

ALBANIA

ALTERNATIVE REPORT:

TO THE CONVENTION ON THE RIGHTS OF THE CHILD

Fifth and Sixth Periodic Reports of Albania



July 2022



Statement of Interest

This Report is submitted as a written contribution to the Fifth and Sixth Periodic Reports of Albania to the Convention on the Rights of the Child, and its two optional protocols: Optional Protocol on involvement of children in armed conflicts and Optional Protocol on Sale of Children, Child Prostitution and Child Pornography. It provides information on the rights of the child, with particular focus on the right to education, protection from violence, online safety, social protection, health, exploitation for labour and access to justice.

The report includes the contribution of children, young people and adults. A group of more than 200 children and young people worked to draft their Report “Children for Children’s Rights” before Covid. After the pandemic another team of children worked to consult this report to further amplify the findings of the children’s report. All their findings and concerns have been included in this report, including secondary data of the following organisations: CRCA/ECPAT Albania, ALO 116111, Albanian Coalition for Education, and Barnahus Albania, that also drafted this submission. Data and reports from the Government, CSO’s and international agencies reports on Albania were also used.

Child Rights Centre Albania (CRCA/ECPAT Albania) is the oldest children and youth rights organisation in Albania, established in March 1997. In 25 years, it has strived to protect and advance the rights of children and youth in Albania, Western Balkans, and Europe. CRCA/ECPAT Albania works to promote the respect of children and youth rights, to protect them from online and offline violence and exploitation, to increase child and youth participation at national and local level, through advocacy, legal and policy improvement, capacity building, information, research, and the establishment of effective child and youth services.

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1. GENERAL MEASURES OF IMPLEMENTATION

Albania has strived to advance human rights for children and young people. Yet, despite many advancements, widespread corruption, political instability, organized crime, weak public institutions and child protection system, and lack of public investment, seriously hinders the efforts to protect and advance the rights of the child.

Children and young people make up to 41% of the population¹ (up to 29 years old). With a lower child-birth rate Albania is becoming one of the countries with the oldest population in Europe. The median age increased from 27 to 37² for the last twenty years. At the time of the submission of this Report, almost 40% of the Albanian population lived abroad³.

Between 2010 and 2021, more than 60,000 Albanian children registered as first-time asylum seekers in a country of the European Union. According to data collected from Eurostat, over 82 percent of asylum-seeking children from Albania are under the age of 14. At least 45 percent of them were girls while 55 percent were boys. There is no information on their situation, while the Albanian Government neither acknowledged nor took any measures to address the issue of child migrants⁴.

Since 2014, Albania is an official candidate state for accession to the European Union. The positive response to Albania's candidacy for EU membership has led the country to the preparation of national and sectorial strategies as well as national legislation to fully align the Albanian legislation to the *EU acquis*. Albania ratified the UN CRC in February 1992 and since then the Government has been committed to safeguard the rights of the child, their highest interest and to make sure that the provisions and the principles of the Convention are fully reflected in its domestic laws and that their legal effects be ensured at national level. In 2010, Albania approved a law for child rights and their protection. In 2017, because of lack of implementation, the law was annulled and a new one was put in place with a better mechanism for child protection.

With at least 40 percent of the population living in poverty, lack of national programmes to alleviate poverty and the lack of social services has hit hard especially children and young people....⁵ Child and youth poverty are reinforced by high unemployment, lack of opportunities and migration. Albania continues to be one of the poorest countries in Europe. Disparity between those that have and those that don't, is being reinforced by the lack of programmes from the side of the Government to support the poor, especially after the major earthquake of November 2019 and then Covid 19. Most of the tax incentives, because of the Government corruption and clientelism favour rich companies and businesspeople. Although Covid caused wide-spread poverty among the most deprived the Government did not provide any support to individuals living in extreme poverty. The so-called "programme against the war on covid" provided support only to businesses.

Violence against children is widespread even though legislation and policies prohibit corporal punishment. At least 1 in 2 children reports physical violence from the family or at school from teachers⁶, 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. The reports of sexual violence against children increased exponentially especially after Covid lockdowns.

Studies show that at least 1 in 10 children is a victim of online and offline sexual violence. Yet the Government, at local or national level, doesn't provide any services to children and young people who have survived sexual abuse and exploitation. Any services provided to the survivors is provided and funded by CSOs, while the authorities lack understanding and know-how of the magnitude of the problem and the services needed to support the survivors. Although the local government is legally required to fund social services delivery for children, none have done so far. Victims of sexual violence and exploitation for prostitution, trafficking etc, continue to suffer because of lack of freely available public services in their support⁸. Reports on violence against children show that only a very small fraction of cases of violence against children are reported.

Children in residential institutions complain of a high incidence of physical and emotional abuse⁹. 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 are¹⁰ serious allegations of physical, psychological and sexual violence against children."¹¹ The Government with the support of UNICEF approved a national plan aiming to close all the residential care institutions and put the children in foster care. Yet the lack of well-established foster care services has led to the failure of the plan. So far,

¹ Albanian Population data from 2018, INSTAT (<http://www.instat.gov.al/en/themes/demography-and-social-indicators/population/>)

² Population ageing in Albania, INSTAT 2015.

³ Albania: Mainstreaming, acceleration, and policy support for achieving SDGs, World Bank Group, Tirana 2018.

⁴ CRCA/ECPAT Albania data collection on Albanian children first time asylum-seekers in a country of the European Union, <https://www.crca.al/en/barnhaus-free-legal-aid-vepro-per-femijet-news-press-release-justice-juveniles-child-protection>

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

⁹ Special Report of the Ombudsman Office on the situation of children in residential care in Albania Tirana 2017.

¹⁰ Editor's note.

¹¹ 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>

no child has been put under care in a foster family. Lack of financial incentives and supervision of hosts has raised a lot of questions about the seriousness of the plan.

Roma, Egyptian, disabled and LGBTI children are often victims of discrimination, bullying and discrimination at schools 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 physical access in schools or availability of teachers¹². At least 30 percent of Roma children across Albania do not attend school because of poverty within the family, lack of support from the government and open discrimination in schools¹³. A UNICEF programme aiming to support Roma children integration into kindergartens, after successfully integrating some 1000 Roma children in kindergartens and schools was closed for no obvious reason. Almost all the children that benefited from the programme went back to begging.

Albania's national budget does not contain any budgetary provisions for children; thus it is almost impossible to measure how much the country spends on children. The Government has resisted the pressure from CSO's to publish analytical reports on how much the country spends on children and young people. Education is one of the main sufferers of this policy. The annual budget for education has decreased every year. Although the Government promised in 2013 to raise the budget of education to 5 percent of the GDP, in reality it went from 3.2 in 2014 to 2.9 percent in 2021. Although the Ministry of Education is obliged to calculate the education budget per child formula, it has never implemented it. This means that there are no programmes in place to support children living in poverty. Schools in Albania do not provide food to children who live in extreme poverty, making school attendance for them almost impossible, because of a lack of clothes, schoolbooks, and food.

