



## Current Situation of Child Abuse and Neglect in Albania

Prepared by: Enila Cenko and Altin Hazizaj

CRCA/DCI Albania



## Abstract

This report presents the current situation of child abuse and neglect in Albania. It analyzes the magnitude of the problem in the country based information from national reports and research studies. The report also describes the Albanian national legal framework, focusing on the strengths and limitations of child abuse and neglect related laws, policies, and national strategies. Finally, this report provides a description of the child protection system, including descriptions of the child protection services, social welfare or other organizations involved in reporting, investigating and providing services to children victims of abuse and neglect.

**Magnitude of the problem:** Recent assessments indicate that there is a high prevalence of violence and maltreatment in the homes, 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.

## TABLE OF CONTENTS

<b>Introduction</b>	1
<b>Magnitude of the Problem of Child Abuse and Neglect in Albania</b>	1
<b>National Legislative Framework about Child Abuse and Neglect in Albania</b>	7
Physical Abuse in the Albanian Legislation	8
Sexual Abuse in the Albanian Legislation	10
Emotional and Psychological Abuse in the Albanian Legislation	12
Neglect in the Albanian Legislation	12
National Strategies and Action Plans on Child Protection	13
Limitations and Gaps in the Albanian Legislation	14
<b>The Child Protection System in Albania</b>	15
Social Services Sector	16
Police/Judicial Sector	17
Education Sector	18
Health Sector	18
The Child Protection System in Practice	19

## LIST OF TABLES

Table 1	Forms of physical violence experienced by children in home, schools, and social care institutions	5
Table 2	Violence related Offenses in the Albanian Criminal Code	9
Table 3	Sexual offenses in the Albanian Criminal Code	11
Table 4	Neglect and non-intentional harm offenses in the Albanian Criminal Code	13

Science shows that healthy child development provides the foundation for a prosperous and sustainable society. Adults, including parents, caregivers, educators, and policy makers are advised to take special care to protect and ensure the well-being of children, in order to enable the youngsters' optimal development. Stable and nurturing relationships with caring adults bring forth a wide range of children's healthy developmental outcomes, which encompass cognitive, emotional, and social areas of human functioning. In contrast, research shows that chronic stress in childhood caused by extreme adversity such as poverty, abuse, and neglect can weaken the developing brain's architecture and affect children's healthy upbringing (National Scientific Council on Child Development, 2005).

Despite these valuable insights on the importance of protecting and nurturing our children, phenomena like child abuse and neglect are endemic in today's society. Extensive research in developed countries has documented the high prevalence of child abuse and neglect as well as patterns, risk and protective factors associated with them (see Runyan, Wattam, Ikeda, Hassan & Ramiro, 2002). The report of the UN Secretary General, the World Report on Violence against Children, has indicated that the issue is a problem for children across the world (Pinhero, 2006). WHO (2001) reports that every year about 40 million across the world experience abuses. Research conducted in the United Kingdom and the United States of America finds that in their childhood, 90% of children are physically punished. WHO (2002) also estimates that 20% of females and 5-10% of males have experienced sexual abuse in their childhood.

Studies conducted in developing countries also attest to the high prevalence of child abuse and neglect in these areas of the world (Dunne, Zolotor, Runyan, Andrevva-Miller, Yen Choo et al., 2009). Nevertheless, the majority of the world's countries limited data on the occurrence of child abuse, and there is an increasing acknowledgement of the necessity to collect these data at a global level (Dunne et al., 2009). This need to collect data on child abuse and neglect is particularly pressing for countries with relatively lower socioeconomic standards, such as the majority of the Balkan countries including Albania, where the rates of child abuse and neglect are suspected to be even higher than in developed countries.

### **Magnitude of the Problem of Child Abuse and Neglect in Albania**

Albania is one of the countries with the youngest population in Europe; with children aged 0-19 years comprising one third of the total population (number of children is 1,091,509 out of a total population of 3.1 million) (UNICEF, 2009). Nevertheless, the acknowledgment of child abuse and neglect as problems that need to be studied and addressed is a relatively new phenomenon in Albania. The issue was first posed in the 1990s with the rise of the civil movement as a result of political changes in the country - due to the country emerging from 45 years of communist dictatorship and international isolation (Haxhiymeri, Kulluri & Hazizaj, 2005).

Child abuse and neglect are not new occurrences in the Albanian society, despite the recent acknowledgment. These phenomena have deep seated roots in the patriarchal traditions characterized by parental authority, adherence to an honor-and-shame system, and customs of hierarchal ordering with the family and the intergenerational family (see Harr & Dharmo, 2009; Haxhiymeri, Kulluri & Hazizaj, 2005). The ongoing economic and social changes associated with the transition from the totalitarian regime to a democratic society further contribute to abusive and neglectful attitudes and behaviors toward children. These changes have brought

forth a break-down of traditional values and of parental and authority roles. On the one hand, the prevalent patriarchal mentality that characterizes the Albanian family and society in general, leads to authoritarian adult-child relationships where adults seek to retain total control and dominance over children's behavior (Haxhiymeri, Kulluri & Hazizaj, 2005), and inevitably culminating in physical and emotional abuse. On the other side, a newly emerging style of permissive relationships has placed parents and other caregivers in the position where they no longer can influence their children, leaving children outside adult care and control and, thus, leading to potential neglectful practices (Kamani, Mato & Cangonji, 1997; Save the Children Albania, 2007). In both cases, children are the ones that suffer the consequences.

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 first study on child abuse in Albania (Kamani et al., 1997) shows that violence is so widespread in Albania that the distinction between upbringing and the use of violence is often blurred in the minds of the respondents. Results of this study confer that only 23.6% of the 643 adults interviewed consider slapping a child as a form of abuse. More recent assessments also provide support to this claim. The Tamo and Karaj (2006) study reports that the overwhelming majority of the adult respondents in their study think that it is alright to use light forms of violence against children such as smacking or pulling of the ear. A recent study on parents' beliefs on corporal punishment of children (Karaj, 2009) further shows that 76% of the 195 parents and 57% of the 92 teachers interviewed think that it is acceptable to slap children, but only with a few light slaps.

Another report on parents' and teachers' attitudes towards children's physical punishment (MCMCM, 2000) shows that 74.8% of parents and 68.5% of teachers agree with the notion that children learn to respect their caregivers from smacking. Additionally, physical punishment is seen not only as acceptable but also as needed to educate children. Indeed, 27.6% and 34.3% of teachers included in this study think that severe treatment of children by their parents prepares them to deal with difficult situations later in life.

Tamo and Karaj (2006) also demonstrate that most adults in Albania think that physical and psychological violence has positive consequences on the child's education. Psychological violence is considered to be less harmful than physical abuse; therefore, the former is believed to be more acceptable and useful for children's education. Moreover, adults also have limited and vague understanding of the negative consequences of physical and psychological violence. This study also shows that the majority of children have absorbed the idea of the use of violence as necessary- one out of two children at home, and one out of three children at schools, acknowledges that violence exercised against them is necessary.

A recent assessment of the parents' and teachers' attitudes on corporal punishment of children (Karaj, 2009) testifies that the culture of violence continues to persist in the Albanian family and school. Results of the study indicate that one in two parents and one in three teachers in schools thinks that who smacks a child does it for his/her best. One in two parents and one in two teachers also believe that corporal punishment is acceptable, at least in some cases. This study further confirms the notion that in Albania violence is viewed as an acceptable form of disciplining and educating children. These attitudes and beliefs certainly play an important role in the perpetuation of the 'circle of violence' in the Albanian family and society.

