



**VEPRO
PËR FËMIJËT!**

Act for Children

Rrjeti Kombëtar për të Drejtat e Fëmijëve në Shqipëri
Albanian National Child Rights Network



**Written Contribution to the
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Statement of Interest

This Report is submitted as a written contribution on the children and youth rights situation in Albania for the 3rd cycle of UPR reporting. It provides information on child education, poverty, violence, social protection, health and access to justice. It is based on secondary data of the organisations that drafted this written submission and other data and reports from the Government, NGO's and UN sources on Albania. It was drafted from a coalition of two national NGO's and 4 national networks working for the promotion of the rights of children and youth in Albania.

Child Rights Centre Albania (CRCA) is one of the major children and youth NGO's in Albania established in 1997. CRCA works to promote the respect of children and youth rights, to protect them from violence, abuse and exploitation, to increase child and youth participation at national and local level, through lobby and advocacy, policy and legislation improvement; capacity building, information and research, and establishment of good models of social services.

Albanian Coalition for Education, (ACE) established since 2004 represents a national movement and the only network of 20 major national organizations and groups, advocating for universal right to quality and inclusive public education for everyone. It is widely recognized as the major civil society group advocating for the universal right to equitable and inclusive quality public education. ACE is a member of Global Campaign for Education and the organizer in Albania of the Global Action Week, "Education for All".

Albanian National Youth Network (ANYN) established in 2012, represents the national youth movement in Albania and is composed of all major youth forums and civil society organization. ANYN goals are: to promote the issues and rights of young people at local and national level; to advocate for youth participation representation at all levels of decision-making, promote new youth friendly policies at national and local level, as well as encouraging new national laws and programs to support youth in Albania.

Albanian National Child Rights Network "Act for Children" was established in 1999 and represents the only national network working actively to advocate for the implementation of the international child rights standards in Albania. "Act for Children" takes joint actions and initiatives to respect and promote children's rights and their protection from violence, discrimination, abuse, and exploitation.

Albanian National Child Helpline (ALO 116) is a nation-wide free of charge counselling and referral service for children. The National Child Helpline in Albania talk to children in some of their most difficult moments in life. Alo 116 aim to protect them and their well-being by counselling and advising, referring and publicly defending their individual rights and believe that children and young people have rights and they can identify their problems and ALO 116 makes possible child and youth participation.

ECPAT Albania is a member organization of ECPAT International and works through lobby and advocacy, organization of campaigns and public awareness, to improve the legislation and policies for children who have survived economical and sexual commercial exploitation and abuse. ECPAT Albania priority issues for its work include elimination of commercial sexual exploitation of children, child labour and child pornography and abuse on the Internet.

1. Summary of the report

Albania has strived to advance human rights for children and youth. Yet, despite many advancements, wide spread corruption, political infighting, weak public institutions, immense corruption of justice system and lack of public investment for children and young people, has seriously hindered the efforts to protection of the rights for children and young people.

By the end of 2017, more than 40% of the Albanian population lived abroad¹. With a lower child birth rate Albania is becoming one of countries with the oldest population in Europe. The median age increased from 27 to 37² for the last twenty years. Children and young people make up to 41% of the population³ (up to 29 years old). Child mortality has reduced considerably; at the same time the under 5-child mortality rate remains a concern⁴.

Child and youth poverty are reinforced by high unemployment, lack of opportunities and migration. Despite strong economic development, Albania continues to be one of the poorest countries in Europe. Nearly 14 percent of the population continues to live in absolute poverty, while almost 33 percent of the population lives in relative poverty. Poverty in Albania, after the 2008 economic crisis in the European Union, hit especially children, youth and retirees⁵.

Violence against children is wide spread despite the fact that legislation and policies prohibit corporal punishment. Several studies have shown that at least 50% or 1 in 2 children is or has been a victim of physical violence from the family or at school⁶, while almost 20 percent of adolescents in public schools complain of being bullied or discriminated against on the grounds of their sexual orientation and gender identity⁷.

Children in residential institutions complain of a high incidence of physical and emotional abuse⁸. The Commissioner for Human Rights of The Council of Europe noted: "While the number of institutionalised children in Albania does not appear to be high. (There are⁹) serious allegations of physical and psychological violence against children, including a case of sexual abuse of a child.¹⁰"

The Government has done little to mitigate the consequences or to prevent violence against children. Currently Albania doesn't have public social services to deal with trauma that violence causes to children and young people¹¹. Reports on violence against children show that only a very small fraction of cases of violence against children are reported.

