

**Universal Periodic Review
2018
Stakeholder report on Albania**

Introduction

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”.

The Child Led Groups “Voice 16+” (CLGs) were established in 2000 in Albania with the support of Save the Children, as part of a project to re-write the Convention on the Rights of the Child in child friendly language. The group started its functioning by promoting children’s rights at school then addressing issues students were facing and continuing later with national level engagement to influence decision making. Over the years, some of the experiences turned into practices and now CLGs have a good mechanism to encourage new memberships; can conduct research studies and use it for advocacy; can develop and present national reports on fulfilment of children’s rights; can represent wider children’s views internationally by making use of international instruments.

They now operate in four regions: Elbasan, Dibër, Durrës, and Burrel and are known locally as *Zeri 16 + (Voice 16+)*. Each group comprises 50-60 children aged between 12 and 18 and represents a group of around 2500 other children volunteers. The purpose of the CLGs is to improve the capacity of children to monitor and report on the child rights situation and through child led initiatives to advocate for their rights both in their local area and at national level.

Children Governments (CGs) existence is regulated by law and their establishment is mandatory for the whole pre-university system. Save the Children has a long experience supporting these school groups and strengthening their capacities in 8 locations such as Tiranë, Durrës, Elbasan, Korçë, Gjirokastër, Kuçovë, Burrel and Dibër. A lot has been done to improve election procedures and strengthen the CGs position at school and over the years it was made possible to change the composition from having elected only best grade students to electing even children with different abilities and children from vulnerable groups.

The third group of children are the children in street situations. These groups of children having a strong connection with the street activities’ to generate income have a stronger role and recognition in the family than in the school and society. Family members see these children and their work as sources of income while they struggle to attend school and consequently are not perceived very positively by peers and teachers. Helped by NGOs children have made it to raise the voice and ask for more services adapted to their needs in high decision making levels like the Albanian Parliament but still are far behind in terms of activism and participation comparing to the earliest groups.

A one day training (October 2017) on the UPR was organized for children of CGs, CLGs and in street situation, although some children were already familiar with this process. The training gave them information on the purpose of the UPR, the stages in the process, the value of their contribution and how to structure the submission of the report. In addition, on April 2018, children part of CLGs, CGs and children in street situation from 8 regions of Albania divided into 5 working groups selected the topics of their report. Each of the groups analysed all the addressed issues (in total 11) and identified the most critical ones (5 out of 11). Later each of the groups analysed in detailed each of the identified issues and provided arguments regarding the challenges as well as the most pertinent solutions.

Note: findings of this report are also derived from the Young Voices 2017, Albania. Young Voices is a nation-wide survey on what children think about certain issues such as participation in decision making, education, social exclusion, security, their future etc. Through this survey, children's views and ideas on the realization of their rights, addressing their main concerns like participation, education, violence, bullying, safety, discrimination, exclusion, costs in schools, awareness on their rights, the future etc., are collected, elaborated, analysed and presented in this report.

I. THE ROLE OF OMBUDSMAN'S OFFICE

(Referring to recommendations coming 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 (recommendations 104.13-104.21 from the 27th session of HRC- UPR)

The legal framework on organization of the state administration requires that oversight bodies are strengthened and equipped with necessary mechanisms to exercise their monitoring and reporting power. Although accountability lines and reporting between institutions are regulated, inconsistencies between different types of subordinated bodies (such as Anti-discriminatory Committee and Ombudsman) persist. Also, the number of bodies that report directly to parliament is too high. Despite the delegation of responsibilities, provided by the code of administrative procedures as well as the establishment of legal procedures, the work of oversight bodies does not yet seem very effective. The number of unanswered Ombudsman's recommendations and requests for information remained significant, compromising citizens' right to access basic public services.

On the promotion and enforcement of human rights, the Ombudsman continued to actively promote the rights of vulnerable groups, including by submitting special reports and recommendations. Most complaints submitted to the Ombudsman's Office continued to relate to social rights, mainly healthcare, pension issues, employment, education and housing and the failure of the state administration to act within the legal deadlines provided by law.

In 2015, out of 349 recommendations addressed, 160 recommendations were accepted, 68 remained without reply and 54 were refused, while the rest were under review¹. The work of the Ombudsman's Office continued to be limited by lack of funding and personnel, and the resources of its central and local offices need to be enhanced to ensure that they can function satisfactorily. However, critique by oversight institutions is met with either parliamentary aloofness or a defensive reflex. In recent years, controversies over the set-up, appointment procedures and performance of many institutions accountable to Parliament, have prompted the European Commission to insist on the full implementation of the law and step up efforts to reinforce the independence and performance of these institutions².