Albania approved CRC in 1992. However, only 25 years later (in 2017) the state party approved the Law on the Rights and Protection of Children that established a functioning child protection system. The same amount of time was needed to bring the laws in line with CRC when it comes to juvenile justice. Such a slowness has largely contributed to extreme violations of the rights of the child, which continue at the time of the submission of this Alternative Report.

Although the knowledge of CRC is positive among the professionals, the Government hasn't funded any initiatives to strengthen and improve the capacities of the child protection professionals on the rights of the child, making it almost impossible the implementation of CRC in Albania. Only when the country changes its attitude and actions towards children, then we can expect a major improvement of the overall situation of the rights of the child. Today only the children that have can enjoy fully their rights, while those who don't suffer every day to enjoy their most basic rights to survival and development.

From the previous country report to this one, the state-party took no measures to increase the knowledge neither on the CRC nor on the Committee's recommendations. In none of the policies or action plans approved by the state party did the Committee's recommendations get used to influence changes in policies, legislation, programmes, or current practices. Most, if not all, changes took place because of the pressure and advocacy from local CSO's in Albania. Even the preparation of the current state report was fully funded and supported by UNICEF office in Albania, while no support was provided to the civil society to draft the Alternative Report.

2. DEFINITION OF THE CHILD

Although the Law on the Rights of the Child¹⁴ brought the definition of the child in line with the Convention on the Rights of the Child (CRC), still many laws continue to use other definitions. For example, the new Juvenile Justice Code in article 3, para 3 and 4, uses the term "minor" with the explanation that "minor is considered a person under 18 years of age"¹⁵. Meanwhile the Criminal Code of Albania defines the minor as the person above 14 and below 18, while the child is a person below 14 years of age. Lack of a unified definition in different laws creates confusion among professionals and can contribute to lack of respect of the rights of the child.

3. GENERAL PRINCIPLES

A. Non-discrimination

Albania has made progress when it comes to developing new policies and legislation for protection from discrimination. In 2010, the state party approved a progressive law for protection from discrimination¹⁶. The law protects

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 Law No. 18/2017 "For the Rights and Protection of Children in Albania", article 3, para.4, defines the child as a person under 18 years old. The law can be read in the following link: <http://femijet.gov.al/wp-content/uploads/2017/06/Law-No-18-2017-On-the-rights-and-protection-of-the-child.pdf>

¹⁵ Juvenile Justice Code of Albania, Law No. 37/2017, can be read in English in the following link: <https://www.euralius.eu/index.php/en/library/albanian-legislation/category/109-criminal-code-for-children>

¹⁶ Law no. 10221, dated 04.02.2010, "On Protection from Discrimination, Official Gazette No. 15, 25 February 2010, published in Official Publication Center, link: <https://www.kmd.al/wp-content/uploads/2021/04/Law-on-Protection-from-Discrimination-Albania-2020.pdf>

anyone from open discrimination, including children. Since the approval of the law, the principal of non-discrimination and protection from it have become major principals in many other laws and policies. Yet, children continue to suffer from open discrimination in their right to education, access to services and equal opportunities. Roma, gypsy, disabled and LGBTI children and young people are often the victims of bullying, violence and discrimination. The Government has taken steps to address these shortcomings in several policies, but so far has been unsuccessful. Roma children continue to lack access to early childhood care and education, while many schools don't provide the most basic conditions for disabled children to access schools. The inclusion of secondary teachers in classrooms where there are four or more disabled children has been considered a positive step towards inclusion, however children lack access to education materials. When it comes to LGBTI children and youth, the Albanian education system is uninformed and unprepared to guarantee and protect their rights. A survey among teachers on this issue found that almost 70 percent of teachers would not take any measures to protect LGBTI adolescents from bullying and violence¹⁷.

B. Best interest of the child

Although the best interest of the child has been enshrined in the Albanian legislation (Law on the Rights of the Child, Juvenile Justice Code etc) in practice neither the law enforcement or justice system nor child protection system are fully implementing the legal requirements. Children who are victims of crimes, especially of sexual violence and exploitation, do not receive any support or compensation from the Government and almost in all cases their families need to cover the costs to access social and legal services. The Law on Social Services doesn't define the obligation of the Government to provide free access to social services to children who are victims of crimes. Law on Free Legal Aid although provides for free primary and secondary free legal aid, first because of lack of bylaws and later political will, it hasn't been fully implemented, leaving thousands of children without access to justice. In 2020, the Ministry of Justice authorised a list of 12 NGOs to provide free legal aid to anyone who fulfilled the conditions set by law, including children victims of crimes and juveniles in conflict with the law. The Ministry was required to fund these services on yearly bases, but it never did. The government so far has failed to fund the free legal aid required by children, who in most of the cases is provided by CSO's. If the NGO's failed to provide free legal aid services, no child in Albania would be able to benefit and enjoy his/her right to free legal aid in any legal proceedings, making the principal "the best interest of the child" meaningless¹⁸.

The new Juvenile Justice Code and consequently the justice reform in Albania were supposed to bring an overall change in the approach that both law enforcement and justice systems had on children's victims of crime and those who committed crimes. However, wide-spread corruption within the justice system, lack of training of police, prosecutors, and judges on the new standards of justice for children and young people, it meant that the principle was never even considered. On one occasion, where an 8-year-old girl was a victim of sexual violence from her teacher in a public school in Tepelenë, the Magistrate Court (in Gjirokastër) held 48 sessions before it could give a final verdict. The family of the child complained to all the legal investigation bodies to no avail. Before this, the prosecutor of the same case had asked for the perpetrator to be kept under house arrest. The child and the perpetrator of abuse were situated in front of each other.

In June 2022 the reformed High Council of Justice approved a new map of the reorganisation of courts in Albania. The document is important because it defines access to justice for every individual in Albania. The reform has been strongly criticised from the civil society in Albania, especially because it extremely limits access to justice for children and young people, who will be required to cover all the costs of transport and lodging – if the current proposed reorganisation of courts went ahead. The best interest of the child was not mentioned in the principals that led to the reform.

Finally, media in Albania, also has been contributing to the violation of the best interest of the child. The increase in reported cases of sexual violence against children, has increased the media interest to report on perpetrators. However, lack of standards of reporting and of training of the journalists, has increased harm against the survivors and victims. On several occasions media has published or broadcasted interviews with child victims few days after the abuse happened without respecting the privacy or the welfare of the child. On one occasion, CRCA/ECPAT Albania complained to the National Authority of Audio-Visual Medias, responsible for licensing TV channels in Albania, when a National TV channel called an 8-year-old child-survivor of sexual abuse as the instigator of the sexual relationship. The Authority decided only to order the deleting of the TV report from their Youtube channel and a 200 USD fine. No other measures were taken.