1 Albania: Mainstreaming, acceleration, and policy support for achieving SDGs, World Bank Group, Tirana 2018.

2 Population ageing in Albania, INSTAT 2015.

3 Albanian Population data from 2018, INSTAT (<http://www.instat.gov.al/en/themes/demography-and-social-indicators/population/>)

4 idem

5 Overview of Albania, World Bank Group, 2017. Info: <http://www.worldbank.org/en/country/albania/overview>

6 Cenko E., Hazizaj A., Haxhiymeri E., Çoku B., Violence against Children in Albania. Balkan Epidemiologic Research on Child Abuse and Neglect (B.E.C.A.N), CRCA Albania, Tirana 2013.

7 Hazizaj A., Poni Mm., Discrimination of the LGBTI adolescents in the public pre-university education system in Albania, PINK Embassy Albania, Tirana 2016.

8 Special Report of the Ombudsman Office on the situation of children in residential care ion Albania Tirana 2017.

9 Editor's note.

10 Albania: Report of the Commissioner for Human Rights of the Council of Europe, September 2018. The Report can be read in the following link: <https://rm.coe.int/report-on-the-visit-to-albania-from-21-to-25-may-2018-by-dunja-mijatov/16808d2e22>

11 Hazizaj, A., Coku, B., Cenko, E., Haxhiymeri, E., Case-based surveillance study on violence against children in Albania, CRCA Albania, Tirana 2013.

Roma, gypsy and disabled children are often victims of discrimination at school and in society at large. Almost 64 percent of disabled children do not follow regularly or at all compulsory education because of a lack of access or availability of supporting teachers¹². At least 30 percent of Roma children across Albania do not attend school because of family poverty, lack of support from the government and open discrimination in schools¹³.

Albania is one of the countries with the highest rates of youth unemployment¹⁴. Despite some positive recent developments in the area of public policy, the national budget for youth represents only 0.01 percent of the overall state budget. Youth across the country are largely forgotten. Neither the government nor the municipalities are implementing any youth programme that supports youth participation, skills and empowerment.

¹² Policy paper on children with disability and their integration in the pre-university education in Albania, Albanian Coalition for Education, ACE 2015, Tirana

¹³ Hazizaj A., Elezi P., Ballo M., Access of Roma Children to Early Childhood Services in Albania (3rd Survey), CRCA Albania, Tirana 2017.

¹⁴ Hazizaj A., Pulaha K., Youth in Albania 2017, A report on the implementation of the national youth policy, CRCA / ANYN, Tirana 2018.

2. A short overview of the legal and policy framework for children and youth rights in Albania

Since 2010 Albania has established a positive legal framework for protection of children. Yet despite all the efforts, children remain unprotected from criminal offences committed against children online, meanwhile there is no legal framework for youth rights in Albania¹⁵. With support from CRCA Albania the Albanian Parliament approved a "Resolution on the Rights of the Child¹⁶" and later established an ad-hoc *Friends of Children Parliamentary Group*¹⁷.

2.1 Legal framework

Albanian Constitution

Article 54 of the Constitution guarantees special protection for children, young people and mothers. Yet this major principal of our constitution has not found a place in all current legal frameworks. There is no legislation in Albania that protects the rights of young people and consequently they are often neglected by public institutions and the justice system.

Criminal Code

The Criminal Code of Albania has been amended several times since its approval in 1995. Yet since 2016, CRCA Albania complained to the Parliament to protect children from sexual abuse and exploitation online, by introducing new criminal offences in the Criminal Code. The Parliament has failed so far to enact new legislation in this particular area. This means that most of the criminal offences that happen online are not regulated by the Code, thus the police authority is not able to follow up such crimes.

Labour Code¹⁸

The labour code was amended in 2015 to include among other changes the minimum age for employment, which is set at 18 years old. CRCA Albania provided several amendments and comments to the legal commission of the Parliament on why setting up a higher age for employment would better protect children in Albania. However, the Code doesn't protect children in domestic child labour, which is regulated by the Law on child rights and protection.

Law on Child Rights and Protection

In 2017, Albania approved a new law on the rights and for protection of children¹⁹. Yet at the time of submission of this report the country had enacted very few bylaws required to fully implement the law. The law requires the establishment of a nation-wide child protection system, but one year after the entry of the law into force, only half of the municipalities of Albania have established child protection structures.

¹⁵ Albanian National Youth Network public statement, Tirana 2017.

