



# MONITORING REPORT ON CHILD RIGHTS VIOLATIONS DURING COVID-19



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# **MONITORING REPORT ON CHILD RIGHTS VIOLATIONS DURING COVID-19**

## MONITORING REPORT ON CHILD RIGHTS VIOLATION DURING COVID-19

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Tirana, 2020

This report is drafted and published in the framework of the “Children Keeping Children Safe” project, funded by the Swedish International Development Cooperation Agency and implemented by Save the Children in collaboration with the Ombudsperson’s Office and the State Agency for the Protection of Children’s Rights.

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## **ABBREVIATIONS**

RoA- Republic of Albania

PA – People’s Advocate

CCRPP- Commissioner for the Child Rights Protection and Promotion

SCRPP – Section for Child Rights Protection and Promotion

CPU – Child Protection Unit

CPW - Child Protection Worker

Covid-19 - Cov-Sars-19

CRC – Convention on the Rights of the Child

WHO – World Health Organization

MoESY – Ministry of Education, Sports and Youth

MoHSP- Ministry of Health and Social Protection

GDC - General Directorate of Customs

UNICEF - United Nations Children’s Fund

## EXECUTIVE SUMMARY

The word “pandemic” is a globally known term, as from time to time, humanity has been challenged to face such highly contagious diseases, which pose severe consequences to the health of the population.

The Covid-19 came as a challenge after nearly a century since the outbreak of the Spanish flu on Earth. This pandemic situation, aided by the rapid movement of people around the world, has set in motion all the states defense mechanisms aiming at emerging from the pandemic situation and returning to normal life.

The measures most countries have taken consist of the extreme restriction on the freedom of movement inside and outside the country, the freedom of assembly, the organization of sports and cultural activities, etc.

It is important to emphasize that measures taken to combat the COVID-19 pandemic must be proportionate with the situation as well as in accordance with the human rights standards, including emergency health protection measures. For this reason, the measures taken for preventing the spread of COVID-19 have raised major questions about their proportionality and the consequences they have brought to the entire system of human rights protection in general, and that of children in particular.

This report intends to present the restrictive measures taken by the Albanian government amid the Covid-19 pandemic, while taking into consideration:

- Acts and institutional organization in the framework of the pandemic;
- The both directly and indirectly consequences that the restrictive measures brought about, inter alia analyzing concrete cases submitted to the PA institution.

This report aims at analyzing the impact of the anti-COVID-19 restrictive measures, focusing on child rights. It also aims to put forward recommendations, deemed as necessary in the scenario of a recurring lockdown condition in the future.

These recommendations are addressed to state institutions responsible for the pandemic management and to those institutions involved in children’s rights protection with the aim to minimize as much as possible short-term and long-term consequences that COVID-19 pandemic will bring about to the children.

## II- INTRODUCTION

On 11 February 2020, the World Health Organization (WHO) officially designated a new communicable disease as “COVID-19”, which was reported as emerging in Wuhan, China in December 2019. Considering the high transmission rate as well as the consequences caused, on March 11, WHO declared SARS-CoV-2 outbreak as a global pandemic<sup>1</sup>. WHO asserted that there was a continuous transmission of the virus on the six continents, which by that moment, had infected over 118 thousand people and had caused the death of about 4,300 people.

It resulted that Covid-19 spreads between people, through direct human (physical) contact or through indirect contact (through contaminated surfaces/objects) OR saliva droplets.

The fundamental principles of WHO to reduce the overall risk of acute respiratory infections transmission comprise of the following measures:

- Avoid close contact with people suffering from acute respiratory infections.
- Wash your hands frequently, particularly after direct contact with sick people and their environment.
- Avoid unprotected contact with animals (regardless of whether they are domestic or wild animals).
- Practice coughing-related respiratory hygiene when displaying symptoms of acute respiratory infections (keeping distance, covering the mouth with a handkerchief/ tissue when sneezing or coughing, washing hands).
- Strengthen standard infection prevention and containment practices in hospitals, inside the healthcare facilities, particularly in emergency services

Faced with this global health emergency, most affected countries took isolation measures, in order to prevent its spread, and to help ease the pressure on their health systems. This would serve enhancement dual purpose, healthcare provision to patients who get seriously ill by the disease and to other people, who may need care from the healthcare system.

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1. A pandemic is a disease that spreads in many parts of the world at the same time. A pandemic, according to epidemiological dictionaries, is an epidemic that occurs all over the world at the same time or in a very large geographical area that crosses international borders and usually affects a large number of people. A pandemic disease is different from a disease outbreak and the term refers more to how many countries around the world are combating it at a high level of morbidity and does not refer to its severity.

Children infected with COVID-19 seem to develop milder symptoms and have a lower mortality rate compared to other age groups. However, from a broader viewpoint of the anti-COVID-19 measures, the crisis seems to be bringing long-term negative effects on children in a few aspects of their lives.

Up to the date of this report, it has been reported that COVID-19 infection levels have not brought serious health consequences to children; however, the broad crisis has significant effects on children's health.

It has been noted that families who face difficulties in finding a job, or with insufficient income, are obligated to minimize the essential health and food expenditures, which particularly affects children.

Human Rights Watch reports that, during the application of the restrictive measures during the March – May 2020 period, more than 1.5 billion students were out of school, and the loss of parental job as well as of family income, combined with economic insecurity are likely to increase child exploitation levels, teenage pregnancy, sexual abuse and child marriage. Stress of families in quarantine lockdown, forced isolations as well as restrictions on freedom of movement may increase cases of domestic violence<sup>2</sup>.

