

# CHILD RIGHTS IMPACT ASSESSMENT (CRIA)

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## ABBREVIATIONS

OP	Ombudsperson – People’s Advocate of Albania
SARPC	State Agency for the Rights and Protection of the Child
CRIA	Child Rights Impact Assessment
GDP	General Directorate of Prisons
ECARO	Europe and Central Asia Regional Office
ENOC	European Network of Ombudspersons for Children
CTG	Cross-sectoral Technical Group
CRC	United Nations Convention on the Rights of the Child
CPPCR	Commissioner for the Protection and Promotion of Child Rights
CPW	Child Protection Worker
IECD	Institution for Execution of Criminal Decision /Penitentiary Institution
MoESY	Ministry of Education, Sports and Youth <sup>1</sup>
MoJ	Ministry of Justice
MoFE	Ministry of Finance and Economy
CPU	Child Protection Unit
WHO	World Health Organization
PHEIC	Public Health Emergency of International Concern
PHI	Public Health Institute
SPPCHR	Section for the Protection and Promotion of Child Rights at the People’s Advocate
SSS	State Social Service
UNICEF	United Nations International Children's Emergency Fund

Note: The text of the report will also use abbreviations which are abbreviations of terms in English and are recognized internationally

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<sup>1</sup> Currently Ministry of Education and Sport pursuant to DCM No. 523, dated 22.09.2021 “On determining the scope of responsibility of the Ministry of Education and Sport”;

# I. Report Introduction and Methodology

## 1.1. Introduction

This report was drafted by the Ombudsperson with the contribution of the Section on the Protection and Promotion of Child Rights, part of the ENOC network, and aims to assess the effects of the measures imposed by the government due to the COVID-19 pandemic on child rights and protection. This evaluation is conducted in the context of a joint initiative between ENOC and UNICEF ECARO on an assessment that involves ENOC member states and as such implements and abides by the ethical standards, principles, and guidelines of these organizations. Such initiative falls under the mandate of Ombudsperson of Albania, as provided by the respective law<sup>2</sup> and the role of this institution to monitor the implementation of the Law on the Rights and Protection of the Child<sup>3</sup>.

The child rights impact assessment, abbreviated as CRIA in this report, aims to assess the government-imposed measures on child rights. This assessment report is designed by utilizing a process and instrument that supports the assessment of the intended or unintended effect of legal and sub-legal acts enacted during the COVID-19 pandemic. In the case of Albania, this was a hybrid assessment involving CRIE (Child Rights Impact Evaluation) for the already enacted legal and sub-legal acts and CRIA for the normative acts revised over the course of pandemic situation, to the extent that the responsible institutions made reference to the recommendations provided by this report.

The findings and recommendations of this report aim to identify the deficiencies observed in terms of the proportionality of the measures and the effectiveness of the functioning of the integrated response system, in order to draw conclusions and learn from the way the pandemic situation was managed and take appropriate measures for responding and adapting to emergency situations.

A very important component is the communication of CRIA findings and recommendations to all stakeholders involved, especially those state actors who played a role in proposing, initiating, implementing and monitoring measures during the pandemic. The purpose of such communication is to identify aspects that need to be improved in the future so the government bodies will fulfill the legal mandate within their area of government's responsibility in a way that guarantees the effective exercise and adherence of child rights and their special protection.

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<sup>2</sup> Law No. 8454, dated 04.02.1999 "On People's Advocate", as amended;

The first COVID-19 case in Albania was confirmed in early March 2020. COVID-19 is a virus that can be transmitted directly through human contact or indirectly through contaminated surfaces and objects. Thus, upon the recommendation of the PHI, based on the experience of other previously affected countries, as well as the law on preventing and fighting against infections and infectious diseases, the Minister of Health issued the order on educational institutions closure<sup>4</sup>, among other measures taken and acts issued to reduce transmissions

The Ministry of Health and Social Protection was the key institution in charge of proposing or approving measures taken during the pandemic period, also based on proposals from the Institute of Public Health. An ad-hoc Committee was also established at this ministry, which was responsible to observe closely the situation and recommend appropriate measures for controlling and containing the spread of the virus.