¹⁶ Resolution on the Rights of the Child in Albania: https://www.parlament.al/Files/sKuvendi/Femijet/rezoluta_per_mbrojtjen_e_femijeve.pdf

¹⁷ <http://www.crca.al/sq/news-child-protection-violence/grupi-parlamentar-%E2%80%99Cmiqt%C3%AB-e-f%C3%ABmij%C3%ABve%E2%80%9D-takohet-me-shoq%C3%ABrin%C3%AB-civile>

¹⁸ Law 7961, "Labour Code" amendment with law 136/2015, <http://www.qbz.gov.al/Kode-pdf/Kodi%20i%20Punes-2016%20i%20azhurnuar.pdf>

¹⁹ Law 18-2017 on the Rights and protection of Children in Albania. The law can be accessed in the following address:

http://www.amshc.gov.al/web/doc/ligjore/Ligj_18-2017_Per_Te_Drejtat_dhe_Mbrojtjen_e_Femijes.pdf

Juveniles Justice Code²⁰

The Juvenile justice Code was approved is a serious attempt to overhaul the situation of the administration of juvenile justice in Albania. The law requires the Ministry of Justice to build a whole new architecture of justice for children and young people. The Code has already entered force, but as with the Law on Child Rights, many bylaws have not yet been approved, limiting the scope of the implementation.

Law on Social Services²¹

Albania approved a new law on social services, finally separating social services delivery from cash handouts that was the case previously. The legislation aims to create a decentralised system of social care and protection in each of 61 municipalities of Albania. The law establishes a national Social Fund that will support financially social services delivery. Yet a new bylaw on the establishment of the social fund approved by the Government²² raised serious concerns among civil society organisation that the fund could increase corruption among public officials in municipalities, who are assigned by the law to assign funds for the delivery of social services. To date neither the law nor the bylaw on social funding has been implemented.

Law on Protection from Discrimination²³

The law protects children and young people from discrimination on any grounds. It requires from every public and private entity to fully eliminate any grounds for discrimination in education, employment, goods and services. A Commissioner for Protection from Discrimination has the authority to fine or recommend remedies to everyone who is a victim of discrimination.

Law on Pre-university Education²⁴

In 2012 Albania changed the legislation that regulates early childhood education, compulsory and secondary education. The law aims to establish a qualitative and open public education, by guaranteeing "The right to education to the Albanian citizens, foreign citizens and those without citizenship..."

Law on Civil Registration²⁵

The law was last amended in 2016 to give unregistered children an opportunity to register in the national database of civil registration. Meanwhile in 2018, CRCA Albania raised the concern that the law doesn't protect intersex children and exposes them to bodily harm, since it requires by the parents to assign the gender of the child since birth. Meanwhile the law has a serious flaw, as it doesn't register the sex of the person, but only the gender, thus unifying sex and gender in one single legal concept.

²⁰Law No. 37/2017, Juvenile Justice Code in the Republic of Albania. The law can be accessed in the following link:

<http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202017/Fletore%2092/LIGJ%20nr.%2037,%20date%2030.3.2017.pdf>

²¹ Law No. 121/2016 on Social Services in the Republic of Albania. The law can be accessed in the following link:

http://www.qbz.gov.al/Ligje.pdf/ndihma%20dhe%20perkujdesia%20shoqerore/Ligi_121_24112016.pdf

²²VKM No. 111, of 23.02.2018, On the establishment and functioning of Social Fund,

<http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202018/Fletore%2027/VKM%20nr.%20111,%20date%2023.2.2018.pdf>

²³ Law No. 10221 for Protection from Discrimination, <https://www.kmd.al/wp-content/uploads/2018/05/1308053956-Ligji-per-mbrojtjen-nga-diskriminimi.pdf>

²⁴ Law No. 69/2012 on Pre-university Education System in the Republic of Albania, <http://www.crca.al/sites/default/files/publications/Law%20on%20pre-university%20education%20system%20in%20the%20republic%20of%20Albania%20%282012%29.pdf>

²⁵ Law No. 10 129, on Civil Registration in Albania. The law can be accessed in the following link: http://www.qbz.gov.al/Ligje.pdf/gjendja%20civile/ligj%2010129_11052009_perditesuar2016.pdf

Law on Domestic Violence²⁶

The law was amended in mid-2018 to provide better protection to women and children victims of family violence. Despite that there is a dualism between this law and that on Child Rights and Protection, it is hoped that the social services structures would be able to provide a wider number of services to children and young people that fall victims of parents or sibling's violence.

Law on the Protection of National Minorities²⁷

This is a new law that strengthens the legal provisions on guaranteeing the rights of minorities in Albania, including right to education in their language and identity. The law asks the government and authorities across Albania to take all the possible measures to protect the rights of children and young people from minorities to fully exercise their rights.

Law on Higher Education²⁸

This law regulates the tertiary education in Albania and the rights of young people when they attend universities or similar institutions. The law is important because it guarantees the right to higher education for every young person in Albania, including those from minorities etc.

2.2 Public Policies for children and young people

Albania has a positive history when it comes to the development of public policies for children and young people. Yet most of such policies come without strings and often they lack institutional capacities and budgets to fully implement them.