## **II.1 The main measures taken at the national level in Albania.**

On 15.3.2020, the government adopted the normative act pursuant to Law No. 3, "On taking special administrative measures during the period of infection caused by COVID-19".

All the citizens of the RoA were obligated to limit their movement to the designated hours, restricting pedestrians' movement in urban areas after 18:00, excluding cases of authorized persons or cases of health emergencies<sup>3</sup>. This was made possible by defining the rules, decisions, orders and instructions issued by the competent authorities and strengthening their implementation throughout all the territory of the Republic of Albania, to prevent and contain the infection caused by COVID 19<sup>4</sup>.

Aiming at maintaining the life and health of every minor in the RoA, to the best interest of children, and upon Minister of Education, Sports and Youth order, it was required to take measures for the disruption of the educational process for a 2- week period in all public and non-public educational institutions, aiming to prevent the spread of COVID-19<sup>5</sup>. Additionally, due to the nurseries and educational institutions closure, the days from 10 to 23 March 2020, were designated as holidays for the one of the parents who has the custody of the minor

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2. COVID-19 and Children's Rights, Human Rights Watch, April 9, 2020.

3. Paragraph 1, Order No. 177/1, dated 16.3.2020, of the Ministry of Health and Social Protection "On restricting movement in urban areas."

4. Normative Act no. 3 dated 15.3.2020, of the Council of Ministers, "On taking special administrative measures during the period of infection caused by COVID-19".

5. Order 591, dated 9.3.2020, of the Ministry of Education Sports and Youth "On the interruption of the school activities in all public and non-public education institutions".

child whether frequenting/attending or not nurseries, pre-school or basic education and is working as civil servant or in other public administration positions, both at the central and local level, as well as in other institutions<sup>6</sup>.

Soon after the disruption of the teaching process, a guide for home learning was issued, due to the situation created by the spread of Covid-19. This guide stated that home learning aimed to keep the student engaged with the subject content in order to enhance the already-acquired knowledge, and naturally, not to remain cut-off from the learning process, until the resumption of the regular learning process.

Both public and non-public educational institutions, nurseries and kindergartens had to close down for the period specified by the competent authorities. In case of not complying with this order, these entities would be subject to fines and even to closure of their activity for a 6-month period. Furthermore, fines were imposed to public or non-public entities or individuals conducting activities in indoor recreation facilities for children and young people, gyms, sports centers, swimming pools, internet centers, cultural centers in infringement of the order of the competent authority for being closed<sup>7</sup>.

Due to the situation created because of the COVID-19 pandemic, the Ministry of Education, Sports and Youth undertook the work to adapt the organizational measures for distance learning, by producing educational materials broadcast on the Albanian Public Television (RTSH school)<sup>8</sup>.

This practice aimed to continue the provision of the same quality learning even at home. The students were able to finish the school year through digital platforms and by creating joint “WhatsApp” groups between students and teaching staff, as well as by using IT tools.

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6. Paragraph 1, of Decision No. 208, dated 10.3.2020, of the Council of Ministers “On designating as holidays the days from 10 to 23 March 2020 for the parent who has the custody of the minor child”.

7. Paragraph 5 and 6, of the Normative Act, No. 3 dated 15.3.2020, of the Council of Ministers “On taking special administrative measures during the period of infection caused by COVID-19”.

8. For the completion of this quite complex process, UNICEF is financially and technically supporting MoESY for the provision of distance learning through the akademi.al platform. The platform provides wide access to students, also including preschoolers.



### III- METHODOLOGY

This monitoring report was carried out in the framework of the “Children Keeping Children Safe” project, funded by the Swedish International Development Cooperation Agency (SIDA) and implemented by Save the Children in cooperation with the People’s Advocate institution.

This report will focus on reflecting and reviewing the laws and bylaws adopted after the declaration of the pandemic situation in the RoA, in terms of children’s rights, sanctioned by Law No. 18/2017 “On the rights and protection of the child” and by the United Nations Convention on the Rights of Children, in order to analyze as objectively as possible the child rights violations in the context of Covid-19.

Moreover, this report will take into consideration the data that Save the Children retrieved from the community needs assessment report due to the impact of the anti-COVID<sup>9</sup> restrictive measures through surveys addressed to a selected sample of children as well as through questionnaires addressed to parents.

The report analyzes the specific cases treated by the People’s Advocate institution during the anti-COVID restrictive measures, categorizing the encountered problem depending on the violated right.

In this context, it is important to note that, although some cases have either been referred to the PA or have been reported by the media, on the grounds of a certain right violation, the report also analyzes the consequence brought along by the violation of this right in terms of deprivation of some child rights which are provided by law.

Elements to be considered for analysis:

- the content of the referred case and the specific right regarded as violated;
- SCRPP planning regarding the case review and follow-up;
- institutional coordination mechanisms and structures for the child rights and protection activation;
- full documentation of referred issues; quality of information resources;
- monitoring of cases after referring them to the structures responsible for the child rights and protection.

