

Violence Against Children in ALBANIA

Relevant extracts from an NGO alternative report presented to the UN Committee on the Rights of the Child

CRC Session 38, 10 - 28 January 2005

Children's Human Rights Centre of Albania – English

www.crin.org/docs/resources/treaties/crc.38/Albania_ngo_report.pdf

[...]

...it can be said that the rights of the child are cruelly violated and in many other cases they have not been guaranteed or protected.

[...]

The budget of government at central and local levels does not include a specific budget to cover children; nevertheless children in Albania make up almost 40% of population.

[...]

Child labour and child trafficking, street children, children in conflict with law and child abuse are the most striking phenomenon in Albania.

[...]

Albania does not have a National Authority for Children, which can monitor the implementation of the Convention on the Rights of the Child. There are many difficulties and a serious lack in collecting, processing and analyzing data related to children. There are no reliable statistics on children in conflict with law. Children in conflict with law often are not separated by the adults in pre-trial detention centres or prisons. The absence of specialised staff for children in conflict with the law, as well as the non-existence of the Court of Minors are another concern for children's rights.

[...]

The knowledge of the Convention on the Rights of the Child at the level of the Government and society at large is very limited.

[...]

The minimum age for admission to employment defined in the Work Code of the republic of Albania, and it is above 16 years of age.

[...]

Roma children, Gypsy are discriminated in Albania. This is seen in the confrontation of these children with the indigenous ones. This differentiation is evident in all the aspects of life: at school, nursery, kindergartens, in social-cultural life, and relations with the public administration (including police, the Attorney's Office and Courts).

In the Albanian schools it is noticed the discrimination of children by their teachers according to the economic situation or social strata of their families. This is apparent in the relations of teachers with pupils and the way of differentiated treatment of children belonging to high social and economic strata and those belonging to lower strata. Also, this category includes disabled and chronically sick persons or those with incurable diseases. These children are not treated with any special care either by the state or the teachers.

[...]

It often happens that in the Pre-trial Detention Centres, children in conflict with the law are maltreated and abused emotionally, and often there are cases in which physical abuse and tortured is carried out on them.

[...]

On 8 July of 2004, in the rooms of the Pre-trial Detention Centre of Rreshen, a 17 years old boy died. It resulted that the child had fractures in the back of his head according to the autopsy. This fact,

though the two arrested guardians are still under investigation, shows that violence is often exercised against children and that the National Police Authority does not respect the right to life of the child.

[...]

The Roma and Gypsy children, as national minorities in Albania, live in rather difficult conditions, which have an influence on their rights to education, non-discrimination, social assistance, surviving and development.

[...]

Nevertheless the freedom of expression is not always guaranteed in practice to children. At the school level teachers deny to children the freedom of expression, and when children complain about this, often would be under pressure for their marks or their education quality might be neglected by the teachers.

The family in Albania also has problems to understand the importance of freedom of expression of the child. Is commonly known the expression that 'the child should be seen but not heard'. Children within the family are not given enough space to express themselves and often will be subjected to physical and emotional abuse by the parents.

[...]

TV adds related to sex or other chat services (such as Hotlines, Sex lines and Chat Lines) are often showed at viewing times of children. A recent media report showed that many of the sex and chat lines were used by adolescents and young people.

[...]

Since the violations come within the family or at school, for a child to complaint to the relevant authorities would be rather impossible, because of lack of legal aid. The same can be said about children's privacy at police stations, pre-trial detention centers and prisons.

[...]

Article 25 of the Albanian Constitution and the Criminal Code of Albania prohibit the use of torture or other cruel, inhuman or degrading treatment and punishment.

However, the situation of children in police stations, pre-trial detention centers and prisons it could be described as simply cruel and inhuman.

Torture is prohibited by the national and international standards approved and ratified by the Albanian Parliament. In more than one case we have faced the same type of torture used against children such as beating the children on their feet with hard or plastic sticks, hanging of children upside down and putting their heads in water. Other forms of torture used are the beating the children with hard objects such as chairs, plastic sticks on the head, back of the body, arms and legs. The torture is carried out during the holding and the arrest of children in public places and inside the police stations. The police officers use the torture as a means to find out the evidence of offences committed by children. There have been no legal trials against the police who use torture in police stations from any of the children, because they fear that the torture could be used against them again. On the other side the Officials of the Police stations say that there is no form of torture used in Police stations.