National Agenda for Child Rights in Albania (2017-2020)²⁹

This is the national public policy of the Albanian Government for promotion of child rights. It was drafted by the National Agency for Child Rights and Child Protection in Albania in consultation with civil society organisations. The Agenda aims to protect and promote the rights of the child, based upon national and international standards.

National Strategy for the Development of the Pre-University Education³⁰

This national policy is based on three main pillars (a) improve quality of education for all, (b) budget accordingly to the identified needs and, (c) support inter-agency cooperation, partners and social groups for education. The main aim of the strategy is that "the educational system that focuses on the student, to support sustainable economic development and the consolidation of democratic society."

²⁶ Law No. 47/2018, amendments to the Law No. 9669 "On Measures towards Domestic Violence", <http://www.qbz.gov.al/fletoreakte.html>

²⁷ Law 96/2017, on protection of national minorities in Albania, The law can be accessed in the following link: <https://www.kmd.al/wp-content/uploads/2018/05/1524738824-Ligji-Per-Mbrojtjen-e-Pakicave-Kombetare-ne-R.Sh-2017.pdf>

²⁸ Law No. 80/2015, on higher education and scientific research in the institutions of higher education of Albania. The law can be accessed in the following link: <http://www.qbz.gov.al/Ligje.pdf/arsim/LIGJ%20Nr.%2080-2015.pdf>

²⁹ Council of Ministers Decision No. 372, of 26.04.2017 "For the approval of the National Agenda for Child Rights in Albania 2017-2020". The Agenda can be accessed in the following link: <http://femijet.gov.al/wp-content/uploads/2017/06/Agjenda-kombetare-per-te-drejtat-e-femijeve.pdf>

³⁰ National Strategy for the Development of the Pre-university Education in Albania 2014-202. The strategy can be accessed in the following link: http://arsimi.gov.al/wp-content/uploads/2018/07/Strategji_APU_dokumenti_perfundimtar_24_03_2015-1.pdf

National Action Plan for Child Safety Online (2018-2020)³¹

This policy represents the first ever attempt by several Ministries of the Albanian Government to work together towards a better protection of children from abuse and exploitation while online. The drafting process was facilitated by CRCA Albania and it was finalised in early 2018. The modest plan aims to increase the capacities of teachers and law enforcement agencies to protect and inform children from the dangers they face online, while establish a national mechanism (www.ISIGURT.al) for reporting inappropriate or illegal content online.

National Action Plan for Youth in Albania (2015-2020)³²

On 6 May 2015, the Albanian Government approved the National Youth Action Plan (2015-2020), following consultations with organizations and young people in Albania. The Albanian National Youth Network played an active role in the preparation of the Action Plan. The plan set several tasks for the Ministry of Social Welfare and Youth, its subordinate institutions, other line ministries and municipalities, which are responsible for achieving six major objectives of the plan related to youth participation, employment, culture, health etc.

3. Situation of children in Albania

3.1 Children and poverty

UNICEF estimates that 20% of children in Albania live in absolute poverty³³. Albania doesn't have any national programme to support children who live in extreme poverty. Cash handouts support 80,000 families across Albania³⁴, but the amount is so low that no child or family can get out of poverty. Children are often left to rely for food and clothing by humanitarian organisations. Nor municipalities have any programmes to support children living in poverty³⁵.

3.2 Right to Education³⁶

National Budget for education

Albania, in comparison to other countries in Europe, spends less on education and all the public schools are funded by the state annual budget. The percentage of GDP for 2018 reaches 2.9 percent³⁷. The National Strategy of Pre-University Education 2014-2020 sets ambitious national education priorities, but that unfortunately does not concentrate efforts or mobilize resources for its implementation. The expenditure for pre-university education has decreased from year-on-year, with a slight increase only in 2018³⁸.

³¹ National Plan of Action for the Protection of Children Online, can be accessed in the following link: <http://www.isigurt.al/burime>

³² National Action Plan for Youth in Albania 2015-2020. The Action Plan can be accessed in following link: http://www.un.org.al/sites/default/files/plani%20kombetar%20i%20veprimit%20per%20rinine%202015-2020_Shqip.pdf

³³ Child Poverty in Albania, UNICEF: https://www.unicef.org/albania/children_24920.html

³⁴ Cash Handouts in Albania, INSTAT 2018.

³⁵ Albania: Alternative Report on the implementation of the UN Convention on the Rights of the Child, CRCA 2018.

³⁶ Recommendation 104.89 (Indonesia), 104.91 (Argentina), 104.102 (Venezuela (Bolivarian Republic of)), 105.6 (Germany), 105.35 (Portugal), 105.37 (Austria).

