**CHILDREN HUMAN RIGHTS CENTRE OF ALBANIA**

**Defence for Children International – Albanian Section**

**CRCA/DCI ALBANIA**

**ALO 116 – ALBANIAN NATIONAL CHILD HELPLINE**

**ALTERNATIVE REPORT**

**TO THE CONVENTION ON THE RIGHTS OF THE CHILD**

**Violence against children, child abuse and neglect**

**CONCLUSIONS AND RECOMMENDATIONS**

**Tirana 17 January 2012**

**Violence against children, child abuse and neglect**

**Magnitude of the problem**: Recent assessments indicate that there is a high prevalence of violence and maltreatment against children at home, schools, and institutions in Albania. Studies also indicate that the use of violence against children is widely accepted and even deemed to have positive effects on a child’s education and development. Research on the issue however has been sporadic, and only one study, to date, has mapped out the occurrence of child abuse and neglect at a national level.

**National legal framework:** Albania has made a series of important steps in adapting the national legal framework about child abuse and neglect to international standards. Nevertheless, at present, Albania lacks a primary legislation that deals with all forms of child abuse and neglect in all settings. According to an analysis of the child protection system in Albania commissioned by UNICEF (Hamilton, Malby, & Ross, 2007), three issues need to be urgently addressed: 1) the lack of a legal definition of a child at risk; 2) the absence of a legal basis for child protection referrals; and 3) the lack of a legal framework for addressing emergency child protection situations. The Albanian government and civil society are working to amend these issues, and are currently devising draft laws on children’s rights and protection.

**Child protection system:** At present, Albania lacks what would be considered according to international standards, a pro-active child protection system. The poor response to issues of child abuse and neglect is related to the lack of a unified law on violence and the appropriate implementation and supervision mechanisms. The National Child Strategy and the National Social Services Strategy are efforts to ameliorate the current situation, however, their action plans have yet to be implemented in practice.

The culture of violence against children is largely accepted in the Albanian family, school, and society. Several studies confirm this fact and demonstrate that physical and psychological violence are accepted forms of discipline both in the family (Tamo & Karaj, 2006; MCMCM, 2000; Kamani et al., 1997) and at school (Karaj 2009; MCMCM, 2000; Save the Children, 2007).

The findings of the few studies conducted in Albania, bring to the attention a prevailing culture of violence in Albania. The study shows that the majority of children interviewed have experienced both physical and psychological abuse by their parents, teachers, and caregivers. The most common forms of physical abuse experienced at home, at school, and in institutions are depicted in the Table 1 extracted from the Tamo and Karaj (2006) research report (p.27).

Some forms of violence are justified by parents, teachers and children themselves14 as part of the traditional educating children’s culture: “Children fight from time to time, but that is normal’; “Those who smack a child does it for the best of the child”, violence is seen as a disiplinatory tool, the belief that children must be scared to behave. Two large scale reports in the country (UNICEF 2006, Save the Children 2007) indicate high figures of physical and psychological violence against children in the family, school settings and social institutions. Although schools should play an important role in protecting children from violence and abuse, frequently teachers use violent behavior as a means to drive children to improve performance and exercise their authority to keep discipline. Despite MOE’s instructions15 to address and prevent violence, no specific system to record and address incidents of violence has been established at school level.

In the majority of cases the students are afraid of reporting incidents of violence exercised by teachers because of a possible retaliation16. When incidents of violence are reported, the Regional Education Authority (REA) responding measures are weak in terms of warning, suspension or dismissal of teachers who use violence. Violence against children in schools is subject to be tackled by the new Pre-university education Bill expected to be passed by the Parliament until end of 2011. BKTF coalition has provided input in regard to the rights of students and parents to complain about a teacher’s inappropriate behavior, and safe reporting procedures in case complaints for violent incidents are made.

A National Child Helpline –ALO 116 has started to run in the middle of 2009. The children, caregivers and other professionals who deal with children’s issues can report their concerns using this space. According to the data the number of children who report different forms of maltreatment is increased, year by year.

**Recommendations related to Article 19:**

**Range of interventions**

* Actively involve children, families, professionals and community members in the efforts to reduce the use of violence in schools, at home and community.
* Introduction of violence prevention programs in school curricula.
* Supporting “child-friendly schools” and other initiatives which include, inter alia, respect for children’s participation;
* trengthen cooperation with treaty bodies and other human rights mechanisms.
* Collaboration with the mass media and the ICT industry to devise, promote and enforce national standards for child care giving and protection;
* Give priority to preventive efforts by investing in the infrastructure, and providing the support, for long-term public policies to systematically prevent violence against children.