The widespread acceptance of the use of physical and psychological violence against children in the Albanian society, may lead one to think that the actual occurrence rates of child abuse and neglect must be quite high. Unfortunately, we know little to this extent. Existing knowledge is limited to recent research results, because there is no systematic data collection mechanism in Albania that ensures data on abuse and neglect against children is collected on a regular basis. Governmental structures collect data on the cases of child abuse and neglect; however, this information is for internal use and is not published. Moreover, to date, only a very small number of studies have addressed this issue. The majority of these studies have focused on a qualitative analysis of the phenomenon, documenting the forms and contextual settings in which this abuse occurs by utilizing case studies and interviews with small numbers of parents, teachers, and students (see Haxhiymeri, Kulluri, and Hazizaj, 2005; Karaj, 2009; Save the Children, 2007). Only a couple of studies have assessed the prevalence of the phenomenon using questionnaires with larger numbers of respondents (Tamo & Karaj, 2006; Kamani et al., 1997), and only study has mapped out the occurrence of child abuse at a national level (Tamo & Karaj, 2006) Moreover, there is no published research on the phenomenon of child neglect in the country.

A general picture of the extent of this issue is also depicted by studies assessing domestic abuse, which mainly focus on abuse experienced by adult women in the context of the family, but also report data on children's direct experience with abuse. To illustrate, the 2006 UNICEF/INSTAT Multiple Indicator Cluster Study ("MICS") of mothers or primary caregivers suggests that children experience abuse in the home with 49% of children aged two to fourteen years experiencing some form of physical or psychological abuse. 8.3% of these children report experiencing "severe physical punishment". The report does not specify, however, whether interviewers provided a definition of what constitutes "severe punishment" to the respondents. The MICS report also shows expected differences in the use of any physical or psychological punishment of children in the home as against the level of the mother's education and wealth index: 51% of mothers with either none or primary level education reported use of any psychological or physical punishment against their children, as compared with 44% of mothers with secondary or higher level education. In addition, 59% of mothers in the poorest quintile reported use of such punishment, as compared with 42% of mothers in the richest quintile. The MICS survey also finds that only 5.6% of mothers believed that a child should be subjected to physical punishment.

Another recent study on domestic abuse in the Albanian family (Harr & Dhamo, 2009) reports alarming data on child abuse in the context of domestic abuse. Out of the 991 children included in the study, 57.7% reported being physically battered by a family member. The findings of the study reveal that 56.8% of the children reported a family member slapped, punched or kicked them. In addition, 12.8% of children reported someone in their family hit them with objects, and .4% reported they were burned with cigarettes or another hot object. 11.9% of these children reported experiencing two or more forms of physical abuse.

Harr and Dhamo (2009) also indicate several significant differences in children's experiences of domestic violence. Boys (66.7%) were significantly more likely than girls (51.1%) to experience physical violence in general. Among 970 children surveyed, children who were 10 and 11 years of age (66.0% and 63.5% respectively) were significantly more likely to experience physical violence than children 13 and 14 years of age (55.5% and 51.5% respectively). There were also significant differences between urban and rural areas in regard to children's experiences with physical violence in the home. Among 970 children surveyed,

children living in rural areas (67.5%) were significantly more likely to be physically battered by a family member than children living in urban areas (51.2%).

A couple of studies directly assess the prevalence of child abuse in Albania (Tamo & Karaj, 2006; Kamani et al., 1997) and provide statistical data to document this occurrence. The Kamani et al., (1997) study is the first study conducted in Albania to map out the occurrence of this phenomenon. In this study, 643 adult participants completed a questionnaire on their attitudes and beliefs on physical, emotional, and sexual abuse toward children. Results pertaining to these attitudes and beliefs were discussed earlier in this report. 609 children aged 12-17 years from several cities in Albania also completed a questionnaire containing questions on their experience with physical and sexual abuse. The questionnaire is rather short and includes a few questions on each type of abuse, where the time frame in which these forms of abuse may have occurred is not specified. 17% of the interviewed children report having experienced physical abuse. More specifically, 11% of the children report having been beaten to the point that they were bruised, and 6.7% say that they were hit with hard objects. Moreover, 3.3 % of the interviewed children report that they have been touched by adults in their private areas, and 9% of children indicate that they have been forced to perform actions of a sexual nature that the children did not want to do. It is important to note that the rates of physical and sexual abuse reported in this study are much lower than those reported by other studies conducted on this issue in Albania.

The most recent and systematic data on child abuse in Albania come from a national survey conducted by the Human Development Centre and UNICEF (Tamo & Karaj, 2006). The survey assessed the attitudes, occurrence, types, characteristics and consequences of child abuse in the context of the family, school, and child care institutions in Albania. This survey is the only study to date to map out the occurrence of child abuse in different contexts at a national level. Data were collected using a variety of methods including interviews, focus groups and a questionnaire on the forms of abuse experienced by children. The study consisted of a sample of 1500 respondents, including parents, teachers, and students. A subsample of 438 children aged 6-18 completed the questionnaire. These respondents came from different areas of Albania, however, it is not specified in the study whether respondents from rural areas are included.

The findings of the study 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).



Table 1 Forms of physical violence experienced by children in home, schools, and social care institutions (Source: Tamo and Karaj, 2006, p.27)

No.	Forms of physical violence	Home (%)	School (%)	Institutions (%)
1	Pulling of ear	60.10	38.5	62.2
2	Pinching	55.7	36.9	58.8
3	Smacking on parts of the body other than head	52.6	34.3	66.7
4	Smacking on the head	49.2	35.6	68.4
5	Pulling of hair	41	29.7	52.6
6	Forcible pulling and pushing	34.6	39.1	68.4
7	Hitting on the body, but not the bottom with object	27	38.2	68.4
8	Kicking	26.8	25.8	78.9
9	Hitting on the bottom with object	26	13.6	44.4
10	Striking on the body (other than the head) with a fist	20.5	19.6	66.7
11	Biting	19.1	12.8	22.2
12	Grabbing by the throat	12.2	9.6	35.2
13	Striking on the head with a fist	7.6	10	25

As Table 1 illustrates, children experience various forms of physical violence including pulling of the ear, smacking on the body and head and forcible pulling and pushing. These forms of violence occur not only at home, but also at school and in child care institutions. The use of physical violence against children is alarmingly high especially in social care institutions.

This study also shows that in many occasions children experience severe forms of physical violence. 49.2 % and 35. 6% of the children in this study report having been smacked on the head at least once at home and at school respectively; and 40.1% of the children having been punched elsewhere in the body both at home and school. Moreover, 21.8% of the children report having been grabbed by the throat at home and at school, and 31.9 % of the children indicate that they have been bit both at home and at school.

Children also experience psychological violence in addition of physical acts of abuse. Results of the study show that the most common forms of psychological violence that children report as having experienced at home are: shouting (93.5 %), resentment (39.5%), verbal threats (39 %), and threatening physical violence with an object (18 %). Children also recount the following instances as the most common forms of psychological violence they experience at school: shouting (74.9%), threatening with summoning a parent to school (33%), verbal threats (31%), name-calling and derogative nicknames (24 %), and threatening with sending out of the classroom (23 %). Psychological violence is also highly widespread in social care institutions where 94% of the children report being shouted at and 73.3 % of children indicate that caregivers use resentment as a form of psychological violence.