³⁷ Financing Public Pre-university Education in Albania, an analytical report on national expenditure for education, ACE Albania, 2017. The report can be accessed: http://www.acce.al/sites/default/files/download/campaigs/financimi_i_arsimit_publik_parauniversitar_ne_shqiperi_2008-2018.pdf

³⁸ ³⁸ Financing Public Pre-university Education in Albania, an analytical report on national expenditure for education, ACE Albania, 2017.

Poverty and the right of the child to education

More than 100,000 children in Albania, who due to poor economic conditions do not have equal opportunities to attend regularly as their peers the public education³⁹. About 15,000 of Albanian children are out of school⁴⁰. Either the Ministry of Education or the Albanian Government have a programme to support feeding of children who live in extreme poverty. In 2016 the Ministry of Education started a feeding programme for approximately 300 children, with the aim to roll it nationally. However, so far, the programme it's still limited only in one single school. Both CRCA Albania and ACE have called for the Government to establish such a programme that would support integration and welfare of poor children in the public education system in the country.

Right to education for Roma children⁴¹

Roma communities due to poor economic conditions, discrimination, prejudices, early marriages, migration are some of the factors that affect the integration of Roma community within the education system. The Census of Roma Population in Albania of 2013 reveals that children constitute 38% of the Roma population. About 22% of Roma Children belonging to the group age 10-18 years old have never been to school, only 52% of Roma children aged between 7-9 years old attend second chance classes⁴². Only 61.4% of Roma children are attending compulsory education or 1 in 4 Roma children is not at school. The data demonstrates only 20% of children attend regularly the school while the rest of the children are temporary or constantly dropping out of compulsory education.⁴³

Right to education for children with disability⁴⁴

Based on INSTAT and Ministry of Education, Sports and Youth statistical data about 43% of disable children in Albania do not attend the public pre-university education and according to the data of the Disability Rights Protection (MEDPAK) and the Albanian Disability Rights Foundation, only 35% of schools are accessible to children with disabilities.

Teachers training in Albania

Despite efforts to reform and improve, over the last 22 years, the education system in Albania continues to face several problems and challenges relating to the implementation and enforcement of legislation; lack of supporting mechanisms to implement initiatives; decision-making not based on data, evaluations and research; unsatisfactory quality of human resources, poor infrastructure and weak financial support. There are several major concerns that hinder the right to education of children, as following: (a) Teachers' evaluation system lacks theoretical models, best experiences and expertise, reference points, standards and competencies to establish a proper evaluation system; (b) During the last 20 years the quality of students that want to become teachers have been very poor. (c) There are no nationwide evaluations to start building policies and take decisions to improve teachers' conditions⁴⁵.

³⁹National Agency for Child Rights in Albania, Annual Report on the Situation of Children in Albania 2015. Report can be accesses in the following address: <http://femijet.gov.al/wp-content/uploads/2015/05/Raport-kombëtar-mbi-situatën-e-te-drejtave-të-fëmijëve-në-Shqipëri.pdf>

⁴⁰ Albania: The cost of underinvestment in education, UNICEF. Report can be accessed in the following address: https://www.unicef.org/albania/2017_ALB_Underinvestment_in_education-en.pdf

⁴¹ Based on the recommendations 104.37 (Germany);

⁴²Census of Roma Population in Albania, Open Society Foundation Albania, Tirana 2014. https://childhub.org/en/system/tdf/library/attachments/english-final_roma_census.pdf?file=1&type=node&id=13132

⁴³ 2nd Survey into the Access of Roma Children to Early Childhood Services in Albania, CRCA Albania, Tirana 2016

⁴⁴ In response to the recommendations of 104.91 (Argentina); 104.92 (Malaysia); 104.93 (Maldives);

⁴⁵ Haxhiymeri E., Mita N., Professional Development and Teacher Evaluation in Albania, Albanian Coalition for Education, Tirana 2014.

3.3 Violence against children⁴⁶

Violence in schools and educational settings

Bullying and violence is still widely used in schools. There is no mechanism where pupils can report it even the law on pre-university education system in Albania needs to be improved. The Albanian National Child Helpline (ALO 116) reported 640 cases of teachers' violence against children. Some 362 children reported being victims of school bullying, while almost 3000 pupils said they have communication issues with their peers⁴⁷. Children's Today stated in their report that 41% of children have experienced a form of psychological violence, while 1 in 5 pupils reported being threatened by the teacher at different frequencies⁴⁸. More than 17% of adolescents in secondary high education report to be discriminated based on their sexual orientation⁴⁹.