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9. <https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/Assessment%20Report%20on%20the%20effects%20of%20covid%2019%20to%20community.pdf>

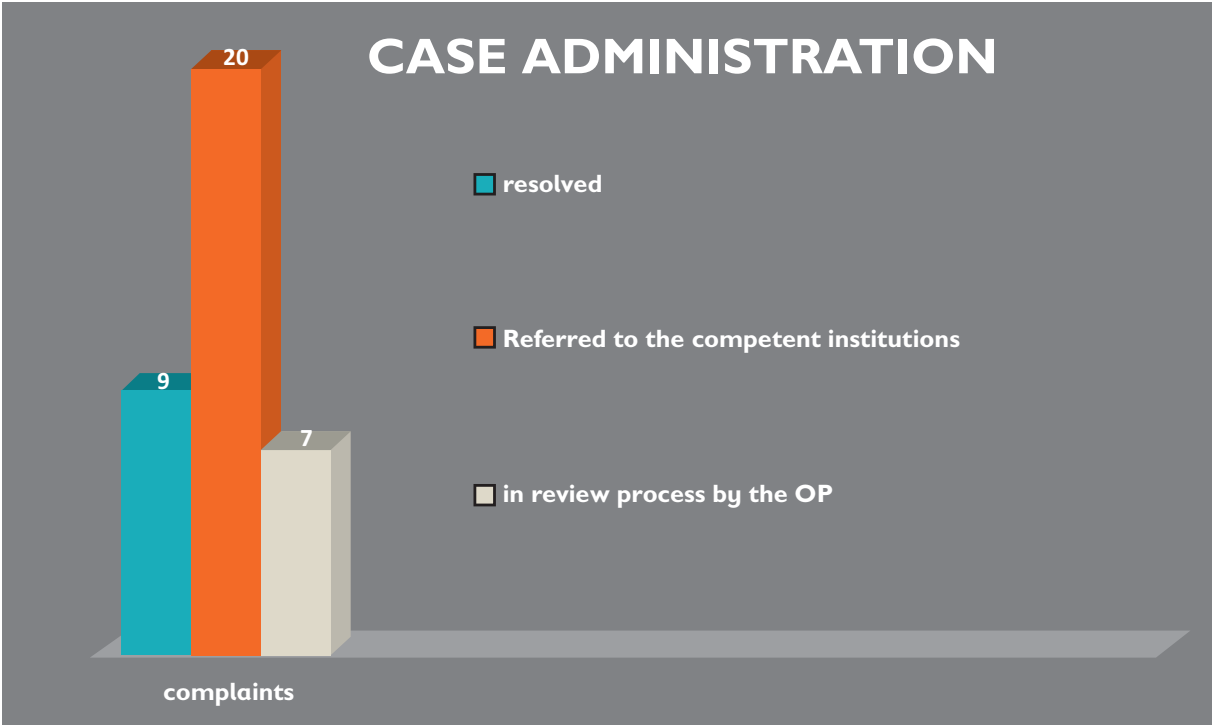
This report summarizes the findings, conclusions and suggestions considered from an objective and unbiased viewpoint, being guided by a spirit of understanding and cooperation with the monitoring structures, respecting the difficulties that the Albanian institutions had to cope with during the pandemic.

## IV- ANALYSIS OF THE CASES TREATED BY THE PA

The CCRPP and SCRPP at the Ombudsperson institution have treated 36 (thirty six) cases during the period of anti-COVID restrictive measures. Considering the geographical distribution, it results that the cases treated are distributed nearly all over the territory of the Republic of Albania<sup>10</sup>.

It turns out that the PA’s institutional response has been rapid considering the submitted cases and the restrictive movement measures this institution itself had. Being a monitoring and advisory institution, the PA has referred these cases to the institutions responsible for the care and addressal of the referred issues, considering the best interest of the child.

The best interest of the child means the right of the child to enjoy a healthy physical, mental, moral, spiritual and social development, and a family and social life suitable for the child.



10. Kamza- 2; Durrësi-2;Gramshi- 2;Vlora-1;Librazhdi-1;Tirana -6;Maliq-2;Kukes-1;Maminas-1;Përrenjas-1; GJinar/Elbasan-1;Kruja-2;Fieri-3;Shkodra-1;

As noted in the above table,

- It results that 9 cases have been resolved through the PA mediation;
- 20 (twenty) cases turn out to being inter-institutionally treated by the PA and institutions which are responsible for directly and continuous treatment the case;
- 7 (seven) cases turn out to being treated by the PA, which is the preliminary phase of following-up the presented issue<sup>11</sup>.

#### **IV-I RIGHT TO LIFE AND BENEFIT FROM HEALTH SERVICE<sup>12</sup>.**

One of the first acts undertaken in the context of the Sars-Covid-19 infection in the Republic of Albania turns out to date on 24.2.2020. On this date, the Minister of Health has approved Order No.105 “On hygienic and sanitary measures to prevent the spread of acute respiratory infections, including Covid-19 in pre-schools, kindergartens, nurseries and other educational institutions.” The measures proposed in this order included, inter alia, taking measures to guarantee hygiene and sanitary materials in the premises frequented by children gatherings.

By Order No. 147, dated 9.3.2020, the Ministry of Health and Social Protection, suspended the planned surgical interventions at the University Hospital Center “Mother Teresa” and at the University Hospital “Shefqet Ndroqi”.

Whereas, in the framework of the legislation on child protection, the Instruction No. 253, Dated 10.4.2020, of the Minister of Health and Social Protection “On the management of cases of children in need of protection, during the period of natural disaster due to the epidemic caused by COVID-19” was approved. This Instruction served as an effective procedural tool in the management of cases of children in need during the period of anti-covid-19 measures by the institutions charged by law with this duty.

