



FUTURE OF INTEGRATED CHILD PROTECTION SYSTEM IN ALBANIA

**The vision of how to improve children's outcomes
in Albania through an effective and integrated child protection system**

Tirana 2015

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This Policy document has been prepared by Ms Anniki Lai, in her capacity as a Council of Europe expert on the rights of the child and child protection systems.

The opinions presented in this policy document are those of the expert and do not reflect the official position of the Council of Europe.

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EXECUTIVE SUMMARY

This policy document on integrated child protection systems is developed in the context of the efforts of the Albanian Government to improve the protection of children's rights in Albania. It contributes to the National Action Plan on Children and the revision of the existing child protection legislation. This process has been supported by the Council of Europe and is in line with the Council of Europe Strategy for the Rights of the Child (2012-2015). This document has been presented at an event organised on 16 December 2015 in Tirana, by the Albanian authorities, in the presence of the Minister of Social Welfare and Youth, Mr Blendi Klosi.

The need to draft the policy document with a vision to improve Albanian child protection system was identified during the round-table on Combating Violence against Children in Tirana on 26 March 2015, jointly organized by the Council of Europe and the State Agency for the Protection of Child Rights in Albania. During the preparations and the drafting of the document, several meetings were held with representatives of state authorities, local municipalities and civil society organizations to identify the needs for changes and improvements required to strengthen the child protection system. The strategic visions suggested within this policy document have been thoroughly consulted with representatives of local municipalities, key government institutions, civil society and children in Albania.

Albania has made efforts in recent years to establish the child protection system. This has been a relatively new field for the country. Even though the time for developing child protection measures has been short, lessons have been learned and knowledge gained to make next steps towards building a comprehensive system for child protection. Positive steps have been taken towards establishing new structures and approaches, such as adopting of the Law on the Protection of the Rights of the Child, the establishment of the State Agency for the Protection of Child Rights to improve the monitoring of national policies related to child protection and the establishment of Child Protection Units (CPUs) – the only specialized structure with a referral mechanism at the local level. The remaining challenges are the lack of child protection workers in local municipalities, low capacity of local government units to organize and provide services and the lack of state support to municipalities, both in case management and service provision. Even though the relevant structures have been established, the coordination and cooperation between the sectors and levels of action is ineffective, there is a lack of clear leadership, the implementation of the policies is poor and a comprehensive legal framework addressing child protection is still missing in Albania. This means that the existing services and structures do not constitute a child protection system, but a 'patchwork' of services and dispersed action. Furthermore, there is a need to move from the fragmented issue-based approach to the systems-approach, to ensure a holistic way for prevention and protecting children from harm.

Therefore, this policy document is providing a vision of how to move towards a more advanced and effective child protection system. The document has been built on the basis of the Council of Europe and other relevant international legal standards, has a strong emphasis on the specific needs of the system, as well as to the requirement for cross-sectoral and inter-agency approach in coordinating policies and actions. The main focus of the policy document is on clarifying the roles and responsibilities of the responsible authorities in organizing child protection and providing policy suggestions in the areas of first priority for action. Thus, some elements of the child protection system (prevention; reporting, referral and response mechanisms, justice for children) have been addressed more explicitly than others due to the need for prioritization and heightened attention by the Albanian government based on the current situation and challenges of the child rights protection in Albania.

The key priority areas of the child protection system that this document highlights are, mainly, the following: accountable governance and well-defined roles and responsibilities; effective measures of prevention and response to violence against children; and child-friendly justice systems. The following sections provide more detailed areas for actions under each of these three key areas (which are further enriched with examples and possibilities for action in the main body of this policy document):

Establishing accountable governance mechanisms with well-defined roles and responsibilities in the child protection system:

- Improving the government level leadership and inter-sectoral and inter-agency coordination in policy planning;
- Strengthening the role of the Ministry of Social Welfare and Labour as the central coordination authority in the child protection system;

- Improving the performance of the respective state agencies in implementing child protection policies and action, and supporting child protection practice at the local level;
- Establishing effective systems for the child protection at the local municipality level, increasing the number of child protection workers and improving the quality of the work;
- Setting clear responsibilities for the data collection, analysis and research, and establishing digital databases to improve the availability of data;
- Strengthening donor and NGO coordination to ensure that their action is aligned with national policies.

Developing effective mechanisms and measures to prevent and respond to violence against children:

- Using public health approach when designing policies and selecting interventions to prevent child abuse, neglect and other problems of children.
- Improving children outcomes promoting and implementing early intervention measures and promoting positive parenting.
- Introducing mandatory reporting system, improving the identification and referral mechanisms of children in need for protection.
- Strengthening the practices and procedures in case management and ensuring adequate responses to cases of children in need of protection.
- Ensuring safe, quality and family-like alternative care for children who have been removed from their families and/or left without parental care.

Establishing child-friendly justice systems:

- Harmonizing the national legislation with the Council of Europe Guidelines on child-friendly justice, the Lanzarote Convention and EU Victims Directive 2012/29 to establish minimum standards on child-friendly justice and protection of victims.
- Including child-friendly justice principles and specific objectives related to children to the Strategy on the Justice System Reform and developing child friendly justice mechanisms.
- Drafting the guidelines on “the best interest of the child” and making available for all public institutions, law enforcement institutions and courts.
- Building capacity and knowledge of all professionals involved in judicial proceedings, especially police, prosecutors and members of the judiciary, on child-friendly justice.
- Providing adequate support and rehabilitation for children with behavioural problems and in conflict with the law, building it a part of the child protection system.

With the proposed policy goals and visions, the policy document “The future of integrated child protection system in Albania” aims to give input and guidance for the Albanian government in preparing new child protection legislation and the National Action Plan for Children.

1. INTRODUCTION

All children are entitled to fundamental rights, to live their lives free of violence and be surrounded by an environment filled with happiness, love and support.

The United Nations Convention on the Rights of the Child (UNCRC) is the most universal piece of legislation on the rights of the child. The Convention orients and limits the States parties and imposes duties that require the creation of the legal, institutional, social and economic conditions that would guarantee the full enjoyment and exercise of the rights of children.¹ Albania ratified the Convention in 1992, taking the responsibility to guarantee the rights of children in Albania, and to make sure that the provisions and principles of UNCRC are reflected fully and that their legal effect be ensured in national legislation.

The Council of Europe promotes and protects children's rights in Europe based on UNCRC, the European Convention on Human Rights, European Social Charter and other legal standards. Key Council of Europe legal standards and tools for building integrated child protection systems include Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), Convention on Action against Trafficking in Human Beings and Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Albania has ratified all the above-mentioned conventions. A tool for effective support to national child protection systems is Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence. Other relevant Council of Europe tools supporting states in building national integrated child protection systems are CM Recommendation (2005) 5 on the rights of children living in residential institutions, Recommendation (2006) 19 on policy to support positive parenting, CM Recommendation (2011) on children's rights and social services friendly to families and children, as well as the Guidelines on Child friendly Health Care (2012), the Guidelines on Child Friendly Justice (2010).

The concept of child protection is relatively new for Albania and the country faces many challenges in the area of children's rights. Children suffer from grave violations of their rights and their wellbeing is rarely discussed as a priority issue by politicians and the society at large.² Albania made a big step forward in 2010, with the adoption of the Law 10347 "For the Protection of Child Rights", which embedded the concept of a child protection system. The design of the system, while rich in elements, is still fragmented and issue-based. One of the main gaps is the absence of a document or a set of documents describing the child protection system structures, functioning and capacities.³ However, there has been some progress during the recent years in building the legal framework, policies and structures for the increased protection of children in Albania. The National Action Plan for Children 2012-2015 and other sectoral strategic documents have been adopted. Further initiatives foresee the drafting of the new National Action Plan for Child Protection and preparing a proposal for a new Child Protection Law. Juvenile Justice Reform is in the working agenda of the Parliament of Albania and Social Care Reform is to be launched.

In practice there is still a long way to go in establishing a comprehensive and integrated child protection system to prevent harmful experiences that children are subject to, and to ensure that the rights of all children are respected and protected. But, even though Albania has relevant legislative frameworks and policy strategies in place, various studies and reports describing the gaps in the system, show that the progress has been slow because of the lack of effective implementation. Such a concern has been raised also by the UN Committee on the Rights of the Child in its concluding observations for the CRC report of Albania (2012) which expresses the concern of the generally weak capacity of Albania to effectively implement child-related laws and urges the state to establish adequate mechanisms, frameworks and systems for an effective implementation.

The problems of a child protection system are seldom resolved once and for all. As Albania evolves, the child protection systems and both the government and local policies have to respond to new challenges. In order to move

¹Morlachetti (2013). Comprehensive national child protection systems: legal basis and current practice in Latin America and the Caribbean. ECLAC-UNICEF.

²National Report on the Situation of Children's Rights in Albania 2013-2014.

³Cabran. M., Finelli, M., Bradford. B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

towards a holistic system for the protection of children's rights, Albania has to make a shift from the issue based child protection policy to the system approach, put a strong focus on implementation and make all possible efforts to make the change - investing in the well-being and the future of children.

This policy document on integrated child protection systems in Albania is developed in the context of the Council of Europe Strategy for the Rights of the Child (2012-2015) and contributes to the Action Plan on Child Protection and drafting the proposal of new Child Protection Act of Albania.

The need to draft the policy document with a vision to improve Albanian child protection system was identified during the round-table on Combating Violence against Children in Tirana on 26 March 2015. The meeting was jointly organized and hosted by the Council of Europe and the State Agency for the Protection of Children's Rights in Albania. The round table contributed to improving the knowledge and understanding of the challenges and shortcomings of the current Albanian national child protection system. During the preparations and the drafting of the document, several meetings were held with representatives of state authorities, local municipalities and civil society organizations. Workshop "Building an integrated system for the protection of children in Albania, challenges and opportunities" with key actors of the Albanian child protection system was held on 15 October 2015. The workshop was organized to discuss and clarify the roles and responsibilities of different sectors (health, education, justice, social care, child protection) and institutions (ministries, state agencies, local municipalities). The strategic visions suggested within the draft policy document were thoroughly consulted with representatives of local municipalities, key government institutions, civil society and children.

The drafting of the Policy Document on Child Protection Systems in Albania has been made possible thanks to the dedication, enthusiasm and support provided by Mr. Blendi Klosi, the Minister of Social Welfare and Youth of Albania, Ms. Ina Verzivolli, the Chairperson of the State Agency for the Protection of Children's Rights and the assistance provided by the Department of Equality and Human Dignity and Children's Rights Division of the Council of Europe.

2. SHORT OVERVIEW OF CURRENT STATUS OF CHILD PROTECTION SYSTEM IN ALBANIA

Albania has made efforts in recent years to establish the child protection system, which has been a new field for the country. Even though the time for building and implementing child protection measures has been short, lessons have been learned and knowledge gained to make next steps towards building a comprehensive system for child protection.

The challenges and strengths of the child protection system have been elucidated many times in the past years. Several analysis and assessments have been carried out in the past years which have clearly highlighted the main gaps of the system, as well as made recommendations to the authorities. These include:

- The Situation Analysis of the Child Protection System in Albania (2011), by the the Coalition United for Child Care and Protection (BKTF);
- Study on the Situation of Children in Street Situation in Albania (2014) by the Ministry of Social Welfare and Youth, with the support of UNICEF, Save the Children, Arsia and GFK;
- Report on the Situation of Child Rights in Albania (2013-2014), and the Monitoring Report of the Child Protection System at local level (2015) by the State Agency for Protection of Child Rights;
- Mapping and Analysis of the Albanian Child Protection System (2015) by MAESTRAL Int., with the support of UNICEF, TdH and MSWY;
- Study on Alternative and Foster Care, by Stevens, I., Connelly, G., Milligan, I. (2013);
- The analysis on Justice System Reform with an approach towards child-friendly justice by Mandro, A. (2015).

Positive steps have been taken towards establishing new structures and approaches. A very important step for Albania has been the adoption of the Law on the Protection of the Rights of the Child in 2010 and the establishment of the State Agency for Protection of Child Rights to improve the monitoring of national policies related to child protection. Most notably, the establishment of Child Protection Units (CPUs) – the only specialized structure with a referral mechanism at the local level. The CPU model is a bottom up approach, first established from municipalities in collaboration with NGOs, and later institutionalized from the central government. The Ministry of Social Welfare and Youth has been entrusted with the policy coordination on the protection of children's rights and also to coordinate the activity of the cross-sectoral Government committee. But, even though the individual roles of these actors are rather well defined, the coordination and cooperation between the actors is ineffective, there is a clear lack of shared leadership and the policy implementation are the main weaknesses of the system.⁴ Terre des Hommes, one of the most active civil society organizations, has found that the existing services constitute not a child protection system, but rather a 'patchwork' of services and it considers that a comprehensive legal framework specifically addressing child protection is still missing in Albania.⁵

Progress has been made in recent years fighting against human trafficking, creating a legislative and organisational framework. European Committee of Social Rights in their 2011 conclusions on the situation in Albania with the European Social Charter (articles 7,8, 19 of the Revised Charter) notes that Albania has made considerable effort in combating this crime and is no longer considered a major country of transit. The Office of the National Anti-Trafficking Coordinator has carried out extensive work on prevention and public awareness-raising to combat trafficking, specialised trainings has been provided to relevant institutions at local and national level, efforts have been made to improve the identification of victims of trafficking, cross-boarder cooperation with neighbouring countries has improved with the signing of a number of bilateral agreements. Efforts made to prevent child trafficking has been also acknowledged by Council of Europe Group of Experts on Action against Trafficking in Human Being (GRETA). Even though there have been number of measures undertaken to combat human trafficking, there is

⁴ Cabran. M., Finelli, M., Bradford. B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

⁵ Child Protection System "Under Construction". Four stories of children in need of protection in Albania. Terre des Homme (2015)

still room for improvements, insufficient resources and poor systems for the protection and reintegration of victims of trafficking being part of the remaining challenges.

Positive changes in the field of child protection have been also largely initiated by the civil society organizations and government institutions have not been sufficiently active in reforming the child protection system. Professor Vasilika Hysi, the Chairperson of Sub-commission for Human Rights in the Albanian Parliament has admitted, that the country “needs to consolidate, the institutions responsible for monitoring how the legal framework is implemented, the quality of child services and identify the gaps of the child protection system. For many years, this role has been played by national and international civil society organizations in Albania. Besides the work of civil society, the state institutions working in this field need to be strengthened”.⁶

In the recent mapping of the Albanian child protection system, it has been concluded, that the investments in child protection workforce and quality of the services has been residual at most and there is no evidence how much of the public finances have been allocated and spent on child protection. The insufficient funding might also be due to the reason that child protection is not part of the government budgeting programme (MTBP).

A very positive aspect of the current regulation is, that child protection work must be implemented in collaboration with other actors, multi-disciplinary approach is used in case management as the law foresees the establishment of multidisciplinary teams to work with child protection cases. The remaining challenges are the lack of child protection specialists in local municipalities, lack of a clear decision-making mechanism to respond to cases of abuse and neglect and the definition of clear protection measures, low capacity of local municipality units to organize and provide services and the lack of state support to municipalities, both in case management and service provision. Quality assurance systems, including competence building, establishment of the qualification standards and accreditation mechanisms for the professionals working in child protection, are mainly lacking and should be more systematically addressed by the government authorities. Additionally, systematic knowledge building, multi-disciplinary trainings and unifying the practice between professionals working directly with children in different sectors need to be improved.

Recent decentralization and the territorial reform in Albania has reduced the number of local authorities, which hopefully implicates the positive impact on the establishment of stronger child protection systems in local municipalities, with clearer responsibilities, stronger capacities and better outcomes for children.

⁶ National Report on the Situation of Children’s Rights in Albania 2013-2014.

3. WHAT IS A CHILD PROTECTION SYSTEM?

In order to design the framework for the child protection system in Albania, it is important to define the “child protection system”.

Child protection has historically focused on particular issues or on specific groups of children in vulnerable situations. Although this approach can serve the needs of a targeted group, it also has important limitations as children may have multiple child protection issues. Fragmented child protection responses may deal with a single problem but risk failing to provide a comprehensive solution for the diverse needs of children.⁷ It is also important to note, that child protection should not be confused on the protection of all children’s rights, which is the responsibility of everyone working with and for children. The comprehensive protection of children's rights is the set of organizations, entities, mechanisms and national, regional and local-level services oriented to respecting, promoting, protecting, restoring and re-establishing the rights of children and adolescents and repairing the harm done by the violation of these rights, as established in national legislation regarding children and adolescents.⁸

The United Nations Children’s Fund (UNICEF) defines a child protection system as the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. Responsibilities are often spread across government agencies, with services delivered by local authorities, non-State providers, and community groups, making coordination between sectors and levels, including routine referral systems, a necessary component of effective child protection system. The definition provided by Save the Children (2011) adds further key components including child-friendly justice, child participation, a supportive public, a trained workforce, adequate resources, standards and monitoring mechanisms and data collection system.

The European Commission in its reflection paper for the 9th European Forum on the rights of the child (2015) defines, that in **an integrated child protection system**, components and services are multi-disciplinary, cross-sectorial and inter-agency, and they work together in a coherent manner. The integrated child protection system places children at the centre, putting in place laws and policies, governance, resources, monitoring and data collection, as well as prevention, protection and response services and care management. In formal and informal ways, the results of these combined and collective efforts protect children from violence as set out in the UNCRC.⁹

Some EU Member States define child protection more broadly to include social protection (services, benefits, other support) to secure rights of the child and child well-being more generally. The broader context of the social protection of children, has been set out in the 2013 European Commission Recommendation Investing in children.

