficking in human beings; (ii) rehabilitation and reintegration of the victims of trafficking.

The center provides services including the following: accommodation, interviewing, medical counseling and assistance, legal assistance, provision with identification documents, witness protection, providing of shelter with police staff. The aforementioned services are provided in a two-storey house with a capacity of 20 persons.

Number of Beneficiaries in “Vatra” (Hearth) Center

No.	Description	2005 ²	2006 ³	2007 ⁴	2005-2007 ⁵	January- October 2008 ⁶
1.	Trafficked girls and women	238	123	53	380	31 (9 children)
2.	Under trafficking risk	9	38	23	69	25 (12 children)
3.	Irregular (clandestine) migrants	12	28	29	54	5
4.	Violated women		10	11		8
5.	Children of accommodated mothers	14	11	9		6
6.	Boy under the risk of being trafficked			1		
	Total	273	210	126	503	75

3.2 “Të Ndryshëm dhe të Barabartë” (Different and Equal) Center, Tirana

“Të Ndryshëm dhe të Barabartë” (Different and Equal) Center in Tirana started its activity in 2004 as a continuation of IOM project since 2002 about treatment of women who have been trafficked or who were under the risk of being trafficked.

“Të Ndryshëm dhe të Barabartë” (Different and Equal) Center with an experience of 4 years provides reception and reintegration services for women who have been trafficked or who are

² Vera Lesko, On the development of trafficking in human beings in Albania in 2005, page 10.

³ Annual research report 2006, Vatra (Hearth) Center, 2007, page 10.

⁴ Annual Report 2007, Vatra (Hearth) Center, January 2008, page 9.

⁵ Information reported by Vatra (Hearth) Center in the Evaluation Report about the Implementation of the National Strategy against trafficking in Human Beings, Tirana 2008, page 47.

⁶ From the data recorded in the database of the Ministry of Labor Social Affairs and Equal Opportunities.

under the risk of being trafficked. It is composed of professional of the social work field, education, nursing, psychiatrics, etc.

The Center provides a complete package of short-term and long-term reintegration services for the victims. This includes sheltering, safety and reintegration plan, medical assistance, psychological counseling, negotiation/mediation with the family, legal support and assistance, social activities, assistance for registration/continuation of school education, vocational training and employment, monitoring and follow up of the program, beneficiaries, support for reintegration in social life, sheltering/alternative care, financial support for sheltering, etc. The organization carries out its activities in a two-storey house, in which victims are assisted and, to which services are provided. The Center has a capacity of 15 persons. The Center manages 10 small size apartments where mothers with children are accommodated while the Center manages the rent until they settle finally.

Number of beneficiaries of “Të Ndryshëm dhe të Barabartë” (Different and Equal) Center in Tirana by years

Nr.	Description	2007 ⁷	2005-2007 ⁸	January-July 2008 ⁹
1.	Trafficked girls and women			5 (1 child)
2.	Under trafficking risk			8 (1 child)
3.	Exploitation for domestic prostitution			3
3.	Beneficiaries	67	100	
5.	Children of beneficiaries	24	27	
	Total	91	127	16

3.3 “Tjetër Vision” (Another Vision) Center, Elbasan

The Nonprofitmaking Organization “Tjetër Vizion” (Another Vision) with its main office in Elbasan was established in February 20, 2002.

Number of beneficiaries in “Tjetër Vision” (Another Vision) Center, Elbasan, by years

Nr.	Description	2005-2007 ¹⁰	January - June 2008 ¹¹
1.	Trafficked girls and women		2
2.	Potential victims of trafficking		5
3.	Under trafficking risk		3
	Beneficiaries of sheltering for children	90	
	Beneficiaries of sheltering for girls and women	85	
	Protected apartments	32	
	Total	207	10

3.4 “Jetë e Shpresë” (Life and Hope) Community Center, Gjirokastra

⁷ Annual Report 2007, “Të Ndryshëm dhe të Barabartë” (Different and Equal) Center, December 2007, page 3

⁸ Information reported by “Të Ndryshëm dhe të Barabartë” (Different and Equal) Center, in the Evaluation Report about the Implementation of the National Strategy against Trafficking in Human Beings, Tirana 2008, page 49.

⁹ Data recorded in the database of the Ministry of Labor Social Affairs and Equal Opportunities.

¹⁰ Information reported by “Tjetër Vizion” (Another Vision) Center, in the Evaluation Report about the Implementation of the National Strategy against trafficking in Human Beings, Tirana 2008, page 50.

¹¹ Data recorded in the database of the Ministry of Labor Social Affairs and Equal Opportunities.

The Community Center of Community Treatment” was established upon Court of Law Decision No. 108 of November 18, 1997. Its mission was to carry out community-based activities to support vulnerable persons of community. During this period, this Center was providing awareness and educational services, counseling, various vocational courses including computer courses, foreign languages courses. Vulnerable women, children of families with social problems and community young persons were the main beneficiaries of these services.

The ““Jetë e Shpresë” (Life and Hope) Transit Center was established in 2005 by a funding provided by USAID/CATP (Coordination of Action against Trafficking in Persons) Program about establishing a multifunctional reception center for girls and women who are victims of trafficking or, who are under the risk of being trafficked.

The “Jetë e Shpresë” (Life and Hope) Center provides services and support for the victims of trafficking and for persons who are under the risk of being trafficked who are initially identified at the border-crossing points of Kakavija and Tre Urat. This includes children, women, girls who are repatriated by the Greek State, girls and women violated by the community, cases of running the risk of being trafficked that are referred to the police headquarters.

The Center is located in a rented two-storey house. The Center has a capacity of 12-15 beneficiaries who stay there 2-3 days up to one week waiting to be referred to another center or to their families.

Number of beneficiaries in “Jetë e Shpresë” (Life and Hope) Center by years

No.	Description	2007 ¹²	January-August 2008 ¹³
1.	Trafficked girls and women	36	21 (2 children)
2.	Potential victims of trafficking	10	4 (1 child)
3.	Under trafficking risk	10	5 (1 child)
4.	Irregular (clandestine) migrants	108	30 (15 children)
5.	Violated persons	11	5 (3 children)
	Total	175	65 (22 children)

3.5 National Reception Center for Victims of Trafficking

The National Reception Center for Victims of Trafficking (NRCVT) was established in July 2003 for the reception, accommodation, and rehabilitation of the victims of trafficking. It is an important institution, which depends on the State Social Service of the Ministry of Labor Social Affairs and Equal Opportunities (MLSAEO). During 2005-2007, the National Reception Center for Victims of Trafficking (NRCVT) has enabled accommodation and it has provided multidimensional assistance for women, girls, children who have been trafficked and, who were under the risk of being trafficked. It assists reception, accommodation, rehabilitation, referral for reintegration and repatriation (when the beneficiaries are foreigners) of three following main target groups:

- (i) Women and girls who have been trafficked and, who are under the risk of being trafficked;
- (ii) Children who have been trafficked and, who are under the risk of being trafficked;
- (iii) Irregular migrants.

Since 2003, the Ministry of Labor Social Affairs and Equal Opportunities has regularly funded the National Reception Center for Victims of Trafficking (NRCVT) in Linza of

¹² Data reported by “Jetë e Shpresë” (Life and Hope) Center

¹³ Data recorded in the database of the Ministry of Labor Social Affairs and Equal Opportunities.

Tirana to support the reception and reintegration of domestic and foreign victims of trafficking.

The National Reception Center of Victims of Trafficking (NRCVT) has a capacity of 100 persons. **Until now, this capacity has not been fully utilized.**

In 2008, 27,100 Million Albanian Leks or, about 34% more than in 2007, were allocated. In 2009, **28, 200 Million** Albanian Leks, that is more than in 2008, were allocated. Meanwhile, **35 Million** Albanian Leks are projected for 2010 and these are funds projected in the Midterm Draft Budget 2010-2012.

Number of beneficiaries in Linza Center by years

	Description	2005	January-September 2008 ¹⁴
1.	Victim of Trafficking		5 (3 children)
2.	Under trafficking risk		32 (15 children)
3	Irregular (clandestine) migrants	42	31 (3 children)
4.	Exploitation for domestic prostitution		5 (1 child)
5.	Not applicable		1
6.	Victims of trafficking or persons under trafficking risk	71	
7.	Foreign victims of trafficking	14	
	Total	127	74 (16 children)

In a summarized manner, the groups and the number of beneficiaries over January-October 2008 is as follows:

Nr.	Description	Number of beneficiaries by groups and in %				% of beneficiaries 08/07
		Trafficked persons and persons under trafficking risk		Other groups		
1	Të ndryshëm dhe të barabartë (Different and Equal)	13	81	3	19	17
2.	Vatra (Hearth)	56	74	19	26	59
3	Tjetër Vizion (Another Vision)	10	100			14
4	Jetë dhe shpresë (Life and Hope)	25	36	40	64	37
5	Linza	35	47	39	53	58
	Total	134		101		

¹⁴ Data recorded in the database of the Ministry of Labor Social Affairs and Equal Opportunities

Statistics of the number of victims of trafficking and potential victims of trafficking as identified and treated in 2009 by public and nonpublic residential centers

Data generation indicate that, in 2009, **94 victims of trafficking**, 22 of which were children (17 females and 5 males) and 27 adults¹⁵, were identified and referred and received assistance (in centers or in-house).

The beneficiaries who received services in the National Reception Center for Victims of Trafficking during 2009-2010

Beneficiary Groups	2009												2010				
	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May
Victims of Trafficking	4	2	1	1													
Exploitation for domestic prostitution	2	2	2	2	1	1	1	1	2	2	1	1	1	2	3	4	5
Exploitation for prostitution abroad							1	1	1	1	1		1		1	4	2
Under trafficking risk	13	14	14	15	10	10	10	10	13	12	10	8	5	6	5	5	4
Irregular migrants	9																
Total	28	18	17	18	11	11	12	11	16	15	12	9	7	8	9	13	11

The analysis of the data of contained in the database leads to a number of main conclusions:

1. Number of cases as treated in the 5 public centers marked a decrease over January – August 2010 compared to one year ago, as well as, compared to the average as achieved over 2005-2007.
2. We believe that setting of rules on providing information electronically according to the standard model of the responsible authority has had an impact on the reporting that was made.
3. After entering the information into the database by items as defined in a type form for all anti-trafficking centers, the data experienced a significant reduction and this avoided overlapping of the number of beneficiaries in different centers.

Republic of Albania has ratified or, has acceded to the following international conventions:

- **European Convention for the Protection of Human Rights and Fundamental Freedoms**, ratified upon Law No. 8137 of October 31, 1996.
- **Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption**, (ratified by the Parliament of Albania upon Law No. 8624 of June 15, 2000, published in the Official Journal No, 18 of Year 2000, page 872).
- **Convention No. 182 “On the worst forms of child labor” and Recommendation No. 190, “Worst forms of child labor”**, (ratified by the Parliament of Albania upon Law

¹⁵ Report about the Implementation of the National Strategy against Trafficking in Human Beings, January-December 2009; http://www.moi.gov.al/images/pdf/Raporti_final_shqip.pdf

No. 8774 of April 23, 2001, published in the Official Journal No. 23 of Year 2001, page 708).

- ***European Social Charter, as amended***, (ratified by the Parliament of Albania upon Law No. 8960 of October 24, 2002, published in the Official Journal No. 75 of Year 2002, page 2087).
- ***United Nations Convention against Transnational Organized Crime and its two additional Protocols: Palermo Protocol of 2000 “On the prevention, suppression and punishment of trafficking in persons, especially women and children supplementing the United Nations Convention against Transnational Organized Crime*** (ratified by the Parliament of Albania upon Law No. 8920 of November 11, 2002, published in the Official Journal No. 41 of year 2000, page 1195).
- ***European Convention “On contact concerning children”***, (ratified by the Parliament of Albania upon Law No. 9359 of March 24, 2005, published in the Official Journal No. 28 of Year 2005, page 1063).
- ***Hague Convention “On the civil aspects of international child abduction”*** (ratified by the Parliament of Albania upon Law No. 9446 of November 24, 2005, published in the Official Journal No. 97 of Year 2005, page 3096).
- ***Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children”***, (ratified by the Parliament of Albania upon Law No. 9443 of November 16, 2005, published in the Official Journal No. 96 of Year 2005, page 3067).
- ***Optional Protocol to the Convention “On the Rights of the Child”, “On the sale of children, child prostitution and child pornography”***, (ratified by the Parliament of Albania upon Law No. 9834 of November 22, 2007, published in the Official Journal No. 165 of Year 2007, page 4933).
- ***Optional Protocol of United Nations “On the child’s rights”, “On the implication of children in armed conflicts”***, (ratified by the Parliament of Albania upon Law No. 9833 of November 22, 2007, published in the Official Journal No. 165 of Year 2007, page 4929).
- ***Council of Europe Convention “On the Protection of Children against Sexual Exploitation and Sexual Abuse”***, (ratified by the Parliament of Albania upon Law No. 10071 of February 09, 2009, published in the Official Journal No. 21, of Year 2009, page 1353).
- ***Council of Europe Convention “On the measures against trafficking in human beings”***, (ratified by the Parliament of Albania upon Law No. 9642 of November 20, 2006, published in the Official Journal No. 132 of Year 2006, page 5169).
- ***The Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece about Protection and Assistance for Victims of Trafficking in Children*** (adopted by the Parliament of Albania upon Law No. 9544 of May 29, 2006, published in the Official Journal No. 63 of Year 2006, page 1731).

Pursuant to the objectives of the Child's National Strategy, approved upon the Council of Ministers' Decision No. 368 of May 31, 2005, which addresses issues that have to do with child's rights such as children protection against all forms of exploitation to reduce the number of children who work, as well as, to ensure functioning of their protection system (under Law No. Nr 9859 of January 21, 2008), a number of amendments were made to the Penal Code. The amended articles are as follows:

1. Article 124/b "Child maltreatment", which provided for sentencing to imprisonment for persons who commit child's physical or psychological maltreatment and child's exploitation to perform forced labor, to beg and to perform other forced services.
2. A paragraph, which provides for the punishment of the person who uses a child to generate pornographic stuff, to distribute or to publish them, is added to Article 117 "Pornography".
3. It has been added to Article 128/b "Trafficking in children" that it is not only recruitment, hiding, receiving, etc., but also children's sale that is penalized by law.