C. The right to life, survival and development

Despite several positive developments, the right to life, survival and development continuously is threatened from poverty and lack of social and financial support from the state-party, at both national and local level. Albania remains one of the poorest countries in Europe. More than 14 percent of the population continues to live in absolute poverty while almost

¹⁷ Hazizaj A., Teachers Attitudes towards LGBTI adolescents in public education, PINK Embassy Albania, 2015. Info sheet of the research can be read at: https://www.ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/Data/PinkEmbassyAlbania_1.pdf

¹⁸ Law Nr. 111 / 2017 on State Guaranteed Free Legal Aid, can be accessed in the following link: <https://www.euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=232&catid=21&m=0>

47 percent of the population lives in relative (average) poverty compared to 22 percent in the countries of the region. Albania never had any programmes for the alleviation of child poverty, either through cash handouts or free food in schools. Children and their families often depend for their survival to the aid given by CSOs or religious organisations, while a properly organised and sustainable state food aid is non-existent. A recent study found that there were between 2-3 thousand children identified as being on the street, exposed to sexual exploitation, prostitution and trafficking.

Poverty in Albania, after the major earthquake of 2019 and Covid, was especially bad amongst children and young people. The disparity between the haves and the have-nots is getting deeper and deeper. The World Bank GINI Index shows that Albania has had a fluctuation of inequality between those who have and those who have not. If in 1996 this inequality was at the level of 27 points, today it is at the level of 29 points. Fiscal policies and free public services that citizens benefit from, including education, play a key role in increasing or decreasing the inequality coefficient.

Albania does not have a database with the registrations of child deaths and their causes. As such the information in this regard is limited. Several minor studies on the child health situation show that children living in extreme poverty, report higher levels of child-related diseases. Only children up to 1 year-old can receive medicines for free. After that the family, even if it is living with cash handouts, is obliged to buy medicines for the child. This is a direct threat to the life, survival, and the development of the child. Although civil society has advocated for free medicines to every child who can't afford them, so far the policy hasn't changed. The same goes for psycho-social and mental health support, which can be accessed only if the family can pay. There are no free psycho-social services that can guarantee child development, while the Government at local and national level has failed to implement any funding instruments to support directly CSO's services.

Based on media reports there are at least 30 to 50 Albanian children who continue to live in prison camps in Syria, where their parents (mostly fathers) fought for ISIS. Only a few children have been able to be brought back. Despite the calls for more information and transparency from the Government so far, the information on the state of the children remains unknown.

D. Respect for the views of the child

Although in overall the respect for the views of the child, especially in the family, has increased over time, because of information and better knowledge of the rights of the child, the Government authorities continue to suppress the right of the child to his/her own views. This is mostly evident in the public education sector, where the oppression against children's views is at dangerous levels. Often children that get to have strong views or express their opinion on the right to education, violence in schools or lack of quality education, is faced with pressure from the teachers, school management, and sometimes even his/her family.

The Law on the Rights of the Child and the Law on Youth in Albania guarantee the rights of children and young people to active participation in schools and local government decision making. Yet the product of these laws is often abused by adults in charge to guarantee the process of child participation. In schools, the School Coordinators decide on what and when children can organise themselves, what activities can they do, while child-led structures are non-functional. While at the level of municipalities Youth Boards are supposed to guarantee that anyone above 15 years of age can participate and share their ideas on how to improve youth work in the territory of the municipality. However, such youth boards are led by the Mayor of the Municipality at local level and the Minister of Education at national level. As both positions are political ones, the selection of the young people as board members is mostly done in political terms from the political party that leads the municipality in order to avoid any voices that may be against the mayor or youth policies in the municipality.

Tirana Municipality has become a prime example of the lack of respect for the views of the child. In 2018, children attending activities organised by the Municipality of Tirana complained to CRCA/ECPAT Albania that one of the staff of the municipality was sexually harassing them. Although the case was reported to the Municipality no measures were taken against the person and neither an internal investigation was conducted. As the media got interested on the news the municipality of Tirana tried to suppress the story threatening the media and the journalists with a cut of funding for paid advertisements. The same mayor on a daily basis publishes images of children and himself taken in public places, to show off his great deeds for the city. The pictures are published in all social networks. Although members of the public and CSO's have complained about lack of respect for children's views and their right to privacy, the mayor has continued to post such images, where children are seen but not heard.

4. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

The state party has taken several measures to improve laws and policies regarding the right to name and nationality. Despite that several issues are still pending. Roma and migrant children continue to face issues of birth registration, often because of

lack of proper birth documentation or because parents have re-married and have continued not to register their children into the civil registration office, as per requirement. On several occasions, children have been left to live with their grandparents, who because of poverty could not register the children. Consequently, children did not have access to vaccination, health services, social services, kindergarten, and formal education. Such practices that deny to children their enjoyment of basic rights should stop. The state party needs to improve its regulations to allow for children to access any services without barriers.

B. Preservation of identity

Roma and transgender children continue to face huge hurdles towards the enjoyment of their preservation of identity. Although the state party has improved its policies to protect Roma and LGBTI children, de facto this has been almost impossible. There are no national or local programmes to support and strengthen the Roma identity as a value to the society. Roma children continue to face open discrimination, prejudices, and social exclusion because of their identity. The situation is far worst for transgender children and young people, who face constant denial of their identity from parents, society, schools, educators, and the child protection system. The education system lacks policies and protocols when it comes to the respect and preservation of identity of transgender children. The professionals working on the system lack training and often don't know how to respond when faced with gender identity issues. Transgender children often report being bullied, being victims of violence and discrimination or put under pressure to act the gender that relates to the sex at birth. Despite all the concerns that have been expressed to the Ministry of Education, so far it has failed to enact regulations and policies on how to protect and preserve gender identity of transgender children.

C. Freedom of expression

The law on the rights of the child guarantees the freedom of expression. However, in reality the freedom of expression is threatened in the family and schools. Children often report being victims of bullying and psychological violence from parents and teachers when they express their views or complain when their rights are violated. Especially in schools, where there are no safe mechanisms in place to report violence, children who complain about teachers find themselves being bullied or threatened that their marks will fall, if they report against teachers. On one occasion, when a child reported the teacher for physical violence, the case was reported to the Educational Authority of Tirana. Within hours of the complaint the teacher was informed unofficially from friends within the authority. The next day the child was brought in front of the classroom by the same teacher to be asked why he had reported the teacher to the Helpline. The child was threatened from the teacher to be expelled. We asked the Education Authority to open an internal investigation, which was refused under the justification that the issue had been resolved.

The Government doesn't have any programmes to support the exercise of the freedom of expression in schools and other public places. As no public institutions are considered safe for children, it's rather impossible to say that the freedom of expression is a guaranteed right to every child. Few national TV channels run programmes for children, but there are major concerns when it comes to the content. Most of them, if not all, put children in the position where they have to act as adults, rather than explore their world, views and needs.

D. Access to appropriate information

As stated above, Albania doesn't have any government supported programmes to promote freedom of expression and access to appropriate information. Few publishers have recently focused on specialising on books and materials for children, while the private sector is totally insensitive to children as public. This means that children have very limited opportunities to receive appropriate information for their life, country development, history etc., that can contribute to their education and development. One major concern as it has been expressed in this report is the use of children by politicians for their political gains. The issue becomes especially sensitive during electoral campaigns, where we see children in almost every picture of politicians, but they are never heard or neither asked to express their views.