The assessment report carried out by Save the Children and MEDPAK in May 2020<sup>13</sup>, noted that, the anti-covid restrictive measures imposed impede 35% of the persons with disabilities to benefit adequate health care service.

Furthermore, 40% of the respondents affirmed that the restrictive measures were the main obstacle for them to access healthcare services. Whereas, a considerable part of the respondents (24%) referred the lack of access to public intercity urban transport as an obstacle along with the lack of income to use the licensed economic operators service (taxi service).

The Ombudsperson has treated 4 (four) cases related to the violation of the right to life and healthcare, during the March-June 2020 restrictive measures application period. All cases

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11. Data from the month of July 2020.

12. Article 7 and article 2 of Law No. 18/2017 “On the right and protection of the child”

13. RAPID NEED ASSESSMENT for the situation created in Albanian communities as result of COVID 19

have been treated and followed by the CCRPP regarding their resolution by the structures responsible for the CPU.

Despite the difficulties encountered by all Albanian institutions, which adapted the normal daily life methods to a context of a global pandemic, the PA has treated as well as addressed to the relevant institutions the cases it was referred to while also continuing to follow up the measures taken in order resolve the reported issues.

## **IV-II RIGHT TO EDUCATION**

Education is estimated as a human right in itself and as a necessary tool for meeting other rights. A rights-based education system fulfils better its mission regarding the provision of quality education for everyone.

Article 26 of the Universal Declaration of Human Rights:

- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be equally accessible to all based on merit.
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial groups, and shall further the activities of the United Nations for the maintenance of peace.
- Parents have a prior right to choose the kind of education that shall be given to their children.

Furthermore, article 28 of the UNCRC, as an extension of some of the ideas expressed in the Universal Declaration Of Human Rights (UDHR), defines education as a right, whereas article 29, comments that education should help the child in fully developing his/her “personality, talents and mental and physical abilities.”

The closure of the educational institutions due to the anti-Covid-19 preventive measures brought about a range of challenges and difficulties with which all the actors involved in this process including children, teachers and children’s parents had to cope with.

The Ministry of Education, Sport and Youth, on 30 March 2020, published, “The Updated Guidance Note for home learning, consequent to the situation created by the spread of Covid-19”.

This guidance note aimed to orient the teachers in their job for the conducting of home learning, beyond the 2-week phase of the schools close due to Covid-19. The guide also included the appendix “Materials and platforms for online learning” which contained national exams test templates, online platforms as well as video tutorials supporting teachers work.

Referring to the assessment report conducted by Save the Children and MEDPAK, in May 2020 it is noticed that families and teachers showed maximal focus on the online lessons provision. This is reflected by the data collected, which show that 83% of children could access online lessons.

However, for the rest of the children, the biggest issue encountered in carrying out distance learning is reported to be the lack of internet access (80%).

On the other hand, 26% of respondents stated that lack of schools' capacity to provide online learning the main obstacle to online lessons.

Exceptions to the above data are the cases of the Roma community in Albania. The data collected show that beyond the lack of devices or opportunities to access online learning platforms<sup>14</sup>, only 19% of Roma children were able to attend lessons throughout the situation of anti-Covid-19 restrictive measures.

During the period this monitoring report refers to, SCRPP addressed 17 cases concerning the right of the child to education. The cases were referred by the persons themselves or even followed up on SCRPP initiative.

Most of the referred cases have as main object problems of economic and social character, while the lack of children access to online teaching according to the platforms presented by MoESY, is considered a consequence of the lack of basic income, to enable attendance through online platforms.

From the data presented, it results that CCRPP has taken an active role by engaging and encouraging the responsible institutions to assist these cases based on the social issues they referred on, but also to solve the issue of accessing the teaching process.

The data obtained from the survey "NEED ASSESSMENT for the situation created in Albanian communities as a result of COVID 19 Save the Children and MEDPAK" show that, access to online teaching process by groups of children with disabilities is even lower compared to all other categories. More concretely, the data show that although 76% of families with children with disabilities have a Smartphone, only 10% of them are used for the child homework. Estimating that 14% of the total number of children with disabilities do not have a telephone at home, it follows that more than  $\frac{3}{4}$  of these children could not access online classes.

More complete data regarding the number of primary school children (from first to fifth grade), unable to attend classes through online platforms, can be found in the data reflected by MoESY on 31 August 2020.

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14.  $\frac{3}{4}$  of Roma parents/caregivers find difficult to identify at least one mode to facilitate their children's access to lessons, because they lack the appropriate communication means, as figure 49 demonstrates. Only 16% of Roma children can access online lessons, 10% can access TV lessons, while for the rest, it seems difficult to identify. Among other parents and caregivers, the picture is more optimistic, due to the 83% of children who can access online lessons.

Some schools initiated the lessons for a total of 4500 students mainly in the areas of Has, Kukës and Tropoja<sup>15</sup> but also for children of the Roma or Egyptian community as well as for children in need who had no opportunity to attend classes through online methods.

Based on the analysis of the cases treated by the PA it is noticed that the violation of the right to education in the framework of the modified school processes aiming at adapting to the anti-Covid-19 measures, the vast majority of cases related to the lack of economic possibility of families to access internet, to have electronic devices etc.

In addition to the individual cases followed, the PA also addressed issues of a general nature related to the violation of the rights of children to education in a broader context.

### ***1. Children located in remote areas***

This intervention aimed to bring to the responsible institutions' attention the issues identification on a broad scale and address to the MoESY recommendations, which could improve the situation of children in remote areas regarding lesson attendance through platforms or other means or conducting subject tests.