CRIMES (committed by minors)

Article	Type of Crime	Sentenced Minors				
		2005	2006	2007	2008	2009
76	Intentional murder	2	3	1	97	105
78/1	Premeditated murder	-	1	1	53	44
79	Murder in other aggravating circumstances	2	1	-	24	2
83	Murder committed in excess of self-defense limits	-	1	-	2	1
85	Murder due to negligence	1	1	1	6	1
88	Intentional serious injury	2	9	2	61	0
88/a	Injury under the circumstances of psychic shock	1	-	1	15	0
88/b	Serious injury in excess of necessary defense limits	-	1	-	7	0
100/1	Sexual or homosexual intercourse with minors	2	1	1	7	0
100/2	Sexual or homosexual intercourse with minors	-	1	-	5	0
108	Shameful acts	2	1	2	5	0
110/2	Kidnapping	-	-	1	11	1
113	Prostitution	-	1	-	43	0
114/a	Prostitution exploitation under mitigating circumstances	-	-	-	14	0
118	Cemeteries violation	-	-	1	8	0
134/1	Robbery	61	58	61	609	7
134/2	Robbery in accomplice more than once	122	110	91	394	5
139	Robbery by using violence	3	4	2	48	1
140	Armed robbery	10	3	1	22	3
141	Robbery resulting in death	-	-	-	4	0
142	Provision of means to commit robbery	1	1	-	4	0
143	Cheating	3	-	-	165	10
150	Assets demolition	-	2	-	51	2
151	Assets demolishing by using fire	-	1	1	33	1
156	Demolishing of power grid	-	-	-	0	0

164	Collision of massive transportation vehicles	-	-	-	0	0
172	Smuggling of banned goods	-	-	-	6	0
174	Smuggling of licensed goods	-	2	-	47	2
183	Banknotes forgery	1	-	-	15	18
186	Documents forgery	1	-	-	248	239
187	School documents forgery	-	-	1	56	23
189	Passports/visas forgery	9	4	1	257	156
190	Seals/stamps or visas forgery	9	2	4	108	46
191	Civil registry acts forgery	2	-	-	41	16
192/a	Obliteration and stealing of documents	-	-	-	1	1
236	Opposing of the public order officer	1	-	-	-	-
236/2	Opposing of the public order officer (Paragraph. II)	-	1	1	46	41
237	Punching due to duty reasons	-	2	-	87	62
243	Punching against family members of the person who performs a government duty	-	-	-	0	0
250	Commitment of arbitrary actions	-	1	-	7	6
278/1	Illegal manufacturing and possession of firearms and ammunition	1	-	-	1	7
278/2	Illegal manufacturing and possession of fighting weapons and ammunition	9	10	9	349	286
279	Illegal manufacturing and possession of cold weapons	1	1	-	46	25
283	Manufacturing and sales of narcotics	4	2	5	32	39
284	Cultivation of narcotic plants	-	2	-	21	34
290	Violation of traffic rules	-	4	4	326	320
298	Provision of assistance for illegal border crossing	1	4	1	83	62
300	Crime hiding	5	2	3	12	12
301	Actions that prevent finding the truth	-	-	-	4	2
305	Fake denouncement	1	1	1	52	53
306/2	Fake testimony (Paragraph II)	-	-	1	7	10
323	Prisoner's fleeing from the place of stay.	1	-	-	11	11
-	Total	258	238	198	3760	1619

MISDEMEANORS (committed by minors)

Article	Type of Misdemeanor	Sentenced minors					
		2004	2005	2006	2007	2008	2009
84	Coercion	2	2	4	1	181	142
89	Intentional light injury	-	2	3	1	181	207
90	Other intentional damages	-	2	1	1	65	85

112	Dwelling violation	-	1	-	-	10	18
205	Illegal cutting of forests	2	1	-	-	105	111
236/1	Opposing of the public order police officer	-	-	-	1	90	46
239	Insulting due to job reasons	-	2	-	-	32	40
273	Escaping from the place of accident	-	-	1	-	52	38
274	Disturbing of public peace	-	1	1	-	53	47
275	Misuse of telephone calls	-	1	-	1	18	33
277	Taking the law in his or her hands	1	2	-	-	47	56
291	Driving of vehicles when drunk or without driving license	1	4	9	1	256	315
297/1	Illegal crossing of state border	-	13	11	6	161	72
306/1	Fake testimony	1	-	-	-	8	15
	Total	7	31	30	13	1259	1225

Number of sentenced adults who have committed criminal offences against children by Articles laid down in the Penal Code covering 2006 - 2009

CRIMES

Article	Type of crime	Sentenced adults			
		2006	2007	2008	2009
83/a	Serious coercion for revenge or blood feud	3	1	0	2
100/1	Sexual or homosexual intercourse with minors	4	6	9	7
100/2	Sexual or homosexual intercourse with minors	3	3	6	5
101/1, 2	Sexual or homosexual intercourse with 14-18 years old minors by applying violence	5	3	5	7
108	Shameful acts	7	11	6	5
109/1	Abduction or holding hostage of a person	-	-	7	3
109/2, 3	Abduction or holding hostage of a minor under 14 years old	6	-	3	0
114/a	Prostitution exploitation under aggravating circumstances	-	27	25	9
114/a(1)	Prostitution exploitation under aggravating circumstances with minors	-	-	7	5
124	Abandoning of children	9	3	5	3
124/a	Asking for or receiving of rewards for adoption procedures	-	0	0	0
128/b/2	Trafficking in children	5	2	0	0
129	Inciting children to commit a crime	1	2	-	-

MISDEMEANORS

Article	Type of misdemeanor	Sentenced adults			
		2006	2007	2008	2009
81	Murder of newly born child	-	1	1	1
125	Failure to provide leaving means	15	17	14	27
126	Failure to notify changing of residence	-	3	4	1
127	Child abduction	4	3	5	3

- *Information on statistical data about the number of adoptions and the progress of the overall adoptions process issued by the Albanian Adoption Committee, during 2005 – 2009 and the first 6-months of 2010:*

Data of the Albanian Adoption Committee	2005	2006	2007	2008	2009	First half of 2010
National applications for adoption upon consent	25	9	17		19	2
National applications for adoption by the state and private abandoned child care institutions	53	40		33	21	10
Applications for interstate adoptions submitted through foreign intermediary agencies	53	35		44	24	6
Children adopted upon consent	90	56	76	61	52	18
Abandoned children adopted by Albanian couples						
Abandoned children adopted by foreign couples						
Number of abandoned children that are registered in the Committee	48	46	72	38	32	11

The Labor Code and the other bylaw acts for its implementation determine arrangements and obligations for the employer in connection with the protection of children at work. The legal provisions of the Labor Code for children labor highlight that: All forms of forced labor are prohibited.

The minimal age for employing children is the age of 16 years old. An exception to this shall be the cases of children between 14-16 years old, who are involved at work not impairing their health and development in the course of summer vacations, however not longer than 30 hours per week.

The children aged in the range 16-18 years old may be employed in easy jobs, not impairing their health and development.

The children less than 16-18 years old shall be prohibited to work at night shifts and the duration of work shall be 40 hours per week and it shall contain 4 calendar weeks holidays.

The Council of Ministers Decision No. 499, of May 06, 2009, on an addenda to the Decision No. 384, of May 20, 1996, of the Council of Ministers “On protection of minors at work”, as amended, provides for the medical examination for the employees below 18 years old. The State Labor Inspectorate checks the work of minors with various state and private entities.

The Council of Ministers Decision No. 207, of May 09, 2002 “On determining the difficult and dangerous jobs”, determines the difficult and dangerous jobs to the life and health of humans in general.

Based on the Law No. 7703, of May 11, 1993 “On Social Insurance in the Republic of Albania”, the children benefit from the mandatory insurance where they have been employed in the cases of temporary labor disability due to a disease, disability, loss of supporter of the family, accident at work and professional disease or unemployment.

The law No. 9634, of October 30, 2006 “On Labor Inspection and State Labor Inspectorate”, **determines the scope of its activity and inspection of the labor relations of children.**

In the context of the fight against the trafficking of minors, provided for in Article 128/b of the Criminal Code it is the criminal offence of “Trafficking of minors”.

To the effect of protection of health and physical integrity of children, provided for in the Criminal Code are the following criminal offences:

- “Sexual or homosexual relations with minors” (Article 100);
- “Forced sexual or homosexual relations with minors aged 14-18 years old” (Article 101);
- “Kidnapping of person”, where a separate paragraph deals with the kidnapping of a minor (Article 109/2);
- “Exploitation of prostitution under aggravating circumstances”, where one of the aggravating circumstances is the exploitation of prostitution involving minors (Article 114/a);
- “Abandonment of minor children” (Article 124);
- “Maltreatment of minors” (Article 124/b);
- “Use of minors for the production of pornographic materials, as well as their dissemination or publication in internet or other forms” (Article 117);
- “Incitement for the use of drugs” (Article 286);
- “Denial of living means” (Article 125);
- “Taking children illegally away” (Article 127);
- “Shameful acts” (Article 108).

The institutions supervising directly and evaluating the way of observation of rights of children according to the social welfare programs (education, health care and social protection) are:

- **Inter-Ministerial Committee for the Rights of Children**, set up upon the Order of Premier No. 24, of March 21, 2007, is the highest authority observing the meeting of objectives of the National Strategy for Children and guaranteeing the involvement of policies for observing the rights of children in development policies. This Committee shall be presided over by the Deputy Premier and it is composed of the line ministers and 2 representatives of NGOs involved in rights of children.
- **Technical Secretariat for Children** (TSC), set up by the Order of Premier No. 162, of July 24, 2006, being a structure with the Directorate of Monitoring the Inter-Sector Strategies at the Ministry of Labor, Social Affairs and Equal Opportunities. Technical Secretariat for Children mission is monitoring and evaluation of objectives of National Strategy for Children and critical issues encountered in the course of observation of rights of children in general. Technical Secretariat for Children reports periodically

with the state structures and informs the public opinion in connection with the observation of rights of children in the country.

- **Central level institutions**, involved directly in implementing the National Strategy of Children and observation of the rights of children are: Ministry of Health, Ministry of Education and Science, Ministry of Labor, Social Affairs and Equal Opportunities, Ministry of Interior, Ministry of Justice and Ministry of Tourism, Culture, Youth and Sports. These institutions have their legal and institutional obligation to report to the government for the realization of the rights of the children.
- **Structures for the protection of rights of children at local level.** In the context of decentralization, the local government structures are gradually assuming and exercising their responsibilities for the protection of the rights of children. At local level the responsible structures for the implementation of NSC are: Regional Education Directorates/Education Office, Directorates of Regional Social Service, Regional Directorate of Public Health, Regional Directorates of Police and local governance Units (Regions, Municipalities).

At the Region

The local government has, at regional level and with the support of UNICEF, set up the Units for the Rights of Children, within the structures of 6 regions. A social worker has been added up to the Coordination and Development Directorates at regional level covering the problems of children at regional level and having the following tasks:

a) Identifying and coordinating the reference of cases of violation or abuse, maltreatment of rights of children at regional level; b) Observing and evaluating the way of implementing the laws and policies dealing with the protection of rights of children, at regional level; c) Cooperating and exchanging information with the Office of Statistics, Regional Directorate of Primary Health Care, Regional Directorates of Education, Civil Registry Office, Section of Economic Aid, and payment of disability at the Municipalities and Communes, as well as any other institution of local governance or civil society; d) Reporting to the Regional Council on the development of the process of observing the rights of children in the region.

At Municipality level

The units for the Protection of Children have been set up with the Section of economic assistance and disability payment in 16 municipalities. Employed in this section is a social worker, covering the problems of children within the territory of the municipality. These units have been set up within the administrative structures of social services at the municipality and they are tasked with identifying, evaluating the cases of vulnerable children and coordinating the activities for the protection of children. The Official for Protection of Children (OPC) identifies the vulnerable children, be those in Open Street or family situation, exchanges information and coordinates the offering of services from the local structures of health care, education, day care and residential centres etc. Following the successful piloting of these structures, it has been decided that this model expand over the entire country. To the effect of strengthening the system of protection of children, Ministry of Labor Social Affairs and Equal Opportunities has drafted the framework draft law “On rights of Children”, approved by the Council of Ministers Decision No. 496, of May 30, 2010, which shall be shortly be forwarded to Parliament.

The National Steering Committee “On elimination of child labor”, (year 2001), which is chaired by the Minister of Labor, is the highest structure for the integration of the issue of children labor in drafting the national policies. These structures have been set up in the

context of the National Program for the elimination of the child labor, being implemented by Ministry of Labor Social Affairs and Equal Opportunities. Part of this program of the Project “System of Monitoring the Labor of Children in Albania”, supported by ILO/IPEC and split up into 2 phases (first phase 2005-2007 and the second phase February – November 2009). The Project has been implemented in 5 regions (Tiranë, Korçë, Berat, Elbasan and Shkodër), undertaking concrete arrangements and activities for retrieving from work and re-integration of children and prevention of the phenomenon, offering a model of programming at international level. In the course of this period, the monitoring of labor of children has been institutionalized through the setting up and functioning of the Local Action Committees with senior managerial representatives of all local institutions, interest groups and non-profit organizations bearing a connection with the labor of children, such as the Multi-Disciplinary Monitoring Groups working directly on the ground for the identification and monitoring of children working and those being at risk. For the children benefiting in the context of this Project, the formal education has been ensured, as well as non-formal education in classes with specialized teachers. Implementing the individual plan of treatment, assistance and advice services have been ensured, such as psychological and social advice, legal advice, instructions for the career, recreational activities, support for obtaining the respective legal benefits, medical treatment etc. With regard to the children having reached the age, vocational training is provided for a period 3-6 months providing them with the respective licenses. With regard to the children having followed and completed the professional training, the means for starting an activity in the field of their qualification shall be provided, thus being a support also to the family. With regard to the grown up members and parents of children, training has been provided, opportunities for professional training have been offered in return for bringing their children to school and retrieving them from work.