Access online for children has increased dramatically compared to the previous reporting period. Almost 82 percent of children have daily access to the internet, mostly via a smartphone, which has increased the risks of children to sexual abuse and exploitation. CRCA/ECPAT Albania established in 2015 a National Hotline for Internet Safety (ISIGURT.AL) to provide information on online protection and access to appropriate information, while report online incidents. The Government does not provide to ISIGURT any support regarding protection of children and young people online, while the legislation remains vague and often supports the perpetrators instead of children victims.

E. Freedom of thought, conscience, and religion

There have been no reports related to any violations to this freedom. The Law against Discrimination provides protection to children to exercise the of thought. Albania has a long tradition of respect of one's religion and that is also reflected to children. Minor incidents have been reported for girls who decide to use the Muslim veil while attending public education.

One issue that have raised more recently, has been the case of children who have been abducted or have travelled with their parents to fight for ISIS in Syria. Most of the children have found themselves in situations where religious extremism has been imposed on them, while their life has been constantly under threat. Only few of these children have returned to Albania. The state party took no measures to prevent any of these children from joining the war because of their parents' thoughts and religion.

F. Freedom of association and of peaceful assembly

The freedom of association and of peaceful assembly is a constitutional right in Albania, yet most of the children don't enjoy it. In 30 years of democracy in Albania there have been only a handful of protests organised by children for children. Lack of freedom and societal prejudices prevent many children to exercise this freedom. In June 2020 children and young people in Tirana held one of the largest protests in front of the Ministry of Education to complain about lack of protection from sexual abuse and exploitation in public schools, following up a highly publicised case of a young girl who was sexually exploited offline and online by the guard of the school for years, while her sexual abuse videos were circulating for at least two years via WhatsApp amongst adults. A few weeks after this another protest took place again in front of the Ministry of Education, where young adolescents protested about their marks in the final exam from high schools. The law requires that children notify the police at least 24 hrs before holding the protest, which is seen as an administrative burden especially to young children, who are not familiar with legal procedures. The law doesn't make any difference between adults and children when it comes to exercising freedom of association and peaceful assembly.

Public schools are required by law to support children to exercise their freedom of organisation. However, lack of personal freedoms combined with fear of peaceful assemblies in schools, has made public schools appear – in the opinion of children– more like prisons than spaces of education and knowledge. Although the Ministry of Education recently has started to use the words “safe schools”, no public school in Albania is safe to children. During the last 4 years there has been an extreme degradation of freedoms for children attending public schools. In 2016, CRCA/ECPAT Albania started together with the Ministry of Education to pilot in Tirana the Youth Parliament, taking place in all high schools of Tirana. After successful piloting, the Ministry decided to take over the running of the Parliaments and from a child-led structure it became a teacher-led one. Further to this, they decided to extend the concept of the Parliament to young children, who instead of being voted to be selected as parliamentarians by other children, now are appointed by teachers, making a farse of child participation.

The law on pre-university education in Albania requires every school to establish in every classroom a Children's Government, where all the children attending school are required to attend to express their views on school matters and their education. In high school such structures are called Senate and young people selected to represent other students are called senators. Since the law was approved in 2013 none of these structures has been functioning. Even in high schools the senators often are picked by the teachers, making the entire process of election, and voting meaningless, while no consideration is given to the rights of children.

G. Protection of privacy

Protection of privacy for children has become a major issue with the increased number of children in internet and social networks. In 2021, CRCA/ECPAT Albania complained publicly to the authorities and the Commissioner for Data Protection that the personal data of at least 600 thousand children were in the hands of a data company which had purchased the data illegally. The file included names, addresses, mobile numbers etc. To this date no response has been given. During the parliamentary elections the media brought to the public attention that the governing party (Socialist Party) owned voters lists with details of the political affiliation of every voter in Albania, their personal details. To every voter the party had assigned a patron – hence the scandal became known as the List of Patronage. The available data could be used against children and parents who don't belong to the governing party. At first the Socialist Party denied the link to the list, but under public pressure they stated that the list was prepared with publicly available data. No action was taken by any institution against the party or those who ordered the preparation of the list. In 2022 personal data of more than a million people were stolen from the National Tax Office and were made public in the media. The details included information on the salaries of children's parents, their mobile numbers etc.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

Although the Albanian Constitution, the Juveniles Code and the Law on the Rights of the Child prohibit children subjected to torture or other cruel, inhuman, or degrading treatment and punishment, the state party has continued to violate this right. Between April-May 2019 several political protests took place in front of the prime-ministers building in the capital. Many of them turned violent. In response to the protest the police went every night after the protest to arrest people, mostly juveniles who had attended the protests with their parents. In one single night at least 150 juveniles and children were arrested by the police in 6 police commissariats, many exposed to inhuman and degrading treatment and punishment. Some of the children were under 14 years old. The children were kept overnight in same premises with adults, while many reported being physically abused by police officers. No one was held responsible for this massive abuse of child rights.

Children in public residential care provided by the Government, have been subjected to cruel, inhuman or degrading treatment and punishment from their educators and so called “mothers”. On several occasions investigative media reports have shown children being exposed to inhuman treatment and punishment. On two occasions, in separate incidents, children complained that they were subjected to sexual abuse while under the care of the state-party. One of the girls, who went to the police to report such degrading treatment, was subjected to rape from the police officer, who was supposed to take her report. He was later arrested, when the case became public, 5 years after the rape had happened¹⁹.

5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Poverty, lack of equal opportunities and employment are some of the major factors that influence parents to meet their obligations towards their children. Single mothers are mostly exposed to the extremities of such negative factors. There are no Governmental programmes to support single parents with childcare when the parents work. Three children were burned to death when their house went in fire, while the mother was working at night-time. None of the local government units that are responsible for providing services to their citizens provides any parental support. With the decentralisation of most of the services to the local government units (Albania has 61 administrative units) early childhood care were one of the services that has suffered most. The internal migration of the population from the rural to urban areas, caused many families and children to be left without access to creches and kindergartens.

Albania during the last 30 years has suffered massive legal and illegal migration, mostly to EU countries. Almost half of the population is living abroad, creating many problems when it comes to the separation of children from their parents. The authorities have been and still are totally unprepared to deal with such an influx of parental separations. The state party lacks an institution to deal with family and parental separations, leaving often to the police to face such social challenges. As there is no procedure for a formal registration of parental separations of children, its impossible to have a clear understanding of the issue. On a recent case that was reported to CRCA/ECPAT Albania, the child was illegally abducted from the father, who at this moment is in prison, while the mother lives in an EU country and has full parental responsibility over her child. Although the mother had asked the Albanian authorities to return the child back to her, no authority took steps to unite the mother and the child.

The Government provides care and protection to most of the children deprived of a family environment. In 2021 the Government approved a national plan for the placement in foster care of all the children who currently are living under public residential care. The plan has been criticised from the civil society because it lacks strong parental supervision of the foster families and financial support to guarantee child welfare. However, 30 years after the collapse of the communist regime, the foster care is still non-existent in Albania. This prevented many children from enjoying a life with a foster family and many children between early 90s till 2010, ended up being exploited in trafficking and prostitution.