Children included in this study also report having experienced sexual abuse. More specifically, 13.3% of the respondent children report having experienced sexual harassment. However, the term “sexual harassment” is not clearly defined in this study, and as such it not clear what instances children are reporting as sexual harassment. As the authors of the study

point out, the survey does not explicate children's understanding of sexual harassment, and no efforts were made to find out whether the harassment was real or perceived. The authors suggest that "some of [the reported] instances may have been efforts by children to explore the other sex's world" (p.42). The authors also describe that some children have reported cases of rape, however, no actual statistics are provided in the report for these cases. In terms of perpetrators of sexual abuse, the study reports that, at school, sexual abuse is perpetrated by other students (identified by 49% of children who reported having experienced sexual abuse), other persons who enter the school setting (reported by 28% of these children), and teachers (reported by 23% of these children). According to respondents in social care institutions, the main perpetrators of sexual abuse are: other children (in 55.6 % of cases), teachers (in 22.2% of cases), and other persons (in 22.3% of cases). No data are reported on perpetrators of sexual abuse at home.

Children interviewed in the study further report that the abuse they endure has physical and psychological consequences. 27.7 % of children report having had bruises at least once following a violent incident at home, 24.5 % report bleeding, 21.9% dizziness, and 7.8% report loss of consciousness. At school, children who report bruises, bleeding, dizziness, and loss of consciousness are 23.3%, 16.5%, 15.8 %, and 4.8 % of the respondent children respectively. The problem is even more severe in child social care institutions where 44.5% of children report bleeding, 42.2% report experiencing dizziness and 16.7 % report loss of consciousness. Psychological consequences are also common, with 13.4% of children reporting having thought about suicide at least once, and 10% of students feeling either unsafe or quite unsafe in schools.

Physical and psychological violence at home are most often perpetrated by mothers (in 39.2% of cases), fathers (in 31.1% of cases), and eldest brothers (in 14% of cases). Results of the study also show that fathers and grandfathers use violence most commonly against male children, whereas mothers, grandmothers, and sisters use violence most often against female children. Children are also perpetrators of violence against other children. At school, for instance, 48% of children report having experienced violence perpetrated by other children.

The results of the Human Development Centre and UNICEF research (Tamo & Karaj, 2006) indicate that physical, psychological, and sexual violence are highly prevalent in the Albanian family, school, and child care institutions. Nevertheless, further research is needed to further shed light on the prevalence of this phenomenon. To date, research on this issue has been scarce and at times contradictory. More importantly, at the current moment, no studies have fully addressed the problem of child neglect in the country, and, as such, we have no clear knowledge of the prevalence of this phenomenon.

This paucity of research may be due to the factors mentioned earlier- the recent acknowledgment of the importance of studying these phenomena and the prevailing cultural beliefs on the disciplinary role of violence in children's upbringing. Moreover, the lack of research can be related to the difficulty of collecting data regarding child abuse and neglect given the reluctance of individuals to disclose such instances, especially cases of sexual abuse. Whereas participants' reluctance to disclose their experience with abuse is a phenomenon encountered almost in every country, the issue is particularly salient in Albania given its patriarchal mentality and the consideration of the phenomenon as a taboo. To illustrate, 42.9% of the 42.9 % of the 643 adult participants in the Kamani et al., (1997) study refused to respond to any of the questions related to their attitudes toward sexual abuse.

The majority of research conducted to study the phenomenon of child abuse in Albania has been undertaken by non-profit organizations and, as such, most of these studies have been conducted locally and to meet the specific needs of these organizations (see Tamo & Karaj, 2006

for this claim). Thus, the data generated from these studies cannot be readily generalized to a national level. Even those few studies that are conducted on a national level are characterized by variations in methodology and in definitions of violence; thus, making it very difficult to compare data and to ascertain their validity. For instance, some studies do not specify what acts are considered to constitute “acts of severe violence” (UNICEF/INSTAT, 2006), whereas others acknowledge that children may be experiencing forms of physical violence that are not included in their survey (Harr & Dharmo, 2009).

Other studies (Tamo & Karaj, 2006, 2006; Kamani et al., 1997) utilize questionnaires that were devised by the authors of the study to map out the occurrence of child abuse in Albania; however, the validity of these questionnaires to measure this phenomenon has not been established by further research. Furthermore, the sample sizes of respondents who completed the questionnaires in these studies are rather small (Kamani et al., 1997 – 609 children; Tamo & Karaj, 2006 – 438 children), and do not include participants from both urban and rural areas. As such, there is a pressing need to conduct a nationwide epidemiological study that utilizes validated questionnaires, large sample sizes, and participants from both urban and rural areas to map out the occurrence of child abuse and neglect in Albania.

### **National Legal Framework about Child Abuse and Neglect in Albania**

Albania has ratified, since the 1990s, a number of important international human rights instruments including those on children’s rights. These are the UN Convention on the Rights of the Child; the European Convention on Human Rights and Fundamental Freedoms; The Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

At the present moment, however, there is no unified law on abuse and neglect against children in Albania, which deals with all forms of violence in all settings, and which includes the necessary implementation mechanisms in order to ensure the protection of children from abuse in every setting, and the prosecution of perpetrators of such abuse. Article 54 of is the only article of the Constitution of the Republic of Albania addressing violence against children specifically and directly, assuring children of their fundamental rights. According to this article, children, under and above 14 years of age, have the right of special protection by the State; the right to be protected from violence and maltreatment; the right to be protected from exploitation and work that might harm their health or morals, or put their normal development at risk.

Other fundamental legal instruments such as the Criminal Code, the Family Code, and a number of laws and specific decisions also contain provisions that directly or indirectly affect the observance of children’s rights and their protection from different forms of abuse. In 2005, the Albanian Government approved the “National Strategy for Children” (2005-2010), an integral part of which is the protection of children from abuse and neglect. This strategy is an important first step toward the creation of a structure for children’s protection. The legislative framework will be discussed more in depth in subsections pertaining to physical abuse, emotional abuse, sexual abuse, and neglect.

It is important to note, however, that despite the recent accomplishments in terms of the legislation and action plans for the protection of children in Albania, much remains to be done. An assessment of the Albanian legislation commissioned by UNICEF in 2007 (Hamilton, Malby, & Ross,

2007) concludes that while important steps have been taken to ensure children's protection, the legislation still fails to address three key overall issues that apply to any child protection situation. These issues are 1) an overall legal definition of 'a child at risk'; 2) a legal basis for child protection referrals; and, 3) a legal framework for addressing emergency child protection situations. These legislative deficiencies may prevent the bodies and agencies involved in child protection from offering children at-risk of violence a service that meets their best interests and needs. Additionally, the detailed action plan of the National Strategy has yet to fully find application in practice since structures are not in place for its implementation (Aleanca e Femijeve, 2009; Dragoti & Kusi, 2007; Hamilton et al., 2007). The identified limitations and gaps in the Albanian legislation and National Action Plan will be discussed more in depth throughout this section.