The direct beneficiaries out of the two phases of implementation of the Project “System of Monitoring the Children Labor in Albania” were 600 children, through their referrals to services according to the decisions of the Local Action Committees and long term monitoring for ensuring their reintegration and round 465 children have been offered formal education and non-formal education in classes with specialized teachers.

In February 2010, the implementation of a national study pertaining to the children labor has been launched by INSTAT in cooperation with ILO/PEC to study the spread-out of this phenomenon, sectors where it is more concentrated and the age groups being most vulnerable.

The Albanian government shall also adopt the Hague Instruction of May 2010, in connection with the policies to be followed up for the elimination of this phenomenon.

Another innovation in this field in connection with the Albanian legislation is the legal coverage of these issues, and the new law “On Protection of Rights of Children”, in its respective Articles 22 and 24, which is shortly expected to be approved in Parliament following the approval by Council of Ministers Decision. However, despite this, the phenomenon of child labor remains one of the most concerning problems of the Albanian society and beyond; it is still considered to be as a global problem. For this reason, convening in the Hague were the representatives of the governments, organizations of employers and employees, non-governmental organizations and civil society, regional and international organizations, at the *Global Conference for Children Labor 2010. Towards a world without the phenomenon of child labor. Travel towards 2016*. Naturally, the action for the elimination of the world forms of child labor is more effective and sustainable where regional programs or sector related programs are included in the actions for the elimination of the child labor. Unanimously approved in this conference by all member states, including Albania, was “Roadmap for meeting the objective for the elimination of the worst forms of the children labor until 2016”. The presentation of this roadmap was done also in Albania at central and

local level by the Ministry of Labor, Social Affairs and Equal Opportunities, as well as the organization ILO/IPEC, as well as in cooperation with the trade unions including Albanian Education Trade Unions Federation and Albanian Independent Education Trade Units, with all partners being active in this field. The aim of these meetings was the discussion in connection with the unification of the actions to be undertaken at central and local level by all the stakeholders as well as assignment of responsibilities for each of them to be of use in connection with this problem and to transform this political document into an effective and functional work document.

In concrete terms, the recommendations disclosed by the participants in connection with the actions to be undertaken by the government to minimize this phenomenon are as follows:

The actions of the governments shall be led by the following priority policies:

In connection with the National Legislation and its Implementation, the following recommendations were provided:

- Strengthening the legal framework protecting the rights of children against the phenomenon of child labor, reviewing it and the possibility of ensuring a balanced social assistance to those categories being in more urgent need to obtain it;
- Intensifying the work for the monitoring function of the State Labor Inspectorate, the role of which shall not remain within the framework of collecting statistics, but there is a need to strengthen its role as a structure for making recommendations;
- Enhancing an effective and continuous cooperation between the central and local government (basis).

With regard to educating and training, the following recommendations were given:

- Encouragement aiming at affecting the registration of the marginalized strata, such as the Roma and Egyptian community, with the civil registry;
- Identification of accurate data by the state institutions (MASH) in connection with the number of children who do not turn out to be registered with the civil registry or education institutions, as well as ensuring statistics and accurate figures by the Ministry of Labor Social Affairs and Equal Opportunities for measuring the phenomenon of the child labor to respond to the situation in an appropriate way;
- Including and implementing within the educational system special policies or curricula for the qualification of vulnerable groups, specifically the Roma minority, absorbing this contingent of the population through these programs;
- Including and making part of the teaching curricula the entire conventions and documents aiming at informing the children about their rights, specifically in eliminating the worst forms of their labor;
- Promotion of the best models from prefectures having good experiences in this direction, strengthening the cooperation and exchange of their experiences;
- In pre-school educational institutions, the positive educating and encouraging spirit of children by the pre-school education employees has to be expanded;
- Elimination of the militant spirit existing in the pre-school educational institutions with the employees, aiming at minimizing this phenomenon;
- Enhancing cooperation and contribution of some central institutions such as the Ministry of Labor Social Affairs and Equal Opportunities and Ministry of Education and Science, in order to make possible the further enhancement of care for the mothers of these children, making mothers aware at the moment of conceptualization, this being a moment that will subsequently serve as a factor for boosting their educational role for the children to be born;
- Training of inspectors and controllers (at local level) to become aware of the phenomenon of eliminating the child labor seeking the assistance of international experts in this field;

- Encouraging the role of media in the education and awareness of the society to address the problems, wherever they are.

In connection with the Social Protection, the following recommendations were given:

- Ensuring appropriate functioning of the referral system and offering the social services, to the effect for these services to be as close to the needs of these children as possible;
- Enhancing the capacities with the units for the protection of children and the number of employees with the municipalities to deal with the problems of protection of children against the worst forms of labor;
- Including and implementing within the educational system special policies or curricula for the qualification of vulnerable groups, specifically the Roma minority, absorbing this contingent of the population through these programs;
- Opening kindergartens for the above-mentioned target-group where the bilingual system shall be applied, so that this target-group have the possibility to be integrated into the society;
- Including and implementing within the educational system special policies or curricula for the qualification of vulnerable groups, specifically the Roma minority, absorbing this contingent of the population through these programs;

A significant part of the national program for the elimination of the child labor being implemented by Ministry of Labor Social Affairs and Equal Opportunities, financed by ILO/IPEC, is the project “**System for Monitoring the Children Labor in Albania**”, first phase being April 2005 – February 2007. The project aimed at the institutionalization of the monitoring of child labor, identification, revision and reporting the achievements and hindrances in combating the dangerous practices exploiting the child labor, strengthening the capacities at central and local level, piloting as community-based in three regions, Tirana, Korça and Berat, and drafting the best practices.

While the second phase was in February – December 2009. The budget for the service of custody in the piloting phase in Tirana and Shkodra is calculated by round 10 million ALL per year. The extension of this service shall subsequently incur additional costs. The amount for every person put under custody is calculated by 3 USD per day or 50% more than the poverty line.

In the field of social services, the project: “**Provision of social services to communities**”, was implemented, aiming at setting up the community services for the vulnerable groups, such as children, women, aged persons, disabled persons etc.

Another occasion of cooperation has been with the Foundation Terre Des Hommes. Starting since 2001 until to date, Foundation Terre Des Hommes launched the implementation of **TACT project** (Transnational Action against Child Trafficking) in Albania. The project has been supported over the years with funds from donors, such as USAID, UNICEF, Austrian Development Agency, Hellenic Aid, Ministry of Foreign Affairs of Norway and Oak Foundation, SIDA, etc.

Within the period June 2006 – September 2009, the project TACT III was implemented. The main directions of intervention for TACT III were:

- Direct intervention with the roads and communities in Albania and Greece to identify the victim children of trafficking or being risked by trafficking;
- Enhancing the capacities of the state structures at central and local level in connection with the trafficking of children;
- Strengthening the Roma and Egyptians communities to stop the phenomenon of trafficking the children within their communities;
- Advising and improving the state policies in connection with the protection of the children.

Project: **“Enhancing the capacity of Ministry of Labor, Social Affairs and Equal Opportunities in the issue of combating the child labor in Albania”**. (Contribution of ILO/IPEC and Ministry of Labor, Social Affairs and Equal Opportunities).

Project: **“On revision of national legislation in connection with the labor children, for harmonising it with the international standards”**. (Contribution of ILO/IPEC and Ministry of Labor, Social Affairs and Equal Opportunities).

Project: **“National policies on combating child labor and elimination of its worst forms”** (Contribution of ILO/IPEC and Ministry of Labor, Social Affairs and Equal Opportunities).

The State Labor Inspectorate, aiming at ensuring the implementation of the labor legislation by the entities being subject to this law, in compliance with the procedures of undertaking the labor inspection, has checked in connection with the child labor in various state and private entities. The outcome of these inspections over the entire territory of Republic of Albania in 2008 are 540 children working in the formal sector, being under 18 years of age. The significant percentage of the children are working in production enterprises, specifically: 40% in the enterprises for processing fishes, round 30% in shoes production, 23% in tailoring, and round 7% in the construction sector. Generally, it is evident that there is a considerable number of girls of 89.2% as opposed to 10.8% males. Evident is a considerable sensitivity of the state structures and other employers for implementing the legislation protecting the employed minors. ISHP has organized also round tables for the protection of minors at work, where present have been also representatives from the trade unions and confederations of employers and employees.

The turnout of inspections by the State Labor Inspectorate for illegal labor of children for the period 2008-2009.

Broken down to age groups, it turns out that employed children are mainly belonging to these ages:

- 17- years old by 54.3%;
- 16- years old by 18.3%;
- 15- years old by 1.9%.

Referring to the children identified being at work, their majority is of the female gender and specifically, 82.6% of all children are girls.

Children being employed according to the type of activity:

- Agriculture, forestry, fishing - 23%;
- Production enterprises - 63.7% (Tailoring - 49.5, shoes pieces -15.7%);
- Construction - 1.8%;
- Other activities - 11.5%.

Out of these children, 5.4% are of primary education, 90% of 8-year education, and 4.6% of secondary education. 86% of the children working were insured and 14% of them were not insured at the moment of the control. With regard to children, relevant arrangements were made for insuring them with the taxation offices. The bulk of children, 54% were of the age of 17, while their majority is girls: round 82.6% working in the economic sector. 76% of the identified children were employed with the authorization of State Labor Inspectorate, the latter checking whether the labor conditions are in compliance with the legislation in force pertaining to the children labor.

On 27/07/2006, the Assembly of Albania approved the law No. 9590 on *“Ratification of the Stabilization and Association between the Republic of Albania and the European Community and its Member States”*. According to Article 79 of this Agreement, upon its entry into effect, Albania harmonized the legislation for the protection of personal data to the community law and to the other European and international legislation on privacy. Thus, Albania should

establish its independent surveillance authority with sufficient financial and human resources for monitoring and guaranteeing efficiently the implementation of the national legislation for the protection of personal data.

In compliance with the Albanian Constitution and the Agreement referred to above, the law No.9887, of March 10, 2008 “*On Protection of Personal Data*” was approved, thus establishing the “*Commissioner for the Protection of Personal Data*”, as an independent public institution.

The Law regulating the Protection of Personal Data has been drafted in full compliance with the Directive 95/46/EC on “*Protection of individuals in connection with the Automatic Processing of Personal Data and free Circulation of Such Data*”, Convention No. 108 of the Council of Europe, of 28/01/1981 “*On protection of individuals against Automatic Processing of Personal Data*”, ratified by the Republic of Albania by law No. 9288, of 07/20/2004, as well as its additional Protocol “*On protection of individuals against the Automatic Processing of Personal Data in connection with the supervisory authorities and cross-border movement of personal data*”.

Implementing this law, the Institution of Commissioner for the Protection of Personal Data has been established, as the independent supervisory authority for the implementation of rules for processing the personal data by all the state and private authorities.

Following the appointment of the Commissioner and the staff of his Office, efforts focused continuously on ensuring progress in connection with the implementation of the law “On protection of personal data” and enhancing the administrative capacities of the Commissioner for the Protection of Personal Data.

The Institution of the Commissioner has as its primary task the monitoring and supervision of each public or private controller so the latter in the course of activity in processing and controlling the personal data apply the provisions of the law “On Protection of Personal Data” observing and guaranteeing the fundamental human rights and freedoms.

Falling under the scope of application of the law for the protection of the personal data are the determination of the rules for the legal protection and processing of personal data. While the field of its application is the processing of personal data, in full or in part, through automatic devices, as well as for the processing through other means of personal data, being kept in archives system, in accordance with the principle of observing and guaranteeing the fundamental human rights and freedoms and specifically the right of protection of privacy.

The law for the protection of the personal data has provided three important solutions:

First: it has established rules being binding to the institutions and state or private organizations making use of the personal information (personal data).

Second: it entitles the individuals to get to know about their personal data and to seek their rectification as long as the legal requirements for their processing have been infringed.

Third: it establishes an independent institution, i.e., Commissioner for the Protection of Personal Data, vesting the latter with powers and facilities ensuring the implementation of the rules for the processing of personal data of individuals from all the public and private authorities.

The mission of the Institution of the Commissioner for the Protection of Personal Data is as follows:

- Promoting the best practice for protecting the personal data for the public and private institutions;
- Ensuring meeting the high standards of advanced European countries in compliance with the implementation of the rules for processing the personal data and recognition and realization of rights of persons of personal data;
- Efficient organization of reception of complaints from persons of the data, their verification through the administrative review and making of the decisions based on the law for their resolution;
- Enhancing reliability of application of the requirements of the law for the protection of personal data through the professional training of employees of the office of Commissioner, to reach a high intellectual and professional level;
- Finding out the appropriate balance among the sanctions provided for by law and the measures encouraging the conviction and qualification of the controllers for the information on and implementation of rules pertaining to personal data, observing the guaranteeing the fundamental human rights and, specifically, the right of protection of privacy for the person of the personal data.

The institution of the Commissioner has carried out a series of important activities in the course of the years 2009 and 2010. Its major objectives have been: completion of the legal framework, approximation of legislation to the community legislation, enhancing the awareness of citizens over the right of privacy, professional development of the staff of the office and implementation of the best international experiences in the shortest way and time possible in order to reach the level of the western counterpart institutions.

In the context of cooperation with foreign organizations, and specifically those for the protection of children as specific category, the Commissioner for the Protection of the Personal data has acceded the Francophone Association of the Authorities for the Protection of the Data of Children, as a member with the full right to vote and it has taken active part in some activities organized by this association. On the side of our institution, a questionnaire has been filled in with regard to the legal framework, institutional structures and administrative arrangements for the protection of the private life and personal data of children.

In point 4 of the Law No. 9887, of March 10, 2010 “On protection of personal data”, it has been provided for that the “Person of the data is any natural person, whose personal data are being processed”, including hereunder also the children and minors 14-18 years old.

One of the important acts of the controllers/processors is the legal and fair processing of the personal data, including also the data referring to children. It is otherwise the Commissioner of Protection of Personal Data that is the finder of infringements and strict sanctioning entity. This is one of the legal and efficient ways for protecting the private life of the person of the data, where under children are included.