In early 2010 and onwards Albania started to initiate few measures that could establish foster care as an alternative to institutionalisation. A decision of the Government paved the way for the system to be established, yet until late 2019, little had been done by the local government units to make fully functional foster care. The current system is based on the decentralization of services, deinstitutionalization of children and establishing of more community services, where a child is being supported and assisted in a family environment. Under the foster care can be placed not only children without parental care but also those children who come from neglected families, or are victims of violence, exploitation within family premises.

Currently in Albania, there are about 250 children in public residential centres, from 0 up to 18 years old, while another 400 children are placed in private residential centres, mostly run from NGOs. An analysis of data on the number of children placed in institutions as well as the dynamics of entering and leaving these institutions, shows that approximately 70% of the children come from poor families or families with social issues, 25% of them are abandoned since birth and 5% of them are accommodated in institutions for other reasons, including the repatriation of trafficked children and child workers.

¹⁹ Exit News: Police Chief Arrested for Raping Woman Who Came to Report Rape, <https://exit.al/en/2020/06/06/fushe-arrez-police-chief-arrested-for-raping-woman-who-came-to-report-rape/>

In 2016, the Albanian government approved the new Law on Social Care Services. Despite numerous improvements to the social care system, consideration was not given to the process of deinstitutionalization and harmonisation of legislation with the Guidelines for the Alternative Care of Children. In addition, the Albanian Family Code needs to be improved so that it reflects the recent law developments and respects international standards on children rights.

The law on Children Rights and Protection approved in 2017 and followed by its bylaws in early 2019 have set new measures for ensuring that children from the most marginalized families can be raised with their biological parents, but despite this, the financial allocation that these families receive monthly (9000 Leks / approx. 75 US\$) is insufficient to fulfil their needs. The financial allocation has not been combined with other social services appropriate for childcare and support. Alternative care is less expensive than residential care (the cost of one child under 3 years old in the institution is 73,000 Leke, about 700 US\$) thus constituting another compelling argument for promoting such services.

In 2018, the Ministry of Health and Social Protection undertook the one-year initiative “Children First,” which aimed at drafting a need assessment report of the biological families in order to mediate for employment, social housing etc, so that children without parental care turn back in their families. To date, there is not a public report on the achievements of this initiative. Based on other counties’ experiences, Albania in addition to care services provided in public and private residential institutions, in 2018 approved a new bylaw that regulates foster care services for children in the families of other so-called family careers.

6. BASIC HEALTH AND WELFARE

F. Survival and development

The population of Albania at the beginning of 2022 was 2,793,592 inhabitants. The figure has decreased by 1.3%, compared to January 1, 2021. During 2021, the natural increase of the population (birth-death) was -3,296 inhabitants, marking for the first time a negative natural increase. During 2021, 27,284 babies were born, suffering a decrease of 2.8%, compared to the previous year. The sex ratio at birth increased, reaching 107.5 in 2021, from 106.6 in 2020. Albania is facing a serious problem of sex selection at birth, where parents prefer boys compare to girls, because of traditional values. Despite efforts from the authorities the phenomenon still goes on.

The largest threat to children’s health is poverty. As it has been already explained in this report poverty affects up to 40 percent of children. Poverty influences their health, education and life outcomes. Investing for the elimination of poverty is a shared responsibility between central and local government, but as it has been explained, the state party doesn’t have any programmes for the elimination of poverty, despite having the financial capacity to do so.

At the time of writing this report, Albania supported between 60-80 thousand families with cash handouts. The amount that each family receives is between 40 to 110 USD, which in the opinion of every expert, is not sufficient to keep hunger at bay. The People’s Advocate study on minimum living costs, found that a family would need at least 220 USD to cover the basic need for food and living costs. The Government has never published what would be considered the minimum living costs thus depriving many children and young people from access to food, better education and opportunities.

G. Disabled children

The situation of disabled children has improved considerably, especially at societal level. Yet many prejudices are still present and prevent children from succeeding in their life. The Government provides support in the form of cash handouts to families of children living with a disability, which is around 90 USD. As in children who live in poverty, such an amount is impossible to cover the basic needs of the child. All the therapies are costly and can be accessed only in the privately run centres, which are very expensive. The range of services provided to children with disability for free is almost non-existent. Few municipalities have started to establish service centres, but such centres can reach out a very small number of children. There should be at least 18 thousand children that need support and care because of their disability, while in overall the public services can cover the needs of no more than 4000 children and young people. A survey from the Albanian Coalition for Education into the number of disabled children attending mandatory education found that almost 78 percent of disabled children don’t go to school. There are various reasons to why this happens, starting from lack of ramps in schools, to prejudice, discrimination, violence and prejudices against children from their peers and teachers.

The situation is the same in public schools, which are attended by at least 80 percent of all the children in Albania. In 2014 thanks to the pressure from the Albanian Coalition for Education, the Ministry of Education agreed to provide a supporting educator to every classroom that had at least four children living with disability. The number of educators from 60 originally has increased to at least 200 from year to year, making this a very successful initiative. However, lack of training of both the main teacher and of the support educator (who is supposed also to be a trained teacher or social worker) has hindered the rights of children with disability, by making the presence of the secondary support teacher at times

confusing or on many occasions difficult. Parents have often complained that the main teacher in a classroom many times would ask the support teacher to take away the disabled children to teach them separately, which is against the agreed methodology that all children in the classroom receive the same lesson from the same teacher and then the support teacher would further work with them to explain questions the children may have etc.

Children with disabilities find it difficult to attend compulsory education. Based on INSTAT and Ministry of Education, Sports and Youth statistical data about 43% of disabled children do not attend education. According to the data of the Disability Rights Protection (MEDPAK) and the Albanian Disability Rights Foundation, both organisations specialised on supporting disability rights, only 35% of schools are physically accessible to disabled children.

Parents' associations despite the excellent work they do to support the rights of the children and of parents, receive very little financial and technical support from the Government. Despite the positive words from the authorities towards NGOs, the government doesn't provide any financial and technical support to strengthen their voice and services for children. They are seen as partners, only when the money and financing are not in discussion.

H. Health and health services

The Last few years have seen a considerable increase in investments in the healthcare sector. However, this hasn't been translated in better health outcomes for children. The health care system in Albania is based on the compulsory health insurance scheme and aims to provide comprehensive and universal health care for the population. The financing of the health system comes mainly from the payment of health insurance contributions paid by employees as a percentage of their salary and also an employer contribution, which together are channelled through the Compulsory Health Insurance Fund (FSDKSH)²⁰ and the rest from the national budget to cover the financing of the health care system.²¹

The Ministry of Health and Social Protection (MOHSP) is responsible for drafting and implementing health policies in the country, in drafting legislation in the field of health protection of the population and in implementing the budget in the field of health. Until 2017 (including that), this Ministry did not have "social protection" in its composition, but from the inter-ministerial restructuring of 2017, the "Social Care" program was added to the Ministry of Health and consequently had an increase of funds allocated from the state budget to this ministry, which is reflected in the budget of 2019 and onwards. However, Albania spends only up to 2.2 percent of its GDP for public health.