The children interviewed during fact-finding missions often declare that physical and psychological violence is used against them in police stations and Pre-trial detention centres during the interviewing by the investigating officers or by the police officers. The physical violence includes repeated use of slaps, punches and kicks. While the psychological violence includes the use of threats such as "You'll stay all your life in prison" or "I'll kill you if you don't say who did the crime".

The children in Pre-trial detention centres are not divided in cells with other children, but most of them share the space with adults. Generally they are divided in cells based on similar offences committed by them or the adult inmates. The Pre-trial detention centres are crowded and the cells have double the number of people allowed. In the cells there is little air circulation, because of the damp on the walls and the windows are as small as 60 cm long by 20 cm high. The children spend their time in cells by smoking and talking to other inmates. Books, newspapers, TV, Radio and other forms of information and communication are not allowed, based on the *Guidelines for the Security of the Detainees* adopted by the Ministry of Public Order. There were no fridges or washing machines in the Pre-trial detention centres.

[...]

There have been cases of rape of a female child deprived of a family environment, when she was living in a Boarding School in north of Albania.

[...]

One of the factors which lead to the phenomenon of the trafficking of minor's is the unstable economic and political situation. Poverty, lack of control over the borders as well as corruption is the main factors that lead to the trafficking of minor's. This traffic is very sophisticated and gives the impression that these minor pass the border legally. These so-called "legal" procedures are not fought by the Albanian government.

In the Albanian legislation there are provisions missing on the trafficking of minors and this is a phenomenon very much discussed lately in Albania. There is also a lack of the well defined definitions in the Albanian legislation to determine the distinction between the traffic of minor and the contraband of persons.

Statistics of a detailed study and qualitative data is missing for the trafficking of children. The services with reference to the trafficking of minors are not adequate and do not answer their needs for rehabilitation and reintegration. The existing centres can not meet the requests and needs of minors all over Albania.

Albania lacks Governmental policies as well specific legislation so as to accomplish the protection of children from any kind of trafficking for economic or sexual exploitation.

The legislation of the country must protect minors from any type of hard labor and it should specify by legal and sub legal acts and regulations the traffic of minor.

The number of female lawyers and general attorneys is very small and this is one of the reasons why an improvement of the situation by the Albanian government is needed and expected.

The Albanian government must approve the law "For the protection of the witness" as soon as possible because the absence of this law leads to the non-identification or the non-punishment of the Traficant's as well as other people involved in these criminal acts.

The cooperation with the countries where minors are being trafficked must be very intensive so as to secure the rehabilitation and reintegration of the minor victims of the traffic of the human beings.

[...]

One can put few facts about child abuse in Albania, as following:

- 1.Children in Albania are considered as a sole internal matter and responsibility of the family;
- 2.Albania lacks the basic services for abused children.
- 3.Children are abused inside family and the main forms include physical and emotional abuse. However new facts show that sexual abuse of children is becoming also a concerning phenomena.
- 4.Child Trafficking is the worst form of child abuse in the country. Albania is a country of origin and transit for child trafficking towards Western Europe.
- 5.Children in institutions
 - Children in orphanages often become victim of physical abuse, or get involved in trafficking;
 - Children in police stations, pre-trial detention centres and prisons often become victims of abuse or torture by police forces, adults or other children;
 - Children in schools. Physical abuse of children by teachers is largely accepted by the families of children and teachers themselves as a "good" method of education;
6. Roma Children are victims of verbal and physical by the non-Roma people.

Meanwhile the main facts about child neglect that could be mention are as following:

- Albania is one of the poorest countries in Europe, thus between 40-60 percent of population is living with less than 1 USD per day.
- Although there are data about poverty, we lack the data on neglected children.
- Few months ago the country was shocked by the "Zyberi Family" story, where a young child was found dead in his house, frozen and malnourished. The other seven children of the family were moved into institutions.
- Children in orphanages often are neglected by the responsible authorities especially related to their food, clothes and education.
- There is a large number of child Labourers and street children in the country.
- Most of the Roma children leave under miserable conditions.