**Prevention**

* Supporting children to protect themselves and their peers through wareness of their rights and development of social skills as well as age-appropriate empowerment strategies;
* Supporting parents and caregivers to understand, embrace and implement good child-rearing, based on knowledge of child rights, child development and techniques for positive discipline in order to support families’ capacity to provide children with care in a safe environment;
* Providing pre- and post-natal services, home visitation programmes, quality early-childhood development programmes, and income-generation programmes for disadvantaged groups;
* Strengthening the links between mental health services, substance abuse treatment and child protection services;
* Providing respite programmes and family support centres for families facing especially difficult circumstances;
* Providing shelters and crisis centres for parents (mostly women) who have experienced violence at home and their children;
* Providing assistance to the family by adopting measures that promote family unity and ensure for children the full exercise and enjoyment of their rights in private settings, abstaining from unduly interfering in children’s private and family relations, depending on circumstances.
* Identifying prevention opportunities and informing policy and practice on the basis of research studies and data collection;
* Implementing, through a participatory process, rights-based child protection policies and procedures and professional ethics codes and standards of care;
* Preventing violence in care and justice settings by, inter alia, developing and implementing community-based services in order to make use of institutionalization and detention only as a last resort and only if in the best interest of the child.
* Development of guidelines for protecting children from information and material produced by mass media disrespecting the human dignity and integrity of the child, abolishing stigmatizing language, refraining from the dissemination of re-victimizing reports on events in family or elsewhere affecting a child and promoting professional methods of investigation based on the use of diverse sources which can be examined by all parties involved;
* Welfare programmes to support families’ standard of living, including direct allowances to children at a certain age;
* Increasing awareness of emerging issues, such as violence related to new technologies, notably the Internet and mobile telephones; however, responses are not proportionate to the speed at which the problem is growing.

**Identification**

Adopt mechanisms to identify and react to violence at home, in schools, residential homes, justice institutions and community.

Adopt mechanisms to assess the consequences of all forms of violence to children at home, community, schools, residential homes, police stations, and justice institutions (Article 19 parag.2).

**Reporting**

Adopt mechanisms to report all forms of violence to children through a) providing appropriate information to facilitate the making of complaints; (b) participation in investigations and court proceedings; (c) developing protocols which are appropriate for different circumstances and made widely known to children and the general public; (d) establishing related support services for children and families; and (e) training and providing ongoing support for personnel to receive and advance the information received through reporting systems.

Provide adequate budget allocations for the implementation of legislation and all other measures adopted to end violence against children;

Ensure the protection of child victims and witnesses and effective access to redress and reparation;

Providing independent national human rights institutions with support and promoting the establishment of specific child rights mandates such as child rights ombudsmen.

Establishing a comprehensive and reliable national data collection system in order to ensure systematic monitoring and evaluation of systems (impact analyses), services, programmes and outcomes based on indicators aligned with universal standards, and adjusted for and guided by locally established goals and objectives;

**Referral.** Providing intial and in-service general and role specific training for professionals working withand for children on child rights and child protection system involving: (a) a participatory, multi-disciplinary assessment of the short- and long-term needs of the child, caregivers and family, which invites and gives due weight to the child’s views as well as those of the caregivers and family; (b) sharing of the assessment results with the child, caregivers and family; (c) referral of the child and family to a range of services to meet those needs; and (d) follow-up and evaluation of the adequateness of the intervention.

**Investigation.** Investigation of instances of violence, whether reported by the child, a representative or an external party, must be undertaken by qualified professionals who have received role-specific and comprehensive training, and require a child rights-based and child-sensitive approach. Rigorous but child-sensitive investigation procedures will help to ensure that violence is correctly identified and help provide evidence for administrative, civil, child-protection and criminal proceedings. Extreme care must be taken to avoid subjecting the child to further harm through the process of the investigation.

**Treatment.** Medical, mental health, social and legal services and support should be availible for children when are reported cases of violence or need to be identified the abuse. A full range of services, including family group conferencing and other similar practices, should be made available. Services and treatment for perpetrators of violence, especially child perpetrators, are also needed. Special measures should be taken for children and parents in need. Interventions must be supportive and not in any way punitive.

**Follow-up**. Ensuring the continuity between stages of interventions. Effective help requires that actions, once decided through a participatory process, must not be subject to undue delay.

**Judicial involvement.** The court and justice instituions should respect the best interest of children due to the decision making process in case of reporting any form of maltreatmnent.

**Child victims of child testimony**

Child victims of violence should be treated in a child-friendly and sensitive manner throughout the justice process, taking into account their personal situation, needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity;

Judicial involvement should be preventive where possible, proactively encouraging positive behaviour as well as prohibiting negative behaviour. Judicial involvement should be an element of a coordinated and integrated approach across sectors, supporting and facilitating other professionals to work with children, caregivers, families and communities, and facilitating access to the full range of child caregiving and protection services available;

In all proceedings involving children victims of violence, the celerity principle must be applied, while respecting the rule of law.

Disciplinary or administrative proceedings should be against professionals for neglectful or inappropriate behaviour in dealing with suspected cases of child maltreatment (either internal proceedings in the context of professional bodies for breaches of codes of ethics or standards of care, or external proceedings);

Judicial orders to ensure compensation and rehabilitation for children who have suffered from violence in its various forms.

Special procedures. Special procedures should be integrated for children under the age of legal responsibility at national level. Such protective measures should include:

(a) Inter-sectoral coordination, mandated by protocols and memorandums of understanding as necessary;

(b) The development and implementation of systematic and ongoing data collection and analysis;

(c) The development and implementation of a research agenda; and

(d) The development of measurable objectives and indicators in relation to policies, processes and outcomes for children and families.