Child protection systems should:

- protect children from risks and vulnerabilities by helping them and their families relieve the shocks;
- prevent the impact of external shocks by averting deprivations that increase vulnerabilities and risks likelihood;
- promote self-reliance and resilience by enhancing life skills, capabilities, and supporting parenting;
- transform the environment in children live by supporting equity, social justice and empowerment.¹⁰

⁷ Mapping child protection systems in the EU (2014). Study of the European Union Agency for Fundamental Rights (FRA)

⁸ Morlachetti (2013). Comprehensive national child protection systems: legal basis and current practice in Latin America and the Caribbean. ECLAC-UNICEF.

⁹ Particular attention should be paid to General Comment No 13 (2011) of the UN Committee on the rights of the child on the right of the child to freedom from all forms of violence.

¹⁰ Cabran. M., Finelli, M., Bradford. B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

4. GUIDING PRINCIPLES

When moving towards and building an integrated and comprehensive child protection system, some guiding principles should be followed.

Best interest of the child

In all actions affecting children, including those to protect them from all forms of violence, the best interests of the child should be the primary consideration. Child protection systems must be guided by the best interests of the child and the child's right to non-discrimination, physical integrity and dignity, protection against violence, abuse and exploitation, the right to grow up in a family environment and the right to liberty.

Children's right to participation

Children have the right to be heard, express freely their opinions and participate in decision-making processes that are relevant in their lives and to influence decisions taken in their regard — within the family, school, community, society. It requires dialogue between children and adults based on mutual respect, that full consideration of their views is given, taking into account the child's age and maturity.

Ensuring a focus on children who face an increased risk due to multiple disadvantages

Such children are Roma children, some migrant or ethnic minority children, children with special needs or disabilities, children in alternative care and street children, children of imprisoned parents, as well as children within households at particular risk of poverty, such as single parent or large families.¹¹

Prevention is better than cure: emphasis on prevention and early intervention

In order to ensure the rights of the child, the risks threatening the well-being of the child must be prevented. Investing in prevention and early intervention brings benefits not only to children but to society as a whole, with significant savings on remedy action, associated with family breakdown, alternative care, conflict with law, health (incl mental health) problems etc.

Positive parenting is a cornerstone of child abuse prevention and for better outcomes of children

The primary protection of the rights of child starts at home, by the parents or caregivers. To prevent and reduce possible risks what children might face, and to provide parents with relevant non-violent and proactive child-rearing skills, parents need support by the local municipality and the state as well as other actors of the system. Parenting support is important in general for all parents, but also for 'at risk' and maltreating families to reduce the likelihood of child abuse and maltreatment.

Evidence-based approach in interventions and service provision

Interventions and services should be based on a sound knowledge of the needs of children and families and should be child friendly. The priorities in investment decisions should be set to interventions that are based on the best available evidence of effectiveness. Efforts of all the actors in the child protection system should be focused on the outcomes that matter the most, doing what works the best.

Smart and sustainable implementation is the key for success

Laws, regulations and policies themselves do not work in isolation. Strong political and bureaucratic leadership are needed, structures, measures, and first and foremost, committed people or "champions" to make things work in practice.

¹¹ Investing in children: breaking the cycle of disadvantage. European Commission recommendation (2013/112/EU).

Policy making and strategic planning must be systematic, evidence-based and integrated

Evidence-based policy making and policy cycle (Figure 1) approach should be central in strategic planning. The strategies for a child protection policy and implementation should be based on data and scientific knowledge (with regard to what works), contain realistic and time-bound targets, be supported by adequate human and financial resources, and be systematically evaluated. Policy targets should be ideally SMART: specific, measurable, achievable, realistic and timed.

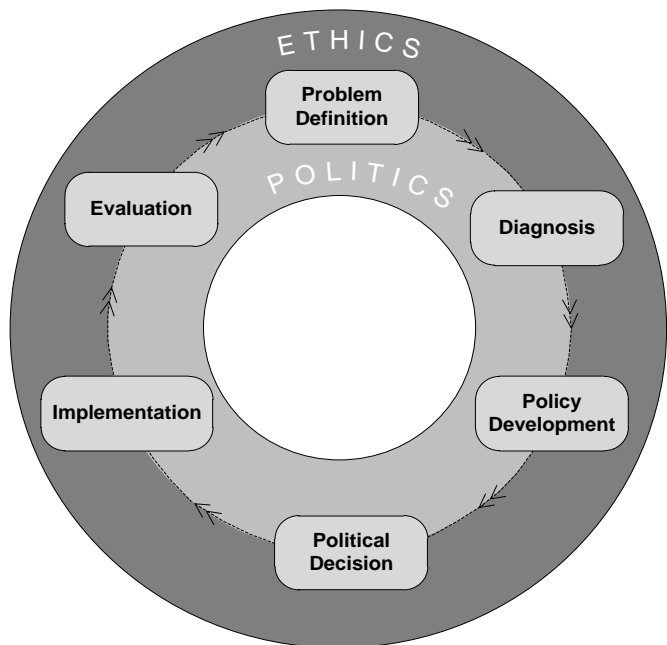


Figure 1. The policy cycle.¹²

The most effective and sustainable response to violence against children is a multidisciplinary and systematic framework integrated into the national planning process, rooted in the UNCRC and relevant Council of Europe standards on the rights of child, and it should bring together all the relevant stakeholders. All actors concerned with the promotion and protection of the rights of the child, national, regional and local authorities, independent human rights institutions, professionals working for and with children, researchers, civil society and the media should be involved in the strategy's design, implementation and evaluation. Children should not only be heard but they should be empowered to contribute and have their views considered.¹³

¹² Roberts. M. et al (2008). Getting Health Reform Right. A Guide to Improving Performance and Equity. Oxford University Press.

¹³ Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence. CM/Rec 2009 (10)

5. OBJECTIVE OF THE POLICY DOCUMENT

„A clear vision for child protection is needed to spell out how all actors should work together for the protection of children“¹⁴

This policy document is providing the Albanian government with a vision of how to move towards a more advanced and contemporary child protection system. The document has been built on the framework of the Council of Europe and other international legal standards, has strong emphasis on the needs of the system, as well as to the requirement for cross-sectoral and inter-agency approach in coordinating policies and actions. The main focus of the policy document is on clarifying the roles and responsibilities of the responsible authorities in organizing child protection and providing policy suggestions in the areas of first priority for action. Thus, some elements of the child protection system (prevention; reporting, referral and response mechanisms; justice for children) have been addressed more explicitly than others due to the need for prioritization and heightened attention by the Albanian government based on the current situation and challenges of the child rights protection in Albania.

In order to secure the protection of the rights of all children living in Albania, the country has to adopt the system approach in child protection, ensure cross-sectoral working principles and strengthen the responses of the system in preventing and protecting children from all forms of violence.

The key components of the ideal child protection system in Albania should be:

- Clear policy targets, standards, objectives and relevant legal framework;
- Mechanisms for effective horizontal and vertical coordination and cooperation between different levels and sectors;
- Structures with clear roles and responsibilities for policy making, which are accountable and ensure the effective implementation of the policies;
- Adequate capacity of state and local government units in prevention and providing assistance and support for children and families;
- Continuous support for ensuring the competence and the quality of work of child protection professionals and other specialists working with children;
- Involvement of children and families, in decision making, service design and quality improvement, and case management processes;
- High quality interventions and equal distribution of services;
- Systematic approach to data collection, analysis and monitoring in central and local level.

The Policy Document on Integrated Child Protection System in Albania sets out how Albania should seize the current opportunity to improve the children's well-being. It gives the Albanian system:

- a vision with strategic guidance and ways to get there;
- ideas how to establish a system with clear roles and responsibilities;
- the mechanisms for different actors working together and crafting holistic policies for the means to child protection;
- better understanding of *what works* in order to make the difference;
- the ways to prevent risks and improve children outcomes.

The framework of the integrated child protection system should be reflected upon the preparation of the comprehensive child protection legislation, which is key to setting out all the elements of a child protection system.

¹⁴ Quote from Cabran. M., Finelli, M., Bradford. B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

6. WORKING TOGETHER TO SAFEGUARD CHILDREN: ORGANISATIONAL ROLES AND RESPONSIBILITIES IN CHILD PROTECTION

Albanian society should react to the actual situation, improve the actions and build a comprehensive strategy on child protection. It is very important to work together in building a complete and comprehensive system to protect children.

(Mr. Blendi Klosi, Minister of Social Welfare and Youth)¹⁵

All countries should respond to any kind of harm and violence against children, and protect children through a multi-disciplinary and systematic framework, which is integrated into national planning process, has been rooted in the UNCRC and brings together all stakeholders. Council of Europe policy guidelines on integrated strategies for the protection of children from violence (CM/Rec (2009) emphasizes that national policies should rely on cross-sectoral cooperation and coordination involving health, education and social sectors, agencies responsible for planning and budgetary appropriations, law enforcement authorities, and the justice system. At national level, an agency with primary responsibility for the protection of children against violence should have a key coordinating and monitoring role, its capacity to involve multiple sectors in a broad-based action is crucial.¹⁶

An integrated child protection system relies on authorities and professionals working in collaboration with others. The child protection system is not only multi-level and multi-dimensional, it is also multi-sectoral. That makes collaboration and coordination critical both in policy making and in guaranteeing the implementation of the policies. For this purpose it is of the utmost importance to have clearly mandated leaderships, including political and technical leadership, and well defined roles and responsibilities of all actors for the child protection system in place in Albania.

The Mapping and Analysis of the Albanian Child Protection System¹⁷ looked at how the Albanian social protection system is identifying and addressing the risks to child care and protection, and provided policy recommendations for moving forward. With regard to the establishment of governance mechanisms to design, oversee and adjust the child protection in Albania, the report recommends that:

- Ministries, departments and agencies providing the leadership and coordination are required to ensure effective decision making, resourcing and participation of all involved stakeholders.
- Coordination mechanisms with clear roles, responsibilities and divisions of labor. Coordination should encompass both vertical (from national to subnational and vice versa) and horizontal (across the same levels) dimensions.
- An information management system that provides timely and accurate information and provides sound base for evidence based policy making and implementation.
- Managerial accountability within the framework of a performance based budgeting and management to have results oriented child protection in place.¹⁸

These recommendations are complementing the observations of the UN Committee on the Rights of the Child, urging Albania to rationalize the work of the various child rights bodies and provide them with the necessary human and financial resources to carry out their role efficiently. This recommendation is more broadly addressing the implementation of child rights in Albania, but is also important in relation to child protection.

¹⁵Appendix 2. Summary of the workshop "Building an integrated system for the protection of children in Albania, challenges and opportunities" 15 October 2015, Tirana.

¹⁶Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence. CM/Rec 2009 (10)

¹⁷Cabran. M., Finelli, M., Bradford. B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

¹⁸ Ibid.

There are some core challenges for the structural and institutional organization of the Albanian child protection system, which need to be actively addressed in order to make the improvement of the overall system possible:

- the confusion of roles and responsibilities of the different actors, lack of clear leadership in policy and cross-sectoral coordination, implementation, data collection and monitoring;
- a lot of time and resources have been put to policy planning, but much less on the implementation, which makes the latter the poorest aspect of the system;
- the performance of the local municipalities assisting children and families is weak and there is a need for systematic support by the state authorities for improving the case management and service provision at the local level;
- the capacity and competence of child protection workforce should be strengthened;
- the data collection, the use of analysis and research is unsystematic and not centrally coordinated;
- a mechanism for donor coordination is lacking and should be established for regular cooperation and to improvement of the efficiency of donor support in implementing the government policies on the protection of children's rights;
- the need for continuous legal analysis to identify gaps in the legislative framework to make relevant amendments.

Therefore, in order to fulfill its purposes and establish a comprehensive system, the Government with the leading Ministry and other line ministries, state agencies and local authorities, must have explicit mandates and relevant responsible authorities to implement child protection policies. The roles and functions of the different management levels of the government should be made clearer, the cooperation between the various stakeholders of the child protection system should be enhanced and the support system to improve the child protection in local municipalities must be established.

MAIN OBJECTIVES IN ESTABLISHING ACCOUNTABLE GOVERNANCE MECHANISMS WITH WELL DEFINED ROLES AND RESPONSIBILITIES IN THE CHILD PROTECTION SYSTEM

- 1. Improving the government level leadership and inter-sectoral and inter-agency coordination in policy planning.**
- 2. Strengthening the role of the Ministry of Social Welfare and Labour as the central coordination authority in the child protection system.**
- 3. Improving the performance of the respective state agencies in implementing child protection policies and action, and supporting child protection practice at the local level.**
- 4. Establishing effective systems for the child protection at the local municipality level, increasing the number of child protection workers and improving the quality of the work.**
- 5. Setting clear responsibilities for the data collection, analysis and research, and establishing digital databases to improve the availability of data.**
- 6. Strengthening donor and NGO coordination to ensure that their action is aligned with national policies.**

6.1. LEADERSHIP IN CHILD PROTECTION POLICY PLANNING, COORDINATION AND INDEPENDENT MONITORING

The current Law of Republic of Albania concerning the Protection of the Rights of the Child states that the National Council for Protection of Child Rights is an advisory *ad hoc* body responsible for coordination of national policy for the protection of children's rights. Coordination of the action in the field is the responsibility of 'The Ministry' as the

governmental authority. 'The Ministry' must oversee the implementation of national strategy and action plan for children, coordinate efforts with the relevant governmental authorities to design and implement child protection standards, coordinate actions to prepare the meetings of the National Council for Protection of Child Rights. Relevant authorities at central and local level have the obligation to cooperate with the Coordinating Minister.

It is not very clearly stated in the law, which Ministry should be acting upon these functions in Albania, however with the Decision of the Council of Ministers such responsibility has been given to the Ministry of Social Welfare and Youth. As the examples of other countries show, the leading Ministry for child protection system is often the Ministry of Social Welfare, but not all the functions of the child protection system fall under this ministry. Aside from the Ministry of Social Welfare, there are other ministries having a leading role in their specific area of child protection. The Ministry of Interior is in charge of issues related to combating trafficking in persons and general public security, the Ministry of Justice and the Judiciary is in charge of justice for minors, the Ministry of Education and Sports is responsible for safe school environment, the Ministry of Health for identifying and treating violence and abuse and finally the Ministry of Finance for resource allocation and so on. Although the political level coordination has been established through the initiation of the NCPCR, the cooperation between the line ministries in the area of child protection in technical level is not very functional and should be strengthened.

Child protection is not set as a priority in the state budgeting and policy planning process. Currently, most national policy planning documents and action plans only contain the budget source, but no budget estimate is given for the cost of the measures. The Action Plan for Children 2012-2015 has budget indications only for the component of "the right to legal protection".¹⁹

There is clear lack of independent monitoring in the area of the protection of children's rights. In 2014 a section for children was established in the Ombudsman's office. This is a positive step in guaranteeing children's rights in Albania, as the Ombudsman is going to handle the complaints on the violation of children's rights and supervise independently such violations. However, the position of the child rights commissioner at the Ombudsman's office continues to be vacant.

STRATEGIC VISION FOR IMPROVING POLICY PLANNING, COORDINATION AND INDEPENDENT MONITORING

- The **National Council for Protection of Children Rights (NCPCR)** is the leading political body for cross-sectoral policy decision making and coordination. NCPCR is also a mechanism for high-level monitoring of the implementation of national policies by responsible authorities, and these authorities are producing the outcomes expected from the relevant strategies and action plans and are accountable for their results. NCPCR should be mandated to make policy decisions and setting the policy objectives and priorities, therefore NCPCR submits proposals and instructions, including child rights budgeting, to all relevant ministries with responsibilities in child protection, with specific focus on cross-sectoral preventive measures.
- The **National Action Plan for Children (NAPC)** is the central strategic policy document for children policy. It should have a strong focus on child protection and provide policy guidance based on cross-sectoral cooperation and coordination involving health, education and social sectors, agencies responsible for planning and budgetary appropriations, law enforcement authorities, and the justice system. NAPC addresses all the necessary actions to build necessary mechanisms and implement the integrated child protection system through protection, prevention and promotion.
- **In order to ensure the efficient implementation of the child protection policies, the Government has to establish systems to ensure sustainable funding.** NAPC and other relevant national action plans should include estimated budgets and indications of costs of activities and interventions. Child protection should be a priority area for the state and local authorities when developing the Medium Term

¹⁹ Cabran, M., Finelli, M., Bradford, B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International.

Expenditure Framework.²⁰ There should be earmarked funding section specifically for child protection case management and response services planned and established within the foreseen Social Funds in the framework of the Social Care reform.