Only children up to one year old receive medical care and medicines for free of charge. Vaccination is free for everyone, provided there are vaccines. Once children get older the families shall cover all their medical expenses. The reorganisation of the health care system means that to access your family doctor and ask for further medical checks would cost to a family at least 10 USD. This is only the initial cost without the medicines. Any extra medical checks in specialised doctors would cost another 15 or more USD to a family and this is in public hospitals. To a poor family such expenses are beyond reach, which means that children cannot get access to health care unless it is an urgent case. As for the medicines, the Government provides the list of medicines that are subsidies, but they don't come for free. The state party does not have any programme for free medical care and medicines to children below 18 years of age, leaving without medical care and in danger of life at least 40 percent of children that live in poverty in Albania. Although there have been many calls to make such services free of charge to every child the Government of Albania has refused to.

I. Social security and child-care services and facilities

The law on social services in Albania of 2017, created the opportunities for the introduction of professional social services across Albania. However, lack of political will from the state party, at central and political level, has left mostly children and women with very few available services. At least 80 percent of the social services in Albania are provided by the NGO sector and almost all of them are paid from the international donors. The Social spending of the state-party for social services directly to children is almost non-existent. The reform of social services in Albania that started in 2004 it requires the municipalities (administrative units) to provide social services that citizens need in their territory. The administrative reform of 2014 reduced the number of municipalities from 384 to 61. The newly established municipalities were expected to run better services by expanding local taxation and other benefits that municipalities get from issuing licences, tariffs and income on housing and buildings. However, at the time of the submission of this report, not a single municipality was able to cover the costs to run social services in support of children. Although the Law on the Rights of the Child assigns the responsibility for covering all the costs of social services to children, not a single municipality in Albania has ever done so. First, the municipalities rarely have inclusive social services for their citizens. Therefore, the law provisions the purchase of

²⁰DIFKSH operates on the basis of Law no. 10 383/2011, "On Compulsory Health Care Insurance in the Republic of Albania", amended by Law no. 126/2013, 184/2013, 141/2014, 145/2015:

https://www.fsdksksh.com.al/images/stories/baza_ligjore/11janar2016/Ligj_nr_10_383_dat_24_2_2011_Pr_sigurimin_e_detyrueshem_t_kujdesit_shndetesor_n_Republikn_Shqipris_i_ndryshuar.pdf

²¹Instruction no. 117/2020, "On the approval of the health and social recovery program": <http://www.sherbimisocial.gov.al/wp-content/uploads/2020/03/udhezim-2020-02-25-117.pdf>

services from CSO's or even the private sector. Due to the extremely low social budgets even the rich municipalities like Tirana for example, they can cover only the minimum costs, usually related to housing.

Social spending in almost every municipality is minimal and most of the time they are paid for by CSO's budgets, while there are few municipalities that cannot afford to establish services because they have very small budgets. Despite the support from the central government most of the statutory social services are inexistent in all 61 municipalities in Albania. Often mayors prefer to spend their municipal budgets on large projects where the impact in the public perception is larger, compared to investing to the poor and needy, where there is no return of funds.

The situation was made worst by the decision of the Government to join two large portfolios health and social care in one single ministry. The consequence of this union has been a reduced staff and funding for social care and an increase in the health budget. Unless there is a serious social services reform, Albania will continue not to be able to meet its obligations towards children.

J. Living, Standard

Reports estimates that 20% of children in Albania live in absolute poverty; 49% of families with more than 4 children are poor and 22% of children 0-4 years old live in poverty. 17.4% of children in Albania live in households with income less than 120 USD / month, while still 2% of children live in families with zero income²². The World Bank in its latest review on Albania estimated that at least 1.6 million people will live in poverty because of Covid, including 277,000 children. That would mean that at least 1 in 3 children will live in poverty. Albania's economy will contract to 8,4 percent of its GDP²³, making the country the fifth most affected country in Europe and Central Asia, where 41.5% of the population will live with less than 5.5 USD a day.

7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

The right of the child to education has been one of the most negatively affected during the reporting period. Despite some advancements during 2013-2018, first Covid and later violence in schools have had tremendous impact on the quality of education. Public education is the only sector where on daily bases there are serious allegations of violations of the rights of the child.

There are 278,138 children that attend compulsory education in Albania that is made up of 9 years of schooling and 1 preparatory year. At least 103 thousand attend high schools (gymnasium and professional vocational schools) that continues for 3 years, while 72 thousand children attend kindergartens (from 3-5). Creches are not considered a form of early childhood education, thus the ministry of education doesn't keep any data related to this. In 2021 the Government approved a new Education Policy in Albania, with a major shift to making schools safe for every child. However, the reality is totally different. As schools lack a model of what could be considered "safe school" and the Ministry of Education so far hasn't provided any guidance in this regard, the term is just being used for publicity. No school in Albania fulfils the criteria to be considered a safe school and safe space. Despite calls for better cooperation between the Ministry of Education and civil society, for the last four years there has been almost no cooperation between CSO's and the Ministry.

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 education in 2022 was planned to be 2.9 %²⁴, from 3.1 percent that was previously. The National Strategy of Pre-University Education sets ambitious national education priorities, but that unfortunately does not concentrate efforts or mobilize resources for the implementation of a national response mechanism for the prevention and reporting violence in the education institutions. Although budget expenditure has risen from year to year, which is an indicator of the economic growth of the country, expenditure for pre-university education despite been declared a national priority, has not benefited from this growth of the country's economy, but on the contrary, the funds have decreased from year-on-year, with a slight increase only in 2018²⁵.

Due to poverty more than 50.000 children who should attend the compulsory education are forced to work²⁶. About 15,000 Albanian children do not attend school²⁷. Official data shows that around 75 percent of families of children receiving cash handouts are not able to fulfil any of the five basic needs of their children, including health care and education. At least 77

²² Child Poverty in Albania, UNICEF: https://www.unicef.org/albania/children_24920.html

²³ World Bank, <http://pubdocs.worldbank.org/en/344691588788182868/Global-Economic-Prosppects-June-2020-Regional-Overview-ECA.pdf>

²⁴ 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/campaigns/financimi_i_arsimit_publick_parauniversitar_ne_shqiperi_2008-2018.pdf

²⁵ Financing Public Pre-university Education in Albania, an analytical report on national expenditure for education, ACE Albania, 2017.

²⁶ National Agency for Child Rights in Albania, Annual Report on the Situation of Children in Albania 2015. Report can be accessed 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>

²⁷ 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

percent of the children in the same families, aged between 16–18 years old do not attend any education. At least 65 percent of the children that miss out education come from families with very low to no income at all²⁸.

When Albania declared the Covid epidemic, the country went in total lockdown for at least a full month. The Government did not make any provisions for children's access to education. Lessons took place mostly using WhatsUp (!) showing total lack of preparedness for online schooling. While children were kept at home, in the following months the Government introduced education via national public broadcaster in a separate channel, while an online platform was introduced without any professional evaluation.