There has been no answer to child abuse by the Albanian Government. Albania should be one of the fewest countries in the world that does not have any institution (hospitals, courts, police, social services) working on child abuse. When cases of child abuse are reported, the only institution involved

is the Police Authority. Nor there are rehabilitation services or follow up of the case by social services, hospitals etc. Although in 2001 the Government approved the National Strategy for Children and the National Plan of Action, so far few of the actions included in the Strategy have been implemented into practice.

[...]

There are about 250 disabled minors with physical problems receiving some sort of social and health services. These institutions attending to the needs of these minor have limited capacity compared to the needs and demands for services these minor must receive. Many lame minor can be seen out in the streets begging, and in most cases they are tutored and forced into it.

Another category of minor in need is the blind, the deaf and the mentally retarded. These minors can be seen in the streets without any support from their families or the state institutions. In most cases these minor are maltreated and exploited for different purposes.

[...]

The orphans and the disabled minor, who do not have any income of any kind, are welcomed in the public institutes for free. The government covers the expenses of board in the institute and gives these minor an amount for the personal expenses. With which the heads of the institutes usually abuse (the last case has involved in a scandal a director of the orphanage in Tirana).

[...]

The elementary education is obligatory and for free in Albania. While the high school education is for free but not obligatory.

[...]

Corruption of the professors in the high schools and universities is present every day. Different professors develop private courses for the pupils, while the pupils who are not able to follow these courses may fail the exams.

[...]

The abandonment of school by minors is another phenomenon that the Albanian school has undergone during the last 13 years. The percentage of minors who should follow the obligatory education (elementary school) has decreased from 95 % in 1990 to 75 % in 1999. More serious is the situation of the minors who are not registered in school at all. This phenomenon is especially evident in the areas undergoing inner migration. About 35 % of the minor who live in these areas are not registered in schools.

The statistical evidence of the registration of minors in educational institutions in the year 2000 shows only 36 % of minors aged 3-5 were registered in preschool education. In the obligatory education there were 543,967 students and in the high schools 102.971 students.

The overpopulation of the urban areas has caused problems not only in the geographic establishment of schools but also in the normal functioning of the class hours of the existing schools. In cities, the number of students per one class in the elementary school is 45 students per class and 35 for the classes of the high schools.

More urgent is the situation of the kindergartens of the mountain and rural areas, especially in the north east of the country. We can openly say that the above mentioned educational institutions do not exist at all.

It must be emphasized that the civil education is not known for the greatest part of these minor. In fact they would laugh if they heard that they have equal rights and freedom to their parents and the whole society that surrounds them.

Many Albanian minors feel obliged to go to school and not as a preparation for their future and that of the society. They are most of the times obliged by their parents to go to school and very rarely by the institutions appointed by the government (Education departments or the education sections of the communes and municipalities).

[...]

The competent department, which deals with the applications for asylum, is the Office for the Refugees, which are lead by the National Commissioner for Refugees. This institution was established with the refugees coming to Albania due to the war in Kosovo in 1999. Nevertheless, this office is running presently because refugees from Iran, Pakistan and distant China come in Albania and ask for political asylum in Albania.

The centre where these refugees are welcomed is in miserable conditions and a greater assistance from the Albanian government is expected for the procedures of asylum, arrangement and integration of the refugees in the Albanian reality.

[...]

From the practices of the Chile Legal Protection Office (a CRCA – DCI programme) it has been noticed that in many cases the officers of the court police near the police stations question the child without the presence of the parent or the layer. There have been cases of physical, psychological and emotional mistreatment. The physical violence exerted by police officers results in throb on the legs and arms so that no signs are visible in the body of the child. In many cases the mistreated child accept the penal offences due to the violence exerted on them although they may not have committed the crimes or they sign the minutes arranged by the police officers without reading them and after the police officer has promised to set him free afterwards. In such a case, the tutor appointed by the police officers and paid by the government not only do not protect the interests of the client but make alliances with the accusing departments by facilitating their job.