- **Ministry of Finance should be part of the policy planning initiatives**, as ensuring the funding for successful implementation of the planned reforms in the area of child protection, is with utmost importance.²¹
- **There is a need for inter-ministerial technical coordination**, that would enable implementation of the relevant policies and actions, agree upon the policy goals and actions, and ensure smooth cooperation between the line ministries. **This role could be played by an Inter-Ministerial Committee on Child Protection (IMC-CP)** – which could be established for technical level policy making and cooperation between the line ministries. That body would be acting under the NCPCR. The role of the IMC-CP is to coordinate the implementation of the policies and actions, agree upon the policy goals and actions, ensure smooth cooperation between the line ministries and assist NCPCR. IMC-CP shall be steering the crafting of the National Action Plan for Children (NAP), endorsing the selected priorities and activities and endorsing annual reports of the NAP. The members of the IMC-CP are defined and appointed by the line ministries.
- As there are several other strategies or policy documents addressing child protection issues, including prevention of domestic violence, anti-trafficking mechanism, social protection and inclusion, children health, juvenile justice, anti-discrimination etc., IMC-CP could therefore play a role of central coordination mechanism of these strategies.
- Relevant Ministries in child protection (Health, Social, Justice, Interior) should define and nominate one department to be responsible of representing the Ministry at the Inter-Ministerial Committee and developing their specific policies and protocols concerning child protection.
- Temporary issue-based task forces could be initiated by IMC-CP, when necessary, to tackle specific priority fields in child protection. Issue-based task forces shall be led by the respective ministry. For example, the Task Force should prepare and draft the new Child Protection Law.
- The **Ministry of Social Welfare and Youth** is mandated to coordinate the process of preparation and monitoring of the implementation of the NAP-CP and to coordinate the work of IMC-CP. Other line ministries and agencies with responsibilities on certain actions within the NAP framework, are delivering annual reports to MoSWY. MoSWY role is to prepare the NAP-PC annual report in cooperation with line ministries.
- **The legal framework for child protection in Albania needs to be improved.** Legal framework should include the regulations on the roles and responsibilities of different actors in child protection, making clear distinctions between their functions; implementing policies in safeguarding children rights; the prohibition, prevention and protection of children from all forms of abuse and neglect, and other relevant legal amendments.
- **The child rights commissioner position in the Ombudsman's office should be filled and they should have clear strategy to monitor independently the protection of children's rights** in Albania. The child rights commissioner should make itself known, especially to children, but also to the wider public.

²⁰ Cabran, M., Finelli, M., Bradford, B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International.

²¹ Involvement of the Ministry of Finance to the policy and action planning processes was stressed during the consultations of the policy paper, by the municipal and state representatives.

6.2. STRENGTHENING THE MINISTRY LEVEL LEADERSHIP IN CHILD PROTECTION SYSTEM

There is a lack of governmental leadership in policy making of the overall child protection system in Albania. According to the regulations, the Ministry of Social Welfare and Youth (MoSWY) is the governmental authority responsible for planning policies on the protection of the children's rights, preparing regulations and coordinating the action. In practice, the MoSWY does not fulfil its roles in policy making and coordination efficiently in the area of child protection, its functions are often delegated to the State Agency for the Protection of Child Rights. In addition to that, the coordinating role of the MoSWY in child protection has not been clearly stated in the child protection law and is covered by the by-laws. The role of MoSWY in ensuring the inter-ministerial and intra-ministerial coordination could be more formalized and systematic instead of ad hoc initiatives. In order to have clear roles in child protection policy coordination and securing the preconditions for policy implementation, it is critical to have well-structured and accountable management system in place at the MoSWY level.

There is a lack of clarity on roles and responsibilities with regards to child protection within the MoSWY, between different departments. In order to avoid the overlap of functions within the MoSWY as the leading Ministry in child protection and to set up a clear technical leadership, better division of responsibilities within the MoSWY structure needs to be established to ensure unified and systematic policy making in child protection. The latter is also relevant from the viewpoint of the upcoming social care reform, which plays an important role in the child protection system.

Social care reform has been in the agenda of the Government of Albania since 2010. The reform process is led by the Ministry of Social Welfare and Youth, and it has become more intense in recent years and should be continued over the next 3-4 years. Social care reform is meant to improve the efficiency of the social protection system including the quality of social services for vulnerable groups, including children.²² During the planning process, there have been suggestions to include local child protection units (CPU-s) into the social care system, to have a unified and systematic approach to case management and coordinated service provision. Ensuring adequate funding of social services and child protection work in the local municipalities should be one of the priority fields of action for the MoSWY. Financing may occur in the form of earmarked grants in the first years of social care reform.

STRATEGIC VISION FOR STRENGTHENING THE MINISTRY LEVEL LEADERSHIP IN CHILD PROTECTION

- Clear responsibility for the leadership of the child protection system should be defined in the relevant laws, that the **Ministry of Social Welfare and Youth would be legally mandated to take the central coordinating role in the child protection system.**
- In order to strengthen the leadership role of the MoSWY in the child protection policy coordination, clear policy making functions would be attributed to a specific department within the MoSWY or to a new department in such responsibilities.
- **The main functions of the MoSWY in child protection policy making and coordination** would be as follows:
 - Designing policies and coordinating actions in the areas of child protection and social services for children and families;
 - Drafting relevant strategies and policy documents, action plans and planning budget allocations;
 - Proposing, preparing and drafting relevant regulations, laws and by-laws;
 - Ensuring the implementation of the policies, establishing relevant structures with strong implementation capacities;
 - Coordinating and monitoring the implementation of the respective policies and measures, preparing relevant reports;

²²Social care services in Albania: An updated map, characteristics and trends (2013). Report prepared by the National Centre for Social Studies.

- Coordinating and monitoring the activity of respective state agencies responsible of child protection and social services for children and families;
 - Coordinating the action of the National Council for Protection of Child Rights;
 - Coordinating the child protection at the inter-ministerial level, leading the Inter-Ministerial Committee of Child Protection and preparing its meetings;
 - Coordinating donor activities in the field of the child protection;
 - Ensuring the establishment of the quality assuring and capacity building systems (including the creation and funding of relevant institutions) for child protection and service provision;
 - Responsible in ensuring coordination of data collection, analysis and research in the area of child protection.
- All relevant line ministries, such as the Ministry of Justice, Ministry of Education, Ministry of Health, Ministry of Interior, must ensure that their sectoral policies include clear policy goals, action, roles and responsibilities in the area of child protection. Ministries should establish the monitoring and accountability mechanisms to ensure the implementation of the policies.

6.3. IMPLEMENTING THE POLICIES ON THE PROTECTION ON CHILD RIGHTS BY RELEVANT STATE AGENCIES

Implementation of the child protection policy requires effective systems and structures to carry out the law and policy mandates. In Albania, however, poor implementation of the policies concerning the protection of children's rights has been seen as the greatest weakness of the current child protection system. Even though the Government has established structures to enable the implementation of the policy, there is still lack of a clear, effective and coordinated response and intervention mechanism with clear accountability lines.

Historically, the establishment of a separate directorate for children at the MoSWY had been under the discussions led by the civil society.²³ The separate policy unit would have enabled to bring children issues higher to the policy planning and decision making level, making them more visible in the state system. Instead, the State Agency for Protection of Child Rights (SAPCR) was established to monitor the implementation of the policies for protecting children's rights and give more voice to children. SAPCR is the key institution having multiple tasks in child protection, mainly to supervise the legal framework on protection of children's rights and monitor the policy implementation. Also, preparing guidelines for regional child protection units (CRU) and local municipality respective units (CPU), organizing the collection of data, analysis and research. In addition, several functions concerning the coordination and planning of the policy for protection of children, has been in practice delegated by the Ministry of Social Welfare and Youth to SAPCR, making the agency rather the leading authority in policy making than implementing the policies of the Government. That may be explained with the change of the management of SAPCR in 2014, whose focus is to consolidate the proactive coordinating role of the institution for child protection issues.

Based on Law No. 10347 date 4.11.2010 "For the Protection of Children's Rights", the SAPCR, is responsible for monitoring and controlling the implementation of this law. DCM No. 266 date 12.04.2012 "*On coordinating the activity of mechanisms on a local and central level on issues related to the protection of children's rights*", Article 3 stipulates that SAPCR *collaborates with the Child Protection Unit (CPU) on a municipal/communal level to guarantee the implementation of the legislation and state policies for the protection of children's rights by monitoring the tasks implemented by these structures as stipulated in Article 39 of Law No. 10347 date 4.11.2010*" On the Protection of Children's Rights". CPU-s themselves have underlined that SAPCR should play a larger role as an institution that protects, promotes and lobbies on a local and central level on the role and work of the CPU, and for earmarking a special fund for CPU-s to treat and support cases of emergency. Local child protection actors also expect from the

²³ Such discussions were mentioned during the interviews conducted by the consultant in July 2015.

SAPCR technical and specialized support for difficult cases and coordination of the child protection work in local municipalities.²⁴

There are two state agencies, which are legal entities and dependent on the Ministry of Social Welfare and Youth, mandated to implement the child protection and social care policies: State Agency for Protection of Child Rights and the State Social Services (SSS) with its regional offices. The SSS has the leading role in the provision of social services in Albania, including services for children and families. Parallel management and overlap of efforts between SAPCR and SSS with its regional offices, has been observed, as both of these authorities are in charge of referring and monitoring the cases of child protection and services. Monitoring, collection of statistical information on children, proposing instruments for child protection workers, defining the type of assistance to be provided to various actors working in the child protection system, enhancing coordination in producing reports on child rights issues, are brought out as examples of such overlapping efforts. This concern has been addressed during the preparations of the reform, one of the recommendations being the establishment of the coordinating mechanism between the SAPCR and SSS.²⁵ The need to tackle the overlap the efforts between these structures is critical.

The plans of social care reform include improving the case management and the organization of social services at all levels (national, central and local). The role of SSS according to the plan will be to monitor the delivery of cash benefits, monitor social care departments at local level on the implementation of the Social Plans and standards of social service delivery, detailed protocols for case management will also be prepared for all social work clients. Additionally, advice, technical assistance and support will be provided for local municipalities by the SSS with its regional units. Currently, in regions, under the administration of the Regional Council, the Child Rights Units (CRU) have been entrusted with monitoring, data collection and coordinating referrals of child protection cases. Considering that the new regions established under the territorial reform will not have the current role and competencies, the role of CRUs will diminish.

At this point there is no such organization in Albania which would have the functions of ensuring the **quality systems** and systematic competence building, with capacities of administrating and piloting evidence-based interventions, including relevant analysis and research abilities, in the area of prevention and protection of children. The state agency also acting under the Ministry of Social Welfare and Youth, Inspectorate for Labour and Social Services, is understaffed and lacking training to play their role in monitoring the quality of the services sufficiently. Strengthening their role is essential to ensure that the services provided for children and families are in compliance with the law and with good quality.

In order to overcome the implementation gap, improve the quality of child protection measures and strengthen the performance of the respective state agencies, it is with of utmost importance to establish explicit roles and functions for central authorities with responsibilities in the implementation of the child protection policies, coordinating municipal child protection activities and supporting the practice.

STRATEGIC VISION FOR STRENGTHENING THE IMPLEMENTATION OF CHILD PROTECTION POLICY AND ACTIONS, BY IMPROVING THE PERFORMANCE OF RESPECTIVE STATE AGENCIES

- **The role of the State Agency for Protection of Child Rights (SAPCR) should be strengthened to coordinate the organization of child protection system**, including the intervention and response mechanism, providing direct support to local municipalities in their child protection duties, in competence building, quality assurance and development, research and other professional activities concerning child protection. Sufficient authority, human, technical and financial resources should be made available to coordinate effectively child protection interventions in national and local level.
- **Legal analysis and comparative child protection system analysis should be undertaken to clarify specific functions of the SAPCR in the area of child protection.** Examples of the possible functions of the SAPCR are as follows:

²⁴ State Agency for the Protection of Child Rights (2014). Challenges and recommendations for improving child protection services on a local level. Monitoring report.

²⁵ Supporting Planning of Social Care Services: NOTE ON ROLES AND FUNCTIONS (2015). Report to UNICEF-SDC-MoSWY project "Governance of Social Care Services" prepared by ISB and ESA Consulting.

- Ensures technical coordination of the implementation of national child protection policies at central and local level;
 - Coordinates the interaction and cooperation between relevant state agencies, academia, NGOs and private sector to ensure unified approaches in all areas of child protection, with special focus on prevention;
 - Participates in the development and implementation of National Action Plan for Children and other policy and legislative documents, provides its input for monitoring and evaluation of the effects of implementation of the policy documents;
 - Within its mandate of monitoring children's rights in Albania, SAPCR also explores trends and problems, measures and effects of child protection, prepares analyses and reports and proposes measures for the improvement of the child protection system;
 - Develops the quality assurance system for national and municipal child protection systems, coordinates the development of quality standards, guidelines and protocols for child protection workers;
 - Analyses the needs for specific interventions in the area of child protection and family support, with the special focus on prevention, introduces evidence-based interventions in the country and initiates the pilot projects in collaboration with civil society organizations;
 - Provides strategic support and guidance in evidence-based policy planning for relevant authorities and specifically for local municipalities, supports and consults local municipalities in data collection;
 - Coordinates the awareness raising of the protection of children's rights in the society, informs professionals and general public about the implementation of the child protection and promotes child participation in all areas;
 - Provides direct support to local municipalities in their child protection functions, including case management support and supervision;
 - Monitors the performance of municipal child protection work;
 - Coordinates and organizes continuous educational trainings for child protection workers and other professionals working with and for children;
 - Performs accreditation of child protection workers.
- SAPCR should take the leading role for the design of **the standards of child participation** to ensure that child participation standards are agreed and established in all sectors and services to children. Such standards could be based on the Council of Europe child participation indicators.
 - **The State Social Services is performing its assigned functions in service provision described within the Social Care Reform** as the responsible state agency providing direct support to local municipalities in the area of social protection and care, coordinating the establishment of NARU (unit for case management in local municipalities) and coordinating the service provision for children and families. SSS with its regional offices should provide direct consultations and guidance for local municipalities concerning the organization and provision of services for children and families.
 - **Clear coordination and interaction mechanism between the SAPCR and SSS should be established** in order to guarantee unified approaches and cooperation between both of these structures in implementing their assigned functions in providing support to children and families.
 - **The role and the capacity of the Inspectorate for Labour and Social Services (ILSS) should be strengthened** to ensure the efficient inspection and control the quality of the services for children and families.
 - Sectorial and inter-sectorial protocols in the area of child protection, to ensure coordinated and harmonized approaches and multi-disciplinary cooperation between different actors, should be established by the relevant state central agencies or Ministries (such as General Police Directorate, Probation Service, SSS, SAPCR, Anti-Trafficking Coordinators Office, Ministry of Health, Ministry of Education).

- In order to assure the quality of the deliverables of the relevant state agencies, **the regular capacity building of the staff working in all state agencies with responsibilities in child protection** and services for children and families (e.g. SSS, SAPCR, ILSS), should be an integrated part of the agencies management system.

6.4. CHILD PROTECTION IN THE MUNICIPALITIES

Local municipalities and communities have an essential role in the protection of the rights of children, in the view of its proximity to children and families as recipients of services. Albania has recently gone through the territorial reform, which has defined the new administrative structure, has changed the composition and size of the local municipality units. In 2015 there were 61 municipalities established instead of 367 municipalities and communes. The process is expected to create somewhat less bureaucratic structures and better-organized budget expenditures and the the current context provides an excellent opportunity for further decentralized improvements in child protection. At the same time, the decentralization has resulted in some municipalities completely lacking in child protection services, so there are still with uneven capacities of the local units concerning the protection of children and providing services for children and families.²⁶ Just as in many other countries, it is very complicated for the local municipalities to plan and offer effective measures with positive impact, which would be based on the needs of children and families supported with the data and necessary evidence. Hence, the strategic support provided by the central authorities to the municipalities in their duties providing support and assistance to children and families, is critical and essential.

The Law No. 10347 date 4.11.2010 “On the Protection of Children’s Rights” (hereinafter Child Rights Protection Law) foresees the establishment of a Child Protection Unit (CPU) within the structure of every administrative unit (municipality or commune) in Albania to coordinate the protection, referral and analysis of cases in its territory. The establishment of the CPU-s to manage child protection cases and raise awareness on the need to protect children in the municipal level, has been one of the significant steps the country has made in the area of child rights. However, the law does not clearly compel local municipalities to establish Child Protection Units. CPU-s are not described through the responsibilities of individual persons, such as child protection workers, in the current law for the protection of children's rights. In relation to child protection services, there is no central financial provision for the establishment and running of CPUs and each municipality/commune is expected to identify an appropriate budget locally. CPU-s have no financial support from the local budget for treating cases of children at risk, so the lack of finance to manage cases of children, funding preventive measures and awareness raising, is a challenge for the operation of CPU-s.²⁷

While the current child protection legislation states that CPUs are to be established in each municipality and commune, there seems to be no absolute obligation specified to do so. One consequence is that there is no consistent child protection service across Albania, although 196 CPUs were established by 2014. The absence of a clear mandatory obligation to establish CPUs, and their placement under the direction and control of individual mayors/heads of communes, makes them vulnerable to shifts in local priorities.²⁸ Another gap in the local child protection system is, that although within the legal specification, in communes and small municipalities the role of the CPU is given to the social administrator. Having many tasks at the same time increases the workload for an employee and the time to dedicate to the CPU is limited. Out of 196 CPU-s there were only 32 that had this specific function, while 164 CPU-s were also social administrators.²⁹ One of the issues, local municipalities and state has to tackle, is the preparation and education of child protection workers, as the absence of a strong social work

²⁶ Cabran, M., Finelli, M., Bradford, B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International.

²⁷ State Agency for the Protection of Child Rights (2014). Challenges and recommendations for improving child protection services on a local level. Monitoring report.

