

Universal Periodic Review
Children’s Report, Albania – February 2019
Summary of children’s issues of concern and recommendations¹

The role of Ombudsman’s Office	
	<p>Referring to recommendations from Sierra Leone, Tunisia, France, Czech Republic, Republic of Korea, Mexico, Saudi Arabia and Uruguay in relation to the need to strengthen the work of Ombudsman’s Office (recomendations 104.13-104.21), Ombudsman’s office lacks financial and human resources to exercise its competencies, to fulfil its mandate with more efficiency and independence and ensure compliance with the Paris Principles.</p> <p>Progress: While the Ombudsman office is building its capacity to promote the rights of the child, including through the support of Save the Children and other iNGOS, it still lacks financial and operational independence to exercise its mandate effectively and is still reliant on donors and CSOs contributions. In 2016, the Ombudsman’ budget allocation was slightly increased, allowing for the recruitment of a Commissioner for Children’s Rights. The section of Child Rights under the Ombudsman of Albania is fully functioning since 2018 with two vice commissioners and the commissioner. Budget was increased but overall lack of human and financial resources is a strong impediment.</p> <p>Gaps: Despite the appointment of the Commissioner for Child Rights, 80% interviewed children think that the presence of the Ombudsman must be ensured in all regions (12 in total). Children strongly rely on the role of Ombudsman to raise awareness on the rights of the child and to provide solutions to child rights- related issues. In 2018, there were 145 child rights violation cases. 94 out of 145 of cases were initiated by the Ombudsman Institution and 51 complaints were made by children themselves. 68 cases out of 145 were successfully resolved.</p> <p><i>Children consulted raised the following concerns:</i></p> <ul style="list-style-type: none"> ✓ Gaps in information regarding the role of the Ombudsman, therefore not all the children are aware about this institution and its role. ✓ Lack of cooperation between Ombudsman’s office and schools. ✓ Ombudsman’s institution does not function in all the regions of the country ✓ Lack of monitoring of the implementation of his recommendations by government institutions.
<p>Questions <i>What steps have been taken by the government to ensure that the Ombudsman has human and financial resources to play its role across the country?</i></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Increase budget allocations from central government to cover the needs of the newly established Child Rights Protection and Promotion Section. Allocate sufficient resources for the establishment of Ombudsman’ Office representation in all regions. • Raise community awareness on the role of the Ombudsman and support his collaboration with schools.
Violence/Economic exploitation	
	<p>Referring to the recommendations from Egypt, Philippines, Algeria, Croatia, Portugal, United States of America, Mexico, Qatar and Malaysia, (recommendations 104.26, 104.43, 104.53, 104.65-69), Albania has to pay particular attention to the conditions of street children and other children, especially those coming from poor and socially marginalized families in the context of its national policy on providing adequate protection for children to protect them from all forms of violence or abuse, including trafficking and sexual abuse, to effectively eliminate the worst forms of child labour and the economic exploitation of minors, prevent them from violence at home and in all institutions in which children are present.</p>

¹ This report has been prepared by three groups of children: the Child led Groups “Voice 16+”, Children Governments and children in street situation. It was also informed by a nation- wide survey about children’s views on certain issues collected in 2017 within the scope of the project “Young Voices”. YV reached 1200 children in 8 regions of Albania. Through this survey children addressed their main concerns, including participation, education, violence, bullying, safety, discrimination, exclusion, costs in schools, awareness on their rights, the future etc. This report has been prepared in the framework of the project “Children Keeping Children Safe”, funded by the Swedish International Development Cooperation Agency and implemented by Save the Children in Albania