Considering children as persons of personal data, but also a delicate category, they have been ensured not only the protection and the rights provided for in Chapter IV of the law, specifically the right to access, right to seek rectification or deletion, upon finding out that the data are not appropriate, true, comprehensive or they have been processed at variance with the law, the right of the person of the data to oppose the processing, the right to file a complaint, the right to be compensated, upon establishing that the person of the data has sustained a damage, but also a special protection against a series of acts and activities undertaken by the Commissioner for the Protection of Personal Data.

The Commissioner for the Protection of the Personal Data *has drafted a package of advice for the protection of personal data addressing the young people as a category being the most extensive user of the information technologies*. This package contains some practical advice as to how the young persons may protect their personal data and preserve they privacy in the

course of using the internet, social forms, computers, USD-s etc. In order to be of assistance to the persons of the personal data where the children consist an important part, as well as to the employees of the Office of Commissioner to access, know and realize their rights, as well as the rules that the Controllers and Processors have to abide by, for the protection of the personal data and privacy, provided for in the Law No. 9887, of March 10, 2008 “On protection of personal data” and in other legal and bylaw acts, the Commissioner for the Protection of the Personal Data *has approved and published the “Roadmap of protection of personal data for the data entities”*.

The Commissioner of the Protection of Personal Data is at the stage of cooperation and awareness of all the public and private controllers. *It has been decided, inter alia, to cooperate closely with MASH, to the effect of harmonizing the educational legislation with that of the protection of the personal data*, awareness of all the educational levels for the law on the protection of personal data, development of awareness activities in order to make children aware of the attention they have to demonstrate in the course of using the computer in general and specifically the face book, use of their data in absence of specific knowledge and the incurred consequences (internet risks), etc.

Primarily and to the effect of awareness in connection with this category, *the Office of Commissioner considered the preparation and distribution of the leaflets with extended information to schools*. To this effect, an awareness campaign was conducted, almost in all the towns of Albania and a series of activities have been carried out with the 9-year schools.

In a joint activity with the School Herman Gmeinner of the “SOS” Children Village, a painting and essay writing competition was conducted with the pupils of the age group 10 up to 15 years old with the topic “Protect the Privacy”. Round 40 pupils reflected their creativity in painting and round 20 others wrote essays and poetry about the privacy topic. The exhibition with paintings was opened in the premises of the school on 27 January 2010, being a day when the winning and encouraging prizes were awarded and assigned for the best painting and essay. The competition was also followed by a spectacle organized by the children of the school “Herman Gmeinner” of “SOS” village. Footages from this activity were transmitted also in the National TV Klan. The paintings were exposed in the following days in the premises of the Office of Commissioner for the Protection of Personal Data. The best paintings and creations are currently part of a special publication by the Office of Commissioner for the Protection of Personal Data. In the context of continuing the awareness process of Albanian youth in connection with the topic of the Protection of Personal Data and Privacy, the Office of Commissioner organized an awareness meeting with the pupils of the secondary school “*Inkus*”. The seminar with the topic “*Social networks, take care of side effects*”, turned out to be followed with interest by the pupils and teachers.

The children have always been under the focus of the activity of the Commissioner of Protection of the Personal data since the time of setting off its activity. Pursuing the work for the protection of the personal data of this category, our institution has cooperated with the Albanian Adoptions Committee, preparing a series of amendments to the Law No. 9695, of March 19, 2007 “On procedures of adoption and Albanian Adoption Committee”, as well as in the Internal Regulation of the Albanian Adoption Committee”, to the effect of making it adjustable to the provisions of the Law No. 9887, of March 10, 2008 “On protection of personal data”. Further to this cooperation, the Commissioner has approved the Instruction No. 8, of October 31, 2010, on “Obligations of the controller prior to commencing the procedures of processing the personal data”, where the measures that the Albanian Adoption Committee has to take for the protection of personal data of children to be adopted and adopting parents, prior to launching the procedures. The protection of the personal data of children has been a crucial part of the majority of administrative legal acts approved by the Commissioner.

Thus, the Instruction No. 7, of May 09, 2010 “On processing the personal data in the education sector” has been approved. By means of this act, the higher Education Institutions, as controllers in processing the personal data, are instructed to conduct, in the course of their activity, only legal processing of personal data observing and guaranteeing the fundamental human rights and freedoms, and specifically the right to protection of privacy. The public and private higher Education institutions shall, in the course of obtaining the personal data, determine a period for their preservation, in accordance with the effective legislation. These data shall not be kept more than necessary and the entire process of processing shall be in compliance with the law for the protection of personal data.

Specific importance for the Commissioner is the approval of the Instruction No. 9, of October 02, 2010 on determining the “Fundamental rules in connection with the personal data in written, visual and audio-visual media”, this being an act dealing to a certain extent specifically the protection of data of children against the interventions of media in their private life.

The intensity of the work has involved the Commissioner even with the processing of some complaints from various entities, in connection with which, the respective directorate came up, following a comprehensive review, with issue of recommendations, orders etc, in protection of the individual and observation of the law by the controllers. In connection with the last complaint, the Commissioner assisted a child who was adopted at an early age. After some years, the biological mother asked for this child in the TV emission “Lost people”, in TV Klan. The emission instituted the investigation and transmitted materials directly with regard to the data of the child which were taken from the file of the child at “Orphans House Vlora”, as well as his photos. *The Commissioner for the Protection of the Personal data instituted the investigation and by Order No. 1, of July 26, 2010 ordered the prohibition of the further collection, processing and publication of personal data in connection with this adoption case of child and deletion or destruction of all the materials and data having been collected for the treatment of this case in the TV serial.*

Being considered as one of the most delicate age groups and important for the future of the society, the protection of children and their personality shall be implemented even in the draft Code of Ethics for the audio-visual media, which is currently being compiled in cooperation with National Radio and Television Council and it shall include in its contents a separate chapter. Provided for in this code shall be banning of transmission of images and other personal data of children, who for various reasons may fall under the spotlight of the news, serials and various televised chronicles. At the same time, this act aims at setting ethical rules in the course of carrying out the duties of the journalists in the course of their activity for banning the transmissions of footages with children being victims of sexual exploitation or other criminal sexual offences, victims of trafficking and forced labor etc.

Article 8 “Right of employed women to protection of pregnancy”

The Albanian legislation, referring also to the Constitution, ensures special protection for the family, youth, pregnant women and mothers having recently given birth.

Specific arrangements consist in granting the birth permit only for women, prohibiting the night shift for the pregnant women and others having given birth and breastfeeding their babies, benefits from the social insurance, protection against the activities in work places categorized as dangerous for their health etc.

The law No. 9970, of July 24, 2008 “On gender equality in the society”, provides for not consisting a discrimination due to gender, as long as the state makes specific arrangements for the women during the pregnancy and birth, young mothers, as well as young parents, due

to the natural birth or adoption of children, ensuring conditions for the protection and facilitation at work place; with social insurance and social assistance; in providing the necessary health care for the mother and baby insuring and developing the system of social services, favoring the development of the network of kindergartens and day-care;

- Facilitating the assistance for the persons, bearing specific responsibilities in the family, due to the daily care to disabled persons of the family, due to age, physical or mental disability, or due to other causes of disabilities;
- Restriction to work in some sectors of heavy or dangerous jobs for the pregnant women and those breastfeeding the babies. These restrictions shall be reviewed periodically, depending on the scientific and technical knowledge level and according to the encountered needs.

The Law No. 10221, of February 04, 2010 “On protection against discrimination” regulates the implementation and observation of the principle of equality in connection with the gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical conviction, economic, educational or social leverage, pregnancy, parental affiliation, parental custody, age, family or marital status, civil status, place of residence, health situation, genetic predispositions, disabilities, affiliation to a separate group, or any other cause.

Paragraph 1

The period of benefiting the birth leave 365 days including a minimum of 35 days prior to birth and 42 days after birth (Article 104 of the Labor Code) being obligatory. A woman giving birth to more than one child simultaneously shall be entitled to 390 days leave including a minimum of 60 days prior to birth and 42 days after the birth. A women shall be entitled to birth leave, as long as she was included in the social insurance scheme in the 12 recent months and she has been employed on employment contract since the moment of starting of pregnancy up to the start of birth leave, in accordance with the Article 27 of the Law No. 7703, of May 11, 1993 “On social insurance”, published in the Official Journal No. 7, date of publication June 12, 1993, page 401; birth leave shall be considered to be labor seniority for the purposes of the salary, qualification and pension.

Based on the Law No. 7703, of May 11, 1993 “On social insurance in the Republic of Albania”, determined in Articles 26, 27, 28 and 29 are the benefits granted to women on the occasion of the birth leave, compensation for pregnancy and reward for the child birth.

Provided for in Article 26, paragraph 1, is that “1. *Remuneration for the birth leave shall be paid to the insured woman for her pregnancy and child, as long as she has already 12 months insurance in any case of benefit. 2. The benefited time period shall be 365 calendar days, including a minimum of 35 days prior to and 42 days after the birth of child. For the women bearing during her pregnancy more than one child, the benefited period shall be 390 calendar days, including a minimum of 60 days prior to and 42 days after the birth of children. 3. The remuneration for the birth leave for the insured women shall be 80% of the daily average of the weighted bottom line of the last calendar year for the pre-birth period and for 150 calendar days after the birth; - 50% of the daily average of the weighted bottom line of the last calendar year for the subsequent period. 4. The remuneration for the birth leave for women economically active shall be equal to the bottom line level of the age pension. 5. The mother adopting a child up to 1 year old and having been insured not less than 12 months, shall be entitled to leave after birth, starting on the day of adoption, however, not earlier than after the 42nd day of the child and it shall continue not longer than 330 days since the day of birth of the child. The minimum*

leave for the adopter shall be 28 days. 6. Where a child has been adopted in the course of the birth leave, the birth-giving mother shall benefit e period up to the adoption day, however, not less than 42 days after the birth.

The number of female employees found out in the course of the controlling the private entities over the years.

Denomination	2005	2006	2007	2008	2009	2010
Inspected private entities	7219	7212	8905	10420	11724	7740
Identified employees	83056	80047	111792	101306	128395	79861
Female employees (%)	42102 (50.6%)	41862 (52.2%)	55123 (49.3%)	46587 (45.9%)	48311 (37.6%)	35281 (44%)

In the course of the control carried out by the State Labor Inspectorate , no cases of infringement of the Labor Code in this respect have been found out.

Provided for in Article 28 of the Law No. 7703, of May 11, 1993, “On social insurance in the Republic of Albania” is the income for compensation purposes in case of pregnancy as long as the pregnant woman changes her work place upon the decision of the competent medical commission due to her pregnancy, shall be entitled to benefit the compensation of income equal to the reduction due to the change of the work place. This compensation shall be granted as long as a contribution has been paid for not less than 12 months. The amount of revenues to be benefited as compensation shall be equal to the difference of payment in the previous work place and the payment of the recent work place. This compensation may not be more than 50% of the daily average of the reference amount of the last calendar year.

It has been highlighted in Article 29 “Remuneration due to child birth” that the remuneration due to child birth shall be paid to an insured person, being the mother of father of the born child, provided that one of them has contributed during one year prior to the birth. The remuneration shall be due only once and mother shall have priority in benefiting the salary, as long as she is insured. The remuneration for each born child shall be an equal amount to 50% of the minimal monthly salary.

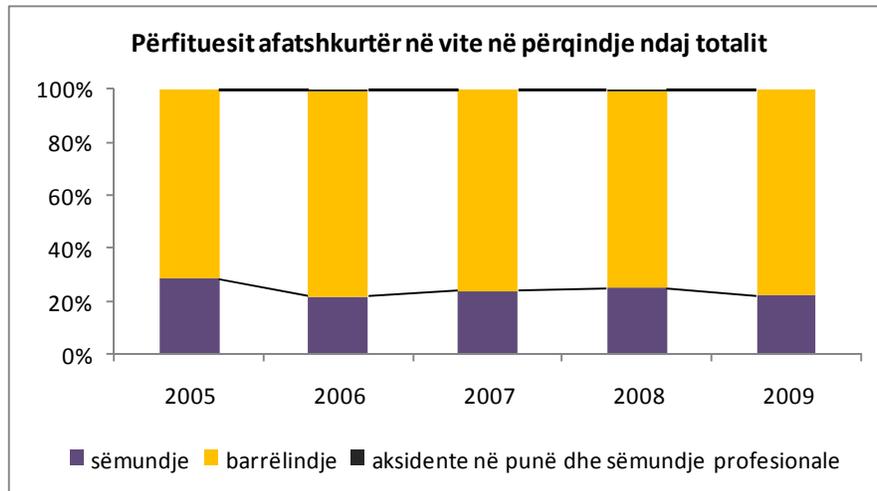
Provided for in the Law No. 7703, of May 11, 1993, based on the “gender” principle, are the benefits for the family pensions. Article 40, point 2, determines that the beneficiaries of family pension shall be: a) widow, upon being established that she is the custodian of the child being dependant of the late, until reaching the age of 8, incapable of being employed or having reaching the age of 50.

Contained in the social insurance law is a positive discrimination of the women in the field of age pensions and family pensions, pertaining to the age condition to be met to benefit these pensions. Women retire earlier than men. Further on, considered as a positive discrimination may be considered even Article 91, point 4, where it is provided for that the period of following full time studies at higher school for women, starting from 1 September 2000 an on, regardless of the place where the studies have been followed and for not longer than 6 years, shall be recognized as an insurance period, for the purposes of the age pension. The contributions, in such an instance, shall be paid from the state budget, upon making the decision for determining the pension.

A step forward towards covering all the employees with social insurance, taking account also of the parameter gender, is the Decision No. 1477 of the Council of Ministers, of November 12, 2008, where it was decided about some addenda to the Decision No. 1114, of July 30, 2008, of the Council of Ministers “On collecting the mandatory contributions of social and health insurance in the Republic of Albania”, according to which fulltime or part-time

household-service employees shall be insured. Referring to the fact that the household service employees are almost all of them females, it provides for the protection through the social insurance even to this group of people in accordance with the Article 8 of the Social Charta about the equal chances and absence of discrimination at work due to the age and gender. Beneficiaries of the birth leaves in 2009 were 20026 women out of whom 4669 with the budget paid entities, 659 non-public entities, 5113 private entities, 1058 self-employed in the town and 8527 persons from the self-employed in agriculture.