### **Physical Abuse in the Albanian Legislation**

The Constitution of the Republic of Albania, the highest law in the country, grants children the right to be protected from violence and maltreatment. The Albanian Criminal Code also lays out a series of criminal offenses related to protecting children from violence, maltreatment and neglect; but, it does not contain specific provisions tackling different aspects of violence administered to children in the home, schools, mental and health care institutions, residential child care centres, pre-detention institutions, the community, and public settings. Furthermore, even though there are specific provisions when the victim is a child, generally, perpetrators of violence against children are subject to the more general offenses against the person contained in Chapter II of the Criminal Code. Table 2 is extracted from the assessment report compiled by Hamilton et al. (2007) on child protection in Albania, and illustrates violence related offenses in the Albanian Criminal Code, divided into homicide related, intentional harm related, threat related, and deprivation of liberty related offenses.

Table 2 Violence related Offenses in the Albanian Criminal Code (Source: Hamilton et al., 2007, p.54)

Article	Offense	Sentence
<b>Homicide related offenses</b>		
78	Homicide committed for interest, retaliation or blood feud	Life imprisonment or not less than twenty five years imprisonment
79(a)	Intentional homicide committed against a minor	Life imprisonment or imprisonment of not less than twenty years
81	Infanticide	A fine or up to two years imprisonment
<b>Intentional harm related offenses</b>		
88	Serious intentional injury inflicting handicap, mutilation, any other permanent detriment to the health, interruption of pregnancy, or danger to life	Three to ten years imprisonment
87	Torture, or any other degrading or inhuman treatment where it results in handicap, mutilation or any permanent harm to the well-being of a person	Ten to twenty years imprisonment
86	Torture, as well as any other degrading or inhuman treatment	Five to ten years of imprisonment
89	International injury resulting in loss of capacity to work for less than nine days	Fine or up to two years imprisonment
90	Assault and any other violent act	Fine or up to six months imprisonment where resulting in loss of capacity to work for less than nine days
<b>Threat related offenses</b>		
84	Serious threat to cause death or grave personal harm	Fine or up to one year of imprisonment
83a	Serious threat of revenge or blood feud to a person or minor causing isolation	A fine or up to three years imprisonment
<b>Deprivation of liberty related offenses</b>		
109	Kidnapping or keeping a child under the age of fourteen years hostage	Not less than fifteen years imprisonment
109	Kidnapping or keeping a child under the age of fourteen years hostage, accompanied with physical or psychological torture, or if committed against several persons or repeatedly	Not less than twenty years imprisonment or life imprisonment if death is caused

As Table 2 shows, the laws on physical violence against children lack specificity. Specific offenses related to violence against children exist only for intentional homicide against a minor, infanticide, and kidnapping minors. Physical violence against a child may be prosecuted under Article 90; however, the contexts in which this abuse occurs and the victim's age are not specified.

Physical violence against children is also prohibited under the Law No.9669 "On Measures against Violence in Family Relations", which prohibits any type of physical violence among family members, and especially on children and the elderly. An additional document that prohibits physical punishment against children is Article 36 of the "Fundamental Normative Provisions" deriving from Law No. 7952 "On the Pre-university School System." This article stresses that:

The individuality and human dignity of the pre-school child and of the student is respected; the child is protected by the physical and psychological violence, discrimination and exclusion. In kindergarten and in school physical punishments and humiliating and denigrating treatments against children are categorically forbidden.”

It should be noted that the specific forms of physical violence punishment are specified in neither the Law on Violence in the Family nor the Normative Provisions. In the Normative Provisions the consequences of perpetrating such violence are not mentioned. As such, both these legal documents have their limitations in preventing and dealing with child physical abuse.

### **Sexual Abuse in the Albanian Legislation**

The Albanian legislation contains a large number of provisions relating to sexual abuse against children. A number of articles in the Criminal Code cover sexual or homosexual relations with minor children, sexual or homosexual relations with minors through the use of force, sexual or homosexual relations with persons in one's care; immoral acts against minor children; exploitation of minor children for prostitution under aggravating circumstance; delivery, advertising, selling and publication of pornographic materials on premises where minors are present; and trafficking of female minors for prostitution. These articles are depicted in Table 3, which is adopted from the UNICEF commissioned report on the child protection system in Albania (Hamilton et al., 2007). In 2007, Albania also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Table 3 Sexual offenses in the Albanian Criminal Code (Source: Hamilton et al., 2007, p. 56)

<b>Sexual offenses</b>		
<b>100</b>	Sexual or homosexual intercourse with a child under the age of fourteen or a female child who has not reached sexual maturity	Seven to fifteen years imprisonment or fifteen to twenty years if committed in collusion with others, repeatedly, by force, or causing serious consequences to health
<b>101</b>	Sexual or homosexual intercourse by force with a child between the ages of fourteen and eighteen who has reached sexual maturity	Five to fifteen years imprisonment or ten to twenty years if committed in collusion with others, repeatedly, or with serious consequences to health
<b>103</b>	Sexual or homosexual intercourse, profiting from the physical, mental incapacity, or unconscious state of the victim	Five to ten years imprisonment or seven to fifteen years if committed in collusion with others, repeatedly, or with serious consequences to health
<b>106</b>	Sexual or homosexual intercourse between an parent and child, brother and sister, between brothers, between other extended family members, or with persons who are in custody of adoptive relationships	Up to seven years imprisonment
<b>116</b>	Homosexual intercourse when conducted forcefully with a minor or a person unable to protect themselves	Up to five years imprisonment
<b>108</b>	Obscene acts with a child under the age of fourteen years	Up to five years imprisonment
<b>117</b>	Producing, delivering, advertising, importing, selling or publication of pornographic materials in a minor's premises	Fine or up to two years imprisonment
<b>Offenses related to prostitution</b>		
<b>113</b>	Prostitution	Fine or up to three years of imprisonment
<b>114</b>	Soliciting, mediating or gaining from prostitution	Fine or up to five years imprisonment
<b>114a</b>	Aggravated exploitation of prostitution, including involvement of minors, coercion, or compulsion to engage in prostitution outside the jurisdiction	Seven to fifteen years imprisonment

Despite the large number of articles relating to sexual offenses against minors, there are still shortcomings in the legislation. Tamo and Karaj (2006) point out, in their analysis of the Albanian legislation, a number of explicit gaps. For instance, articles of the Albanian Criminal Code cover sexual abuse without a reference to specific contexts –with the exception of sexual abuse that occurs in the family. Thus, there are no laws that specifically address sexual violence in school settings, institutions, public areas, and the community. Moreover, the articles at times are vague and need to be reformulated to become more specific. Article 108, for example, prohibits “obscene acts with a child under the age of 14”; however, the nature of these acts is left unspecified. The legislation, also, does not specifically address the issue of sexual harassment of children, but only of the individual in the workplace, a setting that does not necessarily apply to minors.

There also appears to be no specific offense relating to the inducement or coercion of a child into unlawful sexual activity or to sexual assault not involving intercourse against a child over 14 years of age (Hamilton et al., 2007). Additionally, sexual intercourse with children over the age of 14

is considered a criminal offense only when it is done by force, with no consideration of lack of consent. Other acts of a sexual nature, such as sexual molestation or other forms of sexual abuse that do not involve intercourse are not adequately addressed by the Albanian legislation (Aleanca e Femijeve, 2009).