## 1.2. Report areas and objectives

In regards to Albania, the study aims to assess the impact of the measures taken by the Albanian government in the context of the COVID-19 pandemic situation on child rights and protection.

This assessment will also contribute in strengthening the capacities of Ombudsperson institution to assess the impact of existing legislative measures on child rights, or of measures that are in drafting process. The assessment findings will enable the Ombudsperson and the Commissioner for the Protection and Promotion of Child Rights to communicate and discuss with the Parliament, the Council of Ministers, and other institutions in relation to specific assessment findings, for the purpose of increasing the accountability of public institutions toward children and youths, in order to guarantee at all times, even during emergency situations, adherence to child rights standards and implementation of the best interest of the child's principle throughout the decision-making processes.

This assessment report will concentrate solely on the impact of the measures enacted through normative acts on the lives of children and young people, during Covid-19 pandemic. It will include, to the extent possible, all measures taken by the Parliament of the Republic of Albania, the Council of Ministers, ministers, or the heads of relevant institutions in the framework of preventing the spread of virus, as well as the budgetary adjustments that accompanied such measures.

Further, this report assesses the situation of all children, with a particular focus on children in need of protection, in accordance with the definition in the Albanian legislation, namely in the Law on the Rights and Protection of the Child and the Law on

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<sup>4</sup>Order No. 135 of the Minister of Health and Social Protection, dated 09.03.2020 "On Closing Educational Institutions to Prevent COVID-19 Spread";

Social Care Services<sup>5</sup>, as well as children in conflict with the law, as defined in the Criminal Justice for Children Code<sup>6</sup>, specifically those deprived of liberty and placed at the Juvenile Institute in Kavaja.

The goal of this report is to evaluate and highlight how the normative acts adopted during the COVID-19 pandemic and the restrictive measures imposed as a result have impacted children and young people, focusing in particular on the following three (3) aspects:

- (I) right and access to education,
- (II) juvenile justice and the rights of children in conflict with the law; and
- (III) access to social care services for children in need of protection from the perspective of preparedness of local self-government units/child protection unit to manage emergency situations.

The right and access to education was selected to assess how the closure of educational institutions and the adaptation of alternative teaching methods have affected equality and access to the right to education for children who may have lacked the necessary means to attend alternative methods of remote learning. The imposition of restrictive measures and closure of educational institutions also affected the right of children to leisure, cultural, and sport activities.

The aspects of children in conflict with the law was selected to assess the observance of the rights of children involved in criminal proceedings and in particular those serving in penitentiary institutions during the pandemic as well as the impact of restrictive measures on this group.

Access to social care services for children in need for protection was selected to assess the impact of the measures taken, on their level of protection by analyzing also the readiness of Child Protection Units (CPUs) at local self-government units to manage emergency situations. The pandemic situation in Albania was preceded by another emergency situation caused by the earthquake of November 2019, which most significantly affected some areas in central Albania. Therefore, the recommendations that will be provided may also be relevant and applied to other emergency situations.

### 1.3. Methodological approach

CRIA will assess the impact of the measures taken due to the pandemic situation and will be based on the methodology developed by the European Network of Ombudspersons for Children (ENOC) for this purpose, adapted to our country's context.

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<sup>5</sup>Law No. 121/2016 "On Social Care Services in the Republic of Albania";

<sup>6</sup>Law No. 37/2017 "Criminal Justice for Children Code";

ENOC is an NGO of independent institutions on child rights and aims to contribute to the promotion and protection of child rights in accordance with the wording of the United Nations Convention on the Rights of the Child (CRC) as well as to improve the attitude towards children by promoting the principle of the child's best interest.