Although in 2016, the Ombudsman' budget allocation was slightly increased, allowing for the recruitment of Commissioner on Children's Rights (the commissioner is appointed and now the section of Child Rights under the Ombudsman of Albania is functioning with three vice commissioners and the commissioner), the "Ombudsman's role" was addressed by children. According to Young Voices 2017, 80 percent of interviewed children think that the presence of the Ombudsman must be ensured in all municipalities, while 81% of children in urban areas and 90 % of children in rural areas consider very important that the Albanian Government takes necessary measures to ensure the presence of the Ombudsman institution in any municipality. Children strongly rely on the role of Ombudsman not only to raise awareness on the rights of the child, but most importantly to provide solutions to child's rights- related issues.

Children consulted further confirm that:

- ✓ There are gaps in information regarding the role of the Ombudsman, therefore not all the children are aware about this institution and its competences.
- ✓ Ombudsman's office does not cooperate with schools. Perhaps this stems from the insufficient resources.
- ✓ Ombudsman's institution does not function in all the regions of the country; therefore, it is difficult to align with citizens 'critical issues.
- ✓ The impact of Ombudsman's office on problems solving is weak due to the lack of monitoring on Ombudsman's recommendations from government institutions. Sometimes, its recommendations are not totally considered.

Recommendations

We urge the Government of Albania to_:

- ✓ Increase budget allocations from central government to cover the needs of the newly established Commissioners on Children's Rights.

¹ Common Country Assessment, Albania, 2015, United Nations Country Team

² Albania 2016 Progress Report, (European Commission, 8 October 2016), p. 6

- ✓ Encourage the establishment of Ombudsman' Office or focal point in all Municipalities and support their collaboration with schools.
- ✓ Support the strengthening of stakeholders' alliances at local level around Ombudsman's role and functions.
- ✓ Contribute to raise community's awareness on the role of ombudsman.

2. VIOLENCE/ECONOMIC EXPLOITATION OF CHILDREN

(Referring to the recommendations coming from Egypt, Philippines, Algeria, Croatia, Portugal, United States of America, Mexico, Qatar and Malaysia, (recommendations 104.26, 104.43, 104.53, 104.65-69 from the 27th session of HRC- UPR)

According to UPR recommendations, 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.

Support to national efforts to prevent child violence and exploitation consist in some key interventions at the municipal social structures (Child Protection Units) that are working to establish social work standards to assess and address the needs of children at risk and in difficult situations, support to national child helpline as the main referral mechanism for children at risk/victims of violence and abuse and more specifically on violence supported targeted communication programme on behaviour change that works with children and teachers to reduce school based violence.

Despite the progress in terms of policy measures to ensure cooperation between central and sub-national bodies on cases requiring protection measures, there still is the need to improve data collection and reporting mechanisms in child protection, and to improve cross-sector and inter-institutional coordination and cooperation mechanisms. In addition, the territorial reform had a disruptive impact on the functioning of child protection units due to high rates of staff turnover, of staff trained in child protection, and the reduced ratio of child protection workers per capita, in rural areas. It is of utmost importance that child protection services are improved.

In particular, children in Albania are faced with:

2.1. Economic exploitation

Even though Albania has ratified the Palermo Protocol, the Criminal Code Amendment in 2013 does not yet recognize **forced child labour exploitation** as a form of trafficking in human

beings. Child labour remains a major concern³, 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. Data from the Time Use Survey 2011 further indicates that 10 % of girls and 6% of boys aged between 10-14 engaged in paid work (under half an hour for the population as a whole), while 67% of girls (1 ½ hours on average per day) and 30% of boys engaged in unpaid work (less than ½ hour per day)⁴.

According to 2016 EU Progress Report, during 2015, 243 children living or working on the street and their families were taken under protection, as well as an additional 102 children in the first half of 2016. Services offered to the families included counselling, enrolment of children in schools, kindergartens and nurseries, applications for financial assistance, and medical care. Nevertheless, the sustainability of such protection measures is not secure.

Efforts are made towards alignment with the EU acquis on health and safety at work, but further action is needed to ensure effective implementation. The amended labour code remains to be adopted. The employment rate and labour market participation remain low and the informal economy is still a significant job provider. Several new strategies remain to be implemented and a monitoring mechanism needs to be put in place.

2.2. Discrimination

Despite measures such as the National Strategy for **Roma** and the Decade of Roma Inclusion (2011-2015), the Strategy on Social protection, 2012-2015 and the national plan of Action for Children, 2012-2015, HR Committee noted with concern that Discrimination, especially of Roma minority is of concern in Albania. Roma continued to face discrimination in accessing employment, social services, and participating in political life.