A CRCA/ECPAT investigation found that at least 20 percent of children did not have access to online education, because they either lacked internet access at home or didn't have a tablet / computer or smartphone. Despite all the calls issued to the Government to provide children with free access to internet and computer, no actions were taken. To make the matters worse, the head of the Government was called by the Parliament to report on this issue, when he publicly acknowledged that only a small percentage of children didn't have access to education, when even the most moderate official data showed that at least 20 percent of children didn't have access to education during the lockdowns. The Government never published a report to detail the level of access that children had to education and how the lack of actions of the state-party influenced their education outcomes.

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 classes²⁹. Only 61.4% of Roma children are attending compulsory education or 1 in 4 Roma children is not at school. The data demonstrates that out of 2686 Roma children attending pre-university education in Albania, only 20% of children regularly attend the school while the rest of the children are missing temporary or constantly from school.³⁰

Despite efforts to reform, and improvements 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. All these factors make the right to education for children, one of the most challenged one by the state party and by the parents.

8. SPECIAL PROTECTION MEASURES

A. Refugee children

Albania, as many other countries in Europe, is faced with an increased number of refugee children. Although there is a government authority responsible for the management of all the issues related to refugees, apart from the Border Police, there is constant lack of information on refugee children. The Government reported that during the previous year there were at least 200 children and young people that crossed the border mainly from Greece to Albania. Most of the children come from Syria, Iraq and Afghanistan. Only a handful number of children have benefited the asylum. There is no information on what has happened to the other children. From several interviews conducted with child protection units in border areas, it seems that the authorities almost never offered to the children the information on how to apply for the asylum, under the pretences that they have been expelled from Albania and their final aim is to get to a western European country. Children seem also not to have benefited from access to justice system in Albania or protection from the child protection system.

Although the Law on Asylum and the Law on the Rights of the Child guarantee equal rights to refugee children, in practise this doesn't happen. The Government has reported that a well-functioning Accommodation Centre has been established since few years near the main international airport in Tirana. Despite several requests from various organisations to access the premises, no permission has been given. In our understanding children are not kept in this premise, even if government officials state that they do. It is unclear also who are the people that work in this or other similar centres and if any incidents or reports of violence or exploitation have been recorded. The refugee children are not informed by the state-party on the child protection services they can access through various child-rights NGO.

Over 60,000 children from Albania sought asylum for the first time in an EU country during the last 10 years (2011-2020) or almost 10 percent of the children population. The findings came from a statistical exercise of CRCA/ECPAT Albania based on Eurostat data on asylum seekers in Europe. There is no information on the living condition and situation

²⁸ UNDP Albania, [https://www.undp.org/content/dam/albania/docs/misc/Albanian%20Version%20-%20GoA-UN%20Programme%20of%20Cooperation%20for%20Sustainable%20Development%202017-2021%20\(Final\).pdf](https://www.undp.org/content/dam/albania/docs/misc/Albanian%20Version%20-%20GoA-UN%20Programme%20of%20Cooperation%20for%20Sustainable%20Development%202017-2021%20(Final).pdf)

²⁹ Census 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

³⁰ 2nd Survey into the Access of Roma Children to Early Childhood Services in Albania, CRCA Albania, Tirana 2016

of these children or their whereabouts. Such a significant number of children-asylum seekers poses a series of economic, social, security and political risks, both in the short-term and long-term development plan of the country. Also it is not known how many of these children have been granted asylum, how many of them have been refused and how many are still waiting for an answer.

According to Eurostat, over 82 percent of asylum-seeking children from Albania are under the age of 14. At least 45 percent of them are girls while 55 percent are boys. All these data make the phenomenon even more disturbing. The largest number of asylum-seeking children was in 2015, with about 18 thousand children, while during 2020 over 1700 children applied for asylum in an EU country. The most preferred place for children to seek asylum is France, followed by Germany and Belgium. Albania ranked 5th place for child asylum seekers, together with countries such as: Afghanistan, Syria, Iraq, and Russia.

B. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration

Albania is a NATO country, and it prohibits the use of children in armed conflicts. The Law on the National Army it states that only a person who is 19 years or older can join the army. Yet the wars in Iraq and Syria have increased the religious violent extremism and this had its impact in Albania. The last census of 2011 found that almost half of the Albanian population are affiliated with Islam. Although the country does not have any history of religious extremism, at least 144 Albanian citizens are believed to have joined ISIS war in Syria and Iraq, some are still living in camps or war areas in both countries³¹. An analysis of the media reports from CRCA/ECPAT Albania found that there are at least 50 children taking part in the armed conflicts of both countries, because of the participation at the conflict of their parents. Although the authorities in Albania have promised safe return of the children from the armed conflicts, still only few of them are currently back in the country.

C. Children deprived of their liberty, including any form of detention, imprisonment, or placement in custodial settings

Referring to official data, about 1/3 of all criminal offences in Albania are committed by children and young people. Child and youth criminality represent a serious threat to the rights of children. Children continue to face lengthy court proceedings and despite that since 2017 there is a Juvenile Justice Code in place, children are often treated like adults. The Government took steps to overhaul the juvenile justice system, which is seen as a positive step to fulfil Albania's commitments to respect the rights of the juveniles in conflict with the law.

A National Juvenile Justice Action Plan (2018-2021) was the first ever policy document in this regard. However, despite many efforts made from the Ministry of Justice, some of the most important actions did not take place or were implemented very late and did not bring the expected change. Albania does not have an early prevention programme for children and juveniles with anti-social behaviour. This means that either child protection system not the law enforcement has the duty to work together to prevent children and young people from entering crime.

Despite some limited investments to improve the conditions in Police stations, including the interviewing rooms etc, the Police force has not fully embraced these developments and try to improve their approach towards the juveniles. The courts, the prosecution and the state police have no environment that fits the international standards on the rights of the child³². Training of police, child protection officers, prosecutors and judges remains limited to the new standards set by the Juvenile Justice Code.

D. Economic exploitation, including child labour

Although Albania has made progress towards child protection from economic exploitation, poverty continues to expose children and young people to mostly domestic labour, servitude and at times exploitation in heavy industries such as mining, farming and building. Official data report that at least 7 percent of children under the age of 18 are used by families and businesses for illegal work, or about 50,000 children. Meanwhile, children in street situation form a subgroup within the children exploited for labour. At least 2,600 children were reported being in street situation, mostly being used for begging.

E. Sexual exploitation and sexual abuse

Sexual violence and exploitation of children has become one of the most prominent violations of children's rights in Albania. Almost weekly there are reports of sexual abuse of children online and offline, in the close family circle, at

³¹ The status of violent extremism in Albania 2021, IDM Albania. The publication can be accessed in this link: https://idmalbania.org/wp-content/uploads/2021/11/Violent-Extremism_EN-2021-online.pdf

³² 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

schools and in the community. The largest ever study (BECAN was conducted in 9 Western Balkan countries) carried out in Albania by CRCA/ECPAT Albania, found that 1 in 10 children was a victim of child sexual abuse. Criminal Code of Albania protects children only if they are victims of rape or sexual harassment, but not other sexual acts. Since 2015, CRCA/ECPAT Albania has advocated to change the criminal legislation to better protect children from sexual exploitation and abuse, but the Parliament has refused to update the criminal law and bring it in line with the international standards.

