



Global Initiative to
**End All Corporal Punishment
of Children**

ALBANIA – COUNTRY REPORT

Child population: 895,000 (UNICEF, 2010)

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is unlawful in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is unlawful in the home. Article 21 of the Law on the Protection of the Rights of the Child (2010) states: “The child shall be protected from any form of ... (a) physical and psychological violence, (b) corporal punishment and degrading and humiliating treatment....” Article 3(ç) defines “physical violence” as “every attempt to damage or actual physical damage, or injury to the child, including corporal punishment, which are not accidental” (official translation). Corporal punishment is defined in article 3(f): “‘Corporal punishment’ is any form of punishment resorting to the use of force aimed to cause pain or suffering, even in the slightest extent, by parents, siblings, grandparents, legal representative, relative or any other person legally responsible for the child. Corporal punishment includes such forms as: beating, torturing, violent shaking, burning, slapping, kicking, pinching, scratching, biting, scolding, forced action and use of substances to cause physical and mental discomfort.” In addition, article 26 of the Law states: “No child shall be subjected to torture, punishment, cruel, inhuman or degrading treatment.”

The 2010 Law, which came into force in May 2011, provides for implementation of the law through structures at central and local levels – at central level the National Council for Protection of Child Rights, the Minister Coordinating Action on Protection of Child Rights and the State Agency for the Protection of Child Rights, and at local level the Unit for the Rights of the Child at the Regional Council and the Children’s Protection Unit at municipality/commune level – to work with non-profit organisations in line with rules determined by the Council of Ministers (articles 32 to 39). Article 40 of the Law punishes by fines violations of the rights mentioned in articles 21 and 26 (and others), when they are not offences under criminal law. The Criminal Code, as amended in 2008 by Law No. 9859, punishes “physical or psychological abuse of the child by the person who is obliged to care for him/her” with imprisonment from three months to two years (article 124b).

Schools

Corporal punishment is explicitly prohibited in schools in article 36(2) of the Fundamental Normative Provision, based on Law No. 7952 “For the Pre-University Educational System” (1995), which states: “The individuality and human dignity of the pre-school child and pupil is respected. It is protected from physical and psychological violence, discrimination and isolation. In kindergarten and schools, it is categorically prohibited to have children made subject to corporal punishment or hazing.” Article 21 of the Law on the Protection of the Rights of the Child also applies (see above).

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted punishment under the Criminal Code. Article 25 of the Constitution states: “No one may be subjected to cruel, inhuman or degrading torture or punishment.” There is a similar provision in the Criminal Procedure Code (1995) and, as noted above, the Law on the Protection of the Rights of the Child (article 26).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions under article 21 of the Law on the Protection of the Rights of the Child (see above). Prior to the enactment of this law, it was considered unlawful under a number of laws providing for the humane treatment of persons in conflict with the law but it was not explicitly prohibited.

Alternative care

Corporal punishment is unlawful in alternative care settings under article 21 of the Law on the Protection of the Rights of the Child (see above).

Prevalence research

Research to date (July 2012) relates to the situation in Albania prior to the achievement of law reform.

A 2009 survey of 195 parents of children attending two schools and two kindergartens found that 59% of parents agreed that slapping a child or pulling their ear would not harm them: 51% believed that people slap children “for their own good”, 34% thought that if children were not slapped, they would be out of control and 29% agreed that “if you talk to a child and they don’t obey, you should slap them”. However, 77% disagreed that corporal punishment is a good way of disciplining children, 68% disagreed that it is the only way to discipline some children and 80% disagreed that hitting makes a child a decent human being. Nearly three quarters (74%) agreed that corporal punishment is absolutely harmful, and 79% agreed that corporal punishment should be banned completely. (Karaj, T. (2009), *Parents’ Beliefs about Corporal Punishment of Children*, Tirana: Save the Children in Albania)

A 2009 survey of 92 teachers working in two schools and two kindergartens found that 30% of teachers believed that people slap children “for their own good”, 21% believed that if children were not slapped they would be out of control and 11% agreed that children must be slapped because they make mistakes. Twenty-one per cent agreed that “if you talk to a child and they don’t obey, you should slap them”. Nearly nine teachers in ten (89%) disagreed that corporal punishment is a good way to discipline children, 78% disagreed that corporal punishment is the only way to discipline some children and 84% disagreed that hitting makes a child a decent human being. Eight teachers in ten agreed that corporal punishment is absolutely harmful and 78.4% believed that it should be banned completely. (Karaj, T. (2009), *Teachers’ Beliefs about Corporal Punishment of Children*, Tirana: Save the Children in Albania)