Children's discrimination and exclusion is strongly addressed by Young Voices, 2017. Young Voices demonstrate major differences and circumstances under which children grow up, particularly for children who live in financially vulnerable families. For them, poverty and economic disparities are the root causes of exclusion. 86,3 % of them considers "very important" that Albania should do more to help children who live in poverty. To them, the less crucial exclusion factor is "ethnic discrimination", although 65,6% of children acknowledge that Albania must do more to address ethnic disparities.

Key reforms in social protection such as the Strategy on Social Protection Reform and the Policy document for social inclusion are adopted, although the effective implementation still remains a challenge. However, it appears that the existing measures are not sufficient to guarantee the social inclusion of all children.

2.3. Violence

³ Common Country Assessment, Albania, 2015, UNCT.

⁴ Situation Analysis of Children, Albania, 2015, UNICEF

Data on the incidence and prevalence of child abuse and violence against children in Albania is scattered and overall figures may tend to underestimate based on many children's acceptance of violence as a normal part of life and a tendency to justify violence used against them. The BECAN study⁵ illustrates the nature and extent of the abuse, violence and neglect still experienced by Albanian children. Nearly 62% of children reported having experienced at least one form of **psychological violence** during their lifetime (prevalence), and nearly 70% (68.63%) reported having experienced at least one form of psychological violence during the past year (incidence).

The recent Young Voices study conducted in 2017 by Save the Children, shows that Children are of opinion that violence is spread in the Albanian society. 58% of interviewed children have seen someone get punched or hit in the past year. Home is the safest place according to children's views (almost 86% feel always safe at home), while public transportation and school bus, especially in the evening are the less secure places (in Albania there are schools that operate in shifts due to the high number of students and lack of classes- only 1/4 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, 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 as they were expressed during interview process of Young Voices 2017. Almost 1/3 of children (34,6%) have felt bullied or harassed during this term or the last one. Significantly girls in urban areas, nearly 40% (39,5%) have felt bullied and harassed as much as twice more than boys (20,3%) while the percentage 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 it. 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 many international conventions and laws addressing violence against children are ratified in the past years, Albanian legislation does not deal with all aspects of violence against children in a comprehensive and detailed way. Besides separated initiatives at local government level, the Albanian Government has not earmarked funds for public and private entities involved in activities related directly to violence against children.

Recommendations

We urge the Government of Albania to:

- ✓ Address child labor, violence and exploitation as multidimensional issues of Child Protection Policy and Legislation, in which duty bearers have to harmonize actions to enable a protective environment for children, and ensure the establishment of mechanisms that support them to exercise their obligations.

⁵ Cenko E et al Balkan Epidemiological Survey on Child Abuse and Neglect (CAN) in Albania CRCA (2013)
Tirana

- ✓ Guarantee that school curricula address the rights of the child more strongly, emphasizing their implementation as well as institutional accountabilities.
- ✓ Take all measures to reinforce the role of civil society and media in order to address “family” and other “community stakeholders” as key duty bearers to nurture a protective environment for children.

3. BLOOD FEUD

(Referring to Sweden recommendation (104.40).

The HR Committee urged Albania to investigate all cases of blood feud-related crimes as well as domestic violence and bring perpetrators to justice. **The institutionalization of impoverished children**, the poor living conditions in institutions, and vulnerability of children who leave these institutions were of major concern to the Committee.

The end of the communist regime encouraged a revival of the centuries-old practice of blood feud, particularly in the northern regions of Albania. While the phenomenon reached its peak in the ‘90s, the number of deaths due to blood feud has decreased. However, blood feuds continue to have corrosive effects on society, especially the practice of self-isolation by families who fear revenge killings, and a still widespread belief in the justness of collective punishment of innocent family members⁶. The practice of blood feud also reveals the gender relations of power over women and girls and small boys. It is not perpetrated against them because their blood is not socially recognised as part of the clan’s. They however suffer the consequences of isolation when there is retaliation. Dealing with “Blood Feud” goes beyond “gender-based discrimination”. “Blood feud” denies basic children’s rights such as the right to life, the right to education, to participation, development etc.

Following review of the special report on Blood Feud, The Parliament of Albania 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. However, this issue is more complex, therefore policies should deal with its multi-dimensionality. It has to be analysed from a.

The issue of blood feuding has been particularly taken by the public oversight mechanism. The National Ombudsperson prepared in 2013 a special report on the phenomenon, pointing out that 3% of victims were 10-20 years old. This report showed that 67 families remained in self-isolation, particularly in the north of Albania. However, although Tirana, the capital had only one family in self-isolation, it demonstrated the highest number of blood-feud victims (with 23.6% of cases occurring there).