A graph is displayed in the following concerning the short term beneficiaries over the years:



It is evident that the number of the short term beneficiaries of birth leaves makes up the bulk of the total of the short term beneficiaries in each year.

The contribution of the social insurance for the birth leave branch has been reduced in the course of 2009 from 2.3% to 1.4% of the minimal salary for the purposes of the contribution and 0.6% shall be paid by the employee and 0.8% shall be paid by the employer for the employee. The minimal salary for the purposes of the contribution shall actually be 16 820 ALL/month or 35% higher than in 2005, while the maximal salary is equal to five times the minimal salary, i.e., 84100 ALL/month.

Added up in the course of improvements done to the law of social insurance in 2005, in Article 27, point 1, is the sentence: “Excluded from this rule shall be the case where during the period of benefiting the birth leave the women meets the conditions for a new birth leave”. Thus, the woman shall not be obliged to be subject to a 12 months insurance period even for the second birth leave.

Paragraph 2

The Albanian legal framework contains a series of provisions protecting women against the termination of the contract without reasonable grounds in the course of the pregnancy period or birth leave. Thus, in Article 146 of the Labor Code it has been determined that the termination of the contract in absence of reasonable grounds is invalid. The termination of the contract by the employer shall be considered to be in absence of reasonable grounds where it is done for motives closely connected to the personality of the employer, however, not having any legitimate link to the employment relations, among which is also pregnancy. In

accordance with the provisions of this Article, the employer having terminated the contract without reasonable grounds, thus also due to the pregnancy of the women, shall be obligated to pay to the employer a compensation equal up to one year salary, which shall be added up to the salary it shall benefit in the course of the notification period.

Article 146, point 3, provides for the employees in public administration, as long as there is a final judicial decision for the return to the previous work place, the employer shall be obliged to abide by this decision.

Provided for in Article 147 is that the employer may not terminate the contract at the time when, according to the effective legislation, the employee benefits labor temporary disability allowance from the employer or the social insurance, for a period up to one year, thus, included here shall be the case when the woman benefits remuneration of birth leave from the social insurance.

At the same time, Article 107 of the Labor Code provides for that it is also invalid to terminate the labor contract notified by the employer in the course of the period during which the woman claims benefiting income from the social insurance in the event of birth.

In case the labor contract is terminated by the employer when the woman is at work during the pregnancy period or has returned to work after the birth of the child, it is up to the employer to establish that the reason of dismissal has not been pregnancy or birth of the child. (Article 105/a, point 2 of the Labor Code).

Paragraph 3

Albania has ratified the Convention No. 183 “Maternity Protection”, respectively the law No. 8829, of November 05, 2001 on ratification of the Convention No. 183, “Maternity Protection”, of the International Labor Organization.

The Council of Ministers approved, by Decision No. 397, of May 20, 1996, amended by Council of Ministers Decision No. 185, of May 03, 2002, the Decision “On special protection of pregnant women and maternity”.

The pregnant women and breastfeeding mothers shall be entitled to paid leave periodically over the day, not less than 20 minutes, every three successive hours at work.

Paragraph 4

The Albanian legislation prohibits the night work for pregnant women. Forbidden in Article 104 of the Labor Code shall be labor for pregnant women and young mothers for a period of 35 days prior to birth and 42 days after the birth. For the women with a pregnancy more than one child, this period shall be 60 days prior to birth. At the same time, based on Article 108 of the Labor Code, night work shall be prohibited for pregnant women and breastfeeding mothers. Thus in accordance with Article 108 of the Labor Code, night work for pregnant women is forbidden. Upon the Council of Ministers Decision No. 397, of May 20, 1996, amended by Council of Ministers Decision No. 185, of May 03, 2002 “On special protection of the pregnant women and maternity”, published in the Official Journal No. 17, page 542; date of publication May 15, 2002, in point 5, where it is dealt with the employment duration for pregnant women and breastfeeding children and it is provided for that they may not start work before 5:00 hrs in summer (6:00 in winter) and nor continue working beyond 20:00 hrs. Based on this decision, the employer should do the evaluation of the degree of risk at the work station and he shall adjust the working conditions accordingly for protecting the health of the pregnant women or breastfeeding mother. Where the adjustment of the work station or replacement is technically or objectively impossible, the respective employee shall be

released from work for a necessary period for the purposes of protecting her safety and health.

Paragraph 5

The national legislation and the collective agreements stemming from it contain provisions banning the exposure of pregnant women or breast-feeding mothers to dangerous agents.

The Constitution of the Republic of Albania provides, in its Article 54 for: The children, young persons, pregnant women and young mothers are entitled to special protection from state.

The Council of Ministers approved the decision No. 207, of May 09, 2002 “On determining the difficult and dangerous jobs” whether specification of dangerous jobs is done.

There has also been approved by Council of Ministers Decision No. 100: date February 03, 2008 “on determining dangerous substances”.

The Convention No. 183, year 2000, “On maternity protection” of the International Labor organization has been rectified by Albania with law No. 8829, of November 05, 2001, published in the Official Journal number 54, of November 27, 2001 taken the mother again such exposures.

The Labor Code of the Republic of Albania in its article 104/2 forbids employment of pregnant women for breast-feeding mothers in difficult jobs, impairing the health of mother and child.

The Council of Ministers Decision number 397, of May 20, 1996 “On special protection of pregnant women and maternity” prohibits the employment of women being still able to give birth to children in activities being held to expose risk of exposure to agents processes or labor conditions.

With regard to the above, in connection with the prevention and protection against the agents polluting the environment, and consequently being dangerous to human health, the Ministry of Environment, Forests and Water Administration launched the drafting of the following legal and bylaw acts:

Legislation pertaining to the limits (maximum permitted levels) of the air quality of the most significant polluters and income for in practice in the urban air, being determined in Law No. 8897, of May 16, 2002, “On protection of air against pollution”, (official Journal of Republic of Albania number 26 June 2 002, page 825) and in the Council of Ministers Decision No. 803, of December 04, 2003 “On the approving the limits of air quality” (official Journal of Republic of Albania number 101, December, 2003, page 4337). The legislation pertaining to the norms of emissions to air for various technologists through the Council of Ministers Decision and in reliance on “Law for the protection of air against pollution”, upon the Council of Ministers Decision number 435, of September 12, 2002, “On the approval of the norms for emissions to air in the Republic of Albania” (official Journal number 46, September, 2002, page 1579). The legislation pertaining to chemical substances in the Republic of Albania regulates the management of substances and chemical solvents, substances for the protection of plants, explosives, inflammable gases and liquids, dangerous substances, substances impacting the ozone layer, steady organic polluters etc.

The basic law regulating the administration of substances and chemical solvents in the Republic of Albania is the law No. 9108, of July 17, 2003, “On chemical substances and solvents” published in the Official Journal No. 66, Year 2003, page 2925, date of publication August 04, 2003. In accordance with the Law No. 9108 of July 17, 2003, “On chemical substances and solvents”, the Council of Ministers approved the Decision No. 824, of December 11, 2003, “On classification, packaging, labeling, and safe storing of the

dangerous substances and solvents, transposing partially (70%) the Council directive 67/548/EEC, of June 27, 1967, on approximation of legislation, rules and administrative provisions in connection with the classification, packaging, labeling, and safe storing of the dangerous substances and solvents, 31967L 0548, Official Journal 196, series L of August 16, 1967, page 0001 - 0098. According to point 7.10 of this Decision, the depositing and storing of the chemicals being dangerous for the health and environment shall be subject to the procedure of permission and registration. The applications for permission shall be addressed to the Ministry of Economy, Trade and energy while for the registration, to the Ministry of Environment, Forests and Administration of Waters. Set up with the Ministry of Industry and Energy shall be the commission for granting the permission, depositing and storing of dangerous chemicals, with representatives from the Ministry of Industry and Energy, Ministry of Health, Ministry of Public Order and Ministry of Environment. The procedure for obtaining the permit and the regulation of functioning of the commission shall be approved by the heads of assigned ministries.

Article 13 of the law No. 9108, of July 17, 2003, "On chemical substances and solvents" provides for the assessment of the risk of dangerous substances for the human health and environment. The list of dangerous substances, which in their nature consist a serious risk for the human life and health as well as for the environment, is determined in a Council of Ministers Decision. The Ministry of Environment shall, along with the other ministries assigned by law, make arrangements for the evaluation of the risk of substances contained in the list for the human life and health and for the environment. The procedures for the evaluation of the risk of dangerous substances for the human life and health shall be determined in the order of the Minister of Health, while the procedures for the evaluation of the risk of dangerous substances for the environment shall be determined upon the order of Minister of Environment.

In connection with the collection of data for the chemicals, Ministry of Health does not possess such a mechanism. A "register for chemical accidents" shall be set up in the future in the sector of public health, based on the recommendations of the World Health Organization. Further to the process of the National Plan of Action for the Health and Environment (NEHAP) and Children Environment and Health Action Plan for Europe (CEHAPE) where Albania is a party, it has cooperated with the World Health Organization and the regional countries and in the future it shall set up the Set of Indicators to Environment and Health. Part of this group of indicators shall be also the group of indicators for the chemicals, where it has been provided for the establishment of the register and in the meantime, the evaluation of the risk of chemicals to health may be done.

The Council of Ministers Decision No. 207 of May 09, 2002 "On determining the difficult or dangerous jobs" determines the list of dangerous and difficult jobs. The law No. 9970, of July 24, 2008, "On gender equality in the society", Article 9 "specific measures" provides for "no gender related discrimination consists to cases where the state takes separate measures, including legal provisions aiming at: c) restrictions to work in some sectors of difficult and dangerous jobs for pregnant or breast-feeding women. These restrictions shall be reviewed periodically, depending on the scientific and technical knowledge and according to the encountered needs. The law No. 10237 of February 18, 2010 "On insurance and health at work" in its Article 53 provides for: "where exposure to dangerous agents, work processes the conditions consists the risk for the security and health, or it has an effect on pregnancy and food of child being breast-fed, the employer shall make arrangements for the elimination of the risk or adjust the workstation of employee in accordance with article 6, point 3 letters and "ë", of this law. Where there is a technical fact of objective reasons that no arrangements can be made in accordance with point 1 of this Article, the employer should ensure the transfer of the employee to another workstation, equally paid and where the employer, due to

objective reasons, and can not make the arrangements provided for in point 2 of this article, he shall grant paid leave to the female employee until the risk is avoided. The approval of the law No. 10237 of February 18, 2010, "On the health and safety at work" brings the protection of female women breast-feeding children the against dangerous agents, difficult processes or conditions of work closer to information standards, in compliance with the Directive 92/85 EEC "On introduction of measures to encourage improvement of safety and health at work for pregnant women and for female workers who have just given birth or are breast-feeding babies". In the law "on safety and health at work", article 33 provides for the cases where exposure to dangerous agents work processes or conditions consists of a risk for safety and health or has an effect on pregnancy and breast-feeding of children, the employer has to make the arrangements for the elimination of the risk or adjust the workstation of employee in accordance with Article 6, point 3, letters "a" and "ë" of this law.

Where the technical or objective reasons, no measures provided for in .1 of this article can be arranged, the employer should ensure the transfer of the employee to another workstation, equally paid and where the employer, due to objective reasons, can not make the arrangements provided for in point 2 of this article, he shall grand paid leave to the female employee until the risk is avoided.

Contained in collective labor agreements at branch or profession level, deposited with the Ministry of Labor, are in the respective legal references for the protection of pregnant women or the women breast-feeding children.

In the course of the year 2009, the state labor inspectorate reported about 417 entities dealing with dangerous substances where 11993 employees are working. Out of these: 9872 are males, 2121 are women.

3328 or 27.7% (males and females) it's hard directly exposed to dangerous substances.

The State Labor Inspectorate did not add any reported or denounced cases for pregnant women working with dangerous substances.

Article 19 – The right of migrant workers and their families for protection and assistance

Paragraph 1

Meeting the obligations in accordance with paragraph has been reflected in legal and bylaw acts of the Republic of Albania. Article 8 of the Constitution of Albania imposes the obligation of the Albanian state to protect the rights of its own citizens with temporary or permanent residence abroad. The protection of the rights of Albanians abroad has been considered as a process starting prior to their immigration through informing them about the host countries where they're going to emigrate. For this Article 8 of the Law No. 9668, of December 18, 2006, " On immigration of Albanian citizens for employment purposes" provides for the right of the Albanian citizens before their immigration to be informed about the fields of employment and conditions in the host country. Provided for in the law 9668/2006 is also via big a show the state structures to offer orientation courses for the Albanian citizens immigrating for employment motives. These courses should contain information about the conditions in host countries as well as basic knowledge of the language of the host country.

The Council of Ministers Decision No. 760, of November 19, 2004 "On the approval of the national strategy of migration" (as amended) and the Council of Ministers Decision No. 296, of May 06, 2005, "On the approval of the national action plan of migration national strategy" (as amended), approved to strategic documents in the field of migration. One of the recommended policies by the national migration strategy ease and information policy for the Albanian citizens aiming to emigrate or having emigrated. In the migration action plan, measure 39 and 40, determine the development of an information policy for migration which should address each category migrants and not only the immigrants for employment motives as well as the establishment and assignment counters of migration in the capacity of institution which shall deal with making the information available on migration. Implementing these measures, the migration counters have been established at local or regional level where Albanian migrant workers make the obtain information prior to their immigration with regard to the appropriate immigration procedures, required documentation as well as conditions in the host country.

The Council of Ministers Decision No. 461, of June 09, 2010, "On the approval of strategy" for the reintegration of returned Albanian citizens, 2010 and 1215 and the action plan, approved a strategy for the reintegration of Albanians having returned to the country. Provided there are information services by state public structures of migrant workers having returned. They may attain information from the structures about different fields such as employment, vocational training, education, healthcare, housing etc.