²⁸ Byrne, K. (2014). Analysis of policies and reforms affecting the situation of children in Albania. UNICEF

²⁹ State Agency for the Protection of Child Rights (2014). Challenges and recommendations for improving child protection services on a local level. Monitoring report.

profession to lead in CPU development is a factor hindering development of a comprehensive child protection work. Many existing social workers lack child protection knowledge and expertise.³⁰

Currently, local municipality CPU does not have access to the decision-making over the provision of the services, so the direct link is missing between the case management and the delivery of the services, which makes the assistance provided for children fragmented and ineffective. The solution for such situation will be sought through the Social Care Reform, as the plan foresees the establishment of **Need assessment and referral unit - NARU** in charge of case identification, keeping records, drafting of individual plans, case referral and follow-up on cases. Instead of the current CPU system, there would be at least one **child protection worker** acting within the Need assessment and referral unit (NARU), which has been seen as the structure responsible for the case management and support coordination at the local municipality level. NARU functions are need assessment, providing information and basic counseling, preparing care plans, coordinating support and referral to social care services, follow-up on cases, monitoring and evaluation. NARU is also meant to be a gate-keeping mechanism, supporting strategic shift for de-institutionalization, redirecting cases into preventive and family-based services. NARUs will be at the local administrative level, which means that municipalities will have more than one NARU. According to the reform plan, Local Government has to ensure that a tailored minimum package of services is available on the territory and they should cooperate with State Social Services on the organization and provision of the social care services.

In short, the role of local municipalities is to ensure the relevant structure, professionals, funding and services for child protection as it has been stated in the relevant legislation. Municipal child protection workers must assist children and families, providing necessary prevention and support measures, services, counselling etc. Municipality with its child protection services has also a duty to intervene if measures taken in the home are inadequate to address a child's needs, so in such cases the decision should be taken to remove the child from the family and placed to alternative care.

STRATEGIC VISION TO STRENGTHEN THE ROLE OF THE MUNICIPALITIES IN CHILD PROTECTION

- **Child protection workers should be employed in all municipalities and they should be acting within the NARU structure.** Municipalities should have a legal obligation to employ child protection workers, with the background of higher education in social work. Minimum ratio for the number of child protection workers per child population would be 1:3000.³¹
- **Municipal child protection worker is the central manager of cases of children in need of protection.** Other professionals working with children must keep the child protection worker systematically informed of incidents or situations harming or risking harming the wellbeing of the child, and the interventions they have taken to support the child. (Case management procedures and responsibilities are described in paragraph 7.4.)
- **The mechanism for making decisions on short-time temporary separation of a child from the family in crisis situations and placing the child to a safe place (for instance, shelter or crisis foster family) needs to be clarified and strengthened.** Currently the intervention of CPUs to protect children in high risk situation is weak and the even though there are legal ways for a CPU to remove the child from home in order to protect him or her, this mechanism does not seem to function properly. The decision-making authority, such as an empowered child protection workers or commission, should be at the municipality level and could be linked with the central authority in charge of organizing the child protection system.
- In order to guarantee the cross-sectoral organization of child protection at the local level, **municipalities could set up bodies with a clear mandate for policy planning and coordination of action at the local level.** This function may be played by Local Child Protection Committees composed of the local municipality decision makers and child protection professionals from all relevant sectors.

³⁰Byrne, K. (2014). Analysis of policies and reforms affecting the situation of children in Albania. UNICEF

³¹The ratio 1:3000 is based on an analysis done by SAPCR in collaboration with the Observatory for Child Rights based on current data of the workload of CPUs as well as the standards of CPU work.

- **Local policy and budgeting in the area of child protection should be based on the best available evidence.** Therefore, local government's policy objectives in the area should be based on information and data reflecting the wellbeing of children and families. Local Child Protection Committee shall coordinate the cross-sectoral budgeting and the implementation of the Social Plans in the area of child protection. Local Plans should be in line with the objectives of the National Action Plan for Children.
- **A tailored minimum package of services for children and families should be made available in the territory and the government should ensure stable funding of services.** As the availability of the services is the key challenge for many local municipalities, especially for those with less capacity, it is recommended to set up cooperation with other local authorities in developing and organizing services, or agreements with the service providers located in the territory of another neighboring municipality.
- **Local networks would be built to foster an understanding and cooperation of the different actors,** service providers, NGOs, etc., that are operating in the local area. Larger municipalities might require setting up of several networks. The aim of network is to facilitate the exchange of information, gain a better understanding of the roles and responsibilities of all actors in the local child protection system, and to avoid duplication of work. Also, the expertise of the local child protection actors could be achieved by establishing regular network meetings, or social media platforms to share information.
- To ensure that the roles and responsibilities of all parties are clear in supporting children and families, **guidelines or protocols of local level inter-agency collaboration should be prepared** and agreed upon in the local community. Protocols can provide guidance for workers to engage with one another across organizations.
- **Capacity building of the child protection workers should be regular and government-driven** to ensure the appropriate functioning according to the law, quality case management, adequate and effective support provided to children and families.
- Regular trainings for building capacities of the management of the local municipality and the leaders of the Directorates of the Social Services at the local level should be made available and organized by the respective state authority in charge of the coordination of the implementation of child protection policies.

5.5. Data collection and coordination

The UN Committee on the Rights of the Child has encouraged Albania to strengthen its efforts to set up a comprehensive data collection system with the support of its partners and analyze the data collected as a basis for assessing progress achieved in the realization of child rights and helping design policies and programmes to implement CRC and the Optional Protocols.

Legislation, policies, budgeting processes and planning of actions should be informed by sound evidence and data. Additionally, research and policy analysis is essential to develop responses to deal with new social phenomena's or planning the reorganization of the systems. Building effective strategies for the protection of children from violence and other harm depends on the availability and proper analysis of data at national, regional and local levels. The adoption of a national research agenda represents the most appropriate way of promoting an integrated and systematic approach to data collection, analysis, dissemination and research.³²

There is considerable amount of data collection efforts and research initiatives in Albania, but the collection of data is irregular, there is also a lack of coordination, analysis and the use of data in guiding policy objective development. The State Agency for the Protection of the Rights of the Child has been expected to lead an extensive data collection and setting up a monitoring mechanism on child related data, but due to the lack of staff and capacity the Agency does not fulfil its role efficiently. By the law, the tasks of the SAPRC are extensive and require establishing systems for collection of statistics and oversee the data collection, unifying statistical data related to children's issues,

³² Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence.

organization of the collection, analysis and dissemination of information, developing and maintaining the information systems. Central ministries, local municipalities and regional child rights units are required to send regular reports to the SAPRC for analysis and developing recommendations. Both child protection units in local municipalities and regional child right units have overlapping duties in data collection and reporting to the SAPRC. Possible overlap of the collection of statistics and data can also be foreseen between the functions of State Social Services and SAPRC after the activation of the social care reform.

The collection of statistics and information rely too much on costly and time-consuming studies and researches, and available information is not well used for analyzing the strengths and weaknesses of the child protection practice and to improve the policy implementation.³³ There is no coordinated data recording and keeping in child protection system. The legislation underlines that *“CPU-s shall store data for each child both in electronic and hardcopy formats”*, but has not specified the format to be used to collect and save these data, meaning that CPU-s use a variety of ways to save the data.³⁴

To conclude, many authorities in child protection have roles in data collection and monitoring, but there is notable duplication and unclarity of their roles and responsibilities. There is a lack of government-driven ownership and oversee of the data collection, analysis and research.

STRATEGIC VISION TO IMPROVE DATA COLLECTION AND COORDINATION

- The MoSWY is to establish comprehensive data collection framework in order to ensure preparation of statistical and other reports as well as analysis based on the data and makes policy proposals to the government authority with functions of the policy coordination. Some of the tasks, such as implementing guidelines and establishing a minimum set of indicators and procedures to collect data on child sexual abuse cases, preparing periodic reports and others, could be delegated to SAPRC. It is also possible to divide different data functions between different levels, technical data collection and verification of the quality of data could be the roles of a state agency, while analysis and evaluation for policy support at the level of the Ministry.
- Local municipalities should have clear responsibilities collecting primary statistics and data at the level of individual persons.
- The data collected of violence against children should be broken down by gender, age, form of violence, urban or rural household, families' characteristics, level of education and national, social and ethnic origin. Responsible authorities should ensure systematic collection of quantitative and qualitative data on the length and outcomes of judicial proceedings involving children, including protective measures provided for child victims of violence.³⁵
- Establishing a case management database in order to digitize the data collection for the case management and service provision for children in the need of protection and their families. The database should combine data security with ease-of-use. Build cross-sectoral possibilities to work with personalized data, including cross-database queries (e.g. health, education, social services databases, and criminal registers).
- Develop national databases on children's births and deaths; on children entering, leaving, or changing institutions, including all forms of alternative care and detention facilities; on persons convicted of violent offences against children, including their genetic profile (DNA).³⁶

³³ Cabran. M., Finelli, M., Bradford. B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

³⁴ State Agency for the Protection of Child Rights (2014). Challenges and recommendations for improving child protection services on a local level. Monitoring report.

³⁵ Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence.

³⁶ Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence.

6.6. NGO AND DONOR COORDINATION

International non-governmental organizations have played a major role in Albania, pushing the state for sustainable development, advocating children's rights, developing child protection practices and providing services. Albania receives substantial foreign development and international assistance, developing the system and providing services that otherwise cannot be afforded. However, there is duplication and a lack of coordination of similar activities by different donor agencies observed. Donor activity in the area of child protection is not well coordinated by the government. Due to the lack of coordination from the state, the donor activities are fragmented, not systematic and not directly aligned with national policies. This leads to donors developing the policy and not the Ministry, as a result a lot of a policy development in Albania in practice has been handed over to the donors.

There has also been a rapid growth of national civil society organizations, increasingly active in many areas related to children's rights. There is limited state funding available for NGOs, and international donors have provided very substantial financial support. A lack of donor coordination resulted in NGO priorities being donor driven and not driven by the state policy. Those circumstances, in the long term, it is neither feasible nor sustainable to allow NGOs to contribute to fulfilling state obligations and functions.

Given the lack of state resources, the contribution of the civil society has been seen as crucial and there is too great reliance upon NGOs to provide services. Very few municipalities are working towards partnerships with the civil society organizations in service provision.³⁷ Strengthening the capacity of local non-government agencies in providing services to children and their families is also a critical component.

STRATEGIC VISION FOR DONOR COORDINATION

- Procedures for donor coordination should be established at central government level, with regular meetings with main donor organizations active in child protection in Albania. Aim of the donor coordination should be to align donor activities and funds with national policy priorities developed by the MoSWY in collaboration with other line ministries. The responsibility of ensuring overall donor coordination in the area of child protection should lie with the MoSWY. The donor coordination meetings should be regular (e.g. quarterly) and involve representatives of relevant ministries and main donor organizations to evaluate progress, effectiveness and impact of funds as well as planning new allocations of donor assistance.
- Donor allocations for national NGOs should be part of the donor coordination in order to ensure that NGOs fill their role defined by the national policies for NGO activities.
- Define the role of NGOs providing assistance both for state and municipal child protection, in service provision and advocacy activities. Thematic round-tables of NGOs to coordinate issue-based activities (e.g. parenting support, advocating children rights, etc.) should be initiated by the respective government authority or leading NGOs, to support the development of services, reduce duplication of activities and strengthen NGO coordination.

³⁷ Social care services in Albania: An updated map, characteristics and trends (2013). National Centre for Social Studies.

7. DEVELOPING EFFECTIVE MECHANISMS AND MEASURES TO PREVENT AND RESPOND TO ANY FORM OF VIOLENCE AGAINST CHILDREN

“No violence against children is justifiable; all violence against children is preventable”³⁸

As in many countries, the problem of violence against children, child abuse and neglect is often hidden and is under-reported in Albania. Prevention of violence is not a priority for the government and therefore there is a huge lack of policies and interventions targeting the prevention of all forms of violence against children. Studies indicate that many children in Albania experience violence at home and are at risk of abuse, neglect, exploitation and violence. Based on the WHO 2012 report, the prevalence of physical abuse among Albanian youth during their childhood (first 18 years of life) was 41.5%, and sexual abuse 6%.³⁹ In Albania, like in most countries, sexual violence against children is widely under-reported. The Council of Europe One in Five campaign to stop sexual violence against children is based on the available data, which suggest that about 1 in 5 children in Europe are victims of some form of sexual abuse. This could give an estimate for Albania on the realistic possible number of children victims of sexual abuse. The European Committee of Social Rights has concluded that the situation in Albania was not in conformity with European Social Charter because of the extent of the problem of sexual exploitation and the lack of evidence that the Government had taken sufficient measures to combat the phenomenon.⁴⁰

In order to ensure the protection of children from violence, national child protection systems must have effective mechanisms in place for prevention, identification, reporting, referral, case management, treatment and follow-up. However, many countries, including Albania, are struggling with making this happen, as there are many aspects challenging the effectiveness of the systems. The need to focus more on prevention as a crucial aspect of a well functioning child protection system has been identified as a major challenge all over the world. Hence, the UN 2006 World Report on violence against children asked societies to treat 'prevention as the key'.⁴¹ The importance of prevention has been highlighted in the UN General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence, stating that primary prevention, through public health, education, social services and other approaches, of all forms of violence is of a paramount importance. Council of Europe in its policy guidelines on integrated strategies for the protection of children from violence (CM/Rec (2009) 10), emphasizes preventive actions in the framework of national legislation, such as registering children immediately after birth, prohibiting employment into positions involving child supervision of persons convicted of violent, including sexual, offences against children; developing intervention programs to prevent the risk of violence against children for being committed etc. Appropriate legislative, administrative, social and educational measures should be taken to prohibit all violence against children at all times and in all settings and to render protection to all children.

Violence against children is first and foremost harming the well-being of children, resulting children experiencing impacts on their physical and mental health, education and overall quality of life, but it also creates a financial burden to society. Evidence suggests that due to the far-reaching social and health consequences of child abuse and neglect, the economic and social costs are very high with heavy health care, social welfare, justice and lost productivity costs.⁴² By the 2014 ChildFund Alliance report, global economic impacts resulting from the consequences of violence against children can be as high as \$7 trillion, which is far higher than the investment required to prevent violence. Even though the evidence shows that 'prevention pays', most governments spending on preventive and responsive actions in relation to violence against children remains very low.

³⁸ UN CRC General Comment No. 13

³⁹ WHO (2012). Community survey on prevalence of adverse childhood experiences in Albania. World Health Organization 2013.

⁴⁰ European Committee of Social Rights Conclusions on Albania (2011). Articles 7, 8 and 19 of the Revised European Social Charter.

⁴¹ European Commission (2015). 9th European Forum on the Rights of the Child. Coordination and cooperation in integrated child protection systems: Reflection Paper. Available at: http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf

⁴² WHO (2013). European report on preventing child maltreatment. World Health Organization 2013.

The need to emphasize prevention, early intervention and to strengthen identification, referral, case management mechanisms and provision of quality support services, was stressed by the key actors of Albanian child protection system at the 15 October 2015 workshop. The participants of the workshop also pointed out, that the child protection system should be acting in accordance with the actual needs of children and the children should be empowered to identify cases of abuse among them.⁴³

MAIN OBJECTIVES IN DEVELOPING EFFECTIVE MECHANISMS AND MEASURES TO PREVENT AND RESPOND TO VIOLENCE AGAINST CHILDREN

- 1. Using public health approach when designing policies and selecting interventions to prevent child abuse, neglect and other problems of children.**
- 2. Improving children outcomes promoting and implementing early intervention measures and promoting positive parenting.**
- 3. Introducing mandatory reporting system, improving the identification and referral mechanisms of children in need for protection.**
- 4. Strengthening the practices and procedures in case management and ensuring adequate responses to cases of children in need of protection.**
- 5. Ensuring safe, quality and family-like alternative care for children who have been removed from their families and/or left without parental care.**

7. 1. PUBLIC HEALTH APPROACH PREVENTING CHILD ABUSE, NEGLECT OR OTHER PROBLEMS OF CHILDREN AND FAMILIES AND THE USE OF INTERVENTIONS WHICH `WORK`

In order to know, what kind of policies to build and measures to plan to prevent violence against children and the separation of children from the families, an holistic approach on prevention and interventions `which work` should be introduced and integrated to the relevant policy documents in Albania. Therefore, a unified approach should be adopted to strengthen prevention and implementing effective interventions.

A public health approach is a strategy most commonly used all over the world to reduce risk factors for child abuse and neglect and other risks children might face. This approach involves defining the magnitude and the prevalence of the problem, analysis to identify risk and protective factors, selecting interventions which work in order to reduce the risk or strengthen the protective factors. Interventions to prevent problems and reduce risk factors are typically classified on three levels (e.g. in WHO 2007 policy briefing report and others):

- (1) primary prevention** (universal services aimed at the whole population), the aim of primary level interventions is to avoid problems before they occur. Primary level interventions could be media campaigns to raise general public awareness in order to make changes in the attitudes or knowledge, for instance in positive parenting or reporting suspected child abuse; legislation to ban harmful or promote proactive behaviour; assessing child developmental or parenting capacities through maternity programmes or home visitation; parent education and family strengthening programmes and other measures.
- (2) secondary prevention** (targeted services for children or families with risk factors and identified as being in need of further support) interventions are targeted at individuals or groups that have early signs of risks of possible problems or risk factors associated with child maltreatment, such as parental substance abuse, young parental age, mental health concerns. Interventions could be aimed at changing behaviour or improving skills of target groups. Secondary prevention examples are also targeted interventions such as

⁴³ Appendix 2.

home visiting programmes for teenage mothers or education programmes for parents with high level of stress or parents of children with behavioural problems.

- (3) **tertiary prevention** (specialist services when problem(s) have occurred) interventions are offered for instance when child maltreatment has been detected or when children have committed criminal offences. The tertiary level interventions are aimed at preventing re-victimization and re-offending, reducing complications or other negative consequences problems have caused, providing rehabilitation and treatment. These could be mental health services for children and/or families, to improve their functioning or therapeutic programmes for children victims of violence or families with children with severe anti-social behaviour.