The Ombudsperson's institution is a full member of ENOC, and as such, it contributes to fulfilling the organization's mandate by exchanging information and best practices with other members.

The methodology adheres to and strictly implements the standards and ethical guidelines pertaining to child inclusion, collecting information from them, data processing and assessment report drafting.

Furthermore, the methodology and questionnaires used for this report were evaluated through an ethical research review by the HML Institutional Review Board and the protection protocols regarding subjects involved in the assessment received the approval of the ethical review<sup>7</sup>. In addition, the experts of ENOC organized workshops with the staff of the Ombudsman's Office as well as with UNICEF staff and the national expert regarding CRIA tool, methodology and scope of the assessment. ENOC and UNICEF Albania staff contributed with technical comments for the draft assessment reports.

#### 1.4. Method of implementation of the ethical standards in the process of collecting data from children and processing them

The expert engaged by UNICEF to support the Ombudsperson institution in data collection, processing, and drafting of the assessment report has undergone training and is certified by UNICEF for "Ethics and Integrity at UNICEF 2020", "Prevention of Sexual Exploitation and Abuse", and "Prevention of Sexual Harassment and Exploitation of Authority".

In the framework of the freedom of thought and expression, as well as the right of children to be heard, this assessment significantly considered the opinion and perceptions of children aged 10-18 years old about the restrictive measures imposed to contain COVID-19 virus spread. Moreover, in recent years, social researchers have acknowledged the importance of the direct involvement of children versus qualitative data obtained from adults. The age group was selected by considering their ability to give an uninfluenced opinion and to use the online questionnaire form.

The beliefs and principles that guided the work on drafting the assessment report are as follows:

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<sup>7</sup>HML IRB Review #394ALBA21;

- ✓ All children have equal rights, and everyone has a role to play in promoting children's well-being and participation;
- ✓ All actions are based on the principle of the best interests of the child;
- ✓ Maintaining and enforcing high standards of ethics and professional and personal conduct;
- ✓ Encouraging and respecting children's voice and views;
- ✓ Preventing children from being exposed to the contents of inappropriate online materials;
- ✓ Drafting questionnaires in simple, comprehensible, and clear language for participant children;
- ✓ Using official communication channels to reach out to children who wish and have the free will to complete the questionnaire and give their opinion on the questions.
- ✓ Keeping the collected data confidential.

The tool used to collect children's opinions was a questionnaire that did not contain questions related to personal information. Completing the questionnaire was voluntary and was carried out online through the "Google forms" platform. Children were reached through local education offices and educational institutions across Albania. The Local Education Offices were instructed by the Ombudsperson's institution regarding the voluntary nature of completing the questionnaire and the principles related to children's engagement to participate in activities of this nature. As the questionnaires were completed individually, based on the child's free will and only through electronic means and not in the presence of any adult or interviewer, obtaining the child/parent/guardian's consent to participate in the survey was neither necessary, nor possible.

The processing of the collected data through online questionnaires was conducted automatically through the Google Forms support system. The database with the answers of survey participants in the questionnaire will be submitted to UNICEF as part of the package related to drafting the assessment report.

The assessment report also included and used the data previously collected from children through focus groups, in the context of activities and monitoring processes conducted by the Section on the Protection and Promotion of Child Rights at the Ombudsperson institution, in compliance with its own work plan.

#### 1.4.1. Study questions

This methodology was developed to assist the objectives of the CRIA assessment in gathering and analyzing information related to the following study questions:

1. How did the restrictive measures affect the rights and protection of children?
2. What has been the negative, neutral, and positive effect of these measures?
3. What was the children's involvement in decision-making that affected their rights?

Combined studies, where data are obtained from several sources, including children, adult teachers and parents, policymakers, or other stakeholders, provide a fairer and more impartial assessment of the situation. In the framework of this inclusive approach, the target groups (population) for conducting this assessment/study were:

- Children 10-18 years old;
- Basic education, lower secondary education, and upper secondary education teachers;
- Parents;
- Representatives of public institutions at the central and local level.