	<p>Child labour remains a major concern, including in hazardous environments. Although employment of children is illegal, the prevalence of child labour is a major challenge. 7.7% of all Albanian children aged 5-17 work, and over 5% of all children aged 5-17 work in hazardous occupations such as agriculture, domestic work and illegal activities, for excessively long hours or under dangerous condition. (Common Country Assessment Albania, UN 2015)</p> <p>Progress: In 2017, the Albanian Parliament adopted the Law No. 18/2017 “On Child Rights and Protection”, which sets forth the rights and protection of children, and the relevant mechanisms and authorities involved and their accountability. The law is quite advanced compared to the previous law as it includes detailed measures to be taken by the relevant institutions in response to violence against children, as well as their roles and responsibilities.</p> <p>Gaps: Even though the law is adopted and has entered into force, its effects are too early to measure. The recent Young Voices study conducted in 2017 by Save the Children, shows that children are still affected by widespread violence in the Albanian society. 58% of interviewed children have seen someone get punched or hit in the past year. Public transportation and school bus, especially in the evening are the less secure places (only ¼ of children feel safe). Of concern is the fact that not all children feel secure and protected in the classroom (one out of 10 children do not feel safe). Although majority of children consider “home” the safest place, (almost 86% feel always safe at home), there are some (4 %) who experience domestic violence, which is a long standing, complex social issue. Bullying is another serious issue according to children’s opinions. Almost 1/3 of children (34,6%) have felt bullied or harassed during the last two school terms . Girls in urban areas, nearly 40% have felt bullied and harassed as much as twice more than boys (20,3%) while the % of girls and boys that felt bullied or harassed in rural areas are almost the same (40,8% and 38,9%). Unfortunately, education system and the whole Albanian society are not prepared to cope with bullying. There is lack of data and research on teachers’ responses to bullying in schools. In addition, almost 40 % of children who participated in Young Voices reported that they don’t know or are unsecure on where to turn to when they feel violated or unfairly treated. Although the number of Child Protection Units has more than tripled, they are not established in all municipalities and administrative units with more than 3,000 children. Efficient functioning of the CPUs is also affected by high staff turnover and lack of compliance with the criteria for employment of the CPU workers, including the required education levels and professional training.</p>
<p>Questions: <i>What mechanisms have been put in place to ensure the effectiveness of national and local Child protection System?</i></p> <p><i>What is government doing to enable a protective environment for marginalized and vulnerable children?</i></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Organize awareness raising programmes and campaigns against violence in all environments (family, schools and communities) and the promotion of good practices of family conflict resolution and positive parenting. • Take concrete actions, including capacity building of relevant professionals, to prevent violence against children and to ensure identification and referral of child victims to the relevant structures, and to hold perpetrators accountable. • Effectively implement and disseminate the Law No. 18/2017 “On Child Rights and Protection” to all institutions and schools and ensure its operationalization through the development of By – laws within a short and clear timeframe. • Guarantee that the issue of bullying is addressed in school curricula.
Blood feud	

	<p>Referring to Sweden recommendation and Republic of Congo (104.40), the People’s Advocate of Albania should collect and administer accurate data and statistics regarding the blood feud phenomenon, adopt an appropriate regulation relating to acts of vendetta/ blood feud in the family and ensure that the perpetrators of such crimes are held to account.</p> <p>According to General Directorate of State Policy (GDSP) statistics, 60 families have been affected by blood feud, with 143 self-confined persons, of whom 40 are children who do not attend school (source: Ministry of Internal Affairs June 2018). The phenomenon is present most in Shkoder County (46 families, 116 self-confined persons, with 28 children not attending school). Several criminal proceedings concerning blood feud have been initiated. According to Ministry of Justice between 2012 and 2017, 41 suspects have been found guilty of murder for blood feud (39 suspects were acquitted), seven for the criminal offence of serious threats of revenge or blood feud, and one person was fined for the criminal offence of incitement to blood feud.</p> <p>Progress: After the UPR for Albania, in March 2015, Parliament approved a resolution urging the Coordinating Council for the Fight against Blood Feud to take measures to prevent the phenomenon in Albania. The Headquarters against Crime with Motives of Revenge and Blood Feud was established at General Directorate of State Policy and is responsible for guiding, overseeing and coordinating the work of subordinate structures in this field. The Headquarters, together with the Directorate on Crimes against Persons and Wealth, at the Department of Criminal Police at GDSP, also monitor implementation of the National Action Plan. In 2017 a database was set up for the identification and registration of data on persons involved in criminal offences on the grounds of blood feud, and standard operating procedures (SOPs) were put in place. This system will improve the identification, data collection and monitoring of blood feud-related crimes. In 2014, Instruction No. 36 ‘On Procedures for the Education of Confined Children’ was adopted, based on which a curriculum and special subject programmes for the education of confined children were developed. Since the academic year 2013–2014, 39 children have received basic education at home (with three in 2016–2017).</p> <p>Gaps: Following review of the special report on Blood Feud prepared by Ombudsman of Albania, The Parliament adopted a resolution calling on the government to coordinate efforts to prevent the phenomenon, to put in function the National Council for Combating Blood-Feud, develop a national strategy, take the necessary legal, institutional, economic and social measures to combat and prevent blood feud, and particularly to focus on the needs of children affected by self-confinement. But steps taken are too slow or show no progress. These citizens are de facto deprived of liberty, denied their right to work, education, and access to health care. Despite the advanced legislation and police work to capture murderers, the state is unable to protect and guarantee the lives of those involved in the blood feud. The phenomenon is also closely related to the lack of trust in the justice system and the lack of accountability of perpetrators.</p>
<p>Question: <i>What measures have been taken to combat blood feud and ensure that no one child is affected by self-confinement.</i></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Develop tailored policy responses for children affected by blood feud to guarantee their protection and the enjoyment of their rights. • Strengthen Education and Child Protection service provider’s capacities to address “blood feud” phenomena in the affected locations. • Collaborate closely with civil society actors to raise awareness among communities on “blood-feud” as a social issue.
Child participation	
	<p>Referring to Slovenia recommendation (104.86), Albania must invest more to raise awareness of children’s right to participation in the family and Community.</p> <p>Progress: Increasing children’s participation in decision-making at school and outside the school is a strategic objective of the National Agenda for Children’s Rights 2017-2020. The Law No. 18/2017 “On Child Rights and Protection” stipulates the right of the child to be heard and consulted. In full alignment with the agenda and the law, appropriate child rights instruments have been established with specific modalities. Youth participation is encouraged by the National Action Plan for Youth 2015-2020. In the education system</p>