The migrant workers may attain information on the procedures and documentation needed to enter and stay for employment purposes in Albania with the employment offices at regional and local level of opened all over the country. These offices are under the authority of the national employment service. The information may also be obtained from the website of the Minister of Labor, Social Affairs, Equal Opportunities. Information material and booklets had been prepared about the employment of foreigners in Albania in guilty language. Information in Albanian and English are provided. Information is provided above the health service we offer to the repatriated and immigrants and it is available in any public health director in districts, as so as well as in any border crossing point in Albanian. Information is also available in the official website of the Minister of Health.

With regard to fact that the committee, from other sources, has pointed out that they are declarations about maltreatment by the police of minority groups or asylum-seekers, we highlight that there are no cases registered about maltreatment or complaints of this nature, or instituted criminal proceedings. So far, no cases or complaints from foreign citizens had been filed highlighting racism or xenophobia in the relations with the public structures.

To the effect of improving the quality of the service being offered for his citizens aiming at working in Albania, the employees of regional and local offices of employment have continuously being trained.

With regard to the training all the employees of border police (public employees) getting the first contact with the persons appearing as asylum-seekers, we highlight that they are developed periodically, default and after the process of selection, for issues like non-discrimination, torture, xenophobia etc. in this field. This training has been provided for in the Instruction of the Minister of Interior No. 1085, of June 12, 2006 "on the procedure to be applied by the state police fully selection of irregular foreigners" and in the order of the Director General of the State Police No. 871, of December 27, 2007 "on procedure implemented with Albanian and foreign citizens having returned from other countries". These issues have been made known to all border police employees.

Statistical data: For 2009, 1331 what permits had been granted by regional directorates, local offices as well as central administration of national employment service. During the first half of 2010, 699 what permits had been provided.

Paragraph 2

With regard to offering the health care services to migrant workers, in June 2010 the Strategy for Reintegration of Returned Persons has been approved as well as its Action Plan. Provided for are measures and activities to assist migrant workers being returned. They are provided with information in the border about the reintegration services facilitating their return to the country. Units have been set up offering reintegration services at regional and local level. The returned Albanian citizens came from these units information about the field of employment, vocational training, education, health care, housing etc. according to the needs they have and they are referred to the institutions responsible for resolving the problems they have. With regard to the issues pertaining to health care, the migrant workers obtain with these units the initial orienting information and are referred subsequently to the respective health structures. In the framework of this strategy, the returned vulnerable groups are offered transport and food as well as medicaments at the border crossing point upon their return. In the action plan there are specific measures referring to health services to migrant workers returned to the country such as the measure 34 "orientation through social workers it public health director. The training of social workers with regard to services to returned Albanian citizens. Preparation of respective manual" and measure 35 "Information and offering immunization and prophylaxis according to the history of travels and geography of stay and travel". With regard to health care services we offer to migrants being on transit, any aiming we in the status of emigrant and transit emigrant will, after their status is recognized, benefit healthcare service with Healthcare Centers of Primary Care as well as in all instances of secondary and tertiary service observing the reference system.

The documents to be forwarded to the family doctor are: statement of residence as well as the certificate for any benefit from the health insurance scheme (health card) be it through payment of the contribution, or through affiliation to specific groups whose of payment of contribution is done by the state, or certificate if self-employed. With regard to the above, referring to a law No. 7870 of October 13, 1994, "On health insurance in the Republic of Albania", as amended, and in the Council of Ministers Decision No. 86, of February 13, 2003 "On health card". The emergency service is offered free of charge for all citizens be Albanian or foreign as well as for immigrants. In the land, sea and air border crossing points, the sanitary anti-epidemic service is in place, part of the public health structures of the respective district. The sanitary anti-epidemic service performs functions of sanitary inspection and epidemiological vigilance. The sanitary anti-epidemic service consists of specialists of public health reporting to the Director of public health care of the respective district. Technically, the director of public healthcare in every district, as well as the specialists of the sanitary anti-epidemic service at the border crossing points consult the specialists of the health care public Institute, being the only institution as a reference for the health care service in Albania.

The director of the public healthcare in every district, in close cooperation with the Institute of public healthcare, organizes the investigation, follow-up, transport, treatment and isolation of each case consisting to risk to public health.

The existence and activity of the sanitary and anti-epidemic service is an obligation contains in the informational health regulation 2005 (OBSH.) having been signed up by Albania and entered into effect in all member countries of the World Health Organization 2007.

The activity of the sanitary anti-epidemic service at the crossing points is at but regulated by the following legal acts:

Law No. 10138, of May 11, 2009 "On public health"

Law No. 7643, of, December 02, 1992 "On the state sanitary inspectorate" as amended in 2006 "On Public Health and State Sanitary Inspectorate" as amended.

Law No. 7761, of, October 19, 1993 "On prevention and combating infectious diseases".

Law No. and in 9942, of, June 26, 2008 "On prevention of irregularities calls by insufficiency of iodine each human organism".

In accordance with the law "On prevention and control of infectious diseases" 7761 of October 19, 1993, (No.12, page 788), amended, No. 8484 of May 10, 1999, and the law "on sanitary inspectorate" (No. 7643 of November 10, 1992, No. 9, page 464) it is explained that with regard to the applied measures in the cases of risk of epidemics coming from abroad or spilling over from Albania into other countries, the rules should be more consistent with the international treaties where Albania is a party, such as the international regulations of health of World Health at Organization, State Labor Inspectorate is the focal point for the implementation of the traditional health regulation. State Labor Inspectorate possesses a list of experts and specialists including epidemiologists, micro-biologists, specialists of protection against radiation, chemists biologists etc.

Paragraph 3

Legislation in force:

1. Law No. 8432 December 14, 1998 "On asylum in the Republic of Albania"
2. Law No. 9355 "On assistance and social services" as amended

According to the law No. 8432, of December 14, 1998 "On asylum in the Republic of Albania", Article 12, point 2, "the refugee benefiting asylum shall be provided with a state permit and specific employment permit. He shall enjoy the right of social treatment to the same extent as Albanian citizens, which she obtains from the offices for refugees.

The law No. 9355, of March 10, 2005 "social assistance and services", as amended, aims at:

1. determining the social assistance and services for vulnerable individuals and groups, who cannot afford meeting then basic living needs, development of personal skills and opportunities and preservation of integrity due to limited economic, physical, psychological, social skills and opportunities

Beneficiaries of social assistance and service

A. Beneficiaries of economic assistance are:

1. the families without income or on insufficient income;
2. orphans above 25 years old;
3. parents with more than two children born simultaneously, pertaining to all vulnerable families;
4. victims of trafficking release from social care institutions.

B. The beneficiaries of social services to the children, young persons up to 25 years old, aged persons, disabled persons, women, girls in need, as well as all those being in danger of becoming part of vulnerable groups.

C. Beneficiaries of disability allowance are:

1. blind persons, with complete or partial absence of sight, born or sustained, who have been declared incapable of working, upon the decision of the Medical Commission for Determining the Blindness (MCDB);
2. paraplegic and tetraplegic persons who have been declared, upon the decision of the Medical Commission for Determining the Blindness (MCDB), as such regardless of the reason and age;
3. disabled persons, who have been declared incapable of working, upon the decision of the Medical Commission for Determining the Incapability to Work (MCDIW);
4. persons having been declared to be with labor disabilities, upon the decision of the Medical Commission for Determining the Blindness (MCDB), benefiting an

additional amount above the disability pension, according to the Labor Disability Status;

5. Beneficiary persons provided for in .1, 2 and 3 of Article 7 of this law, who upon the decision of the specific medical conditions, are determined to be in need of care, being provided with a paid service provider.

Not benefiting from this law are:

1. Albanian citizens residing abroad as immigrants, with the exception of persons and their families seconded to our diplomatic representations and information organization;
2. asylum seekers, not having obtained the asylum status;
3. Albanian citizens foreign citizens or persons without citizenship, being in need of urgent help, as a consequence of natural calamities and wars.

The state social service is the institution responsible for implementing the policies and Albanian legislation in the field of social protection.

Statistical data for immigrants having obtained social services in the territory of Albania

We have data only with regard to irregular immigrants, having obtained social services with the National Reception Centre of Trafficking Victims for the period 2003 - 2009. Today, there is a total of 262 irregular immigrants, having obtained social services such as accommodation, food preparation of documents, advice etc. we also highlight that there was one child accommodated with the Orphans House Shkodra who was provided by the police and there was no documentation to determine his origin and nationality.

Currently, there are no available statistics about immigrants having obtained social services in the territory of Albania, but changes shall be affected to Instruction No. 2474 of December 06, 2006 "On implementing the Council of Ministers Decision No. 617, of September 07, 2006 on determining the evacuation and monitoring indicators of economic assistance program, payment for disabled persons and social services" where included in the statistical tables for the programs of offering the social services shall be the number of immigrants and the members of their families, beneficiaries broken down according to agenda, age and type of service.

Paragraph 4

Provided for in Article 3 of the law No. 7995 of September 20, 1995, "On encouraging employment", as amended, that every person seeking a job or a new job, may approach the nation will employment office in connection with the job or training for job, or with its permission, to another employment office. Through the competent employment office, he may be registered to a pain in the respective assistance. The foreign persons or persons without citizenship enjoy the same rights as Albanian citizens, in accordance with them by natural or multilateral international agreements, giving the opportunity to the compete in to authorities to grant the right to reside and to the issue the employment permit. The same treatment shall be provided to the foreigners coming from those countries not having such an agreement with the Republic of Albania. The foreign citizens and the citizens without citizenship marrying and Albanian citizen shall enjoy the same rights as the Albanian citizens provided that they are residents in the Republic of Albania.

In the Labor Code, Article 9, prohibition of labor discrimination has been provided for all employees, thus ensuring equal opportunity for employees, regardless of the race, color, gender, age, religion, political conviction, nation of origin, social origin, family relations, physical or mental disabilities.

Provided for in Article 10 of the Labor Code is the legal protection of the freedom to trade unions and collective negotiations. The employment of an employee may not be conditioned on the fact whether he is or is not, ceases to be member of the trade union set up based on the law, and the right of the employee due to membership or not in the trade union set up based on the law or participation in trade union activities abiding by the legislation in force may not be impaired.

Provided for in Article 181, paragraph 3, of the Labor Code is the prohibition of discrimination of trade union members.

Provided for in Article 181, paragraph 4, of the Labor Code is that termination by employer of employment contract for the representatives of the employees organization, being short of a consent of this organization, is invalid, with the exception of cases where the employee violates the law or collective employment contract, individual employment contract or if the employer establishes that the termination of the contract is indispensable for the economic activity of the enterprise. At the same time, the provisions for the collective employment contract had imposed the obligation of sitting to negotiations for signing the collective employment contract.

In the law No. 9959, of July 17, 2008, "On the foreigners", in the chapter "General principles for treatment of foreigners" Article 5 "right of foreigners", it has been provided full that the foreigner in the territory of the Republic of Albania enjoys the fundamental rights and freedoms as well as abides by obligations provided for in the Constitution and in the national legislation for Albanian citizens, with the exceptional cases, where the Constitution specifically links the exercise of certain rights and freedoms with the Albanian citizenship. In the same Article, the right of the foreigner residing legally in the Albanian territory, in accordance with the law, has been provided for to enjoy the right to move freely within the Albanian territory and to select the place of employment without any restriction, with the exception of cases provided for by law, as well as the right to establish organizations, in accordance with the laws which are effective for Albanian citizens, which may be exercised upon being provided with the stay permit.

Paragraph 4 of Article 19 of KSI obliges the states to avoid all forms of legal and factual discrimination with regard to the accommodation and housing of migrant workers.

Specifically, where it has started with the review of the law No. 9232, of May 13, 2004, "On social programs for housing the urban zones residents", as amended. The revision of this law has mainly to do with the need to reflect the obligations stemming from the European Social Charta to as well as other ratified documents. In accordance with the action plan of the law mentioned above, changes to the law are foreseen to be completed in the first half of the year 2011.

Actually the Ministry of Public Works and Transport is applying two housing projects. The first aims at constructing around 1000 social apartments for rent in eight municipalities of the country and it is going to be completed in 2011. The second project aims at providing soft credits to around 6000 families in all the municipalities of the country. According to the information obtained from the municipalities over the number and profile of persons having applied for housing with these offices, it does not seem that persons with the status of "migrant worker" have applied.

Paragraph 5

With regard to this paragraph in the Constitution and in the law No. 9959, of July 17, 2008, "On foreigners" the following obligations and rights are determined.

Article 16, point 1, of the Constitution of the Republic of Albania, provides for the fundamental rights and freedoms, as well as the obligations provided for in the Constitution

for the Albanian citizens are equally valid for foreigners and persons without citizenship in the territory of the Republic of Albania, with the exceptional cases where the Constitution specifically links the exercise of these rights with the Albanian citizenship.

Article 2 "scope of application" of the law No. 9959, of July 17, 2008, "On foreigners", foresees that the foreigners being subject to this law shall be treated in full compliance with the fundamental human rights and freedoms and international agreements ratified by the Republic of Albania, abiding by the principle of reciprocity, non-discrimination and no less favorable treatment than Albanian citizens.

Article 5 "Rights of foreigners", of the Law 9959/2008, foresees that the foreigners in the territory of the Republic of Albania enjoy the fundamental rights and freedoms, and observe the obligations provided for in the Constitution and in the national legislation for Albanian citizens, with the exceptional cases where the Constitution specifically links the exercise of these rights with the Albanian citizenship. As a sequence of the principle in the Constitution of the Republic of Albania, where in Article 16, point 1, it is provided for that "The fundamental rights and freedoms, as well as their vacations provided for in the Constitution for the Albanian citizens are equally valid for foreigners and persons without citizenship in the territory of the Republic of Albania" and in the law No. 7703, of May 11, 1993 "On social insurance in the Republic of Albania", as amended, in Article 7 it is foreseen: "protection of Albanian citizens abroad and foreign citizens". It is highlighted in this article that the social insurance provides protection to:

a) Albanian citizens and persons without citizenship, former Albanian citizens being abroad in accordance with the conventions, bilateral agreements and regulation of the Social Insurance Institute; b) foreign citizens and persons without citizenship working in Albanian. Upon the Council of Ministers Decision No. 1114, of July 30, 2008, "on some issues for implementing the laws No. 7703, of May 11, 1993 "On social insurance in the Republic of Albania", as amended, No. 9136, of September 11, 2003, "On collection of mandatory contributions of social and health insurance in the Republic of Albania", as amended, and exemption from the obligation to be insured in the Albanian insurance schema was foreseen (since they have been insured in the insurance schema of their own country), for:

- a. Foreign citizens working with entities where the latter are not subject to the obligation to be registered with the Albanian tax authorities based on a governmental act;
- b. foreign citizens, members of foreign entities, being sent to Albania to work, for a certain work or service, provided for in the service contract with a entity registered with the Albanian tax authorities, which is not a branch or unit in the structure of the contracting entity.
- c. Foreign citizens, with permanent residence outside the territory of Albania, having to registered activities in their name in both states, shall be subject to protection and obligatory insurance in that country where they have that residence, provided that their own state has an agreement in the social insurance field with the Albanian state.
- d. Foreign citizens, exempted from the payment of social and health insurance contribution in Albania, based on an agreement entered into with the Albanian state.