In contradiction with the Code of the Penal Procedure the arrested child are shown in the news as authors or suspects for commitment of penal offences.

[...]

The way the police communicate with the child who has legal problems leaves much to be desired. They usually act brutally and humiliate the child. These children are often under psychological pressure and traumatized due to these attitudes as well as the bad conditions in which they are kept. There have been cases when the Albanian police officers have accepted the fact that the only way to make child admit the crime was the physical and psychological violence.

In many cases due to the absence of witnesses the preliminary investigations may take months or years. The child suspected of a crime is kept in a common room of detention while according to law they must be detained separately. It is common that the convention for the protection of the child's rights is unknown to the police officers or general attorneys of judges, that's why it is necessary for them to specialize and train of the different categories of the employees of the institutions of the Albanian law.

[...]

Creative activities for child in attendance of their punishment do not exist. There is no television or radio or any other means of information (magazines and newspapers). The families may visit them three days a week for the total of 45 minutes in a month.

The psychologist or the social worker are usually absent in the police departments and the detention rooms because they are not part of the structure approved by the Ministry of public order, which does not foresees these professional personalities.

Childs detained in these environments are totally separated from education and school because there is no means of education in the detention rooms. The psychological-social assistance offered by many Non Profitable Organizations is refused by the prison's regulation. The specialized staffs of detention institutions do not exist.

[...]

Child labor is a very emergent problem and its closely related to the economic difficulties that Albanian Economy is facing. [...]A survey held by the Children's Human Rights Centre of Albania (CRCA), through a questionnaire in regard to the reasons contributing to school drop out among children in Albania, concluded that 17 % of these drop outs needed to work to support their families. Approximately 50 thousand children work at least part or full time.

Children in the streets represent the worst cases, the most sensitive and less protected one, which are exposed to maltreatment, uncertainty, illiteracy, malnutrition and hard labor more than any other social group. Only in Tirana over 800 children live as beggars, mobile vendors, shoe-polishers etc.

[...]

Roma children live in extreme poverty and very difficult social existence. Most of them live by begging in the streets of Albania. During summer these children migrate illegally into Greece where they work or beg.

The Albanian Government must take all the necessary measures to prevent hard labor for children as well begging or exploitation of children in hard labor or jobs inappropriate to them. Unprotected

children, orphans, children with divorced parents and other children exposed to social risks could easily fall prey of various forms of exploitation, violence and more on.

[...]

Labor Inspectorate in Albania is quasi inexistent and not at all efficient, since it does not take any measures against the employer even in cases of evidencing child labor under the relevant age.

[...]

According to the Centre of Drug-Treatment at the Military Hospital of Tirana, the most vulnerable group-ages to become drug users are from 15 to 25 years of age, 93% of which are users of heavy drugs such as heroine, cocaine and amphetamine.

[...]

Poverty and the extreme difficult situation of the Albanian family, has brought about the increase of the number of females less than 18 years of age prostituting in exchange for money. This prostitution is carried out by females that consider it as a job, and by student girls that "sell" their body to earn money, since they need money to precede their studies and their families are very poor and can't help them financially.

[...]

Albania is a transit country for many girls (not to be excluded that among them there are girls under 18 years of age) coming from countries like: Moldova, Ukraine and Serbia that use Albania as "a springboard" to pass to Italy or Greece. This contingent is exploited by the indigenous criminality, and often these girls are bought and sold among the Albanian mafia's groupings, to end up later in Italy, where they are again exploited and abused under the pressure of physical and psychic violence.

As regards to the statistics of the Albanian State on the phenomenon of sexual exploitation and abuse with children, there is lack of them. In 2001, the number of females escaping from trafficking was 135, whereas that of the foreign females was 57. The number of the reported cases of trafficking for sexual purposes in 2001 was 196, whereas fir the other years there is no data. It is thought that the number of the Albanian children trafficked in Europe for sexual and economical exploitation is estimated between 3000 – 5000 children.