A public health approach can act on risk factors at all levels of the ecological model: whole society, community, relationship (family), individual level (parent, child).

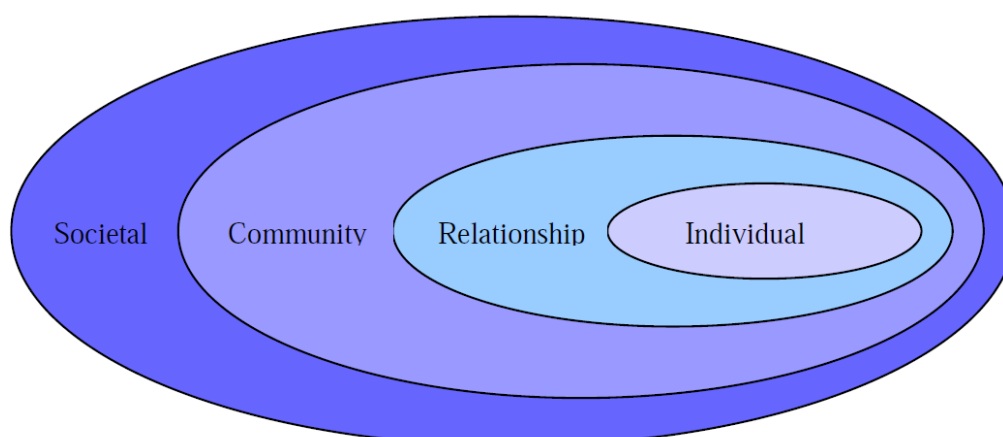


Figure 2. Ecological framework describing the risk factors for violence⁴⁴

At **individual** level, personal factors influence how individuals behave and increase their likelihood of becoming a victim or a perpetrator. Among these factors are psychological disorders, substance abuse, aggressive behaviour, poor parenting skills and other factors. Personal **relationships** (family, friends, peers) may influence the risks of becoming a victim or perpetrator, for example, bullying between peers, lack of social support for the family, domestic violence etc. **Community** contexts in which social relationships occur, such as schools, neighbourhoods, also influence violence. Risk factors here may include the level of unemployment, absence of community services, cultural norms etc. **Societal** factors influence whether violence is encouraged or prohibited, factors include lack of child protection laws, cultural norms that endorse violence as an acceptable method to resolve conflicts and others (WHO Violence Prevention Alliance approach).

All work with children and families should be underpinned by the best available evidence. **Evidence-based interventions** can provide economic benefits for the governments, having potential longer-term savings associated with reductions in crime, including savings related to cost to victim and cost of crime. Most importantly, such practices improve children's well-being, provide them with better opportunities for the future and it is also a question of professional ethics to provide best possible support to children and their families.⁴⁵ In order to get best results in reducing the risk factors and strengthening protective factors, evaluation culture should be promoted in Albania and the country should invest into such interventions which "work" - that means, programmes, services, measures that have been proven effective through outcome evaluations and research.

⁴⁴ Krug EG et al., eds. (2002). World report on violence and health. Geneva, World Health Organization.

⁴⁵ Eurochild (2015). Eurochild Policy Position on Evidence and Evaluation Methodologies for Family and Parenting Support Policies and Practice.

STRATEGIC VISION FOR GENERAL POLICY APPROACH IN PREVENTION AND EVALUATION OF THE IMPACT OF INTERVENTIONS

- The National Action Plan for Children and other relevant policy documents should prioritize and introduce relevant measures for improving children outcomes through prevention. **Public health approach in prevention should be used when drawing the actions.**
- **A specific action plan for the prevention of child maltreatment should be developed with the leadership of the Ministry of Health** and implemented to coordinate preventive actions with different sectors such as health, social welfare, education and justice. Such an action plan should be an integral part of the National Action Plan for Children.
- When government, municipalities, donor organizations or NGOs are funding the implementation of prevention programmes, those programmes showing good evidence and outcomes for children, should be preferred.⁴⁶
- **Evaluation of the impact of the interventions and services provided for children and families**, should become an integral part of the child protection and social care system. Responsible state authorities should cooperate with academia in developing impact assessment tools and indicators for measuring effectiveness of the interventions.
- **Cost-benefit analysis method** should be considered to be taken into use, to estimate the financial benefits of interventions for children from prevention to treatment and over the child's lifetime, and to indicate to policy makers the interventions they should invest in for good economic and social returns.⁴⁷
- National and regional authorities should provide adequate support to local municipality level prevention programmes in terms of financing, training, evaluation and follow-up.⁴⁸

7.2. IMPROVING CHILDREN OUTCOMES AND PREVENTING VIOLENCE THROUGH EARLY INTERVENTION AND PROMOTING POSITIVE PARENTING

*Governments should acknowledge the essential nature of families and of the parental role and create the necessary conditions for positive parenting in the best interests of the child.*⁴⁹

The aim of early intervention and prevention is to support parents and families before problems occur or become serious, to avoid bad outcomes for children, family breakdown, mental health problems and social exclusion. This demands a multi-disciplinary and multi-agency approach, where the health care system, child protection and social services, as well as education play important roles.

Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence suggests, that the overall goal of the national policy on children and families should be: to support families in their child-rearing responsibilities; to prevent, as far as possible, the separation of children from their families; to provide for family-like and community-based alternatives to placement of children in institutions that are in the children's best interests; in cases of separation and, when appropriate, to ensure ongoing contact between children and their parents and to support family reunification where that is in the best interests of the child.

⁴⁶ Programmes listed in www.blueprintsprograms.com/programCriteria.php are recommended when making investing decisions to interventions which 'work', as these has been reviewed by an independent panel of evaluation experts and determined to meet a clear set of scientific standards.

⁴⁷ DSRU (2013). *Investing in Children: An Overview*. Dartington Social Research Unit. Available at: [http://investinginchildren.eu/sites/default/files/Investing in Children - An Overview \(Version 1.0 September 2013\) 1.pdf](http://investinginchildren.eu/sites/default/files/Investing%20in%20Children%20-%20An%20Overview%20(Version%201.0%20September%202013)%201.pdf)

⁴⁸ Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence.

⁴⁹ Council of Europe Recommendation Rec(2006)19 of the Committee of Ministers to member states on policy to support positive parenting.

Albania, amongst other countries in the world, is struggling with negative outcomes of children facing different harmful situations, caused by their own parents and caregivers. Even though corporal punishment of children in Albania is unlawful in the home, nearly 77% of children aged 2-14 experience violent “discipline” (physical punishment and/or psychological aggression) in the home and many parents still believe that physical punishment is necessary method in childrearing.⁵⁰ High level of stress, lack of parental skills or limited knowledge and awareness of the negative consequences of violence against children, are often the reasons why parents end up disciplining their children with harmful means and consequences. The 2007 study⁵¹ on childrearing practices can give some indication of the situation of parenting in Albania, which is probably relevant also today. The respondents also revealed shortage of parental skills and admitted that TV was the main mean for children's education in the household. There is little publicly available information on child rearing and no system of regular home-visits for families at risk, and also that there is very little interaction between Albanian fathers and their infant children.⁵²

Health care systems have many possibilities to prevent possible harm done to children developing effective early intervention systems, detecting possible development and abuse risks through universal health care services and cooperating closely with child protection and social services. The opportunities for intervening early include pregnancy and the first years of life, which are one of the most important stages in the life cycle, this is also a time when parents are particularly receptive to learning and making changes. There is good evidence that the outcomes for both children and adults are strongly influenced by the factors that operate during pregnancy and the first years of life.⁵³ Research also shows, that early years interventions and positive parenting support offer opportunities to make lasting improvements in the lives of children, prevent social, health, economical and legal problems, breaking the cycle of deprivation and dysfunction from generation to generation and to make long-term savings in public spending.⁵⁴

Educational institutions, such as day care centres, kindergartens and schools, can play an important role in child's development and in violence prevention. Evidence shows, that early learning in high quality day-care centres strengthens social-emotional coping, cognition and school grades, have strongest effects on disadvantaged children and good effect on advantaged children, reduces social inequality in health, may compensate for negative home environments, has long term effects on mental and physical health, educational outcomes and employment, and is economically very cost-effective. There is also clear evidence that well implemented universal and targeted school-based interventions prevent mental health problems, violence, bullying, conflict and anger.⁵⁵

As the concepts of early intervention and positive parenting are relatively new for Albania, these terms should be given national definitions, guided by the internationally recognized principles, such as the following examples:

“Positive parenting is a parental behaviour based on the best interests of the child that is nurturing, empowering, non-violent and provides recognition and guidance which involves setting of boundaries to enable the full development of the child.”⁵⁶

“Early interventions are the general approaches, and the specific policies and programmes, which help to give children aged 0-3 the social and emotional bedrock they need to reach their full potential; and to those which help older children become the good parents of tomorrow.”⁵⁷

In order to reduce the number of children in need of protection, prevent child abuse and neglect and avoid children being separated from the families, early intervention and parenting support measures should be prioritized in policy approaches and must be made available in Albania.

⁵⁰ UNICEF (2014). Hidden in Plain Sight: A statistical analysis of violence against children. NY: UNICEF

⁵¹Tamo, A., Karaj, T. (2007). Practices of child rearing in the remote north and suburban regions in Albania. Study Report Prepared by the Human Development Center: Tirana.

⁵²Byrne, K. (2014). Analysis of policies and reforms affecting the situation of children in Albania. UNICEF

⁵³Shribman, S., Billingham, K. (2009). Healthy Child Programme – Pregnancy and the first five years.

⁵⁴ Graham, A. (2011). Early Intervention: The Next Steps.

⁵⁵ <http://www.mentalhealthandwellbeing.eu/assets/docs/publications/PolicyBrief%20Education.pdf>

⁵⁶ Council of Europe Recommendation Rec(2006)19 of the Committee of Ministers to member states on policy to support positive parenting.

⁵⁷ Graham, A. (2011). Early Intervention: The Next Steps.

STRATEGIC VISION FOR PROMOTING AND IMPLEMENTING MEASURES ON EARLY INTERVENTION AND POSITIVE PARENTING

General policy measures

- **Effective interventions for early intervention and prevention should include positive parenting trainings, home visits, hospital-based trainings of parents to prevent “shaken baby syndrome”, school-based programmes** to support children in recognizing signs of sexual abuse and other types of maltreatment, training of health care staff and other professionals such as teachers, social workers and police in early detection and appropriate responses to maltreatment to protect children from further harm, social marketing campaigns to change attitudes towards violent parenting discipline.⁵⁸
- **The Ministry of Health should take the leading role in preparing early intervention measures within the health sector** in collaboration with relevant state authorities, especially the MoSWY, SAPCR, the WHO, UNICEF and other organizations, such as improving the system of health check-ups of children, home visits and other preventive measures, ensuring the effectiveness of such health services and competence building of health professionals.
- While improving early intervention measures in health systems, an inter-sectoral and child-focused approach should be institutionalized into organizational structure of primary health care to improve access and quality of health care of children. This must include the establishment of integrated services, assessing the needs of children and their families holistically, referring them for other professional services, and collaborating with child protection and social workers at the municipalities.⁵⁹
- **Capacity and knowledge building for the prevention of child abuse and neglect**, including the principles of early intervention and parenting support, needs to be included in the curricula of medical and public health students, social workers, psychologists, pedagogues and other relevant professionals.

Assessing the well-being and the needs of children and families

- **Standardized assessment instruments to evaluate child development, mental health, parental capacities etc. should be made available for professionals.**⁶⁰ Regular screening for preventive purposes should be the responsibility of primary health care providers, who have the access to children and their families through the regular health check-ups. Assessment tools should also be used by other professionals, such as child protection and social workers, school psychologists, when evaluating the children needs for protection.
- Trainings for professionals in using the assessment instruments should be made available by authorities responsible of providing such instruments to professionals in close collaboration with academia.
- **Assessment of child development and parental capacities should be undertaken in partnership with children and families.** Professionals could be trained using the methods such as motivational interviewing, listening skills and strength-based approaches to involve children and families in these processes.

Making early intervention and prevention measures, including positive parenting programmes available

- The selection of the programme/service by local municipality, state institutions or NGOs, should be drawn upon the assessment of the needs of the child or the family and be based on the latest evidence or knowledge of the effectiveness of the programme. Available parenting support programmes or skills trainings which are already in use in Albania, should be evaluated on their effectiveness. Both fathers and mothers should be encouraged to participate the parenting support programmes.

⁵⁸ WHO (2014). Investing in children: the European child maltreatment prevention action plan 2015–2020.

⁵⁹ Ibid.

⁶⁰ Some examples of assessment tools: Conners’ Rating Scales-Revised (CRS-R) to assess behavioral and emotional problems of children from 3-17, Protective Factors Survey (PFS) – pre-post evaluation tool designed to assess family protective factors of caregivers receiving child abuse prevention services, Parenting sense of competence scale (PSOC) – measures parental competences, The Eyberg Child Behavior Inventory (ECBI) - a parent rating scale that assesses child behavior problems, and many others.

- Support to Romani and Egyptian families as well as families of other children in vulnerable situations (national minorities, children with disabilities, children in residential institutions, homeless and street children, low-income families, children affected by migration, unaccompanied children, abused and neglected children) needs to be made a sustainable part of the social and health care system. Good practices exist, such as the specific home visits for health check-ups and sporadic projects on Romani families but these initiatives are project based only.
- **Positive parenting programmes should be made available for Albanian parents.** Evidence based positive parenting programmes (e.g. Triple P, Incredible Years and others) are recommended to be considered.

Ensuring child development and preventing violence in educational settings

- Provide a system of affordable, available and accessible high quality pre-school (kindergartens, crèches and other forms of day care centres) service. The percentage of children who go to day care should be increased, as pre-school education plays an important role for child's development and well-being.
- **Interventions to support child mental and physical health and preventing violence should be integral part of the education system.** The education system is the most important arena outside the family for child's development⁶¹ and to learn non-violent behaviour.
- Educational approaches and teaching methods in pre-schools and schools should be promoted, which aim at enabling children to acquire the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences and settle disagreements and conflicts in a non-violent manner with respect for each others' rights, as well as to combat all forms of discrimination and violence, especially bullying and harassment.⁶²
- **Implement evidence based whole school based interventions to promote anti-bullying programmes and other measures to combat violence in schools** to establishing and maintaining learning environment where violence is not tolerated.⁶³ Programmes with strong evidence of effectiveness such as Olweus Bullying Prevention Programme⁶⁴, KiVa⁶⁵ or others could be considered.
- The education system should provide children the knowledge in gender equality, responsible sexual behaviour and sexual health, skills in equal partnership relations and positive parenting practice. Social and life skills trainings should be included to the school curricula, encouraging children to learn self-respect, respect for others and expressing their feelings and solving conflicts without using violence.

Raising awareness and promoting positive parenting in the society

- **The awareness raising campaigns to promote positive parenting** should be organized to challenge misconceptions about the effectiveness of corporal punishment and increase the public understanding of the extent and nature of child abuse and how it is prevented. Parents should be informed of the programmes and services supporting parenting skills trainings and they should be provided with the information of the children's development.
- Highlighting the role of fathers in childrearing should be part of the government policies in parenting and family support, focusing on the importance of father's involvement to child's upbringing and development.

⁶¹ <http://www.mentalhealthandwellbeing.eu/assets/docs/publications/PolicyBrief%20Education.pdf>

⁶² Recommendation CM/Rec(2010)7 of the Committee of Ministers to member states on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

⁶³ Tackling violence in schools. Report. High-Level Expert meeting co-organised by the Government of Norway, the Council of Europe and the UN Special Representative of the SG on Violence against Children, Oslo 2011.

⁶⁴ Available at: <http://www.clemson.edu/olweus>

⁶⁵ Available at: <http://www.kivaprogram.net>

“Corporal punishment is wrong, parents shouldn’t use it. It may harm us emotionally, physically. Parents should protect us, speak to us sweetly and if necessary, criticise us. Parents should try to understand the world of children, listen to children and step to our shoes. When we make mistakes, they should explain us why it was wrong what we did. Parents should learn how to raise children.” (Group of children from Elbasan region)

7.3. IDENTIFICATION, REPORTING AND REFERRAL PROCEDURES OF CHILDREN IN NEED OF PROTECTION

The identification, reporting and referral procedures of children in need of protection are of paramount importance. All professionals having frequent contact with children, should have mandatory obligation to report cases of child abuse and neglect to an appropriate agency, such as child protection services, police or child helpline. Such professionals include social workers; teachers, principals and other school personnel; staff working in kindergartens and crèches; family doctors, nurses, and other health-care workers; psychologists, therapists and other mental health professionals; child care service providers; police, prosecutors, judges and others. It is important, that there would be specific legal obligations also for all civilians to report cases of child abuse, neglect and violence, as in integrated child protection systems the emphasis should be on primary prevention and the development of generic services for children and families.⁶⁶

In order to guarantee that Albania has effective mechanisms in place to detect and respond to cases of violence against children, the Albanian Government has to take concrete steps to build comprehensive reporting and referral systems. Currently, as the research shows, only a very small fraction of cases of violence against children are reported and most of the children that access the services have already suffered multiple forms of violence and through considerable periods of time.⁶⁷ The lack of a comprehensive reporting and referral mechanisms of the cases of child abuse and neglect can be also illustrated with a pattern which has been identified in the BECAN study (2013). Even though the violence of children has been confirmed, the agencies do not report or follow the cases to the appropriate legal authorities. Social services are the main institution where the majority of confirmed cases of violence against children are reported (80%), followed by police and health services, but evidence shows, that only 18 % of cases of physical violence has been further reported to legal authorities.