Thus, migrant workers are obliged in the same way as Albanian citizens constitute to the social insurance schema to benefit protection for their temporary disability to work, for diseases, birth leaves, age pensions, disability and family pension, unemployment allowance as well as in case of accidents at work all professional diseases.

For ensuring this right in practice, certain administrative rules had been issued and the taxation general directorate and state Inspectorate have been tasked. Moreover, foreigners in Albania are provided with the employment permit only after the taxation general directorate certifies that the employer has registered the workers of the purpose of payment of social insurance contributions.

In accordance with the same law of social insurance, Article 23, point 4, at the branch of benefiting the temporary disability payment, the beneficiary period for seasonal or temporary migrant workers, who have been employed at least three months in the 12 last years, is up to 75 days.

The seasonal migrant workers are not subject to any restriction for benefiting healthcare, as long as they have been insured. In case these persons have not been insured, they shall be obliged to pay for their health services.

Point 4 and 5, of chapter I, "Obligatory insurance", of the Council of Ministers Decision No. 1114, of July 30, 2008 "On some issues for implementing the laws No. 7703, of May 11, 1993, "On social insurance in the Republic of Albania", as amended, No. 9136, of September 11, 2003, "On collection of a obligatory social and health insurance contributions in the Republic of Albania" as amended, and No. 7870, of October 13, 1994, "on health insurance in the Republic of Albania", where it is provided for:

"4. Foreign citizens and persons without citizenship being employed, employers or self-employed, with entities register in the Republic of Albanian for tax purposes, shall always be protected and ensured, in accordance with the provisions provided for in point 1 of this chapter.

5. Exempt from the obligatory protection and insurance shall be the foreign citizens:

a) working with entities which, based on a governmental act, are not subject to obligation to be registered with Albanian tax authorities.

b) members of foreign entities, not being obliged to be registered with Albanian tax authorities, coming to Albania to work in a certain service or work, in accordance with the service contract, entered into by a registered entity with the Albanian tax authorities, which is not the branch or unit of the contracting entity.

c) with permanent residence outside the territory of Albania, having activities registered on their name, in both states, shall be subject to obligatory protection and insurance in that country where they have their residence, provided that their own state has an agreement in the field of social insurance with the Albanian state.

ç) be exempt from payment of social and health insurance contributions in Albania, based on an agreement entered into with the Albanian state."

With regard to the above, obliged to pay contributions are all foreign citizens being active as employers, self-employed as well as employee's with entities, having been registered or are obliged to be registered with the tax authorities of Albania, with the exception of cases provided for in the Council of Ministers Decision No. 1114, of July 30, 2008.

With regard to the obligatory social and health insurance contributions paid with Albanian tax authorities, the foreign citizens shall be entitled to obtain the benefits from this social and health insurance schema in the same way as the Albanian taxpayers. These benefits shall be granted in accordance with the provisions of the law No. 7703, of May 11, 1993, "On social insurance in the Republic of Albania", as amended, and in the law No. 7870, of October 13, 1994, "On health insurance in the Republic of Albanian", as amended.

With regard to the above, in the course of practical implementation, many entities and consultation studios have contested or requested interpretations with regard to a payment of obligatory contributions for foreign citizens, arguing that their majority, for the same taxation periods, paid the health and social insurance contributions in the own state where they have their own ground of contributions and they obtain the respective benefits from the respective schemes, which are more favorable than the Albanian scheme.

With regard to the obligation to calculate and pay the contributions, in point 1 and 2, of Article 6, of the law No. 9136, of September 11, 2003 "On collection of obligatory contributions of social and health insurance in the Republic of Albania", as amended, it has been provided for:

"1. The person being liable to pay the contributions is responsible for the calculation, declaration and payment of contribution at the required amount and time.

2. The employer is responsible for withholding the contributions of the employee and for the payment with the tax authorities, along with the contribution of employer".

Relying on the effective legislation, the amount of contributions to be paid by the entities, in Albanian or foreign ownership, full data on employee's being foreign citizens working in Albania, is equal to that of the Albanian citizens and shall be conducted in accordance with the same rules and time periods.

Second, with regard to bilateral agreements in the field of social protection between Albania and the countries where are Albanian immigrants, then he is such an agreement in place only with Turkey. The bilateral agreement between the governments of the Republic of Albania and the Government of Turkey in the field of social protection was ratified on May 15, 2003 and entered into effect on April 15, 2005. State Labor Inspectorate proceeds with the implementation of the agreement, thus observing the rights of Albanian and Turkish citizens and as well as their families for the social insurance. So far, there are 200 practices in terms of implementing this agreement.

Concerning the personal income tax:

The Albanian fiscal legislation provides an equal treatment without any discrimination between the Albanian citizens and migrants in the sense of income. There is no different provision of treatment in the contents of Albanian legislation pertaining to the income from employment or other sources been benefited by migrants within the Albanian territory compared to that benefited by the Albanian citizens. The Albanian government has signed up to 42 agreements with various countries in the world to avoid the double taxation and capital and one of the most important provisions of these agreements has relied on the mobile convention of OECD, which is the non-discrimination of foreigners in terms of income obtained in Albania compared to that of the Albanian residents.

Paragraph 6

The family reunion for a foreign worker in the Albanian legislation has been provided for in:

The law No. 9959, of July 17, 2008 "On foreigners"

Members of families are spouses, children under 18 years of age, adopted children or children under the custody of the foreigner, children of the spouse, aged parents being dependent of the foreigner, (Article 3, point 1, of law 9959, of July 17, 2008).

Conditions to be met by the foreigner seeking to bring in his family (Article 3, point 1, of law No. 9959, of July 17, 2008):

- the foreigner shall be of legal stay (be provided with stay permit) in Albania for a period not less than one year;
- possessing income to ensure leaving of other family members he wants to bring in;
- making arrangements for their healthcare;
- ensuring appropriate leaving conditions and space.

The family members of the foreigner shall enjoy the same rights and obligations as the foreigner himself (Article 33, of the law "On foreigners").

The Council of Ministers Decision No. 362, of April 01, 2009 "On determining the criteria, procedures and documentation for the entry, stay and treatment of foreigners in the Republic of Albania" provides full criteria and documentation full being provided with the state permission for the purposes of family reunion and its renewal.

The family member may not apply for a stay permit which is longer than the time periods of the stay permit of the foreigner bringing in his family. The time period of the procedure for being provided with a stay permit is not longer than 30 days since the days of the application. With regard to the measures taken for the implementation of the legislation we can mention: Joint instruction of the Ministry of Interior No. 2864, of October 30, 2009, of the Ministry of Foreign Affairs No. 11766, of October 06, 2009 for the approval of the action plan "On implementing the law No. 9959, of July 17, 2008, "On foreigners" by which the series of measures had been planned to the effect of consolidating the bylaw framework, organizational measures, measures for improving the information technology and measures for training the staff as well as an action plan including a considerable number of activities, responsible institutions, counterpart institutions, time periods for implementing these activities as well as for seeing costs for their implementation.

Joint instruction of the Ministry of Interior and Director of state intelligence service No. 2947, of October 06, 2009, "On cooperation between the structures of the Ministry of Interior and state intelligence service for the procedures of treating the foreigners in the Republic of Albania" determining the cooperation of the structures in the procedures of controlling the entry into the Republic of Albania, in procedures of identifying the irregular foreigners, in procedures of readmission and detention at the closed centre for the irregular foreigners etc.

Year	2005	2006	2007	2008	2009	August 2010
Stay permit	139	279	465	502	541	381

In the course of the period mentioned above, no cases of rejection or revocation of the stay permit for family reunification have been identified.

Paragraph 7

Referring to this article on the equality in judicial proceedings for foreigners, the legal framework consists in the following acts:

1. the Constitution of the Republic of Albania, where it has been provided for:

Article 16

1. The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.

2. The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for juridical persons so long as they comport with the general purposes of these persons and with the core of these rights, freedoms and duties.

Article 18

1. All are equal before the law.

2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.

3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist.

2. The Law No. 7827, of May 31, 1994, "On legal profession in the Republic of Albania" as amended, in its Article 1, provides for "The legal profession in the Republic of Albania is conducted as a free and independent profession. It is tasked with providing legal assistance without any distinction to the legal and natural Albanian and foreign persons".
3. The Law No. 9959, of July 17, 2008, "On foreigners" regulates the regime of entry, stay, implement, treatments and exit of foreigners into/out of the Republic of Albania. The law provides the functions and powers of the state authorities and other private or public, Albanian and foreign entities, bearing the connection with foreigners. Article 5, paragraph 5, of this law, for sees that the foreigner with their legal stay in Albania shall enjoy the right to complain in an administrative or judicial procedure, as well as the right to damages, in accordance with the provisions of Albanian legislation.
4. The Law No. 10015/2008 ratified "agreement between the Republic of Albanian and Iceland for the readmission of persons with all unauthorized stay", according to which the Republic of Albania shall admit, minor and unmarried children, regardless of the Place of birth, nation military, as long as they do not have a stay of her making Iceland.
5. The Law No. 10039, of December 22, 2008, "on legal aid", provides for the conditions, type, way and procedures for granting their legal aid by the state, for the protection of fundamental rights and freedoms of the individual and she's of the legitimate interests. This type of aid shall be offered to the Albanian citizens and foreign citizens without any distinction.

Paragraph 8

The normative framework regulating the return of irregular immigrants is regulated in the law No. 9959, of July 17, 2008 "On foreigners". As general conditions for the deportation of foreigners, this law provides for as follows:

Article 77 (Category of persons not deported) "Not subject to a deportation order shall be the foreigner meeting one of the following conditions:

- being provided with permanent stay permit;
- having been born in the Republic of Albania or entering into it as minor, not in any company, and being provided with permanent stay permit;
- having been provided with temporary stay permit and having married a foreigner or an Albanian citizen, heading stay permit;
- having sound grounds that the foreigner shall in its country of origin or in another country be sentenced to death, be subject to torture, inhuman or degrading treatment for discrimination purposes;
- the unaccompanied minor, with the exception of cases where state conditions are not met, maybe deported on the way out in the country of origin, in another country or other institutions guarantee the family reunion or the appropriate healthcare;
- being a member of the family of the foreigner, being recognized as a refugee of person under the protection of the Republic of Albania.

Exceptionally, the foreigner maybe deported, despite the conditions mentioned in point 1 of this article being met, as long as his stay is dangerous to the law and order and public safety, and when it poses a risk of a nation security. The provisions of point 1 of this article shall not apply to a deportation, as an additional punishment pronounced by the court for a criminal offence, in accordance with the provisions of the Criminal Code of the Republic of Albania.

(Order of deportation and enforcement period)

1. *“The regional local authority responsible for border and migration shall issue the deportation orders for the foreigners not meeting the conditions of stay in the Republic of Albania, in accordance with the provisions of this law.*
2. *The deportation order shall, in accordance with this article, be served with immediate effect, containing the cause of refusal, time period, within which the foreigner has to leave the territory of the Republic of Albanian, as well as the border crossing point where he has to pass.*
3. *The maximum time period, within which the foreigner has to enforce the order of deportation, is as follows:*
 - a. *for the foreigner whose visa has been annulled or revoked, and to whom the state permit has been granted irregularly, not longer than 120 days from the date of notification;*
 - b. *for the foreigner whose stay permit has been refused or it has been annulled or revoked, not longer than 30 days from the date of notification;*
4. *The foreigner owing a financial obligation and having to liquidate an investment, shall be given the time period of three months since the date of notification.*
5. *The foreigner shall be communicated, in the language he understands, the deportation order, instructing him about the complaining procedures, in accordance with Article 71 of this law”.*

Article 71 *(Complaining against deportation order)*

1. *“The foreigner being subject to a deportation order shall, within 30 days, be entitled to complain with a central authority of the border and migration police, whereupon the latter shall resolve the case within five days.*
2. *After the decision has been issued in accordance with point 1 of this article, the foreigner may complain with the first instance court within 10 days since the date of response from their central authority of border and migration police. The court shall resolve the case within 30 days since the date of filing the complaint.*
3. *Enforcement of deportation order the full foreigner shall occur within 60 days since the date of receiving the information by the foreigner about the issue of deportation order, excluding the conditions in accordance with point 4 of Article 70 of this law, where the time period of deportation enforcement order shall be 90 days”.*

Article 72 *(Voluntary enforcement of deportation order)*

“The border and migration police shall not enforce the deportation order as long as the foreigner declares that he shall leave voluntarily from the country territory. The local border and migration police shall provide the priority of the voluntary return, specifically all the following category of persons:

- *the apprehended foreigner, having stayed irregularly in the territory of the country;*
- *unaccompanied minor;*
- *sick, disabled persons all persons with restricted ability;*
- *parents with small children;*
- *victims of trafficking, willing to return to their country of origin;*
- *asylum-seekers, whose request for asylum has been rejected or having withdrawn their request for asylum and have no income;*
- *the foreigner provided with appropriate documentation, not having the financial means for stay”.*

Article 73 *(Forced deportation from the Republic of Albania)*

Forced deportation is an administrative measure which is undertaken by the border and migration police for deporting the foreigner from the Albanian territory, for the following reasons:

- he has not left the country within time periods, provided for in the deportation order;
- he has not left the Albanian territory within 60 days since the expiry of the time period of his stay or time period provided for in this law for the citizens entering the territory without visa;
- he has not requested the renewal of the state permit after the expiry of the validity period of 60 days;
- he has been refused asylum, irreversibly and irrevocably and he has not left the country, in accordance with the provisions contained in this law;
- he has served the sentence pronounced by an Albanian court for a crime committed intentionally, or which the Albanian criminal legislation provides for the sentence of one year imprisonment.