Family and community violence against children

The BECAN epidemiological study aimed at identifying the prevalence and incidence of the violence against children found out that 69% of them were victims of psychological abuse, 59% of physical violence, while almost 5% of children were victims of sexual abuse. Sexual harassment prevalence among children is reported 8% on girls and 14% on boys⁵⁰. Child protection agencies are faced with the most severe cases of child abuse. Most of the children that seek assistance have already suffered multiple forms of violence and throughout considerable periods of time. Consequently, the child protection services are not able to identify violence at its early stages⁵¹. Although violence against children constitutes a criminal offence, very few legal actions are taken by the responsible agencies to report the perpetrators and provide remedies to children. Reports shows that almost in 30 percent of physical violence cases agencies took no legal action, with majority of cases (68%) reported to social services and police with no court involvement⁵². A 10-year data-report of the Albanian National Child Helpline stated that children reported 600 cases of physical abuse, 137 cases of sexual abuse and 271 issues of emotional abuse. Almost 400 children witnessed domestic violence.

Sexual abuse of children and adolescents

Crimes of sexual nature, especially against children and women, have been constantly increasing and in a period of 10 years these particular crimes have doubled. CRCA reported that almost 12% of children in Albania were victims of sexual harassment with almost 5% claiming that they were victims of sexual abuse.⁵³ The low rate of reporting to the police and consequently to the justice system is mainly due to the shame that such criminal acts bring in the life of children and their families. In 2016, a CRCA desk-research into sexual crimes against children found that only 1 in 2 offences were given a sentence by the justice system in Albania⁵⁴. Police

⁴⁶ Following up recommendations 104.43 (Philippines), 104.44 (Algeria), 104.45 (Slovakia), 104.46 (Turkey), 104.48 (Australia), 104.49 (Denmark), 104.50 (Ireland), 104.51 (Lithuania), 104.53 (Croatia), 104.54 (United States of America), 104.56 (Lithuania); 104.57 (Slovenia); 104.58 (United Kingdom); 104.59 (Belgium), 104.68 (Qatar) and 104.38 (Argentina);

⁴⁷ Annual Data Report, Albanian National Child Helpline, <http://www.alo116.al/sites/default/files/uploade/raport-te-dhenat-e-telefonatave-dhe-rasteve-te-alo-116-per-vitin-2016.pdf>

⁴⁸ Comparative Study on Violence against Children at schools, Children Today, Tirana 2016. The report can be read in the following link: http://www.femijetsot.org/publikime/Studim_Krahasues_per_Dhunen_ndaj_femijeve_ne_shkolla_COMBI_Qendra_Femijet_Sot.pdf

⁴⁹ Discrimination of LGBTI adolescents in the Albanian public pre-university education, PINK Embassy, Tirana 2015. The report can be accessed in the Albanian version in the following link: <http://www.pinkembassy.al/studimi-i-ambasades-pink-adoleshentet-lgbt-viktima-te-dhunes-bashkemoshatarebulizmit>

⁵⁰ Cenko E., Hazizaj A., Haxhiymeri E., Çoku B., Violence against Children in Albania-Balkan. Epidemiologic Study on Child Abuse and Neglect, CRCA Albania, Tirana 2013.

⁵¹ Hazizaj, A., et al, Case-based surveillance study on violence against children in Albania, CRCA Albania, Tirana 2013. The full research can be accessed in the following address: <http://www.crca.al/en/albania-case-based-surveillance-study-violence-against-children>

⁵² idem

⁵³ Violence against Children in Albania-Balkan. Epidemiologic Study on Child Abuse and Neglect, CRCA Albania, Tirana 2013.

⁵⁴ A Review of Sexual Crimes against Children in Albania, CRCA Albania 2016.

forces have very few mechanisms in place to help them prevent the impact that the crime has. In many occasions the police and justice system are not able to exercise the power that law gives in their hands to protect the citizens, especially those that are the most vulnerable ones. Corruption and bribery are a constant threat to police force efforts to fight crime across the country⁵⁵.

3.4 Child Safety online

In 2016, CRCA Albania in cooperation with the Ministry of Interior, Ministry of Education and the Ministry of Social Welfare, established a national platform for children and young people to report online inappropriate and illegal content or ask for protection. Since the establishment of www.ISIGURT.AL more than 200 cases of abuse and exploitation of children have been reported to the National Police Authority and child protection system in Albania. Yet, the Albanian Parliament so far has failed to enact new amendments to the Criminal Code to address shortcomings and introduce new criminal offences related to crimes committed against children online. A report on child safety online of 2013 stated that 44 percent of children access adult pornography daily, while 47 percent of them have been contacted by an unknown person while online⁵⁶.