### ***2. Lack of access of high school seniors to public transport***

The second case addressed the high school senior's problem of lacking access to public transport which resulted in not attending the dedicated classes because of the distance. As the PA considers this is a violation of the right to education, the PA has drafted recommendations, addressed to the Ministry of Education, Sports and Youth, the Ministry of Justice and the State Agency for the Protection of Children's Rights, in order for them to review the restrictive plans concerning this students category. More specifically, a recommendation for a legislative amendment has been drafted aiming to guarantee the right of the child to education with the object: the review of Decision No. 682, dated 29.7.2015, of the Council of Ministers "On the use of public funds for transportation of employees working in education and students attending school away from residence", aiming to comprise higher secondary education students in benefiting free transportation from public funds, as a constitutional right, thus guaranteeing this category attendance of general high secondary education, without barriers and discrimination.

### ***3. Customs clearance procedure for 1000 tablet devices donated by philanthropist Destani***

The third case turns out to be the People's Advocate commitment in constant communication with MoESY and GDC to facilitate the customs clearance procedures of 1000 tablet devices donated by the philanthropist Destani, to be distributed to families in need for the online lesson completion by their children. Although they were a gift for the MoESY, these devices were blocked by the customs authorities due to non-payment of relevant fees.

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15. In Has, 18 schools were opened and 234 students from the first to the fifth grade started lessons. In Tropoja, 5 schools were opened with 500 students and in Kukës about 35 students.

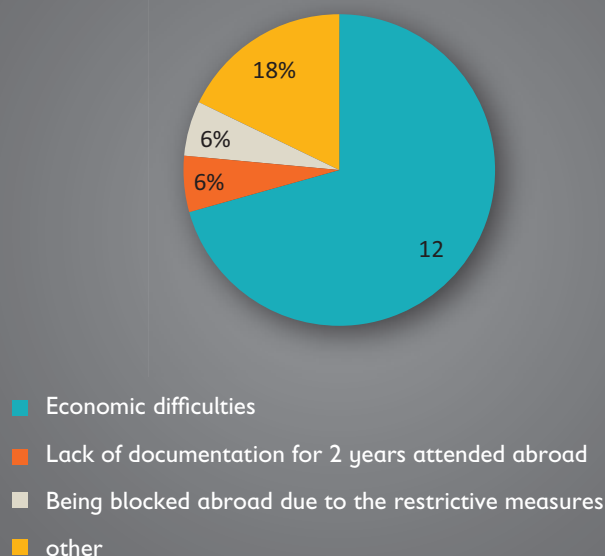
#### **4. “Pre-university education children / students protection during the online learning process”**

The Ombudsman Institution, pursuant to Article 21, of Law No. 8454, dated 4.2.1999 “On the People’s Advocate”, as amended, has drafted the following recommendations addressed to the responsible state institutions such as: the Ministry of Education, Sports and Youth, Secretary General and General Directorate of Education, Sports and Youth Policy and Development.

More specifically, the Ombudsperson has recommended:

- Reviewing of the existing legal framework in the pre-university education field and beyond, for the online study platforms provision and establishment currently in the digital era being one of the main learning forms.
- Strengthening the work for the teacher-child / student relations improvement: collaborative relations aiming at achieving the accomplishment of the shared objectives, with the prevention of any form of violation of their rights is one of the most important, even in this unusual pandemic period.
- Strengthening the monitoring and assessment system for respecting of children’s rights and focusing the will and teaching process on children’s rights.
- Applying of rights-based pedagogy and didactic methodology, to ensure that children and young people learn in an environment where their rights are respected.
- Taking measures by the MoESY, during the online learning process, for the provision of science-based accurate information and facts regarding COVID-19, in order to help children minimize fear and anxiety concerning the disease, supporting them to face any effect or impact this virus might have in their lives. Online broadcasting needs to provide the students with vital information on hand washing and other self-protection measures as well as with mental health support, help them be polite to each other and avoid stereotypes when talking about the virus.
- Taking measures for the television teaching process, in the sign language as well, also aiding children with disabilities.

## Violation of the right to education



As it can be analyzed from the table above, 70% of the cases treated in the context of violation of the right to education relate to the lack of minimum economic conditions for living.

### IV-III Right to benefit from social care service

Article 22 of Law No. 18/2017 provides for the right to benefit from the social care service. It provides for guaranteeing the child the right to benefit from the social care service, directly or through his/her parent or caregiver, pursuant to the social care services legislation in force. In case the parent / parents or the caregiver / caregivers of the child lack sufficient income, for reasons that go beyond their will, upon their request based on the social care services legislation in force, the state provides the basic necessities of the child for housing, food, clothing and education.

Pursuant to Decision No.236 of the Council of Ministers, dated 19.3.2020“On taking measures to provide housing assistance to the needy, in the conditions of the epidemic caused by COVID-19” the government approved the plan of measures that would be implemented for the social services provision to the needy.

As provided by this decision the following categories would be considered as needy:

- a) *persons / families, who do not have able-bodied relatives in the administrative unit they live, and who belong to the following groups:*
  - i. *Families / individuals in need, beneficiaries of economic assistance;*
  - ii. *People with disabilities;*
  - iii. *Retired persons.*



*b) persons who, regardless of family composition and location, belong to the following groups:*

- i. Homeless families / individuals in need;*
- ii. Families who have lost their home due to the earthquake.*

Thus, from a normative point of view, the government set up the structures and defined the procedure as well as the social service provision manner for the people in need, also serving the children of these beneficiary families.