	<p>sanctioned by Pre-university Law as Amended in 2018, the voices of children are also represented through bodies established in each school, including children government and the school board.</p> <p>Gaps: Despite these measures, evidence from Young Voices brought about the issue of “institutional responsiveness”. Children have the right to express their views, but institutions-duty bearers often do not take them seriously. This applies to all fields, for example, school, home or municipality. Although almost all children (88 %) acknowledge the importance of being listened to by the politicians and decision-makers on what they think about different issues, most of them say that they lack opportunities (13 %) or have few opportunities (48 %). 81 % would prefer more influence on issues that concern them. The municipality is the closest political arena to children and where most of the decisions concerning them are made. Yet, while children’s participation is strongly encouraged as a basic right, unfortunately their voice cannot be heard because child-friendly accountability mechanisms of regular public hearings are still lacking at municipal level. Effective policy implementation at local level is challenged by children’s participation at all levels of governance. According to Young Voices Report 2017 less than 6 % have managed to influence decision making at local level out of 59 % of the 1200 children surveyed who were able to give their views on important issues.</p>
<p>Question: <i>What steps are taken to ensure that children’s views are consulted and taken into account in issues that matter to them, especially in school and at local level?</i></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Establish Institutional national and local structures and mechanisms which promote an on-going and regular dialogue between duty bearers and children, and guarantee that these mechanisms are functional. • Undertake the responsibilities as per the Law No. 18/2017 “On Child Rights and Protection”, to coordinate, monitor and report on the realization of the rights of the children. • Ensure transparent, accessible child-friendly information on municipal plans that relate to children’s rights to facilitate their participation and engagement in municipal decision-making meetings.
Discrimination	
	<p>Referring to the recommendations from Germany (104.37), Argentina (104.38), Malaysia (104.39) and the United States (104. 41), Albanian government should fully implement the Law on Protection from Discrimination and launch a national awareness campaign on the issue of discrimination and racism, strengthen the measures to eradicate the trend and/or the dissemination of stereotypes that lead to discrimination on the grounds of sexual orientation and increase awareness-raising programmes and campaigns to promote tolerance and respect for cultural diversity.</p> <p>Progress: Measures have been taken to guaranty the rights of minorities. In October 2017, the Law ‘On the Protection of National Minorities in the Republic of Albania’ was adopted, providing for special rights and protection to national minorities. A network of seven focal points has been created among the key ministries responsible for education, civil registration, health, employment, social housing and vocational trainings. A database of 57 focal points at the municipal level that coordinate policies for Roma and Egyptians has been created. The electronic system RomAlb was developed - a web application allowing for collection and management of information on Roma and Egyptian minorities at all levels.</p> <p>Gaps: Although the Albanian government has signed the Convention of the Rights of the Child and is committed to implement it, based on the findings of Young Voices, most children (86,3%) consider child poverty, exclusion and disability as areas of particular concern, in which the government should do more to stop discrimination and combat social exclusion, by tackling factors that condition it. Children are aware about social exclusion. For them, poverty and economic disparities are the root causes of exclusion with 86,3 % considering it as “very important” that Albania should do more to help children who live in poverty. Children consider “ethnic discrimination as a smaller factor contributing to the exclusion factor, although 65,6% of children acknowledge that Albania must do more to address ethnic disparities. Children also recognise that school is not yet able to identify excluded and discriminated children, to get them enrolled and included</p>

	<p>in social environment², while government is not yet capable of guarantying that all children have equal access to basic services. There is lack of collection, processing and publishing of statistics on disability in various fields such as education, health, and housing. Children identified several issues in the field of education, including school enrolment, distribution in schools and classes, segregation of Roma and Egyptian, provision of free textbooks for legally benefiting categories, and refusal to enrol in school children with disabilities or those from the Roma community. Other issues identified by children included protection of children from violence, insulting behaviour of police officers towards Roma children, violence and negligent attitudes towards pre-school children, poor living conditions, and lack of timely and appropriate medical supplies. On the above issues the Commissioner for Protection against Discrimination issued several recommendations but many of them remain unaddressed, either partially or entirely.</p>
<p>Question: <i>What steps has the government taken to combat child poverty and exclusion?</i></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Ensure that child protection services are in place and accessible for marginalized and excluded children at local level, supported with the sufficient budgetary allocations. • The government must guarantee the organizing of awareness campaigns aimed at sensitizing public opinion against discrimination practices and stereotypes.

² Culture that the individual was educated or lives in, and the people and institutions with whom they interact.