#### 1.4.2. Instruments

Quantitative and qualitative data were collected for this study, which were supported by an analysis of laws and bylaws, acts of the judiciary governance bodies issued during the pandemic, the Ombudsperson's previous recommendations, and fieldwork. In addition, complaints submitted to Ombudsperson, and investigated by the SPPCHR, reports developed by non-for-profit organizations, newspaper articles and other similar sources were also reviewed for the purpose of this report.

The instruments used for data collection include the Likert scale<sup>8</sup> assessment questions and closed-ended questions, which were used for online surveys for children and teachers. For more in-depth data obtained from smaller groups (populations), semi-structured questions were used to conduct focus groups and interviews, respectively, for parents, and representatives of institutions, at the central and local level.

This assessment is guided by the four core principles of CRC and the provisions of Article 4 of the Convention based on which the government is responsible for protecting and ensuring child rights by taking measures to the maximum extent of the available resources. As mentioned above in the CRIA objectives, child rights and access to education will be analyzed in particular according to the provisions of Articles 28, 29, and 30 of the CRC and Article 18 of the Law on the Rights and Protection of the Child. The rights of children in conflict with the law and especially those placed in designated institutions/centers under supervision and juvenile penitentiaries are evaluated according to Articles 37 and 40 of the CRC as well as the Criminal Justice for Children

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<sup>8</sup><https://www.geopoll.com/blog/likert-scale-examples-definition/>

Code. The right of children in need for protection are analyzed pursuant to Articles 19, 26, 34, 36 and 39 of CRC, Law on the Rights and Protection of the Child and Law on Social Care Services in the Republic of Albania.

The questionnaires used were consulted beforehand with the institution of Ombudsperson represented by the SPRCHR and the office of UNICEF Albania. Furthermore, a pilot study with 15 child participants was conducted to assess questionnaire comprehensibility and effectiveness. Following the pilot phase, corrections were made on a case-by-case basis, and the questionnaire was distributed and conducted nationally.

Target groups for the purpose of this evaluation were reached using various assessment instruments as follows:

Category A - Children: The questionnaire for children was drafted, and the data collection process was carried out in accordance with the descriptions of the subsection “Methods to implement ethical standards in the process of collecting data from children and processing them” herein.

The data gathered and managed by the Ombudsperson office prior to the commencement of this study were used for certain categories, such as children from vulnerable groups and children in conflict with the law.

Category B - Teachers: In order for the study to be complete, teachers' perspectives were also included, on what they thought about and on how restrictive measures have impacted child rights.

The teacher questionnaire was also conducted online through Google Forms surveys and contained closed-ended assessment questions according to the Likert scale.

Category C - Parents: An added value in the analysis of the situation was brought by the involvement of the parents through focus groups of no more than 8 persons and individual interviews conducted.

Focus groups were conducted in person, when possible, or online through the Zoom platform. Focus group discussions were guided by semi-structured questions.

Category D - Representatives of public institutions at the central and local level: The assessment also included the approach of public institutions involved in the drafting and implementation of restrictive measures taken to prevent the spread of the virus.

### 1.4.3. Study Scope and Selection

The study was conducted at the national level. Respondents were randomly selected through the mediation of Local Education Offices across the country and their respective schools, ensuring that they met the criteria mentioned thus far herein.

The survey referred to the period from March 2020 to March 2021. Data collection took place in June 2021, with the exception of the data previously collected by the Ombudsperson office, as part of other, routine monitoring processes.

### 1.4.4. Method of data processing

Considering that the questionnaires for children and teachers were conducted online, through the Google Forms Survey, the collected data were processed using Excel program, thus deriving direct results from the questions as well as combined results. All data collected were used only to derive the results necessary for the completion of the study and were handled with the utmost confidentiality. It is worth mentioning that no information could be obtained through the drafted questionnaires that could violate the privacy, morals, or dignity of the child.