⁶ Professor Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions

According to Common Country Assessment, 2015, supported by UN Country team, evidence reveals the existence of **son preference**, which is linked to the predominance of male headship. The underlying causes are the customary, patriarchal family codes- such as the Kanun in Albania- which entrench patrilineal inheritance and patrilocal residence and dictate norms of conduct in the family, kinship systems and wider public sphere. The Kanun, and its regional variants which survived the Communist regime, is regarded as still being applied in everyday life. Triggered by the collapse of the communist regime, and the ensuing upheavals, public insecurity and a weak state, there have been reinventions of the discourse and its ritual re-enactments, including blood feuding and reconciliation in practice.

Recommendations

We urge the Government of Albania to:

- ✓ Address the rights of children, whose are denied by “blood feud” from a policy, social and institutional point of view.
- ✓ Strengthen Education and Child Protection service provider’s capacities to ensure they deal with “blood feud” in an appropriate manner.
- ✓ Support civil society actions to raise awareness on “blood-feud” as a social issue.

4. CHILD PARTICIPATION

Referring to Slovenia recommendation (104.86).

Increasing children’s participation in decision-making at school and outside the school is a strategic objective of the National Plan of Action for Children 2012-2015. In fully alignment with the plan, appropriate instruments are established, while modalities to make this participation effective in several directions are also strengthened. In particular mention can be made:

- ✓ Building children’s understanding to be able to make decisions together with the teaching staff;
- ✓ Building children’s awareness to be responsible to themselves, their school, family and community;
- ✓ Enabling children to use delegation and representation tools and methods;
- ✓ Encouraging them to part take in the school boards and in the election and monitoring of students’ governments.

The involvement of children and parents in multidisciplinary meetings at local level for case management occurs on a very sporadic basis and only when assessments are conducted by some NGOs. In general, children already in contact with (mostly NGO-run) services shared a much

higher perception of being listened to and considered. At the same time, they reported a much weaker incidence in being involved in school and family environments. When participation occurs, the children highly appreciated the fact of being heard by CP workers. “Respected”, “Considered”, “Listened” were some of the words the children used to describe those perceptions. On the other hand, the parents in many of the sampled contexts, such as Bulqiza, Kucova and Gjirokastra, shared a profound disappointment for never have been invited to share their opinions about their children’ situation.

According to Young Voices 2017, although almost all children (88 percent) acknowledge the importance of being listened to by the politicians and decision-makers on what they think about different issues, most of them admit 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. However, less than 6 % have managed to influence decision making at local level out of 59 % who could give their views on important issues.

Children try hard to make institutions hear their voice, utilizing pupils’ governments and other fora, however they are not always taken seriously, first of all by school.

Recommendations

Whereas children’s participation is strongly encouraged as a basic right, unfortunately their voice can’t be heard because fora and 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.

We urge the Government of Albania to:

- ✓ Establish Institutional 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 10347 date 4 November 2010 on the “Protection of the Rights of the Child” to coordinate, monitor and report on the realization of the rights of the children.
- ✓ Give enough information and evidence on municipal plans that regard children’s rights to facilitate their participation and engagement in municipal decision-making meetings.

5. CHILD DISCRIMINATION

Referring to the recommendations coming from Germany (104.37), Argentina (104.38), Malaysia (104.39) and the United States (104. 41).

Despite the legislation that has been adopted since 2010, according to UPR, Albania needs to further strengthen mechanisms and measures to 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.

Living Standard Measurement Survey 2015 confirms that poverty continues to be the key factor that limits the access of the poor population to public services. According to LSMS 2015, 1.8 percent of children live in extreme poverty, 17.14% of children live in poverty and 13.48 percent of children in the mountainous areas live in families with two, or one unemployed parents, versus 9.3 percent at national level.

As a matter of fact, children's right to participation is denied due to different economic and social causes. Poverty, disparities, insecurity, bullying, violence, discrimination put children at high risk of exclusion. Based on the findings of Young Voices, most of 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 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 in social environment, while government is not yet capable of guaranteeing that all children have equal access to basic services.

Due to factors such as malnutrition, difficult living conditions, absence of prenatal and preventive healthcare, low level of educational attainment, as well as marriages and childbirth at a very early age, Roma and Egyptian children are one of the most vulnerable groups in Albania. The health status of pregnant Roma women is also a cause of concern.

Recommendations

Although the level of awareness vis-à-vis the rights of the child has increased, it is not yet transformed into a "society issue". While there are many children excluded from the enjoyment of their rights, parties in charge of child's rights as per the Convention are not fully accountable to combat exclusion.

We urge the Government of Albania to:

- ✓ Local structures should manage child's rights services transparently, while regulatory frameworks for those services have to be in place, associated with the right budgetary allocations.

- ✓ Media should be committed to play its role and influence society's view.