In case the foreigner is subject to forced deportation, in accordance with this law, he shall be kept in a closed centre, in accordance with Article 83 of this law, as long as the forced deportation order is enforced.

The foreigner possessing a travel document shall appear alone or in the company of the competent authorities with the diplomatic and consular representations, accredited to the Republic of Albania, to be provided with such a document.

Where in the Republic of Albania no diplomatic or consular representation of the country of the foreign citizen exists, the central authority of the border and migration police require the provision with the travel document at the country of origin or with the diplomatic and consular representation situated at the Republic of Albania, through the consular directorate of the Ministry of Foreign Affairs.

In case the diplomatic representation does not accept to issue the travel documents, the central authority of the border and migration police, in cooperation with the Minister of foreign affairs, shall provide the foreigner with a travel document, in an attempt to implement the forced deportation of the foreigner.

In accordance with this law, the central authority of the border and migration police may issue a passing permit, as long as the foreigner is not provided with a travel document, in accordance with points three and four of this article.

The foreigner shall be informed, in a language he understands, that the administrative measure of forced deportation shall be enforced against him, explaining to him the reason for issuing the order, date and place of enforcement, way of his transport to the place of destination and time period for banning his entry.

Article 74 (Complaining against forced deportation order)

“The foreigner shall be entitled, within five days, to file a complaint against the forced deportation order with a higher administrative authority of police, where the latter shall resolve the case within five days.

The foreigner shall be entitled to go to first instance court for complaining against the forced deportation order, within five days since the response of the higher administrative authority of the police. The court shall resolve the case within 10 days.

Until the issue of decision by the first instance court, the foreigner shall be kept in a closed centre, on the circumstances of permanent deportation”.

Article 75 (*deportation order*)

“The foreigner may be deported from the territory of Albanian only through:

- *deportation order, issued by the Minister of Interior, as long as he has declared a person non-grata, in accordance with Article 8 of this law, or, by final decision, he has been rejected the request for asylum and the foreigner does not agree to leave voluntarily.*
- *Deportation order, issued by the central authority of the border and migration police, since due to him, it was not possible to enforce the force deportation order.*

Contained in the deportation order shall be:

- *reasons for which he is deported, banning time period for entry into Albania;*
- *in the event of re-admission, the state where the re-admission shall occur;*
- *date of deportation;*
- *border crossing point he is going to leave through.”*
-

Article 76 (*Procedures and enforcement of deportation order*)

The enforcement order shall be enforced by the border and migration police, which:

- makes arrangements for detaining the foreigner in the closed centre, in accordance with Article 83 of this law, as long as the deportation order is enforced, which shall occur within ten days since the date of detention or readmission;
- takes fingerprints of the foreigner as well as the photo;
- registers the deportation order in separate registers, noting the banning period of entry into the Republic of Albania and border crossing point that the foreigner shall go out through;
- annuls the stay permit;
- makes arrangements that the foreigner is provided with travel documents, visa and travel ticket.

The deportation order shall come into effect immediately, as long as the presence of the foreigner consists of threat to the law and order and national safety.

The deportation order and the banning period for entry and stay shall be noted in the travel document of the foreigner. In case the foreigner or his host to not have the financial means, the return expenses for the foreigner to the destination place, the travel costs shall be alone by the border and immigration police, and it shall be repaid by the hosts or his employer, as long as the foreigner has come to the Republic of Albania, based on an employment contract.

Article 78 (*Complaining contains deportation order*)

1. The foreigner or his family members shall be entitled to file a complaint with the first instance court against the deportation order, within 15 days since the day of being informed in writing about this deportation order.
2. Against the decision of the first instance court and appeal may be filed with the respective appeal court within five days, which shall consider this case with priority.

Joint instruction of the Ministry of Interior and Director of state intelligence service No. 2947, of October 06, 2009, "On cooperation between the structures of the Ministry of Interior and state intelligence service for the procedures of treating the foreigners in the Republic of Albania" determining the cooperation of the structures in the procedures of controlling the entry into the Republic of Albania, in procedures of identifying the irregular foreigners, in procedures of readmission and detention at the closed centre for the irregular foreigners etc.

The Order of the Director General of the State Police No. 1111, of September 29, 2009 "On coordination and cooperation within the structures of the border and migration police, cooperation of these structures with other structures of the state police as well as other structures and stakeholders outside the state police in the framework of the dealing with migration in the territory of the Republic of Albania" by which the methodology of detecting the illegal migration in the territory is determined.

The Order of the Director General of the State Police No. 851, of 03.08.2009, "The procedures of the work of the border and migration police", by which the standard procedures of the work of the migration structures in migration issues are determined.

Referring to statistics we report:

For 2006 – 9 decisions had been issued for deportation from the country and 9 have been enforced;

For 2007 - 36 decisions had been issued for deportation from the country and 36 have been enforced;.

For 2008 - 108 decisions had been issued for deportation from the country and 107 have been enforced;.

For 2009 - 65 decisions had been issued for readmission and 65 have been enforced;

For 2010 until August - 68 decisions had been issued for readmission and 68 have been enforced;

Paragraph 9

The rules for transferring capital from and to the territory of the Republic of Albania have been determined in the Regulation number 70, "On currency activity", approved upon the decision of the supervisory Council of the Bank of Albania on October 30, 2009 (in the following preferred tool as "Regulation") (The regulation has been published in the Official Journal No. 158, of November 22, 2009, page 7051).

In accordance with the regulation mentioned above, the transfer of capital from and to the territory of the Republic of Albania may occur freely and without any restriction by the residents and non-residents.

Article 9 of the regulation, providing for the documentation for the transfers of the capital, foresees specific criteria: paragraph 1 of this article foresees that the transfers of the capital from and to the territory of the Republic of Albania may occur freely and without any restriction by the residents and non-residents. While paragraph 3, letter b, of the same article foresees that the natural persons may conduct transactions with capital signing up to a statement with regard to the aim of transfer of capital, source of capital, amount of capital to be transferred and in the territory of Albania the address where it is going to be transferred.

At the same time, Article 9, paragraph four, letter f and g, foresees that in specific cases (as the following), the transfer from the territory of Albania conducted by licensed entities on behalf of their clients shall occur only after feeling pain the documentation stated as follows

Letter f: for the transfer of the currency by an immigrant at the moment of leaving the Republic of Albania, through a bank or a non-bank financial institution, licensed by the bank

of Albania for providing the services of money transfers, the document issued by the competent authorities of the foreign state is required to establish the right of stay in that state; Letter g: for the transfer of the income stemming from the property or the investments of an Albanian immigrants living outside Albania, the documents provided for in letter “f”, point 4 of this article, as well as a personal statement on the source of the income seeking to transfer shall be required.

Paragraph 10

According to the law No. 9959, of July 17, 2008, “On foreigners”, the self-employed foreign citizens shall enjoy the same rights and assistance to conduct of their activity in Albania as the foreigners entering the territory and staying as employed. They shall have the right to accurate information on legal and administrative procedures to carry out their activity as self-employed. They shall have the right to complain if they are refused or annulled the request to be provided with employment permit (Article 65 of the law “On foreigners” 9959/2008).

Paragraph 11

With regard to the rights that the citizens of European Union have about professional training, we explain: the law No. 9668, of December 18, 2006 "On immigration of Albanian citizens for employment motives", in Article 2 and Article 8, eight foresees providing orienting courses for migrant workers intending to immigrate. These courses contain knowledge about the language of the host country.

In the Strategy for Albanian Citizens Having Returned to the Country, 2010-2015, and its action plan, approved by the Council of Ministers Decision No. 461, of June 09, 2010, measures for facilitating reintegration in the education field for the children of migrant workers returning to the country are foreseen (measure 29, measure 30, measure 31 and measure 32).

The Ministry of labor, social affairs and equal opportunity highlighted the need for drafting the program for the integration of foreigners within which specific measures for facilitating the integration of migrant workers and their children in the field of education in Albania shall be foreseen.

In Article 1 point 3 of the law No. 8872, of March 29, 2002 "On the vocational education and training in the Republic of Albania", it is foreseen: "this law guarantees the right stated in the Constitution of the Republic of Albanian for the professional education and training during all the life, opportunity of having the initial professional education, as well as obtaining the necessary professional knowledge for employment, establishing equal opportunities for all. At the same time in Article 15 of the law No. 8872, of March 29, 2002 "On the vocational education and training in the Republic of Albania", the advice and orientation in education and professional training is as follows: By advice and orientation in education and professional training it is aimed at providing assistance to all citizens to select the education, profession, training, continuous professional training being the most appropriate for the interests, physical and mental skills of the workers.

At the same time in the law No. 9959, of July 17, 2008, “On foreigners”, Article 54 provides for the employment permits for the professional training of the type "AFP". Specifically it provides for: "the foreigners shall be provided with employment permit for professional training, with time related validity being the same as that of the activity of his professional training, for as long as the professionally activity continues, provided that he establishes that this training is closely connected to a enhancing his skills and qualifications".

Referring to the above mentioned law and to the effect of determining the criteria for providing the employment permit for persons aiming at benefiting professional training in our country, the Council of Ministers Decision No. 358, of March 06, 2009, "On determining the criteria of documentation and procedures for providing, refusing, renewing and revoking the employment permit for professional training".

The foreigner shall be provided with employment permit, of the type EFP, for the professional training, for the duration of training course, as long as the criteria are met, as follows:

- a) he has an offer to follow a professional training course;
- b) the training course he shall follow is closely connected to enhancing his skills and qualifications;
- c) he has entered the territory of the Republic of Albania legally;
- ç) the entity offering the professional training has been licensed by the Ministry of Labor, Social Affairs and equal opportunity;
- d) he has a property guarantee deposited on his behalf, to cover the living expenses during the course time.

With regard to teaching the language in the host country for immigrants and their family members who are not in a schooling age, Minister of education and science, to the effect of facilitating the teaching of Albanian language by foreigners not being in a schooling age, for different reasons, such as employment all further schooling, in reliance on agreements and programs of cooperation with the respective states, it provides teaching of Albanian language from them. The program for teaching the language through courses as a foreign language shall be done in cooperation with the University of Tirana. The duration of these courses ranges from one month to one year.

Paragraph 12

In accordance with the effective legislation, teaching language in the public schools is Albanian language, these being also for migrant pupils. Article 8 of the Albanian Constitution provides for "Republic of Albanian provides assistance to Albanian citizens leaving and working abroad to preserve and to develop their connections with the nation of cultural heritage".

In the migration action plan, approved by Council of Ministers Decision No. 296, of May 06, 2005, "On the approval of national action plan of national migration strategy" (as amended), measure 36 "establishing conditions for educating immigrants in their mother tongue (with priority Greece and Italy)" contains as activities "in anticipation of needs for courses in Albanian language in host countries (relying on the starting of measure 41, activity 1), drafting standard teaching curricula in Albanian for immigrants/children of immigrants in the world, ensuring school texts, training teachers who are going to teach in the courses to be established for immigrants, signing of cooperation agreements with educational institutions in host countries, for opening courses in Albanian language at school/educational facilities in these countries".

One of the tasks of the nation of Institute of Diaspora (IKD) (at the Ministry of foreign affairs) to the Albanian Diaspora is preserving the Albanian language, as an important part of the national identity. In this context, specific attention has been paid to schools for additional teaching in host countries. These schools are functioning best in those countries where host countries have made available specific funds to this effect.

The country where teaching of Albanian language has been fruitful has been Germany. In the course of the academic year 2007 -- 2008, these schools were followed by 8000 students with

round 100 teachers. In Greece and Italy, teaching of Albanian language is not massive; however there are regions like Athens, Thessalonica and Volos with good results, and Minister of foreign affairs stated that efforts are focusing to extend it to other towns like Kallamata, Jacinth, Patra, Rodos and Corfu. At the same time, some additional classes having opened in Italy, in Rome and other towns. Some meetings and one seminar have been held so far with regard to teaching the Albanian language to children of immigrants. IKD has participated in these activities as co-organizer, together with the minister of education, making its own contribution. The Minister of education and science has prepared a platform for additionally teaching Albanian language to Diaspora, as well as a package with teaching material for teaching the students abroad. Based on an agreement, this package was sent to two TV stations (TopChannel and Alsat), which are going to continue with teaching Albanian language through television.

The Ministry of education and science of the Republic of Albania, in cooperation with the Ministry of education and science in Kosova provided training to the teachers for additional teaching to Diaspora. In the 3-4 day training in Durres (July 2008) and in Struga (June 2008), participating there were specialists of education, as well as more than 100 teachers providing additional teaching of Albanian to the Diaspora in the region, Europe and beyond.

The Minister of education and science has a further on donated books in Albanian language, in order to facilitate real nice addition of Albanian language courses in Italy and Greece, where after the years '90, a considerable number of Albanian immigrants are living there as well as in other countries.

"The agreement between the Government of the Republic of Albanian and the Government of the Greek Republic for the Cooperation in the field of education, science and culture" signed by both parties on November 4, 1998, consists and achievement in this respect. This agreement provides for the recognition of all the rights of study for children of immigrants, exchange of pedagogical personnel, experts and texts for 9 year schools. It specifically mentions the publication of ABC books, reading texts, but also texts of history, geography and Albanian folklore. Then our various experiences for teaching and preserving the language and Albanian culture, as a natural language. In Greece, children learn the Albanian language in open courses by Albanian teachers, due to the commitment of parents and Albanian associations there. Teaching is held in rented houses, which are functioning as schools. While in some regions of Italy, where there is a higher concentration of Albanians, a teacher of Albanian language has been appointed, paid by the commune. Albanian children have Albanian language as a choice subject.

Along with public education, there are also private schools and additional education institutions (language courses) being licensed by the Ministry of education and science and offering schooling in foreign language. These institutions meet the requests of migrant pupils for schooling or language training in their mother tongue.