## II. Analysis

### 2.1. Background of the Analysis

On 30 January 2020, the World Health Organization (WHO) declared the COVID-19 virus a Public Health Emergency of International Concern (PHEIC), and the global pandemic was declared on 11 March 2020, due to the mass spread of the COVID-19 virus. The virus widespread had a significant impact on the national and global state of affairs, on the health system, and as a result, on child rights. Various countries have imposed measures to contain the spread of COVID-19, starting with social distancing and behavior changes such as lockdown/quarantine, school closure, and other restrictive measures.

In March 2020, the first case of COVID - 19 virus infection was identified in Albania. Immediately after the case was identified, the relevant national bodies took preventive measures to stop the further spread of the virus. The closure of educational institutions at all levels was one of the first measures taken. As a result, classes were carried out online by following different methods for all levels, and the 2020 academic year ended the same way. During the academic year 2020 - 2021, classes were either conducted online or in the classrooms depending on the scenarios followed for the learning process, in certain periods and certain areas of the country, based on the number of infection cases.

The COVID-19 pandemic would inevitably have an impact on children`s rights in general and the most vulnerable groups of children in particular. Therefore, ENOC prepared a

statement<sup>9</sup> regarding the challenges that the child rights institutions would have to face to protect child rights in the context of the restrictions imposed due to the unprecedented situation, thus ensuring sharing of critical information and good practices to ensure children rights and their safety. ENOC appealed to governments to take the appropriate actions to ensure child rights observance for all children during the COVID-19 pandemic in accordance with the CRC and General Comments of the Committee on the Rights of the Child<sup>10</sup>.

ENOC and its members committed to closely monitor the children's situation and the responses of national and local authorities during the pandemic and after the lifting of restrictive measures. In this context, the Ombudsperson's institution, supported by the UNICEF Albania office, is conducting an in-depth study to evaluate the impact of measures taken by Albanian state institutions at all levels throughout the COVID-19 pandemic situation on child rights.

## 2.2. State of play

The COVID-19 pandemic has had a considerable impact on many aspects of child rights especially for the most vulnerable children. In April 2020, the UN Committee on Child Rights expressed its concerns regarding children's situation at the global level due to the effects of the COVID-19 pandemic. Many children were severely affected physically, emotionally and psychologically, especially in countries that had declared a state of emergency and mandatory lockdown. The Committee urged all Member States to respect the rights of the child, while taking the necessary measures to address the public health risk due to the COVID-19 pandemic<sup>11</sup>.

Similarly, ENOC<sup>12</sup>, also called on states to take proactive measures to guarantee the observation of children's rights according to the UN Convention on the Rights of the Child and other relevant European and International Human Rights instruments.

It is widely accepted that governments have the duty to address the protection of human life and public health as a matter of priority, and to this end, they implemented emergency measures and restrictions dictated by the pandemic. The international human rights law also recognizes and allows for human rights interventions and restrictions in response to emergencies. However, in these cases, a very careful assessment of the

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<sup>9</sup>ENOC Statement on "Children's rights in the context of the COVID-19 outbreak", 1 April 2020; <http://enoc.eu/wp-content/uploads/2020/04/ENOC-Bureau-statement-on-CR-in-the-context-of-the-COVID-19-outbreak-FV.pdf> ;

<sup>10</sup><https://www.unicef-irc.org/publications/pdf/crcgencommen.pdf> ;

<sup>11</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en)

<sup>12</sup> <http://enoc.eu/wp-content/uploads/2020/06/ENOC-UNICEFF-COVID-19-survey-updated-synthesis-report-FV.pdf>

situation is required, and countries must ensure that the measures taken are strictly and inevitably justified by the situation and are taken with due regard to the risk posed by it.