### **Emotional and Psychological Abuse in the Albanian Legislation**

The Albanian legislation does not directly address any form of emotional or psychological abuse of children. The constitution of Albania prohibits the use of violence and maltreatment against children; however, it does not mention the protection of children from emotional or psychological abuse. The only acknowledgment of such abuse is in points 2 and 3 of the “Fundamental Normative Provisions.” Point 2 explicitly bans the use of physical and psychological punishments against children from kindergartens and schools in Albania. Point 3 of the Normative Provisions recognizes the right of the child not to be made subject to psychological and emotional violence through failure in academic performance. This point lays out the procedure for students’ skills assessment and for students’ grievances in cases when the teacher has not fairly assessed their performance. In both points of the Normative Provisions, however, it is not specified what constitutes emotional abuse. Punitive sanctions against the use of emotional and psychological abuses are not explicated either.

### **Neglect in the Albanian Legislation**

Section Three, Title III of the Albanian Family Code describes parental responsibility as: includ[ing] a set of rights and obligations aimed at assuring the emotional, social and material well being of the child, taking care of him or her, maintaining personal relations with him or her, assuring his or her nurture, education, edification, legal representation, and the administration of his or her wealth.

Article 2 of the Albanian Labour Code also points out parents’ responsibility to assure the emotional, social, and material well-being of their children. The Albanian Family Code sanctions the abuse or neglect of parental responsibility with removal of parental rights in cases where a parent abuses his parental responsibility, or shows serious neglect in exercising his responsibility, or, through his or her actions, harmfully influences a child’s upbringing. However, the Family Code does not explicate what constitutes abuse or neglect of parental responsibility.

The Albanian Criminal Code also includes a number of offenses that are related to neglect or to causing harm to another person via neglectful practices. The law is more specific in criminalizing extreme forms of neglect, such as the abandonment of children under the age of 16. Other forms of neglect like the failure to ensure children’s proper care, health care, nutrition, education, and protection are not covered by the current legislation. Table 4 adopted from the Hamilton et al., (2007) report illustrates the neglect related offenses in the Albanian Criminal Code.



Table 4 Neglect and non-intentional harm offenses in the Albanian Criminal Code (Source: Hamilton et al., 2007, p. 55)

Article	Offense	Sentence
<b>Neglect related offenses</b>		
<b>99</b>	Causing the suicide or attempted suicide of a person dependent upon the perpetrator, by systematic maltreatment or other systematic behaviour which seriously affects the dignity of the victim	Fine or up to five years imprisonment
<b>124</b>	Abandonment of a child under sixteen by a parent or legal caregiver	Fine or up to three years imprisonment or three to ten years imprisonment where serious harm to health or death results
<b>125</b>	Denial of child support ordered by a court	Fine or up to one year imprisonment
<b>Non-intentional Harm related offenses</b>		
<b>85</b>	Homicide due to negligence	Fine or up to five years of imprisonment
<b>91</b>	Serious injury due to negligence	Fine or up to one year imprisonment
<b>92</b>	Non-serious injury due to negligence	Fine

### National Strategies and Action Plans on Child Protection

Albania is yet to have a multifaceted strategy and action plan directly dealing with issues of child abuse and neglect –a strategy that has the proper legal foundation, financial planning and that is fully implemented. For the moment, there are, however, a number of important legal instruments that address these issues directly or indirectly: the National Strategy for Children, the National Social Services Strategy, and the National Strategy for the Fight against Trafficking in Children and the Protection of Child Victims of Trafficking (the “Child Anti-Trafficking Strategy”). Each of these strategies have detailed action plans to ensure their implementation.

The National Strategy on Children addresses, amongst other issues, the protection of children from violence at home, at school, and in the community; the protection of children from abuse and neglect; as well as the protection of children from all forms of exploitation. The Action Plan of this strategy includes a series of steps to ensure children’s protection from abuse and neglect. Some of these steps include: the establishment of a system for the referral and management of cases of child abuse and neglect; the creation of standards of care for children in social care institutions; the definition of the status of psychologists and social workers and their role in working with children who are victims of abuse and neglect; and the carrying out of research to assess the prevalence and causes of child abuse and neglect. The problem with the National Strategy on Children and its Action Plan, however, is its implementation. So far, the plan is not binding for certain sectors, and structures are not in place to facilitate its implementation (Tamo & Karaj, 2006). The goals of this strategy and its action plan have yet to be translated into practice (Aleanca e Femijeve, 2009).

The Social Services Strategy also touches upon the issue of children’s protection via the “Protection Principle”, which states that: “Certain groups including children should enjoy special protection in conformity with their rights and needs. Children are entitled to be protected from violence, exploitation, abuse and neglect wherever they are” (paragraph 1). Implementation of this principle is further envisaged in the Action Plan of this Strategy. However, the Social Services

Strategy, like the National Strategy on Children, has yet to be implemented in practice (Aleanca e Femijeve, 2009).

The Child Anti-Trafficking Strategy addresses the phenomena of trafficking, exploitation and sexual abuse. According to a report by Aleanca e Femijeve (2009), this strategy also has several gaps. The strategy does not spell out the distinction between prostitution and the trafficking of human beings for sexual exploitation. Furthermore, this strategy does not specify all forms of sexual exploitation and abuse, especially when it comes to male minors.

To date, Albania does not have a national strategy and national action plan that comprehensively and functionally addresses the protection of children from abuse and neglect. The existing national action plans do address this issue; however, most of these plans have yet to be carried out in practice. There is, indeed, a pressing need for a National Strategy and Action Plan which will set into place a Child Protection System, with the proper legislation, mandates, and procedures for reporting, assessing, investigating, and intervening in child abuse and neglect cases as well as providing support services for victims of abuse and neglect.

### **Limitations and gaps in the Albanian Legislation**

Albania has undertaken, since the 1990s, a number of important steps to ensure children's rights and their protection from abuse and neglect. However, at present, Albania is yet to have primary legislation on child abuse and neglect issues. The existing legislation also has a number of limitations and gaps, some of which have been already discussed. This subsection provides a discussion of some further issues related to the national legal framework on child abuse and neglect.

One major gap in the existing Albanian legislation is the lack of the legal basis for a child protection system. The legislation lacks a clear definition of 'children at risk', and does not specify the specific types of abuse and neglect or the contexts in which these problems may occur. Also, there is no legal basis for child protection referrals. There are no formal referral policies for professionals or bodies working with children on when and how to refer child protection cases. Those working with children are not clear to whom they should make a referral, which body has responsibility for child protection or in what circumstances a referral should be made. A legal framework for addressing a 'crisis' in child protection terms is also lacking, and no formal systematic recording of abuse and neglect cases is in place (Hamilton et al., 2007).

The law "On Measures against Violence in Family Relations" came into force in 2006, and constitutes an important legal instrument for the protection of children. This law provides protection to persons subject to violence in the home or due to family relations. As such it specifically covers situations where a child is exposed to violence or abuse by any family member. However, this law was compiled primarily with the protection of women, rather than children, in mind, and as such should not be considered as sufficient to fulfil the role of a "child protection law" (Hamilton et al., 2007). The law does not cover all significant children protection situations; does not contain a mechanism for emergency or comprehensive multi-disciplinary assessment of the situation of a child at risk; and contains no mechanism for care planning, identification of appropriate community based services, or appropriate review and support during the receipt of such services (Hamilton et al., 2007).