Despite the predictions of the government structures, the data collected indicate that, families in need have continued to demand social assistance from various institutions, because: either they did not meet the required conditions to benefit from social assistance, or the assistance provided was insufficient to cope with the family situation.

15 (fifteen) cases have been treated concerning the violation of the right to benefit from the social care service at the CCRPP, most of which have been undertaken at the CCRPP initiative.

It turns out that **CCRPP has required explanations from the respective Municipalities**, as well from the CPUs for the treating of the cases, considering the best interest of children, as well as pursuant to Article 51 of Law No. 18/2017, “On the rights and protection of the child”, and to Instruction No. 253, dated 10.4.2020, of the Minister of Health and Social Protection, “On the management of cases of children in need of protection during the period of natural disaster due to the epidemic caused by Covid-19 “.

The CCRPP notes that, referring to the above-mentioned legal provisions, the child protection worker and the Child Protection Unit should proactively identify cases of children at risk and in need of protection, by paying periodic visits onsite and to the at-risk child’s family, as well as through communication with health education and law enforcement sector professionals, who are in contact with children. In order to manage cases of children in need of protection, they should assess the risk level of each referred and identified case apart from cooperating and exchanging information with any health, education, police, prosecution and judiciary structure responsible, at the central and local level, as well as with civil society, while preserving the child’s personal data.

The cases treated by the SCRPP have also been referred, thus enabling the continuity of the social care provision for children and their families by the CPUs and by the responsible local government authorities, while at the same time proceeding with the monitoring of the cases even after the completion of the initial support provided by the competent bodies.

## IV - IV Protection from all forms of violence

Article 23 of Law no. 18/2017 defines the child right to protection against all forms of violence, including abuse, neglect, exploitation, trafficking, kidnapping, pornography, sexual abuse, and other forms of violence, regardless of where it occurs.

Two cases have been managed by the SCRPP regarding the violation of the right to protection from violence, one of which was triggered by the television broadcast of a 15-year-old boy violated by the police forces in Tirana.

The following is the PA recommendation regarding the handling of the case by the SCRPP, which has been addressed to the responsible state institutions such as: Ministry of Internal Affairs, Ministry of Health and Social Protection, General Directorate of State Police, State Agency for Protection of Children's Rights, Tirana Judicial District Prosecutor Office and the Audiovisual Media Authority:

- Taking measures to permanently dismiss from the State Police the employees who exercised unjustified violence against a minor with the initials S.Ç.
- Taking measures by the prosecution body, to initiate criminal prosecution against employees of the State Police, for the criminal offense "Performing arbitrary actions" pursuant to Article 250, of Law No. 7895, dated 27.1.1995 "Criminal Code of the Republic of Albania", as amended, for the physical and moral damage caused to a juvenile with initials S.Ç., pursuant to Paragraph 5, Article 3, of Law No. 37/2017 "Criminal Justice Code for Juveniles".
- Taking measures for a more consolidated, efficient, timely and concrete coordination between the responsible structures at the local level, in order to guarantee the integrated child protection system S.Ç.
- Taking measures to organize ongoing trainings and qualifications for employees and other professionals working in the public order and safety field, for education on/about the rights of the child.
- Taking measures to draft standard operative procedures for State Police employees, for their approach to children in accordance with international standards addressed for this purpose, as well as international and national acts in the field of child rights and protection.
- Taking measures, for frequently conducting tests of psychosocial and emotional state of all State Police employees and professionals working or in direct contact with children.
- Taking measures, by the State Agency for the Protection of Children's Rights, to continuously monitor the work of responsible state structures, in accordance with the legislation in force, to impose and execute administrative sanctions, in case of non-fulfillment of legal obligations by these structures.
- Taking measures to amend the legislation that regulates the activity of audiovisual media, to determine more detailed rules regarding the treatment of issues of abuse/violence against minors.

The second case treated was the violence exercised against a minor during the period of imposed quarantine. This highlighted one of the issues, which were being considered by various organizations focusing on children's rights, since the worldwide imposition of restrictive measures.

According to data from the United Nations Children's Fund (UNICEF), three-quarters of children aged 2-4 suffer from some form of physical or psychological aggression from their caregivers.

Such was the case of violence exercised against a 3-year-old minor by his mother's cohabitant. Among many other issues, this proves that the measures taken to quarantine the population, in order to prevent the spread of COVID-19, promoted/had impact on the issues and well-being of children in the family and society.

CCRPP has addressed to the relevant municipality for taking measures to continuously monitor the child situation to guarantee that he/she enjoys the highest possible standards of health, treatment and rehabilitation.

#### **IV-V- Right to rest and to cultural entertainment and sports**

"The child has the right to rest, entertain, and engage in play and recreational activities and to participate freely in cultural, arts and sports life, appropriate to the age of the child"<sup>16</sup>. Although it cannot be categorized as an absolute right, we should bear in mind that, children physical activity, games and entertainment are an absolutely integral part of the formation of a physically and psychologically healthy person and fit to live in the community. In the context of a normal reality, one of the challenges of the new millennium has undoubtedly been the sports, social and cultural engagement of children who more and more find themselves part of a virtual reality, which absorbs their energy and attention.

Closing and forcing the children to lockdown inside closed places from where they had to meet all psycho-physical needs has led to increased internet use traffic and mental health problems in children.