A UNICEF report published in 2010 states that 52% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006. Half the children experienced physical punishment while a smaller percentage (6%) of mothers and caregivers thought that physical punishment was necessary in childrearing; non-violent discipline was also widely used, experienced by 70% of children. Nine per cent of children experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement) and 12% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). Boys were slightly more likely than girls to experience violent discipline: 55% compared to 48%. Children aged 5-9 were more likely to experience violent discipline than those of other ages: 57% of children aged 5-9 compared to 46% of children aged 2-4 and 49% of children aged 10-14. Children living in households with adults with a higher average level of education were less likely to experience violent discipline than those living with less educated adults. No significant differences in children’s experience of violent discipline were found according to household size or engagement in child labour. (UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF)

According to statistics from UNICEF on violence in the family, in 2005-2006 children with disabilities were more likely to experience severe physical punishment: 12% of disabled children aged 2-9 were hit or slapped on the face, head or ears or hit over and over as hard as possible with an implement, compared with 8% of non-disabled children. Thirty per cent of girls and women aged 15-49 thought that a husband is justified in hitting or beating his wife under certain circumstances. (UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF)

A 2006 study involving 1,500 children, 1,500 parents and 1,500 teachers in eight districts of Albania found a high prevalence of corporal punishment in homes and schools. Common forms of violence included pulling children's ears (experienced by 60.1% of children at least once at home within the last year, and 38.5% of children in school within the last year), pinching (55.7% at home, 36.9% at school), hitting with an object (53% at home, 51.8% at school), and smacking with an open hand on the body (52.6% at home, 34.3% at school) and head (49.2% at home, 35.6% at school). Other reported forms of violence included being punched in the head (7.6% of children at home), grabbed by the throat (12.2% at home, 9.6% at school) and bitten (19.1% at home, 12.8% at school). Over a quarter of children (27.7%) had been bruised by violence at home, 24.5% had been made to bleed, 21.9% had been made dizzy, and 7.9% had lost consciousness. Reported forms of violence in social care institutions included being kicked (78.9%), smacked in the head (68.4%), hit with an object (68.4%), punched on the body (66.7%), grabbed by the throat (35.2%), and punched in the head (25%); 44.5% of children in institutions had been made to bleed by corporal punishment, 42.2% had been made dizzy, and 16.7% had lost consciousness. (Tamo, A. & Karaj, T. (2006), *Violence Against Children in Albania*, Tirana: Human Development Centre)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(31 March 2005, CRC/C/15/Add.249, Concluding observations on initial report paras. 50 and 51)

“The Committee is concerned that corporal punishment remains lawful in the family, and continues to be used as a disciplinary method.

“The Committee urges the State party to expressly prohibit by law all corporal punishment in the family. The State party is further encouraged to undertake awareness-raising campaigns and education programmes on non-violent forms of discipline, and to conduct research into the prevalence of corporal punishment of children in the family.”

Committee Against Torture

(26 June 2012, CAT/C/ALB/CO/2, Concluding observations on second report, para. 14)

“While welcoming the Law no. 9669 of 18 December 2006 ‘On measures against violence in family relations’ prompting the establishment of appropriate police structures, protection mechanisms for victims of family violence and series of training activities, and noting the adoption of the national ‘Strategy on Gender Equality and Reduction of Violence on Gender Base and Violence in the Family’ on 16 June 2011, the Committee expresses concern about the absence of specific criminal offences punishing violence against women that would consider marital rape and domestic violence as specific penal offences. The Committee is also particularly concerned by the high incidence of violence against children in the family and schools, and the public acceptance of corporal punishment of children (arts. 2 and 16).

The Committee urges the State party to:

- a) prepare and adopt, as a matter of priority, a comprehensive legislation on violence against women that would establish marital rape and domestic violence as specific penal offences;
- b) adopt the new draft law against violence against children at schools, prohibit corporal punishment in all settings, including home and alternative care settings and hold the perpetrators of such acts accountable;
- c) take measures at all levels of the government to ensure public awareness of the prohibition and harm of violence against children and women in all sectors.”

Universal Periodic Review

Albania was examined in the first cycle of the Universal Periodic Review in 2009. The following recommendations were made (A/HRC/13/16, Report of the Working Group, paras. 70(1) and 70(2)):

“Prohibit corporal punishment as a method of admonishing children and adolescents (Chile);

“Prohibit by law the practice of corporal punishment of children as a disciplinary method (Argentina)”

The Government rejected the recommendations but nevertheless, as described above, law reform was subsequently achieved which made unlawful all corporal punishment of children, including by parents.

Examination in the second cycle is scheduled for 2014.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

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