Importance of tackling under-reporting was also stressed in the study of the European Union Agency for Fundamental Rights on child protection systems in EU. One reason for under-reporting identified was the failure of professionals to recognise abuse and to understand and fulfil their professional responsibilities once concerns are noticed. There is thus a great need of training on the signs of abuse and the identification of child victims for all professionals who come into contact with children. Awareness of how to identify and report child abuse, is crucial for the general public, along with the fact that abuse should not be a taboo and the responsibility of the adults is to take necessary measures to break the taboo.⁶⁸

There is no legal obligation on mandatory reporting in current Albanian legislation. However, there is a growing political will in Albania to improve the child protection system and to introduce mandatory reporting in the public, alongside the education activities for professionals working with children and awareness campaigns.

⁶⁶ Mapping child protection systems in the EU (2014). Study of the European Union Agency for Fundamental Rights

⁶⁷ Hazizaj, A., Coku, B., Cenko, E., Haxhiymeri, E. (2013). Case-based surveillance study on violence against children in Albania. Tirana: CRCA Albania.

⁶⁸ Flander, G.B. (2015). “Combatting Violence Against Children in Albania”. Needs assessment report, based on Round Table, March 26th 2015.

INTRODUCING MANDATORY REPORTING MECHANISMS IN ALBANIA AND STRENGTHENING THE DETECTION OF VIOLENCE AGAINST CHILDREN

- **Mandatory reporting must be a legal obligation in Albania**, so that any person who suspects child abuse, neglect or other reasons a child being in need for protection, is required to report to the competent services.
- **A child should be able to file a report and complaint without the consent of her or his parent** or guardian for any type of abuse, and in particular abuse and neglect in their family or circle of trust.⁶⁹
- **Professionals** working with and for children (child protection and social workers, teachers, pre-school staff, health care professionals, alternative care providers etc.) **should have explicit reporting obligations**. Measures should be taken to ensure that confidentiality norms do not hamper the reporting where the child consents, or is judged not to have the capacity to understand, and where professionals believe reporting or referring is in the child's best interests.⁷⁰
- All relevant inter-agency and profession-based **protocols and guidelines** must include procedures for identification, reporting and referral of children in need for protection, of all professionals working with and for children (child protection workers, social services, health care workers, police, prosecutors, school teachers, staff in kindergarten and crèches etc.).
- **The Albanian National Child Helpline** (ALO 116) could be part of the state reporting system, providing a platform for mandatory reporting to general public 24/7 with the anonymous reporting opportunity. The helpline number should be made known to all children and to the general public using media campaigns, presenting the number in children's textbooks, newspapers, posters in schools and in public places etc.
- Awareness raising initiatives to inform the general public and professionals working with and for children (health care, social work professionals, teachers etc.) to change the attitudes towards the violence against children, explaining the signs and consequences of violence, and to introduce mandatory reporting obligations and mechanisms, should be organized in systematic manner at state level.
- Identification and reporting of violence against children should be part of regular compulsory curricula in universities when educating professionals working with and for children, to have skills to prevent, detect and respond effectively to child abuse and neglect. Trainings on early identification of risks to a child's well-being and reporting mechanisms for key professionals (child protection and social workers, health care professionals, teachers, kindergarten staff) should be organized by authorities responsible for continuous education of these professionals.
- **The reporting from the health and education system should be strengthened**, as the professionals of both systems are often in direct contact with children and could detect early symptoms of abuse and neglect. Therefore, the Ministry of Education and the Ministry of Health should ensure the systematic introduction of relevant legislation, protocols and guidelines among the professionals working in education (including kindergartens and crèches) and health systems in collaboration with MoSWY.
- Cross-agency and case-based surveillance studies to monitor how the agencies report and respond to violence against children should be conducted in regular basis. Such studies could be initiated by SAPCR and conducted in collaboration with academia and NGO-s.

⁶⁹ Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence.

⁷⁰Ibid.

When something happens, children speak to their teachers, parents, peers or call ALO 116. When there are cases of bullying or abuse they know they can also contact CPU (child protection unit), for example via Facebook as some of them have such a contact. Even if there are places to report to, some children are shy and don't do it. CPU-s could introduce themselves to children, so that children would know and trust them. Children expect adults to support them and help to find solutions.

(Group of children from Elbasan region)

7.4. ESTABLISHING CASE MANAGEMENT PROCEDURES AND RESPONDING TO CHILDREN IN NEED OF PROTECTION

“Case management can be defined as the process of ensuring that an identified child has his or her needs for care, protection and support met. This is usually the responsibility of an allocated social worker who meets with the child, the family, any other caregivers, and professionals involved with the child in order to assess, plan, deliver or refer the child and/or family for services, and monitor and review progress.”⁷¹

Effective case management mechanisms in child protection system are essential in ensuring that the cases of children in need of protection have appropriate and urgent responses, the needs of children and their families have been assessed and that they receive adequate support until the harmful situation has been solved. It is with utmost importance to prepare child protection workers of local municipalities in their responsibilities as central case managers, with relevant tools for assessing the risks and the needs for support of children and their families and to implement case management methods.

Child protection system should, of course, first and foremost prioritize prevention, early intervention, family support and the provision of community based services in order to avoid children being separated from their family. However, the reality is, that bad things happen to children and many children are abused and neglected by their own parents. Child abuse and neglect can happen to any child, in rich or poor families, in cities or villages, to boys as well as girls, in minority as well as majority communities. In order to protect children from further harm, child protection system has to respond and if necessary, decisions should be taken to remove the child from the family. UNCRC has set a standard, that children should not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. This may be necessary in cases of abuse or neglect by the parents.

Some improvements have been made in Albania with the Child Protection Protocol being adopted officially in 2015⁷², and standards being set for the CPU work. The Child Protection protocol establishes clear procedures of case management and intervention not only for the CPU but also for the other agencies at local level. However, it seems that this instruction cannot fill a gap in legislation with regards to establishing clear roles and responsibilities of the different agencies. Therefore, its implementation is still lagging behind.

General and special protection measures that may be applied by child protection professionals and the categories of

⁷¹Cabran, M., Finelli, M., Bradford, B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

⁷²Joint 4-Ministerial Instruction on Procedures of intervention and forms of cooperation for cases of child protection. Nr. 10, date 25.2.2015.

children that may require protection have also not been clearly defined and specified in the law. Even though the Child Protection Protocol has established a mechanism for intervening in cases of high risk to remove the child from the family or the situation of risk, this mechanism has not been used. This is due to lack of trained professionals, a clear decision-making mechanism based on the best interest of the child, concerning the removal of the child, as well as clear accountability lines in these cases.

Moreover, there is another mechanism within the SSS for placing children in residential care institutions. CPU refer cases of children to the SSS who then takes the decision. This carries the risk of having a conflict of interest in the decision, as the SSS also manage most of the residential institutions for children, and thus the decision may not always be in the best interest of the child. Moreover, it also poses the problem of delinking the decision of removing the child from the family from the child protection mechanism. In order to ensure that decisions are made in the best interest of the child, the decision to remove the child from the family should lie with child protection mechanisms.

In Albania, local Child Protection Units (CPU) or child protection workers as members of the municipal NARU team after the activation of the Social Care Reform, are the main actors with responsibilities of managing cases of children in need of protection. Statistics from 2013 shows, that CPU-s managed 1321 cases of children at risk, 537 of the cases were new cases. For 2014, the CPU-s have managed 1407 cases, out of them 703 were new cases (not all the CPU-s have reported the number of their cases). The cases managed are mainly cases of children at risk or victims of violence, abuse, neglect or exploitation. Children at risk come from poor families and have faced situations of domestic violence, physical and sexual abuse, exploitation for street work, trafficking and in many cases they have been neglected by parents or custodians in fulfilling their basic needs for survival.⁷³ However as CPUs usually also cover the role of social administrator, according to the State Agency for Child Protection most of the cases reported as child protection cases relate mostly to poverty and to the extreme economic conditions of the family. Use of case management procedures, assessing the needs and the well-being of the child, responding properly to and following up the cases of child abuse and neglect, with acute measures such as removal of the child from their parents if that is necessary, is an area in critical need of improvement in Albania. This can be illustrated with the fact, that children are not separated from the families due to the neglect, even if it is serious.

Even though the regional and local actors are knowledgeable about the existing case management procedures and national guidelines, many of them are reporting a serious lack of compliance in the everyday case management practices. The roles and responsibilities within the case management process are also not so clear for different child protection actors.⁷⁴ Another aspect is the lack of case management support and supervision provided to the child protection workers. The support and advice from qualified people for managing difficult cases has been requested by most of CPU-s.⁷⁵

Special attention of child protection officials both from state and municipal level working with children in need, should be paid to vulnerable groups of children such as children with Roma background, children with disabilities, children living in poverty etc. Positive steps have been taken for children in street situation, with the development of an action plan, training of professionals and set up of mobile teams, in four major municipalities. Nonetheless all efforts addressed to particular groups of children should be part of the child protection system and rely on the same structures, while devising tools and services that best serve the needs of particular groups.

The role of the media is essential to the growth of public awareness of child abuse and neglect, however, it also happens that the failures of child protection services are covered in the media the way what's not following the principle of the best interest of the child. In Albania there are often such occasions, that the news media is publishing information of cases of sexual or physical abuse of children or of juvenile offenders. The children are usually identified in front of the general public, which is not in the best interest of these specific children.

⁷³ State Agency for the Protection of Child Rights (2014). Challenges and recommendations for improving child protection services on a local level. Monitoring report.

⁷⁴ Cabran, M., Finelli, M., Bradford, B. (2015) Mapping and Analysis of the Albania CP System. Report on the functioning of the response to CP risks. Maestral International

⁷⁵ State Agency for the Protection of Child Rights (2014). Challenges and recommendations for improving child protection services on a local level. Monitoring report.

STRATEGIC VISION FOR RESPONDING TO CASES OF CHILDREN IN NEED OF PROTECTION

- **Child protection workers**, professionals with higher education in social work specialized on the assistance and protection of children, should be employed in all municipalities **with the ratio 1:3000 and acting upon as central case managers**, being part of the municipal NARU team.
- **Child protection measures should be clearly established in the legislation, as well as a clear decision-making mechanism** for applying such protection measures, in particular the decision of removing a child from the family. Such decision should be anchored with a child protection authority at the municipality level which takes decision on the cases that are managed by the child protection worker in the NARU.
- **Mandatory standards for case management and responding** to children in need for the child protection workers, should be regulated **in the revised Child Protection Act**. Guidelines and handbooks for child protection case-management should be developed and made available for the child protection workers in local municipalities. Counselling, support and training should be provided for the child protection workers.
- Evidence-based assessment tools should be made available for the child protection workers and other professionals; relevant training must be offered.
- Child protection workers in their duties of protecting children's rights, must follow the **principle of the best interest of the child**, putting **prevention and support measures first**, so that the separation of a child from the family is a measure of last resort and in the best interest of the child. This should be a legal principle of the new child protection law.
- The decision to separate the child from the family must be approved by the Court to ensure that reasonable efforts were made before such decision. The opinion of the parents and the child according to age and maturity should be given due consideration and any potential conflict of interest must be avoided in the decision making process.
- In cases **when child life or health is in danger** and leaving a child in the family would endanger the child, **local municipality (NARU or child protection worker) may separate the child from the family** before a Court decision for a limited period of time. In such case, municipality has to submit an application to a court for restriction of parental rights with respect to the child.
- **Emergency response services** (e.g. shelters, crisis foster homes) should be established and made available in local municipalities for child victims of violence, including victims of sexual exploitation, sexual abuse, harmful traditional practices and all forms of violence in the home and family. The services' contact details should be made known to children, families and others in contact with children.⁷⁶
- Clear roles, responsibilities and procedures should be established for children who are in need of protection in cross-border situations, for exchange of information on the situation of a child, assessment of best interests or the restoration of family links across borders.
- When the parents or caretakers of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures should include the possibility of removing the alleged perpetrator, the possibility of removing the child victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.⁷⁷
- **Necessary legislative measures and standards to assist child victims in their physical and psycho-social recovery and rehabilitation** should be established. Services should follow a multidisciplinary and multi-agency approach, a proper balance should be sought between mainstream and specialised services, as well

⁷⁶Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention)

⁷⁷ Ibid.

as programmes addressing individual and relationship factors and those focusing on community and societal aspects.⁷⁸

- **Support services for children victims of abuse, should be coordinated and financed by the state** in order to ensure sustainability, cost-effectiveness and quality of such services. Collaboration with trained professionals and non-governmental organizations in developing and providing the services, should be coordinated by responsible state authority (e.g. State Social Services). Therapeutic assistance for victims should be holistic and involve parents, Trauma Focused Cognitive-Behaviour Therapy (TF-CBT) being suggested working method as one of the most efficient approaches.
- **Integrated and highly specialized services for children victims of sexual and other forms of abuse, should be ensured and provided by the state authorities** due to the need for the highest level of competences, as this is not in the capacity of the municipalities.⁷⁹
- **Safe recruitment, selection and vetting procedures** of professionals and volunteers who have direct or indirect (eg helpline, email) contact with children, should be established.
- Professionals and institutions, in particular police, prosecution, courts and child protection workers, involved in the child protection cases, should not provide sensitive information to the media which might make possible the identification of the child victim of abuse or an offender. **Media should cover the issues of child abuse and child protection with highest responsibility** and taking into account the best interest of the child.

7.5. PLACEMENT OF CHILDREN AND PROVIDING QUALITY ALTERNATIVE CARE

When deciding on the placement of a child, family-like and community based alternatives should be preferred. Institutionalized care should be used only in a child's best interests, as a matter of last resort, for the shortest possible period of time, and have as the primary objective the child's successful integration and/or re-integration in society.⁸⁰ Just like in home and other environments, children in alternative care must be treated with dignity and they must benefit from effective protection from abuse, neglect and all forms of exploitation, whether on the part of care providers, peers or other parties.⁸¹

Council of Europe Recommendation (2005) 5 on the rights of children living in residential institutions provides a set of principles to ensure the rights of children being separated from the family and placed to alternative care institution. This includes recommendations such as, that the placement should not be longer than necessary and should be subject to periodic review, that the placement should be as close as possible to the child's environment and parent-child contact should be maintained, an individual care plan should be drawn up on child's development, that a child leaving care should be entitled to an assessment of his or her needs and appropriate after-care support. In cases of residential care, small family-style living units should be provided instead of large institutions. On the basis of these standards, an efficient system of monitoring and external control of residential institutions should be ensured.

Albanian social services system has several challenges and improvements are needed in service planning and monitoring, local level capacity organizing foster care and providing after-care. One of the system gaps is, that the law does not stipulate which body has the decision-making authority for placing children in residential care institutions. The law does not describe what happens with the child until a final decision is reached by the court with regard to the placement of the child in foster care. It is also not clearly defined the case of children who are not orphans, who may have one of the parents and have been placed to alternative care for other reasons, such as abuse or neglect. It is necessary that the law determines beyond the categories of children who "are without

⁷⁸ Council of Europe CM/Recommendation (2009)10 on integrated national strategies for the protection of children from violence.

⁷⁹ Such as the highly specialized Nordic model of Children Houses specialized to provide integrated services for children victims of sexual and other kind of abuse.

⁸⁰ UNCRC, UN Guidelines on Alternative Care, Council of Europe Recommendation (2005) 5 on the rights of children living in residential institutions

⁸¹ UN Guidelines on Alternative Care.

parental care" and not be limited only to the biological orphans.⁸² Such a paradigm needs a change, as the current alternative care system is not designed to address issues of child abuse and neglect, but being rather a product of communism where it was only designed for orphans, or for extremely poor families who take children willingly to these institutions.

System has strong reliance on institutions to provide alternative care for children, which are regarded as the first option for alternative care.⁸³ 2014 UNICEF study showed, that there are 24 public and private child residential care institutions and 8 Development Centres in the country. From January-May 2014, 989 children were provided with residential accommodation, including 835 children without disabilities in residential institutions and 154 children with disabilities in Development Centres. 18% of children in residential care institutions are Roma children and around 37% of 3 years old children. The most frequent reason for placement was family poverty, followed with the abandonment of children. Only 32 children were recorded as being orphans at the time of admission.⁸⁴ At the same time, the number of children in residential care compared to other countries in the CEE/CIS region, is extremely low, which is probably due to the traditional strength of the extended family, taking care of children. Kinship care could be very beneficial for children, therefore this framework need to be strengthened to ensure support and supervision for the families.⁸⁵

Therefore, Albania should continue with the transition from institutional care to family-based and family-like care, especially for children in age 0-3 and children with special needs. It is also known, that institutional care is more expensive than care within foster families. 2011 analysis showed, that the cost of keeping a child in foster family (9,000 leke a month) in Albania is 60% less expensive than in institutional care (73,230 Leke a month). While additional money would be needed to employ foster care social workers and to implement appropriate monitoring systems, there is still enough money in the existing system which can be redeployed to community-based alternatives to institutional care.⁸⁶

Foster care, as a concept of the type of service where another family takes over the care of a child without assuming parental rights, is relatively new in Albania. In 2008, The Council of Ministers set out a Foster Care Strategy, outlining the intention to establish foster care in Albania. In 2010, the Foster Care Implementation Standards Framework came into force. This provided the legal and policy basis for foster care in Albania.⁸⁷ The foster care project (FCPP) was piloted and evaluated in 2013, with UNICEF contributing with the funding and implementation organized by two NGO-s, Bethany Social Services (BSS) and Every Child Albania (EC). Training, procedures and support systems for 80 families was provided. The project was successful in supporting kinship foster care, but less successful in placing children out of institutions and into non-related foster care. Even though the FCPP was positive start to establishing foster care services in Albania, there is no sustainable follow-up nor further support provided to the families due to the end of the funding. Remaining challenge for the system is, that foster care in Albania is still a judicial process, as in majority of European countries, it is administrative process. The court process is slow, costly and stressful for the foster families.⁸⁸

One of the issues remains the follow up of the progress of the child after leaving the institution. The main responsibility is of the local government unit which has the obligation to implement the normative requirements of the Law "On the Status of Orphans".⁸⁹

Systematic monitoring is an important element to ensure the rights of children placed to alternative care and to

⁸²Draft report of strengths, weaknesses, opportunities and threats of the Albanian social care services and legal framework (2015). Optima Legal & Financial SHPK

⁸³Stevens, I., Connelly, G., Milligan, I. (2013). Moving forward on Alternative Care. Assessment of the Foster Care Pilot Project in Albania. Evaluation report.