Another gap in the legislative framework is the lack of legislation on mandatory reporting of child abuse and neglect at home, school, institutions, or community. The law requires all citizens to report any criminal offenses which they witness; failure to do so is punishable by more than five years of imprisonment. However, no direct reference to cases of abuse and neglect against children is made (Tamo & Karaj, 2006).

The Albanian Criminal Code contains several offenses related to child abuse and neglect. Sanctions for these offenses do not include, however, compensation or rehabilitation for children who are victims of abuse and neglect or witnesses of violence. Problems also arise with the Criminal Procedure Code - according to which a child needs parental consent to file a complaint on domestic violence. This procedure constitutes obviously a big obstacle in reporting cases of parental abuse (Aleanca e Femijeve, 2009; Hamilton et al., 2007).

The Albanian Criminal Procedure Code is also deficient in spelling out the guidelines for the treatment of child victims and witnesses of crime. It makes no reference, for instance, to the environment in which child victims or witnesses should be questioned by police authorities. It does also does not provide counselling, health, social, and psychological services for child victims and witnesses.

It should be noted that the Albanian government and various non-governmental organizations are making efforts to ameliorate the current legislative framework relating to issues of child abuse and neglect. The Ministry of Labor, Social Affairs and Equal Opportunities along with a team of experts is currently working on a draft law on children's rights. One of the contributions of this draft law is the creation of institutions at a central and local level that will monitor and report to ensure the rights of children, including protection from abuse and neglect. An Albanian NGO, the Children's Human Rights Centre of Albania (CRCA), in partnership with UNICEF, is also working on the draft law "On the Protection of Children from Violence and Exploitation." Hopefully, these new draft laws will provide a more comprehensive legislative framework on child abuse and neglect issues in Albania.

### **The Child Protection System in Albania**

One of the principal objectives of the Albanian National Strategy for Children and the Albanian Social Services Strategy is the implementation of a child protection system, where cases of child abuse and neglect are identified, reported, assessed, recorded, and referred to authorities or service providers for intervention. Although significant developments have occurred to this extent, Albania is yet to have a proactive child protection system (Hamilton et al., 2007). Dragoti and Kusi (2007) suggest that this undeveloped child protection system in Albania is due to: 1) the lack of a unified law on abuse and neglect that deals with all forms of these phenomena in all settings; 2) the fact that professionals working with children have no mandates or specific guidelines on how to report and respond to violence against children; and 3) the absence of governmental structures to support and monitor all aspects of the child protection system.

At present, there is no identified single body at a central or local level of governance that deals specifically and directly with issues of child abuse and neglect. Several structures and institutions from different sectors are involved in the child protection system, including the state social services, the police, the judicial, the education, and the health sector. Non-governmental organizations and the civil society also play an important role in the implementation of the child protection system. Each of these sectors has its own strengths and shortcomings when it comes to dealing with cases of child protection (Dragoti & Kusi, 2007; Hamilton et al., 2007). Each of these sectors which will be discussed further in this section (see also Appendix I for a list of the existing child protection services, social welfare or other organizations involved in reporting, investigating and/or providing services to children victims of abuse and neglect).

## **Social Services Sector**

The main objective of the social services sector in Albania is to provide social assistance and services to individuals and groups in need due to limited economic, physical, psychological and social circumstances. Child protection concerns are encompassed in this broad objective, since abused and neglected children may be defined as “children in need.” The legislative framework thus places the social services sector as a key actor in the child protection system.

Needs for social services and economic assistance, however, do not necessarily overlap exactly with child protection needs. As such, this sector places less of an emphasis on child protection concerns per se, including identification, assessment, referral mechanisms, and provision of services for cases of violence, abuse, exploitation, and neglect. The sector concentrates mostly on the provision of economic assistance and residential care. Nevertheless, the social services sector plays an important part in the child protection system in that they are frequently able to address the root cause of a problem, such as providing counseling for an abusive parent; or by aiding children that are already in such a situation, such as street children who suffer from chronic neglect (Hamilton et al., 2007).

The main institutional authority of the social services sector is the Ministry of Labor, Social Affairs and Equal Opportunities. This ministry is responsible for the social protection of groups in need, including children. Key structures within the Ministry that address child protection include the Department for Social Policies and Services and the Policy Directorate for Equal Opportunities which hosts the Technical Secretariat for Children. The Department for Social Policies and Services has a Child Specialist post which is responsible for serving as a focal point for child protection issues through the process of social service reform. The Technical Secretariat for Children monitors the progress of implementation of the National Child Strategy and Action Plan. It also provides support and information to the Inter-ministerial Committee on Children, which acts as an advisory body, proposing (but not enacting) policies that relate to Children’s Rights.

The intermediary institution between the policy making level of the Ministry of Labour and Social Affairs and the service provision level is State Social Services. The main responsibility of State Social Services is to serve as an inspectorate body, monitoring and supervising the performance of existing services as well as provide staff development opportunities. This body operates via its main headquarters in Tirana and regional offices situated in the 12 regions of Albania. The role of these regional offices is to inspect and control all social services institutions in their area. Given this monitoring role, these offices play only a limited role in specific case referrals of child abuse and neglect.

At the local level of governance there are several structures that play an important role in the child protection system: the post of the Social Administrator, the regional Children’s Rights Units, and the municipal Child Protection Units.

The post of Social Administrator is located within the municipality or commune local government structure, and provides coordination and delivery of the social care. There is a Social Administrator in each municipality or commune, with the number of social administrators depending on the size of the population. The Tirana municipality, for instance, has around forty Social Administrators, divided between the mini-municipalities. Social Administrators are responsible, among other functions, for the identification of eligible families and persons and their needs assessments, including cases of child abuse and neglect. However, according to the Hamilton et al., (2007) analysis of child protection in Albania, the Social Administrator’s role, in practice, is usually limited to the administration of economic assistance and disability entitlement. These authors, more specifically, note that “Although Article 32 of the Law on Social Assistance and Services gives a clear responsibility to Social Administrators to assess the need for social care services, in practice many

Social Administrators did not have the time to add this function to their daily routine or simply did not regard assessing children at risk as being within their job description” (Hamilton et al., 2007, p.96).

The Children’s Rights Units are located in the regional level of governance, which acts as an intermediary governance level between the local and central governments. These units are responsible for several duties including: a) the identification and the referral of cases of the infringement or abuse of children at a regional level; b) the monitoring and the evaluation of the implementation at a regional level of laws and policies related to children’s rights; and c) the collaboration other governmental structures or non-governmental organizations that work for children’s rights. Currently, these units are operational in 6 (Kukës, Vlorë, Korçë, Tiranë, Durrës, Elbasan) out of the 12 regions of Albania (UNICEF, 2009). Practice assessments of these units have yet to be conducted in order to attain a better understanding of how well these structures are functioning.

The Child Protection Units are established within the administrative structure of municipal social services under a memorandum of understanding between the respective municipality and the implementing NGO. These units have three main functions: to assess and monitor the situation of children and families at risk, to coordinate local level protection referral and response, and to conduct identification and multi-disciplinary case management of the most urgent cases. At present, these units operate in 12 municipalities (Elbasan, Pogradec, Korçë, Fier, Gjirokastrë, Kukës, Kuçovë, Durrës, Sarandë, Shkodër, Peshkopi, Lezhë) (UNICEF, 2009).