Despite the fact that COVID-19 virus had mostly no direct effects on the health of children, as they were the least affected group, the situation caused by Covid -19 virus has a significant eventual and future impact on children. The social and economic consequences of the crisis and the relevant measures taken to contain the virus spread had a direct impact on children's well-being and their ability to exercise and enjoy their rights.

The greatest risks resulted from the economic and social consequences, as well as being under lockdown with the family, which in some cases was accompanied by increased violence and abuse where children could be witness but also victims<sup>13</sup>. Spending a longer time on the Internet due to online learning posed an additional increased risk because it could lead to exposure to inappropriate content and virtual abusers<sup>14</sup>. Online access increased due to the lockdown and, as a result, children's exposure to inappropriate content also increased because of the reduced supervision and longer online exposure. Unfortunately, the activities related to online child abuse materials also increased. However, the actual effects of this situation are not yet clear and measurable, but this assessment aims to analyze the effects observed thus far from the perspective of children, teachers, parents, and state structures at the national and local level.

Despite the low risk posed to children by the virus, the closure of schools, distancing from friends, and lifestyle change negatively impacted their well-being. Some children were at greater risk due to increased abuse and domestic violence triggering factors, including the parents' difficult circumstances. The existing disparities among children were further exacerbated by the situation resulting from the virus and measures imposed in that regard, particularly so for children in remote and poor areas.

Guaranteeing the rights and protection of children is a state responsibility at all times and it should be treated as a matter of key priority. It is especially important to protect the rights of all children in an emergency situation, both at the general and individual levels.

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<sup>13</sup> Covid-19 and Children: How a global pandemic is changing the lives of children in Albania and Kosovo, World Vision, A mixed Method Study, 2020, available at <https://www.wvi.org/sites/default/files/2020-11/Country%20report-WA%26K%2019.11.2020.pdf> ;

<sup>14</sup> Global Technical Note, Covid-19 and its implications for protecting children online, available at [https://www.unicef.org/albania/media/2811/file/ALBANIAN\\_COVID-19\\_and\\_Its\\_Implications\\_for\\_Protecting\\_Children\\_Online\\_new.pdf](https://www.unicef.org/albania/media/2811/file/ALBANIAN_COVID-19_and_Its_Implications_for_Protecting_Children_Online_new.pdf) ;

The assessment aimed to record and analyze not only the negative effects caused by the restrictive measures taken due to the pandemic but also the neutral and positive effects, if any, in order to provide a comprehensive and balanced analysis.

Some findings of the assessment suggest that the principle of the child's best interest has not been a primary consideration and has not been applied meaningfully and expressively in the normative acts adopted in response to the pandemic, which affect the implementation and protection of child rights. Several of the measures taken due to the pandemic do not specifically address child rights and protection, despite being a category affected by such measures, as in the case for measures issued for Institutions for the Execution of Criminal Decisions (IECDs) or the temporary home confinement of sentenced persons.

The assessment showed an immediate response of state actors in adopting and implementing pandemic-related measures, as well as the other actors such as non-governmental organizations.

However, the implementation of institutional responsibilities led to overlaps and gaps, while human, infrastructural, and financial resources were insufficient to effectively manage the situation, which would guarantee child rights and protection.

Despite the strengths and weaknesses identified by analyzing the measures imposed in relation to the COVID-19 situation, the prompt management of the pandemic highlighted the need to draft, consult, and approve emergency plans which are automatically set in motion in similar situations while respecting children's rights. Such plans should clearly define the roles of institutions involved and should have sufficient budgeting to provide an adequate response to the situation in the best interest of children.

### 2.3. Children's right and access to education

As noted in the UNICEF report<sup>15</sup>, children across the world were already facing a global learning crisis before schools closed down due to the pandemic. A high percentage of children lacked an Internet connection and digital devices, which affected their access to distant learning.