⁸⁴Evans, P. A survey of children resident in public and non-public institutions in Albania, UNICEF, 2014.

⁸⁵Byrne, K. (2014). Analysis of policies and reforms affecting the situation of children in Albania. UNICEF

⁸⁶Ibid.

⁸⁷Quality Foster Care Implementation Standards Framework VKM 752 (8 September 2010) and Establishment of Criteria, Documentation and procedure of Foster care Service DCM 89 (26 January 2012)

⁸⁸Stevens, I., Connelly, G., Milligan, I. (2013). Moving forward on Alternative Care. Assessment of the Foster Care Pilot Project in Albania. Evaluation report.

⁸⁹Optima Legal & Financial SHPK (2015). Draft report of strengths, weaknesses, opportunities and threats of the Albanian social care services and legal framework (2015). Optima Legal & Financial SHPK

ensure children a life free of violence and other harm. All countries should have effective monitoring systems in place to ensure, that the alternative care services are run in compliance with the national legislation and to assure that both institutional and family-based forms of care are providing a high quality service. There is a state inspection service (State Inspectorate) in Albania, which is lacking capacity and staff to cover the whole country and looking only at the institutions, so there is no inspection of other aspects of social service⁹⁰. That includes having both, external and internal monitoring systems in place. Internal control is relevant for residential care institutions to ensure that they are performing its tasks in accordance with the requirements prescribed by law or pursuant to law. This means that internal systematic measures should be in place to evaluate and ensure that the institution's activities are planned, organized, executed and maintained in accordance with the requirements established under the child care legislation.

STRATEGIC VISION FOR PROVIDING QUALITY ALTERNATIVE CARE FOR CHILDREN

- **The removal of a child and placement in alternative care should be a measure of last resort** clearly regulated in the law with the relevant safeguards. Local municipality takes the decision about the placement of a child, who has been separated from the family with the Court decision.
- **The law on the protection of child rights must contain the definition of children without parental care who may be placed to alternative care**, so that it would not be limited only to the biological orphans, but would also address issues of child abuse and neglect.
- Comprehensive national strategy for deinstitutionalization should be drafted and implemented to ensure continuous and progressive transition from institutional care to family-based and family-like care.
- Local municipalities with the support of the State Social Services and civil society organizations, should provide services and other kind of support for parents of children placed in alternative care to enable **family reunification** to ensure the placement being short-term and temporary.
- **Legal guardian** or competent public body should be appointed by the local municipality or other respective authority **to safeguard a child placed to alternative care**, providing necessary support and protection. In order to avoid the conflict of interest, safeguarding role should not be carried out by the alternative care service provider such as foster family or care institution, as it is the case in the current Albanian Family Law.
- **Minimum standards and regulations should be established** for all institutions, services and facilities responsible for the alternative care, aimed at the best interests and full development of the child. The licencing procedure should be introduced to assure the quality of the alternative care services. Service providers should be given a license to function only if services are responding to the legal minimum standards. Licenses should be provided for a limited period of time and be under regular control.
- **Mechanisms to monitor all types of alternative care services** should be established to make sure, that the demands of the child care regulations are fulfilled. This should be performed by a responsible state authority determined in the relevant legislation and staffed with specially trained personnel. Internal control obligation for residential care institutions should be introduced in the relevant legislation. Guidelines and trainings on monitoring should be provided to monitoring staff and guidance on internal control should be given to care institutions.
- Developing and disseminating the good practice of FCPP should be integral part of the Social Care Reform, led by the State Social Services (SSS). SSS with its regional offices should build the capacity of the local municipality social workers to ensure the continuous support for kinship and foster families. Experiences gained from the FCPP should form the basis of awareness-raising and recruitment campaigns, to be funded by the Government and implemented by SSS.
- Foster care placements should be an administrative process at local level instead of the current judicial process, which is slow and costly. Relevant changes to the Family Code (particularly Arts. 266 and 267) are

⁹⁰ Stevens, I., Connelly, G., Milligan, I. (2013). Moving forward on Alternative Care. Assessment of the Foster Care Pilot Project in Albania. Evaluation report.

required, the Family Code should also be changed to allow for economic assistance to be available as soon as the child is placed with a foster family. It should be by order of the municipality and not dependent on a court order.⁹¹

- **Small technically competent foster care committees** should be established in each municipality, separate from the larger all-purpose multi-disciplinary team. The State Social Services should monitor that the committee members are identified, that they meet the correct technical specification for committee members and that they have a working set of operational procedures and protocols for meeting and making decisions.⁹²
- One key priority for the foster care system development should be the identification of non-related foster families and provide them with the training to take newborn babies and children in age 0-3 so that there is immediate prevention of young children going into any kind of institutional care. Specialized services for children in alternative care should be developed, such as crisis foster families, therapeutic care for older children with complex needs, services for children with disabilities.
- **Programmes to prepare young people for independent life and aftercare services should be established.**
- Legislation, procedures and practices should be introduced to safeguard **children's right to be heard and to participate in the care system** in a child-sensitive and meaningful way, both as individuals and collectively, at all levels of decision-making and in all matters concerning them, including the right to complaint and to seek redress.⁹³
- Financing allocated to residential institutions should be redirected to policies and services for family support and foster care when institutions are being closed down as part of the transition process.⁹⁴

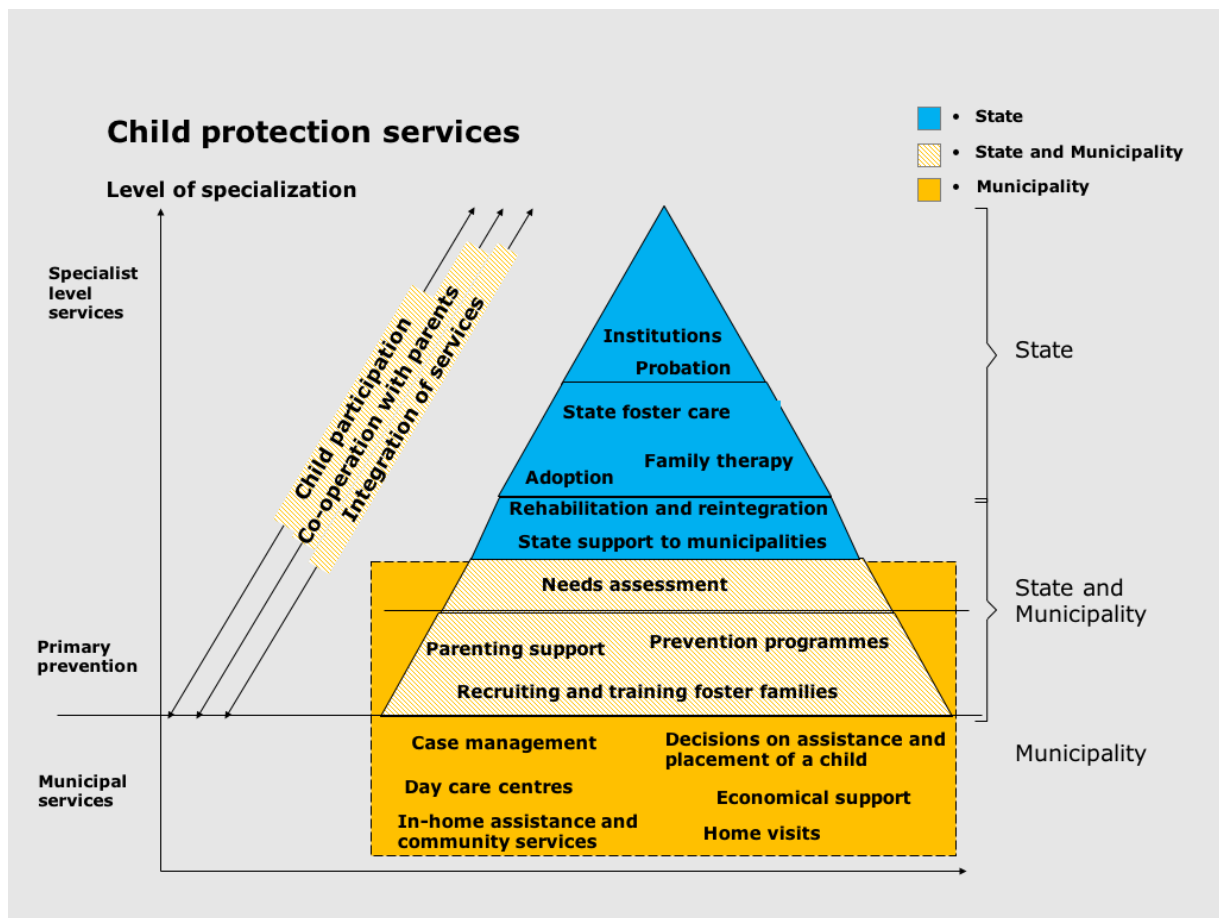
⁹¹ Stevens, I., Connelly, G., Milligan, I. (2013). Moving forward on Alternative Care. Assessment of the Foster Care Pilot Project in Albania. Evaluation report.

⁹²Stevens, I., Connelly, G., Milligan, I. (2013). Moving forward on Alternative Care. Assessment of the Foster Care Pilot Project in Albania. Evaluation report.

⁹³Tallinn Recommendations and Action Plan on Alternative Care and Family Support in the Baltic Sea Region 2015-2020.

⁹⁴Ibid.

Figure 3. Example of the division of responsibilities between state and municipal level and level of specialization in child protection services.



7. JUSTICE SYSTEM IS CHILD-FRIENDLY AND ADAPTED TO THE SPECIFIC NEEDS OF CHILDREN

The justice should always be friendly towards children, no matter who they are or what they have done. Such principle has been underlined in the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which is a practical tool for Council of Europe member states in adapting the judicial and non-judicial systems to the specific rights, interests and needs of children. The guidelines should apply to all ways in which children are likely to be brought into contact with all bodies and services involved in implementing criminal, civil or administrative law.⁹⁵

Albania has made significant steps over the years towards creating a child-friendly justice system. Good examples include the “Standard working procedure for the treatment of minors during the preliminary investigation” and introducing special sections in Juvenile District Court judiciary. The amendments to the Criminal Code have been approved under the Law no. 144/2013, dated 20.5.2013, to provide a guarantee for an adequate protection of children from sexual crimes and economic exploitation. Such changes align the Albanian criminal legislation with the international legislation, especially with the Council of Europe Convention (Lanzarote) “*On the protection of children from sexual exploitation and sexual abuse*”.⁹⁶ However, there are still many challenges further action needs to be supported.

Juvenile delinquency has been a matter of public concern in Albania since the beginning of the nineties. One of the gaps is the poor coordination within the wider justice system and the child protection system. A study from 2007 concluded that the majority of juvenile offenders in Albania are children who are most in need of protection and family support and who have been affected by violence, poverty, immigration, poor schooling etc.⁹⁷ Therefore, stronger links between the overall justice system and the child protection system should be established and the role of child protection and social services needs to be strengthened in prevention of juvenile delinquency.

Efforts have been made to lower the juvenile crime rate and in bringing Albanian law and practice in line with international standards. Specialised judges and prosecutors have been appointed in six courts but, there is still long way to go towards a comprehensive child friendly justice system.⁹⁸ Gaps and barriers/obstacles in the current system of juvenile justice have been addressed in the EU Albania’s Annual Progress Report (2014). According to the EU report, there is a lack of special interview rooms for children in police stations; the delivery of the majority of legal services for vulnerable groups (including children) is done by NGOs; there is an absence of psychologists during the interviews of juveniles; a lack of re-integration of children leaving the justice system. In addition, there are no support and rehabilitation programmes for children in conflict with the law and to prevent re-offending.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in their 2010 report on Albania⁹⁹, show particular concern of the physical and psychological ill-treatment received from juveniles by the police at the time of apprehension and/or during interrogation. They also see the gap between law and practice, examples include children being held together with adult detainees in the same custody cell, police questioning a juvenile without the presence of a lawyer or a parent, the latter being the concern also raised by the Commissioner for Human Rights of the Council of Europe, Mr. Muižnieks after his visit in 2014. It is of particular concern to the Commissioner that the measure of pre-trial detention is used excessively for juveniles and highlights that any arrest, detention or imprisonment of a child shall be used only as a measure of last resort. The Commissioner also calls on the authorities to give effect to all relevant recommendations made by the CPT and urges them to ensure that psychologists are always present during criminal proceedings involving juveniles.

⁹⁵ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010).

⁹⁶ National Report on the Situation of Children’s Rights in Albania 2013-2014.

⁹⁷ Byrne, K. (2014). Analysis of policies and reforms affecting the situation of children in Albania. UNICEF

⁹⁸ Ibid.

⁹⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Report to the Albanian Government on the visit to Albania carried out by the from 10 to 21 May 2010.

In terms of providing for the measures in the justice system that ensure the rights of the children victims of abuse, like avoiding confrontation of the child victim with the defendant, Albanian legislation is very limited. Specific regulation is only applicable to child victims and witnesses of domestic violence. Despite of the existence of a law on witness protection, including children witnesses of a crime, in practice there is not much progress in its enforcement.¹⁰⁰ Furthermore, The UNICEF 2015 recommendations express a concern for the lack of the child friendly infrastructure, the current court premises are far from being 'child friendly' facilities.

Additional efforts must be made in providing appropriate support for traumatized children in a child-friendly manner, ensuring that the reactions of the system to child abuse are to avoid re-traumatization of children (e.g. avoiding repeated interviews by different professionals on different locations, length of the judicial proceedings etc.).¹⁰¹ Research has shown, that even though the case has been referred to the social services, the child protection system does not provide adequate interventions to children and their families. As an example, children continue to live in the same family premises even when extreme forms of abuse are reported to have been exercised by a member of the family. Data also shows that in 43 per cent of cases of sexual abuse the child was left with the family with no further care provided.¹⁰²

Concrete steps to tackle the gaps and prepare the reform of the justice system have been taken, including the drafting of a strategic and legislative framework which would also address child friendly justice. There is a strong political will to introduce the required reforms by the Parliament of Albania and the *ad hoc* Committee on the Justice System Reform has taken the lead in preparing this reform. The recommendations for the reform have been drafted by the UNICEF Albania to incorporate the perspective of the rights of the child in the guiding documents of the reform¹⁰³ and have been also used in this policy document when forming strategic recommendations below. UNICEF recommendations are based on the concept of "child friendly justice" and the Council of Europe Guidelines.¹⁰⁴

MAIN OBJECTIVES IN ESTABLISHING CHILD-FRIENDLY JUSTICE SYSTEMS

- 6. Harmonizing the national legislation with the Council of Europe Guidelines on child-friendly justice, the Lanzarote Convention and EU Victims Directive 2012/29 to establish minimum standards on child-friendly justice and protection of victims.**
- 7. Including child-friendly justice principles and specific objectives related to children to the Strategy on the Justice System Reform and developing child friendly justice mechanisms.**
- 8. Drafting the guidelines on "the best interest of the child" and making available for all public institutions, law enforcement institutions and courts.**
- 9. Building capacity and knowledge of all professionals involved in judicial proceedings, especially police, prosecutors and members of the judiciary, on child-friendly justice.**
- 10. Providing adequate support and rehabilitation for children with behavioural problems and in conflict with the law, building it a part of the child protection system.**

¹⁰⁰Mandro, A. (2015). The Justice System Reform with an approach towards child-friendly justice: some reflections on the main principles.

¹⁰¹Flander, G.B. (2015). "Combatting Violence Against Children in Albania". Needs assessment report, based on Round Table, March 26th 2015.

¹⁰²Hazizaj, A., Coku, B., Cenko, E., Haxhiymeri, E. (2013). Case-based surveillance study on violence against children in Albania. Tirana: CRCA Albania.

¹⁰³Mandro, A., Panda I., Semini, M., Muharremaj, E. (2015). Recommendations for the draft Strategy of Justice System Reform regarding child friendly justice. UNICEF.

¹⁰⁴Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010).