The Child Protection Units fulfill an important gap in the child protection system in Albania given the general lack of services that address this issue. The Child Protection Units to date, however, appear to maintain only weak links with the other Social Administrators of the Municipality leading to a lack of co-ordination with broader social assistance schemes. While the Child Protection Units provide a much needed referral body, and to an extent assessment and services, their establishment is not yet institutionalized into the national protection framework (Hamilton et al., 2007).

### **Police/Judicial Sector**

The roles of the police and the judicial sector are of an essential importance for the child protection system, given that these sectors ensure the implementation of the legislation that criminalizes child abuse and neglect. In addition, the police are often the first point of contact of the victim of abuse. International standards on the treatment of child victims and witness also pose that an additional responsibility of the police is to provide the appropriate referrals to the appropriate social care services and to handle the child with the appropriate care (Hamilton et al., 2007).

The General Directorate of the State Police is the highest administrative and technical authority within the Albanian police that reports directly to the Ministry of Interior. The central general directorate of police is located in Tirana, while each of the twelve regions in Albania has a regional police directorate. The General Directorate of the State Police hosts the Section for Child Protection, which is designed to protect children from exploitation, abuse and criminal activities, as well as to prevent acts of juvenile delinquency. In order to assist this Section, a specialist responsible for child protection is stationed in all 12 Regional Police Directorates. The General Directorate also contains an Anti-Trafficking Section, which make referrals of asylum seekers and victims of trafficking (including children) to the shelters for the protection of victims.

At the state level, police structures are involved in the child protection system via the criminal police sections at the police commissariats that are charged with the priority task of discovering, documenting and preventing criminal activity against children and by children. Police sections also play an important role in cases of domestic abuse ensuring the protection of victims, especially minors. To regulate this process, a manual was prepared on 2008 “Standard Procedures for the State

Police Officers on Preventing Violence and Protecting Victims of Violence from Family Relations” (Technical Secretariat of Children, 2009).

In practice, however, the police sector seems to experience difficulty in identifying or referring child victims to social care services (Dragoti & Kusi, 2007), or in describing the procedure for referring cases to state social services (see Hamilton et al., 2007 for an example). The police sector also suffers from a lack of guidance in relation to the treatment of child victims and witnesses, and very often victim children do not receive the appropriate psychological assistance (Hamilton et al., 2007). It should be noted also that in many cases children with protection issues, such as street children are not considered by the police to be their responsibility. So, police officers are largely concerned with investigation and prosecution of the crime rather than protection (Hamilton et al., 2007).

### **Education Sector**

The education sector plays an important role in the identification and referral of cases of violence, abuse, and neglect, given that educators work in close contact with children. International standards recommend that service providers that work with children (such as schools) should receive provisions and guidance on how to record and refer of cases of abuse and neglect. In addition, staff should be trained to identify these situations to refer them to competent bodies or services (Hamilton et al., 2007).

To date, in Albania, teachers and educators are not adequately trained on how to identify and refer cases of child abuse and neglect. This is due, at least in part, to no real policy or criteria on the identification of violence or abuse in schools that could be used in the course of teacher training (Hamilton et al., 2007). An assessment by Dragoti and Kusi (2007) of the capacities of service providers to identify, register, report, and refer cases of violence against children reveals that only about one third of the 158 respondents from the education sector said they had registered a case of violence against children in internal documentation, and this was usually on their own initiative. Moreover, only 8.9% had referred a case (i.e. reported a case to another institution or recommended a case for outside intervention).

An important step in the consolidation of the child protection system is the introduction of school psychologists. The role of the school psychologist is to identify and respond to social problems in cooperation with teachers and the school director; thus, playing a key role in the identification and referral of cases of violence, abuse, and neglect encountered at school. However, it should be noted that school psychologists not always relevant qualifications and training needed for such a post. They also lack a clear job description and have little access to regular updating training and supervision.

### **Health Sector**

The health sector via primary health care services and hospitals is a key actor in the identification of and response to child protection cases encountered. The law “On Measures against Violence in Family Relations” requires the Ministry of Health to enhance the capacity of health practitioners to provide the adequate medical and psychological assistance to victims of violence, including children. In addition, the law also mentions the duty of doctors and practitioners to record and refer cases of violence.

However, practice assessment suggests that health care staff do not work in accordance with a formal child protection policy or referral protocol. Thus, in the Dragoti and Kusi (2007) assessment only 11.1 % of the 126 respondents from the health sector reported referring a case of violence against

children within the last year. Less than a fifth of these respondents claimed to have supervisory mechanisms to monitor the identification, registration, and referral of cases of violence against children. Thus, neither primary health care staff nor hospital doctors have written criteria to assist them in the identification or classification of child protection issues.

Health care practitioners also lack the appropriate training to identify cases of violence against children. An assessment conducted by Hamilton et al (2007) reveals that doctors would use their own medical judgment to identify cases of physical violence or abuse. However, they generally felt less qualified assessing cases of psychological or emotional violence. It should be noted also that in the Dragoti and Kusi assessment (2007) the health sector performed the worst in terms of the identification, registration, reporting and referral of cases of violence against children. This assessment indicates an urgent need to provide health care staff with the adequate training and resources that are needed to participate in the child protection system.

### **Child Protection System in Practice**

The analysis of the child protection system conducted by Hamilton et al., (2007) that in order to establish a pro-active child system in Albania, three key issues need to be addressed: 1) the lack of a clear primary legislation on child protection; 2) the absence of a legal definition of 'children at risk'; 3) the lack of the legal basis for child protection referrals and of a legal framework for addressing a 'crisis' in child protection terms.

At present, the majority of cases of child abuse and neglect come to the attention of the child protection system by parent referral. The police, educators and health staff also may identify and report such cases; however, to date the number of these referrals is low (Dragoti & Kusi, 2007), and dependent upon local relationships and practice (Hamilton et al., 2007). This low level of identification is due to several factors. First, professionals working with children are mandated by law to report cases of serious criminal offenses to the police, but there is no statutory duty to report cases of child abuse and neglect (Hamilton et al., 2007). Second, health care staff and educators are not adequately trained on the identification of child protection cases. Third, these professionals do not work in accordance with a formal child protection policy or referral protocol, and often have a poor understanding of the role of social services and other structures involved in the child protection system. All these factors result in low levels of identification and referral of child abuse and neglect cases.

Hamilton et al., (2007) also point out that, in Albania, there is no uniform policy on record keeping for children at risk of abuse and neglect. Such policy should be developed and implemented for all bodies working with children. Moreover, training should be provided to ensure that staff and professionals working with children fully understand the need for accurate and up-to-date record keeping.

Child protection referrals are not handled by a single identified body, but responsibility for these cases is fragmented. There are a number of bodies that may both identify and receive referrals for child protection purposes, including the maternity units of hospitals, Social Administrators, the Child Protection Unit and the regional office of State Social Services at regional level. Non-governmental organizations also may assess and offer services themselves, rather than referring the case to one of the state bodies at municipal or regional level. Different issues arise in the process of referral of child protection cases. First, not all municipalities and communes have a Child Protection Unit. Second, the police sector not always has a clear understanding of the nature of support services that might be suitable and made available for child victims. Third, the social services sector operates no clear mechanism for emergency or comprehensive multi-disciplinary assessment of a child at risk.

Fourth, there are no emergency powers for the immediate removal of a child by the police or social services departments in the municipality or commune (see Hamilton et al., 2007).