In 2020, Barnahus Albania, published their first analytical report on how the child protection system responds to the cases of online and offline child sexual violence and exploitation. The findings show that most of the sexual crimes were committed by peers, followed by 18-24 years old. The majority of the child victims belonged to the age-group 10-14 years old³³. The research “Albania: Voices of the Survivors” of ECPAT International and ECPAT Albania found that “none of the victims of online sexual abuse had information on official mechanisms of reporting³⁴. Finally, a ten-year Statistical Report of CRCA/ECPAT Albania of the sexual crimes reported to the authorities in Albania, found that during the last ten years, 61 percent of the sexual crimes are children and 39 percent were adults. Over 83 percent of the victims of sexual crimes were girls under the age of 18³⁵.

Barnahus Albania in 4 years of work has saved more than 60 children who have survived online and offline sexual violence. All the children have benefited free of charge from legal and psychological aid. During the same period Barnahus recorded 66 reports of sexual violence and exploitation against children, while three victims committed suicide³⁶. The state party doesn't provide any financial support to Barnahus Albania, which is funded only through private donors.

Albania does not have a national action plan specifically dedicated to ending the sexual exploitation of children, despite ongoing lobbying from civil society organisations. There are some plans where parts of the issue are included, but they are not adequately funded, nor do they address child, early and forced marriage, the exploitation of children in prostitution, or the sexual exploitation of children in the context of travel and tourism. The actual implementation of these strategies, plans and legal frameworks is extremely weak. For example, Law No. 18/2017 requires all child protection workers to be qualified social workers, but as of May 2019, only 78 out of 223 child protection workers have these qualifications. Similarly, under Law No. 18/2017, the state agency responsible for the organisation of child protection systems and child protection policies had its responsibilities extended, but without sufficient financial and human resources to deal with the increased responsibilities.

Similarly, it was established that judges should receive training on how to best protect the rights of the child; however, no training has yet taken place. In 2016, the General Prosecutors Office established counselling and support services to victims of violence and sexual exploitation, among other things, but as of July 2020, the office had not supported any victims of child sexual exploitation. All national action plans relating to child sexual exploitation are expiring in 2020. As of July 2020, processes have not yet begun to draft new plans.

The responsibility for acting — to provide social services for child victims, legal aid and psychosocial support — falls on civil society organisations. The government provides little to no financial support to these organisations, which means many children cannot access the services established by law. ECPAT Albania has worked to establish support structures for children in the country. The first ever Barnahus Albania was established in September 2019 aiming aims to provide protection to all the children who have survived sexual violence, while raise awareness, provide advice and support, refer and report cases to the authorities. The centre has been conducting training and mentoring of child protection professionals, law enforcement, justice staff and media. The centre has also conducted public education programmes about sexual violence against children.

F. Other forms of exploitation

According to a survey from the Albanian Institute of Statistics, 82.2% of Albanian households had access to Internet in 2019, and 88.9% of households had access to Internet through mobile broadband. The same year, a survey with 1000 children found that 10% of respondents had experienced some form of unwanted sexual experience over the Internet in the previous year. 16% of the children interviewed met someone in person who they had first met online, and 25% had contacts online with people they had never met in person.

Analysis of reports received by the Albanian National Hotline iSIGURT.al, the main reporting platform for online child safety issues in Albania, corroborates the information outlined in the survey with children. Out of the 6,129 reports in the first half of 2020, 6,054 were pages, videos or profiles containing child sexual abuse material. Despite this information

³³ Review of responses of the child protection system to protect children's victims of sexual abuse and exploitation, Barnahus Albania & CRCA / ECPAT Albania, 2020.

³⁴ Press Release, CRCA/ECPAT Albania, <https://www.crca.al/sq/barnhaus-free-legal-aid-vepro-per-femijet-news-press-release-child-protection-violence-media/studimi>

³⁵ <https://www.crca.al/sq/vepro-per-femijet-news-press-release-child-protection-violence/raporti-10-vjecar-61-e-krimeve>

³⁶ <https://www.isigurt.al/lajme/barnahus-shqipëri-31-femije-te-shpetuar-nga-abuzuesit-e-tyre-seksual>

on Internet usage and children's vulnerabilities to online risks, there are gaps in the Albanian legislative response. The state-party doesn't provide any support to iSIGURT.al

Under Albanian law, there is no definition of 'child sexual abuse materials', and offences such as grooming, and the sexual extortion of children are not criminalised. Internet Service Providers in Albania are not legally bound to block, filter or report child sexual abuse materials on their sites, unless they are commercial in nature. Conversely, the engagement of the private sector is limited. There are no guidelines for media and journalists to report on crimes related to the sexual exploitation of children. Based on this during 2022, CRCA/ECPAT Albania trained more than 100 journalists, while a set of guidelines for the media and the journalists was developed later.

There is almost no action to address sexual exploitation in travel and tourism in Albania, and no data exists on children exploited in this context. Foreign arrivals in Albania have increased from 3,415,550 in 2014, to 6,094,889 arriving in 2019. Yet, no Albanian travel and tourism companies are members of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code). However, seven international companies who have Albanian operations are members. In 2018, there were 1,326 registered accommodation facilities functioning in Albania, and in 2019, there were 1,259 travel agencies, tour operators, reservation services and activities companies in operation. Since none of them has become members of The Code, there is still a lot of work to be done for the sector to address the sexual exploitation of children.

G. Sale, trafficking, and abduction

Although there is a significant lack of data on sale and trafficking of children, based on several reports is estimated that at least 5000 children from Albania are victims of international trafficking. 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 women³⁷.

Children across the country are extremely vulnerable to being sold or trafficked for the purposes of sexual exploitation. Internationally, Albanian children are often identified as victims of trafficking in neighbouring Kosovo, Macedonia, Montenegro, Greece, Italy and the UK. In Italy, for example, 19 Albanian child victims of trafficking were entered into child protection systems in 2018. The latest estimates indicate that there were 1,393 unaccompanied Albanian minors in Italy in June 2020. There are no official figures of the total number of Albanian child victims of trafficking outside the country. Still, ECPAT Albania estimated that over 5,000 Albanian children were victims of international trafficking and smuggling³⁸.

Multiple reports also highlighted the involvement of victims' families in cases of child trafficking. A 2018 Europol report highlighted that in most cases of trafficking of Albanian children into the EU for sexual exploitation, the victims' families were involved in the process. Various sources have established that Roma children in Albania are particularly vulnerable to trafficking for the purposes of sexual exploitation due to their overrepresentation in populations of street children.

Children may still be permitted to marry for 'sufficient reasons', even though the legal age of marriage is set at 18. The law criminalises prostitution but does not specifically prohibit purchasing sexual services from children, nor engaging or soliciting a child for the purpose of sexual exploitation through prostitution. Since the law makes no distinction between children and adults, there is a risk that children are treated as offenders – as someone committing a crime when in fact they have been exploited.

³⁷ 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

³⁸ Albania Country Overview: A report on the scale, scope, and context of the sexual exploitation of children. ECPAT International, 2020.

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