STRATEGIC VISION FOR ENSURING CHILD FRIENDLY JUSTICE

- Albanian national legislation should be reviewed and amended in order to incorporate **child-friendly justice principles and mechanisms into the Albanian legal system**. National legislation should be fully harmonized with the Council of Europe Guidelines on child-friendly justice, The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), and EU Victims Directive 2012/29 to establish minimum standards on the rights, support and protection of victims of crime. The laws should be accompanied with the relevant procedural steps, adequate implementing mechanisms, and the infrastructure.
- **The Strategy on the Justice System Reform should include child friendly justice principles and specific objectives related to children**, aiming at the development of child friendly justice mechanisms in all areas concerning children. UNICEF recommendations for the draft strategy, prepared by the group of high level representatives of academia, should be taken into account when finalizing the strategy and during the justice reform. The strategy should address the gaps and obstacles in the current justice system for juveniles which have been addressed in the European Commission Annual Progress Report on Albania (2014).
- The leading role and the expertise of the **Ministry of Justice** in drafting and implementing child friendly justice mechanisms, should be strengthened. Regular inter-agency and cross-sectoral steering group on child friendly justice should be established to be led by the Ministry of Justice, to monitor the implementation of the Strategy on the Justice Reform in the area of the protection of children's rights.
- **Guidelines on “the best interest of the child” should be drafted and made available for all public institutions**, law enforcement institutions and courts. Guidelines should focus on the implementation of the principle of “best interest of the child” in civil, administrative, criminal and court proceedings, enabling judgements within a short period of time, ensuring that children views and opinions should be given due weight etc.
- **Legislation should be changed** to allow for police and prosecutor’s office to start ex officio procedures in cases of sexual abuse of children in the circle of trust without prior official report or complaint being filed.
- All professionals involved in judicial proceedings, especially police, prosecutors and members of the judiciary, **should be properly trained on child-friendly justice**, forensic interviewing, talking to children, detection of child abuse etc. Trainings should be systematic, including both initial and continuous trainings and involve skilful trainers (using international expertise). Multi-disciplinary trainings (police, judges, social workers, psychologists etc.) should be made regularly available. Trainings should be coordinated by a responsible authority (e.g. e School for Magistrates).
- **The definition of the roles of psychologists and social workers in the legal proceedings involving children should be regulated**, as well as the standards of their service in cases involving children, their disciplinary responsibility, the control mechanism of this service, the possibility of providing such services for free etc. List of accredited psychologists involved in cases of trials of children, should be established to ensure the quality and transparency of their service. Such activities should be addressed in the Strategy and Action Plan of the Justice Reform.
- **Specific Individual and family based interventions tackling behavioural problems and delinquency of children, and rehabilitation programmes which have proven to be effective, should be introduced**, piloted and implemented in Albania by responsible authority (e.g. State Social Services or State Agency for Protection of Child Rights) in collaboration with civil society organizations and academia. Programmes such as Aggression Replacement Training (ART)¹⁰⁵, Functional Family Therapy¹⁰⁶, Multi Dimensional Family Therapy¹⁰⁷ and others¹⁰⁸ could be considered.

¹⁰⁵ More information of the programme available at: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=254>

¹⁰⁶ More information of the programme available at: <http://www.fftllc.com>

¹⁰⁷ More information of the programme available at: <http://mstservices.com>

- **Children in conflict with the law should be considered as children in need of protection, with specific attention to under 14 years old**, therefore juvenile offenders, children in detention or in probation services, should be always referred to the child protection worker in order to ensure them adequate support, rehabilitation and reintegration services, and to prevent the re-offending.
- Relevant legislation should be reviewed in order to ensure **the right of a child to be heard** in all court criminal or civil proceedings, and the administrative proceedings affecting the child. Regulations must also ensure that proceedings should be accessible and age-and development appropriate for the child. Interviews with children should take place in child-friendly facilities and with child-friendly manner and the number of interviews should be as limited as possible.
- In order to ensure the child-friendly proceedings and support for children victims of violence, **the use of Barnahus – Children’s House or similar methodology** could be considered in Albania. Barnahus is a multi-agency collaboration model where the authorities responsible for a child, victim of sexual or other kind of abuse, interact and coordinate their work under one roof in a child-friendly environment. The concept of such model enables different actors (health professionals, police, child protection, judicial system etc.) to get information about child abuse cases without subjecting children to multiple interviews and ensuring safe environment. Preliminary interviews in the cases of the suspicion of the child sexual abuse conducted by the qualified professionals should be introduced and institutionalized.
- **Awareness among children and their parents** on the existence of child friendly justice mechanisms should be raised, in order for them to know how to effectively use them. Child friendly information on the rights of the child in judicial procedures should be developed and widely distributed including through schools. Information on children's rights and child friendly justice should be included in the curriculum of primary, secondary and tertiary education. The Albanian Government should have primary responsibility in this regard, with close collaboration with academia and civil society.¹⁰⁹
- Study visits to European countries (Iceland, Croatia etc.) should be organized to learn from their experiences in the context of child-friendly justice and the treatment of juvenile offenders and children victims of violence.

¹⁰⁸ Programmes listed in www.blueprintsprograms.com/programCriteria.php or so called Blueprints programs are strongly recommended, as these has been reviewed by an independent panel of evaluation experts and determined to meet a clear set of scientific standards.

¹⁰⁹ Liefaard, T. (2015). Child friendly justice in Albania in the context of combatting violence against children. Report for Council of Europe.

9. MAKING IT HAPPEN: FIRST 10 STEPS

1. Revise the law for the protection of children's rights in order to clarify the roles and responsibilities within the child protection system at the central and local level, ensure coordination between sectors and levels, introduce mandatory reporting and clear protection measures, establish effective response mechanisms to child abuse and neglect. Ensure that the necessary by-laws are drafted in the appropriate timeframe and all other relevant laws and regulations are adapted accordingly.
2. Draft and adopt the integrated National Action Plan for Children 2016-2020 with clear policy goals and inter-sectoral actions in the area of child protection, with particular emphasis on prevention, and with specific budget and effective monitoring mechanism. Ensure that specific ear-marked funding for child protection is included in the state budget 2017 and onwards. Establish the Social Fund for the local municipalities with clear ear-marked budget for child protection services.
3. Establish structures at the local level within the framework of the Social Care and Territorial reform, in charge of child protection case management and service provision, and set up clear decision making mechanisms at the municipal level to ensure effective responses to the cases of child abuse and neglect.
4. Set up the Inter-Ministerial Committee for Child Protection (IMC-CP) for technical level policy making and cooperation between the Ministries of Social Welfare and Youth, of Justice, of Interior, of Education and Sports, of Health and of Finance. The work of IMC-CP will ensure the effective implementation of the new legal framework across all sectors, and of the new National Action Plan for Children 2016-2020.
5. Establish a system for continuous educational training for child protection workers working at the municipal level and ensure that within 2018 all child protection workers have passed the basic training course on the core legal and procedural standards. Training modules in identification, assessment, reporting and referral and multi-disciplinary trainings should be established and made available.
6. Identification, reporting and referral protocols should be drafted and integrated into the professional protocols (police, health, education, social work). Specific tools and guidelines on assessment, case management and response measures will be drafted and made available.
7. Implement at least one evidence-based programme in the area of early intervention and prevention, prioritizing the promotion of positive parenting and improvement of parenting skills.
8. Develop and establish specialized service for treatment and rehabilitation of children victims of abuse, based on the integrated and multi-disciplinary approach, taking into account the best practices of other European countries.
9. Draft and adopt the new Code for Juvenile Justice in order to ensure child-friendly justice and based on the best international standards and practice.
10. Carry out a national awareness raising campaign to prevent child abuse and neglect, promote zero-tolerance towards the violence against children, and inform the professionals and the public of the reporting obligation and mechanisms.

Children's suggestions to the Government, what should be done first in Albania to ensure better protection of children's rights.¹¹⁰

- **Increase the number of child protection workers to tackle the violence against children and the domestic violence, and who can check how parents behave with their children.**
- **Increase the reporting of the cases of violence against children and make mechanisms for reporting available and accessible, with possibilities to report via web, phone etc.**
- **Organize facilities and provide services for children who have been violated, increase the number of school psychologists.**
- **Raise the awareness of parents on how to raise their children without violence.**
- **Include more social subjects and social skills trainings in the school curricula, to prevent violence and prepare children for parenthood, have teachers taking such lessons more seriously.**

¹¹⁰ Based on the consultations with children within the framework of drafting the Policy Document.

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APPENDICES

APPENDIX 1. MEETING AND INTERVIEW LIST

- State Agency for the Protection of the Child Rights
- Directorate of Social Inclusion, Ministry of Social Welfare and Youth
- Department of Integrated Services and Cash Assistance, Ministry of Social Welfare and Youth
- Mr Blendi Klosi, the Minister of Social Welfare and Youth
- Mrs Bardhylka Kospiri, Deputy Minister of Social Welfare and Youth
- Ministry of Health, Public Health directorate
- Ministry of Education, Directorate of Pre-University Education
- Tirana Center for Children in Street Situations ARSIS
- Ministry of Justice, Codification Directorate
- SOS Children Villages Albania
- Elbasan municipality, Head of the social services, Child Protection Unit
- Elbasan child residential care centre “Tjeter Vizion”
- Elbasan region, Child Rights Unit
- Ministry of Interior, Section on domestic violence and violence against children
- UNICEF Albania
- Save the Children Albania
- Terre des Hommes Albania
- Kela Lopari
- Emira Shkurti (UNICEF), Prof. Arta Mandro.

Following consultations were organized and held with the purpose to receive reflection and suggestions to the policy document:

December 8, 2015 – Group of children in Elbasan region

December 9, 2015 – Elbasan municipality, representatives from various agencies

State institutions (representatives from the Ministries, State Agencies, state service providers)

December 10, 2015 – Civil society organizations in Albania.

APPENDIX 2. SUMMARY OF THE WORKSHOP "BUILDING AN INTEGRATED SYSTEM FOR THE PROTECTION OF CHILDREN IN ALBANIA, CHALLENGES AND OPPORTUNITIES" 15 OCTOBER 2015, TIRANA.



State Agency for the Protection of Children's Rights (SAPCR)

Council of Europe

WORKSHOP

"BUILDING AN INTEGRATED SYSTEM FOR THE PROTECTION OF CHILDREN IN ALBANIA, CHALLENGES AND OPPORTUNITIES"

15 October 2015, Tirana

Summary of the meeting

The main purpose of the meeting was to discuss and to share ideas with the most important actors in the field of child protection. The workshop was attended by about 45 participants from line ministries, national institutions, different organizations whose mission was linked both directly or indirectly to the protection of children's rights. The meeting was opened with the speech of the Minister of Social Welfare and Youth, Mr. Blendi Klosi, who highlighted the recent events in Albania, aiming to promote the necessary mechanisms to prevent the abuse related to children. He mentioned the ongoing efforts of institutions in the field of protection of children's rights but stressed the need to improve our actions and focus more on deinstitutionalization.

The focus of the minister's speech was to build a comprehensive strategy on the protection of children's rights so that existing problems and concrete situation may change. Albanian society should react to the actual situation and institutions need a transformation. He also stressed the important role of advertising campaigns related to child protection. The minister's speech ended with a request to work together in building a complete and comprehensive system to protect children.

Mr. Olsi Dekovi, Deputy Head of CoE Office in Tirana in his speech mentioned that all necessary institutions and laws are in place but there is a lack of coordination of all parts of the system. There is a necessity to build and implement a system for protecting children, regardless of the challenges and problems today. According to his opinion the White Paper is casting the basis of how this system will be and how it will be implemented in the future.

Mrs. Ina Verzivolli Chairperson of the State Agency for the Protection of Children's Rights made a presentation on the challenges of the system and gave the vision of the meeting. She emphasized that the actors participating in the meeting are also responsible for protecting the rights of children. Reports and analysis of the situation have identified some of the main problems of the existing system:

- Lack of a genuine system of protection of children's rights
- Lack of clarity of roles
- Lack of correct implementation of the policy
- Inadequate level of performance at local level
- Incomplete legislation for the protection of children, there is a law but it is a general framework law
- Lack of donor coordination

The difficulties identified by the reports must guide the activities to improve the situation. She also pointed out two of the main pillars for protection of children's rights.

1. Campaign for the protection of children's rights, which opens with the meeting and ends in June.
2. New action plan for children because the current one ends in December 2015.
3. Drafting a proper legislation for the protection of children's rights.

Mrs. Anniki Lai, expert of CoE emphasized the purpose of the meeting which was to gather ideas from all participants in order to create a complete picture of the situation. She emphasized the fact that challenges, gaps and strengths are better known by the presents in the meeting than by a foreign expert, and despite everything it was time to move forward. She explained that her mission was to clarify the vision for the future with a policy document for the protection of children. She went on giving a definition of the system of protection of children, highlighting the fact that child protection is cross-sectorial and involves many actors and that there should be a close coordination between horizontal and vertical levels of governance. She highlighted the challenges that accompany the coordination between different sectors. She mentioned also key components such as:

1. National policies and strategies
2. Legislation
3. Agencies for the coordination and execution of policies
4. Quality Assurance System
5. Case management services at local level
6. System for data collection
7. Inclusion of children in the process
8. Strong leadership and dedicated people.

In the second part of the meeting participants were divided into five working groups. Some of the groups discussed the steps that must be taken at local level and some at the central level. Key questions were delivered to the working group about:

1. Actors
2. Structures
3. Roles and Responsibilities
4. Leaders
5. Coordination

They took into account all existing institutions and structures and how they can be strengthened. The participants were asked to build schemes of protection of children's rights system.

Presentations

First Group (local level)

In the center of the scheme is the child and around are listed all stakeholders who are:

Municipality

- Child Protection Unit, Social Service / Social administrator, Employment Office, Education, Health

Education

- Regional Education Directorates (psychosocial service), School (teacher, psychologist)

Health

- Public Health Department, Health Centers, Health Community Center

Local Police

- Directorate (sector of crimes / specialist juvenile and domestic violence), Commissioner (specialist general)

Justice

- Prosecution, Court, The Probation Service

Non-profit organizations

- Service centers; Policy, advocacy NGO for the protection of children's rights

As regards the role of all the aforementioned actors, the group cited some of the most important roles as:

- Identification and referral
- Prevention

- Advocacy (police, CPU, Regional Social Services)
- CPU - coordination and case management tracking
- Providing direct service
- The promotion of children's rights (individual, family, community)
- The school should support the integration

The group mentioned that the key role of NGOs relates to the provision of direct services, support and advocacy with public structures. The first group presented the three main priorities:

- Strengthen the role of the CPU
- Improving sectorial coordination
- Law for the Protection of Children

Second Group (central level)

The second group presented 3 priority areas which were:

1. Prevention (identification and referral)
2. Budgeting (horizontal and vertical)
3. Monitoring / Evaluation.

The group then went on to identify the institutions responsible for the planning of policies which are:

- Ministry of Social Welfare and Youth
- State Agency for the Protection of Children's Rights
- Ministry of Interior (Anti-Trafficking Unit)
- Ministry of Education and Sports
- Ministry of Health
- Ministry of Finance
- Ministry of Justice
- NGO

Another point was protection by law of case managers / social employees.

Role of NGOs:

- Political
- Data center
- Expertise
- Funding / CSO finance law

Third Group (local level)

The group began the presentation by stating the fact that the roles are well-defined by the instructions and legal provisions, but lacks leadership. In their opinion the leadership should be left to the chairman / vice- chairman of municipalities. Child Protection Unit shall serve as the coordinating body. The group gave the idea that the decision should be left to the supervisors of each professional at local level, because there is a vertical line that monitors and evaluates within the structure. Application belongs to the Child Protection Unit at the administrative unit.

Monitoring: a) State Social Service b) State Agency for the Protection of Children's Rights

(sectorial institution). As regards the role of NGOs, they should bring their contribution by area of expertise, they must be accredited.

Fourth Group (central level)

The fourth group, as well as the previous group initially identified stakeholders:

- Ministry Of Social Welfare And Youth- designs child protection policy
- State Agency for the Protection of Children's Rights
- Department of Social Inclusion
- State Social Service
- Inspectorate of Labour and Social Services
- Ministry of Education and Sport
- Ministry of Health
- Anti-Trafficking Unit)

- Ministry of Justice (Directorate of Prisons)
- Ministry of Innovation and Technology (must be a structure to protect children from online abuse)
- The General Prosecution

In terms of leadership there are two lines of thought:

- a) Municipality
- b) Child Protection Unit.

The group also added and the need to involve local structures in the protection of children's rights. It was also emphasized the provision of support services which have been identified by the group as problematic.

Fifth Group (central level)

The group started his presentation by giving the two main suggestions for the system of Protection of Children's Rights.

1. System Protection of the Rights of the Child should be in accordance with the real needs of children
2. Participation of children in the system itself, by empowering them to identify cases of abuse among them

Structures identified by the group are:

1. Ministry of Social Welfare and Youth
 - State Agency for the Protection of Children's Rights
 - Directorate of Social Inclusion
 - The Employment Inspectorate
 - National Council for the Rights of Children
2. Ministry of Education and Sports
3. Ministry of Health
 - Institute of Public Health - Health Promotion
5. The Minister of Justice
 - Director of Prisons
 - The Probation Service
6. Ministry of Innovation and Technology (added a political line to protect from online abuse)

According to the group, the leader actor can be the Ministry of Social Welfare and Youth. Actions to be taken for the future are:

1. Coordination of the work of the institutions
2. Clarification of roles and responsibilities
3. Drafting of national plans to increase the capacity of specialists
4. Review of legislation for the protection of children

After the presentations Mrs. Anniki Lai made a summary of the discussions. She thanked the groups for the ideas that they share and highlighted the fact that despite the urgency of the situation, building systems is a process that needs time. She said that the systems require time in order to make a diagnosis of laws, roles, mandates and responsibilities of all actors involved. Also, in the same line with presentations from groups, she said that it is necessary the existence of leadership at the local level, but stressed that is not enough making protocols or policy but these should be accompanied by specific instructions on how these policies should be implemented. She said the good functioning of the system is similar to an orchestra, it needs a conductor to coordinate all stakeholders to prevent overlapped roles which can disrupt the functioning of the entire system.