It should also be noted that the bodies undertaking an assessment of a child at risk of abuse lack a common assessment framework. This lack of assessment also makes care planning difficult. In practice, The Child Protection Units work with NGOs and professionals concerned with the child, and discuss the appropriate services to be provided to the child. However, there is no formal process of care planning and review by either the Child Protection Units or other state bodies involved in child protection.

All these factors make the development of child protection problematic. Hamilton et al., (2007) recommend that:

In order to introduce a child protection system that meets international standards and norms and current notions of good practice, the government should consider the introduction of primary legislation setting out which body, at national, regional and local level, has responsibility for a guaranteed minimum level of child protection, the duties of state bodies in relation to child protection, and the procedures to be taken where child abuse is suspected (Hamilton et al., 2007, p. 107).

The Albanian government and several non-governmental organizations in Albania have undertaken a series of important steps to ensure the development of a successful child protection system. The National Child Strategy and the Social Services Strategy and their respective Action Plans have as one of their primary objectives the creation of a pro-active child system. The creation of Child Protection Units and other child protection structures at the regional and municipal level of governance aims to offer services to individuals and groups at risk. Furthermore, one of the goal of the Social Services Strategy is the transformation of residential centers into community-based centers; thus, facilitating the provision of services to children who are victims of abuse and neglect.

The Government of Albania, UNICEF and a non-governmental organization, the Children's Human Rights Centre of Albania (CRCA) have also undertaken an important initiative – the creation of the Albanian National Child Helpline – ALO 116. ALO 116 is a national service that aims to assist children via phone counselling and referral services to other governmental and non-governmental organizations. This helpline, in place since June 2009, comes as a response to the need to improve the situation of Albanian children's rights in general as well as to address the situation of abuse, neglect, and maltreatment of children in Albania. The helpline is currently in its eighth month of work and is receiving 300-400 calls per day. A substantial amount of these calls has reported cases or issues related to child abuse, maltreatment, and neglect; cases which have been referred to the appropriate authorities and service providers.



APPENDIX I  
LIST OF EXISTING CHILD PROTECTION SERVICES IN ALBANIA<sup>1</sup>

**Governmental institutions, structures, units**

Ministry of Labor, Social Affairs and Equal Opportunities (MoLSAEO)

MoLSAEO Children's Protection Sector

MoLSAEO Technical Secretariat for Children

States Social Services

Social Administrators

Children's Rights Units

Child Protection Units

Ministry of Interior

General Directorate of the State Police

General Directorate of the State Police: Section for Child Protection

General Directorate of the State Police: Anti-trafficking Section

Ministry of Education and Sciences

Ministry of Education and Sciences: Regional Education Directorates

Ministry of Health

Municipality of Tirana: Social Services Sector

Multidisciplinary Community Center for Children and Families in Need

National Institute of Statistics (INSTAT)

**People's Advocate**

**Non-governmental organizations, centers, and societies**

UNICEF, Albania

---

<sup>1</sup> Please note that this list is not exhaustive.

Save the Children in Albania

Terres des Hommes

World Health Organization

World Vision Albania

ARSIS Albania

Amici dei Bambini

VIS Albania

Children's Human Rights Centre of Albania

Children's Rights Observatories

Psycho-Social Center "Vatra"

Alliance for Children

All Together against Child Trafficking – BKTF Coalition

SOS Children's Villages

Shelter for Battered Women and Girls in Albania

"Different and Equal" Organization

National Society "Education for Life" (SHKEJ)

Kombinat Centre- Society for Women and Children

Partnere per Femijet (Partners for Children)

Every Child Organization

Amaro Drom Organization

Help the Life Organization

Bethany Social Services Albania

“Children Today” Centre

Children of the World Albania

Help for Children Foundation

Women’s Association “Refleksione”

Gender Alliance for Development Center

Counseling Center for Women and Girls

## References

- Aleanca e Femijeve. (2009). Raport alternativ i Konventes se OKB-se per te drejtat e femijeve. Drejtuar Komitetit te te Drejtave te Femijeve se OKB-se. Gjeneve, Zvicer.
- Dragoti, E., & Kusi, S. (2007). Violence against children in Albania: The capacities of service providers to identify, register, report and refer cases of violence against children. Tirana, Albania: UNICEF.
- Dunne, M. P., Zolotor, A. J., Runyan, D. K., Andrevva-Miller, I., Choo, Y. W., Gerbaka, B., Isaeva, O., Jain, D., Kasim, M. S., McFarlane, B., Mamyrova, N., Ramirez, C., Volkova, E., & Youssef, R. (2009). ISPCAN Child Abuse Screening Tools Retrospective version (ICAST-R): Delphi study and field testing in seven countries. *Child Abuse & Neglect*, 33, 815–825.
- Hamilton, C., Malby, S., & Ross, G. (2007). Analysis of the child protection system in Albania. Tirana, Albania: The Children's Legal Centre and UNICEF.
- Harr, R., & Dhamo, M. (2009). Domestic violence in Albania: A national population-based survey. Tirana, Albania: National Institute of Statistics, Albania.
- Haxhiymeri, E., Kulluri, E., & Hazizaj, A. (2005). Child abuse in the Albanian family. Tirana, Albania: Children's Human Rights Centre of Albania.
- Kamani, P., Mato, E., & Cangonji, E. (1997). The child abuse phenomenon in the Albanian society. Tirana, Albania: Refleksione.
- Karaj, Th. (2009). Teachers' beliefs about corporal punishment of children. Tirana, Albania: Save the Children in Albania.
- Multidisciplinary Centre for the Management of Child Maltreatment (MCMCM) (2000). The situation of child maltreatment phenomenon in school and family environment in Tirana. Tirana, Albania: Soros Foundation.
- National Scientific Council on the Developing Child. (2005) *Excessive stress disrupts the architecture of the developing brain*. Cambridge, MA: National Scientific Council on the Developing Child; Working Paper No. 3. Available at: [http://developingchild.harvard.edu/library/reports\\_and\\_working\\_papers/wp3/](http://developingchild.harvard.edu/library/reports_and_working_papers/wp3/). Accessed on January 25<sup>th</sup>, 2010.
- Pinheiro, P. S. (2006). World report on violence against children. Geneva, Switzerland: United Nations Publishing Services.
- Runyan, D. K., Wattam, C., Ikeda, R., Hassan, F., & Ramiro, L. (2002). Child abuse and neglect by parents and other caretakers. In E. Krug, L. Dahlberg, J. Mercy, A. Zwi, & R. Lozano (Eds.), *World report on violence and health*. (pp. 59–86). Geneva, Switzerland: World Health Organization.
- Save the Children, Albania (2007). Violence against children in schools. Tirana, Albania: Save the Children in Albania.
- Sekretariati Teknik per Femijet. (2009). Raporti per zbatimin e objektive te strategjise kombetare per femijet. Tirana, Albania.
- Tamo, A., & Karaj, Th. (2006). Violence against Children in Albania. Tirana, Albania: Human Development Centre and UNICEF.
- UNICEF (2009). The situation of children in Albania. Tirana, Albania: UNICEF
- UNICEF/INSTAT (2006) Multiple Indicator Cluster Survey. Tirana, Albania: UNICEF/INSTAT
- World Health Organization. (2001). Statement to the Committee for the Rights of the Child.

World Health Organization. (2002). World Report on Violence and Health. Geneva, Switzerland: World Health Organization.