In the study conducted by the Order of Psychologists regarding the reporting data for the assistance requested through the telephone line "Albanian psychologists online", minors aged 10-17 years represented of a significant percentage of callers (18%). Their number has increased due to the lack of time schedules prescribed for them, to go out of the apartment, fear of COVID, problems encountered with online learning, lack of direct social contacts necessary for a teenager superimposed to age problems<sup>17</sup>.

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16. Article 19, Law No. 18/2017 "On the rights and protection of the child"

17. The Initiative "Albanian Psychologists online", index of unpaid psychological service. 23 March- 10 May 2020 Period. Prot. No.117, Dated.13.5.2020

It is noted above that restrictive measures have had a significant impact on the psychological well-being of children.

## **IV-VI- Right to privacy**

The child is guaranteed respect for private and family life, home, correspondence and protection against unlawful infringement of his/her morals and dignity.

The privacy of the child shall be protected in any situation, including those within the family, health care, social care and service institutions. This right includes privacy of relations and correspondence with others, the right to confidential counseling, and control of access to child-related information recorded in the in respective files.

The complaint of the Center for Youth Progress, Kukës, regarding the problem of violation of personal data and privacy of children during the development of online learning, was administered at the PA institution.

The Center for Youth Progress in Kukës, has submitted a complaint to the PA, containing the following object: "...publishing data and images of students on the schools Internet websites without security filters." Although technology and the Internet in this situation has been used based on a good purpose, non-compliance with the rules for safe use of the Internet has become a serious problem in terms of protecting the privacy of children online. "Almost every secondary and high school in Kukës continuously published student's images and data, without using security filters, before publishing them on the Internet."

It turns out that the PA have addressed suggestions/recommendations to four Regional Education Directorates of the country: Durrës, Korça, Fier and Lezha, recommending and suggesting the protection of pre-university education children/students during the online learning process in the pandemic period through:

- Taking measures to verify the situation, in all schools, in order to raise awareness of the dangers that threaten children from unsafe and uncontrolled internet use.
- Preserving the privacy and images of children/students during the online learning process, and maintaining relations between teachers and parents in this regard, as a very essential consideration.
- Strengthening the work for the improvement of teacher-child / student relations: cooperative relations for the achievement of the shared objectives, where one of the most important is the prevention of any form of violation of their rights, even in this unusual pandemic period.
- Strengthening the system of monitoring and assessment of respect for children's rights and placing children's rights at the center of the teaching will.
- Applying a rights-based pedagogy, to ensure that children and young people learn in an environment where these rights are respected.

## RECOMMENDATIONS

### **1. Suggestions for the protection and observance of the children's rights during this pandemic situation, addressed to the Ministry of Health and Social Protection**

These conditions of families' home lockdown brought a new approach of working online from home for many state institutions, in order to fulfill their duties and responsibilities, within their field of activity and in accordance with the Constitution and legislation in force.

- Taking measures by the local government, to identify families that have children, and live in difficult socio-economic conditions, in order to support them with food packages, disinfectant packages, medicines and other personal hygiene materials, etc., in accordance with WHO standards, as well as their distribution in the premises where these families in lockdown;
- Taking measures by the local government to disinfect the premises of residential social care institutions, which provide social services for children in need, children with disabilities, as well as institutions of deprivation of liberty that treat minors in conflict with the law;
- Taking measures by the respective municipalities, for the placement in suitable environments of children in street situation, who are also the target group most affected and most exposed to COVID-19 infection;
- Taking measures to create the conditions for the realization of a safe vaccination of minors, according to the predetermined vaccination schedule.

### **2. Suggestions regarding the designation of an age limit on the time schedule, addressed to the State Agency for the Protection of Children's Rights.**

During the period of movement restrictions mitigation, the prescription of age restrictions in the time schedule violates and affects the rights of the child and excludes children aged 10-18 from all time schedules, violates the main principles of children's rights.

The UN Convention on the Rights of the Child and Law No. 18/2017 "On the Rights and Protection of the Child" have clearly defined the meaning of the term "child" according to which every person under the age of 18 is a child.

This law aims, inter alia, to guarantee the well-being and improvement of child life quality, by promoting and enabling their development in society, as well as effective assistance and care for the child, without discrimination. Taking measures to ensure that the child exercises his/her rights, in accordance with the development of the personality, based on his/her best interest, is primary in any decision-making that directly affects them or not.

Understandably, creating opportunities for mobility, the rights of children must necessarily be valued and taken into account. Moreover, based on the equality and non-discrimination principle, children have the right to enjoy a standard of living adequate for their physical, mental, spiritual, moral and social development.

In this difficult situation created by COVID-19, it is our shared duty, to guarantee the children emotional, physical, social and material welfare, taking care of them, taking the necessary measures for the exercising of all the rights by all children, on an equal-basis without discrimination.

### **3. Suggestions for the university education children/student's protection during the online learning process during the pandemic**

The United Nations Convention on the Rights of the Child stipulates that education should provide children with the development of knowledge, skills, attitudes and values, independently and comprehensively, to prepare them for strengthening life-oriented skills, towards the fulfillment of human rights in general and of children in particular, to foster a culture that respects, protects and promotes human rights values.

One of the best work practices is online monitoring of concerns and complaints presented by citizens, mainly by the most in need categories, as well as to somewhat support the most affected categories, such as children.