3.5 Child trafficking and commercial sexual exploitation of children⁵⁷

Although there is a significant lack of data on child trafficking, reports from EU countries estimate that over 5000 children from Albania are unaccompanied or victims of trafficking and smuggling⁵⁸. UK law enforcement agencies declared that last year over 600 people from Albania are victims of trafficking to this country, most of them children and women⁵⁹. ECPAT Albania during the last three consecutive years raised the concern that child traffickers are finding their victims online by using social networks⁶⁰. The latest US State Department report of 2018 highlighted that "The Government reported fewer prosecutions and convictions, and authorities continued to investigate and prosecute some traffickers for the lesser crime of exploitation of prostitution. The government delayed funding to NGO-run shelters and did not consistently apply victim-centred investigations and prosecutions. Albanian women and children are subject to sex trafficking and forced labour within the country, especially during tourist season⁶¹.

3.6 Access to justice and the administration of juvenile justice⁶²

Referring to official data, about 1/3 of all criminal offenses in Albania are committed by children and young people. Girls children in conflict with the law continue to be kept in the same premises as women. Child and youth criminality represent a serious threat to the rights of children. Children face lengthy court proceedings and are treated the same as adults. There are no specialized institutions, programs and services for children and youth in conflict with the law. Many laws for children continue to remain unemployed and structures at

⁵⁵ idem

⁵⁶ Child online safety in Albania, World Vision, Tirana 2013. The report can be accessed in the following link: <https://www.wvi.org/sites/default/files/Internet%20Safety%20OK.pdf>

⁵⁷ Following up recommendations of 104.60 (Philippines); 104.61 (Poland); 104.62 (Egypt); 104.63 (Croatia); 104.64. (Thailand); 104.65 (Portugal); 104.66 (United States of America); 104. (Mexico); 104.68 (Qatar); 104.69 (Malaysia);

⁵⁸ 'Kids as Commodities? Child Trafficking and What to do about it' International Federation Terre des Hommes, May 2004

⁵⁹ 2017 UK Annual Report on Modern Slavery October 2017 2015 Report of the Inter-Department. Full report can be found in this link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652366/2017_uk_annual_report_on_modern_slavery.pdf

⁶⁰ ECPAT Albania public statement on the international day against child trafficking, July 2018.

⁶¹ Trafficking in Persons 2018 Report, USA Department of State <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282597.htm>

⁶² Based on the recommendations 104.76 (Republic of Moldova); 104.77 (Saudi Arabia); 104.78 (Austria); 104.79 (Indonesia); 104. (Belgium);

all levels are unprepared to protect children! The courts, the prosecution and the state police have no environment that fits the international standards on the rights of the child⁶³. A new juvenile code was approved in 2017 and a new law on Legal Aid in 2018. Yet both laws remain largely not implemented due to the lack of bylaws and structures responsible for juvenile justice and legal aid.

3.7 Child Protection system⁶⁴

Child protection is relatively new for Albania. The design of the system is still fragmented and issue-based. Albania has made efforts in recent years to establish the child protection system. The remaining challenges are the lack of child protection workers in local municipalities, low capacity of local government units to organize and provide services and the lack of state support to municipalities, both in case management and service provision⁶⁵. As the child protection system is not considered a substantive part of the administration of social services, roles and functions among agencies dealing with child protection and welfare often overlap. A National Agency for Child Protection has also been established to collect data across CPU's and provide sections against those perpetrators of the law⁶⁶.

Despite the approval of an ambitious National Strategy and of the Action Plan for Children in 2017 the national budget for children did not increase. Currently there is no funding available either for the implementation of the child protection policy or for the support of the child protection system in Albania. The Government has failed to provide financial and technical support to the child protection NGO's to deliver services for children victims of violence and exploitation⁶⁷.

⁶³ TRANSMONEE country analytical report "Children's Access to Justice in Albania". The full version of the report can be accessed in the following link: https://www.unicef.org/albania/2018_ALB_Access2Justice_CAR.pdf

⁶⁴ Based on recommendation 104.25 (China)

⁶⁵ Ms Anniki Lai, Future of Integrated Child Protection System in Albania, Ministry of Social Welfare and Youth, State Agency for Protection of Children Rights, Tirana 2015.

⁶⁶ Hazizaj, A., et al, Case-based surveillance study on violence against children in Albania, CRCA Albania, Tirana 2013.

⁶⁷ Albania: Alternative Report on the implementation of the UN Convention on the Rights of the Child, CRCA 2018.

4. Situation of Youth in Albania⁶⁸

4.1 Youth population

The population of youth in Albania is pursuing an ever-decreasing trajectory. In 2018, fewer than 700,000 young people under the age of 29 lived in Albania⁶⁹. When we compare the population data of 2014 with that of 2018, we see that the youth population has decreased by over 35,000 persons, which shows the overall downtrend in the birth rate and an increasing older population in Albania. The overall number of girls, because of selective abortions, continues to have a marked difference with the overall number of boys. In 2018 the difference among both groups aged 15-29 is 13,108 persons in favour of boys.