In this pandemic situation, one of the challenges of all educational institutions, to successfully fulfill their duties and responsibilities, in accordance with the Constitution and legislation in force, is undoubtedly the process of online learning, taking place across the country, as well as globally.

Following the assessment of the current needs for the progress of the online learning process, it is suggested to take concrete measures, in compliance with the problems identified during this period and in compliance with the situation. Moreover, because of restrictive measures, children are increasingly using internet, and understandably, becoming dependent on social media, for educational or entertainment purposes, or even for others purposes of a social nature (maintaining contact with friends), etc. There is no question that parents and their legal caregivers, who care for children in the lockdown conditions, need to be supported on coping with their emotional behavior during this COVID-19 emergency. Some of the main risks threatening student-children are the risks of inappropriate technology use, lack of privacy, sharing or posting false information about oneself or others. These kinds of behaviors put their privacy at risk.

In this sense, educational institutions should increase communication efforts, which should aim to raise adult awareness of the measures they can take to protect their children while navigating and learning online. Learning through online platforms and internet access, as well as broadcasting online lessons on one of the Albanian Public Television channels, is a new approach to learning and education, for all students in the territory of the Republic of Albania.

Of course, it is important to act in a preventive manner, raising their awareness of the potential dangers and long-term consequences of sharing personal information online. Children must also be able to identify, understand and deal with harmful content. Furthermore, more information should be provided on human rights, including the right to expression and the right to privacy, but also the rights of others, which should be respected and which they should be careful not to violate. Privacy is closely linked to security. Online privacy is one of the most complex ethical and legal issues related to the Internet.

The needs and concerns of minors for education are in line with the necessity of protecting the rights of children, and require immediate intervention, in accordance with the principle of protection of the best interest of children.

The obligations of the United Nations Convention “on the Rights of the Child” must be applied to all aspects of children’s lives, starting from their survival and well-being, to their development and protection, to the hearing of their voices, but also to the spaces where they reside, including also the digital environment.

As this generation of children and young people today truly lives in the digital age, we face an important challenge: to ensure that their rights are protected and respected in the online world<sup>18</sup>.

In order for the children learning process to take place in a peaceful environment, in the conditions of pandemic and lockdown, as a new approach for all, guaranteeing their right to education, through online learning, based on the best interests of the child, in implementation of Law No. 18/2017 “On the rights and protection of the child”, it is suggested as follows:

- Taking measures to verify the situation, in all schools, to raise awareness of the dangers of unsafe and uncontrolled internet to children.
- Preserving the privacy and images of children-students during the online learning process, and maintaining relations between teachers and parents in this regard, as a very essential consideration.

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18. Recommendation of the Committee of Ministers of the Council of Europe CM / Rec (2018) on Guidelines to respect protect and fulfill the rights of the child in the digital environment CM / Rec (2018) 7 4 July 2018

- Strengthening the work for the improvement of the teacher-child/student relationship: a cooperative relationship for the achievement of the common objectives, where one of the most important is the prevention of any form of violation of their rights, even in this unusual pandemic period.
- Strengthening the system of monitoring and assessing the observance of children's rights and placing children's rights at the heart of the teaching will.
- Application of a rights-based pedagogy, to ensure that children and young people learn in an environment where these rights are respected.

It is the shared duty of all of us, to orient our efforts towards the work strengthening, to build a cooperation relationship for the achievement of the shared objectives, for a high-quality online teaching process, which ensures a healthy basis for the functioning of active creative methods in education.

#### **4. Suggestions to the Ministry of Education, Sports and Youth, for children who cannot attend online education, due to lack of access to Internet or the required devices in their households**

Based on the identified cases for online learning platform development, as well as media reports of special cases, this process is not being developed fairly, across the country, due to the lack of objective conditions, such as the lack of internet, or child access to technology devices: computers or laptops, or even cell phones.

Learning through online platforms and internet access, as well as broadcasting online learning on one of the Albanian Public Television channels, is a new approach to learning and education, for all students in the territory of the Republic of Albania. The needs and concerns of minors for education require immediate intervention, in accordance with the principle of protection of the best interest of children.

The Ministry of Education, Sports and Youth should pay extra attention to provide solutions and find alternatives for children who cannot attend online lessons, as they do not have access to the Internet or the necessary devices in their families. Furthermore, MoESY should identify and draft a strategy that would enable alternative learning for different groups taking into account the location and social problems of children affected by these restrictive measures. In the conditions MoESY's inability to provide digital learning devices, the continuation of educational completion with this group of children, is to be considered, while applying the rules of anti-covid-19 social distancing.

Some of the most vulnerable groups in Albania, such as the Roma minority, families living in extreme poverty, families in rural areas away from large inhabited centers, etc., regardless of their special conditions or their families economic situation, all children should enjoy equal rights.



The entire educational troupe of teachers and pedagogical staff of public pre-university education throughout the country should be praised for their commitment, solidarity and also for finding solutions for providing as much knowledge as possible to students.

MoESY in cooperation with its subordinate institutions needs to review the models that are being implemented by different countries, in order to find the most effective solutions and approaches to the problems that are identified day by day.

**When the pandemic is under control, states will have to redouble their efforts to address long-standing shortcomings in law, practice and discourse that are so detrimental to human dignity and rights<sup>19</sup>.**

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19. <https://www.coe.int/en/web/commissioner/-/challenges-to-human-rights-have-intensified-in-europe>, Statement by CoE Commissioner Dunja Mijatovic, 21.4.2020.