4.8 Youth poverty

Albania does not have a study on the poverty of young people, so it is difficult to make an analysis of the facts and the actual data. Nearly 14 percent of the population continues to live in absolute poverty, while almost 47 percent of the population lives in relative poverty compared to 22 percent in the countries of the region⁷⁰.

4.9 Youth Education⁷¹

Family in Albania generally appreciates education and invests a lot for child education, but girls often have fewer opportunities to attend secondary and tertiary education compared to boys. There is a general tendency that the lowering in the number of childbirths has resulted in an overall decrease in the number of students attending secondary and tertiary education.

4.10 Youth unemployment⁷²

Unemployment remains one of the major concerns for young people in Albania. Youth unemployment affects boys more than girls. Although Albania has been implementing a national program employment and vocational training, boys remain less employed than girls. In 2014 almost, 36 percent of all young men aged 15-29 were unemployed, compared to 27 percent of girls. According to INSTAT data in 2017, almost 26% of young people able to join the labour market.

4.11 Youth Migration⁷³

Migration and the desire of young people to leave Albania for a better life is another major challenge for the country and society. In 2015, INSTAT and World Vision reported that over 70 percent of young people wanted to leave Albania for a better life in another country mainly due to the economic conditions.

⁶⁸ Based on recommendation 104.23: (Viet Nam)

⁶⁹ Population data, INSTAT 2018.

⁷⁰ Albania: Country overview, World Bank Group.

⁷¹ Education data in Albania, INSTAT 2018.

⁷² Employment data, INSTAT 2018.

⁷³ Migration data, INSTAT 2018.

4.12 Youth Crime

According to the Ministry of Justice and INSTAT, during the last four years almost half of the sentenced inmates for crimes in Albania were young people between 14-30 years old. Data for 2017 shows that there is an increase in youth criminality in the country and, consequently, of new convicts. From 2016 to 2017, the number of youth convictions increased by 259, a worrying increase, probably due to the lack of programs and rehabilitation centres for young people who commit criminal offenses in Albania⁷⁴.

4.13 Youth Participation

Young people's participation in politics and decision-making processes remains very low⁷⁵. Based on the CRCA and ANYN Report, about 73% of young people in Albania said that the Government's did not support their participation and representation in decision-making processes at national and local structures⁷⁶. Referring to the report "young people are being used only as a political background, while there is no effective participation in policy-making and decision-making at all levels, while there is a significant lack of support from the Government".

5. List of Recommendations

5.1 Recommendations for the improvement of children rights

- Policies and practices at central and local level should ensure that every child is protected in the family, school and community;
- Community services should be fully funded from the Government. Social services should be harmonized, supportive and support the integration of children and their families;
- Albania should take all the possible measures to support and strengthen the family;
- Children's rights should be respected in every childcare institution and we seek to have more effectiveness from the municipalities in identifying foster families.
- Every child should have universal health and social care provided free of charge;
- Albania should report annually on the health situation of children up to 18 years old;
- Albania should establish a national programme to support children living in poverty, though a national program for child nutrition in creches, kindergartens and schools;
- The Ministry of Justice should support already established Legal Aid Offices of civil society organisations, providing free protection services for children in Albania;
- Albania should apply new models of restorative justice and diversion measures in the spirit of the new Juvenile Justice Code;

⁷⁴ Statistical Year Book, Ministry of Justice 2017.

⁷⁵ Berisha F., Hazizaj A., Shtraza I., Youth participation in politics, and decision-making in Albania, CRCA Albania, 2015.

⁷⁶ Hazizaj A., Pulaha K., Youth in Albania 2017, A report on the implementation of the national youth policy, CRCA / ANYN, Tirana 2018.

5.2 Recommendations for youth rights

- Albania should increase the participation and representation of young people at all levels of decision-making. In this regard, sanctioning in the Electoral Code and the youth law of a minimum quota of 10% for youth may be a positive incentive for young people political participation;
- Albanian Parliament should encourage the Ministry of Economy and Finance and municipalities to increase the number of young people employed nationwide, through the development and implementation of various programs to promote employment.
- Albanian Parliament should promote and encourage cooperation between the Ministry of Education, Sport and Youth, and the Ministry of Economy and Finance, to support loans from Banks for the creation of youth business incubators and employment sub-programs that promote self-employment for boys and establishment of youth led businesses.
- The Parliament should prioritize the establishment of the Parliamentary Subcommittee on Youth within the Parliament. The Parliament should continue to take measures and increase the accountability of the Government regarding the fact that three years after its approval, the National Youth Action Plan remains to be implemented in its entirety.