The disparities between children were evident not only in regards to digital devices to attend distant learning, but also in their abilities to utilize such devices for learning purposes. The report also focused on the abilities and preparation of teachers to adapt to

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<sup>15</sup>UNICEF Annual Report 2020, Responding to COVID-19; <https://www.unicef.org/reports/unicef-annual-report-2020>

distant teaching in regards to their available means and digital skills, as a key element of quality education.

This section will analyze the observance of the rights of the child and access to education during the pandemic situation, by analyzing the legal acts issued in relation to the closure of educational institution, the level of distant learning attendance, and difficulties encountered by children and their families.

### 2.3.1. Measures taken due to COVID-19 pandemic and their impact on the right to education

Ensuring quality education is a State responsibility. The need to adapt to the new conditions dictated by the situation of COVID-19 presented decision-makers with new and difficult challenges. Distant learning was considered the most probable alternative for sustaining the learning process. However, distant learning required additional tools and knowledge. In order to realize this process, teachers and students were largely dependent on the internet and technology. Initially, the restrictive measures were valid for a period of 2 weeks, hoping that the situation would be temporary and short-termed but also to give institutions enough time to make the most appropriate decisions. The measures were afterwards renewed periodically according to the evaluation and recommendation of the Technical Committee established at the MoHSP. The closure of educational institutions was mandated by the Order No. 135 of the Minister of MoHSP, dated 09.03.2020 “On Closing Educational Institutions to Prevent COVID-19 Spread”, as amended<sup>16</sup>, while the subsequent order No. 91 “On the Interruption of the Teaching Process in all Public and Non-Public Educational Institutions” issued by the Minister of MoESY<sup>17</sup>, on the same date, ordered the interruption of the teaching process in all public and non-public educational institutions.

In order to regulate and uniform the work of school principals and teachers, the MoESY adopted a Guideline “On Learning from Home due to the Situation Caused by the COVID-19 Virus Spread”, which was accompanied by a technical guideline<sup>18</sup> drafted by the Quality Assurance Agency in Pre-University Education to carry out the syllabus and

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<sup>16</sup>Order No. 135 of the Minister of Health and Social Protection, dated 09.03.2020 “On Closing Educational Institutions to Prevent COVID-19 Spread”, as amended; <https://shendetesia.gov.al/wp-content/uploads/2020/03/Urdher-135-Per-Mbylljen-e-Institit-Arsimore.pdf>;

<sup>17</sup>Order No. 91 of the Minister of Education, Sports and Youth, dated 09.03.2020 “On the Interruption of the Teaching Process in all Public and Non-Public Educational Institutions” [https://arsimi.gov.al/wp-content/uploads/2020/03/Urdher-Nr.91.dt\\_.09.03.2020.pdf](https://arsimi.gov.al/wp-content/uploads/2020/03/Urdher-Nr.91.dt_.09.03.2020.pdf);

<sup>18</sup> <https://www.ascap.edu.al/wp-content/uploads/2021/08/AF-2.pdf>;

student assessment while learning from home. The two above-mentioned acts did not provide particular regulations for specific categories of children.

Referring to the initial two-week lockdown period, the guideline aimed to keep students engaged and carry out the learning process uninterrupted through increasing and improving knowledge on the subject content they had become familiar with until the end of the lockdown. The guideline was of an internal institutional nature and included special instructions to regional education departments and local subordinate institutions, including schools' principals, teachers, as well as parents and students.

The General Directorate of Pre-University Education, regional directorates and local offices were instructed to continuously distribute every act issued by the MoESY to all schools, to instruct school principals on the most appropriate methods of teaching from home, depending on the specifics of each area. Teaching methods included videos or communications through electronic platforms and social networks such as WhatsApp, Facebook, Skype, e-mail, etc. Such structures were also responsible for monitoring the situation and continuously informing MoESY about the progress or issues.

School principal's offices were instructed to consult official sources of information regarding COVID-19 and to further inform teachers, considering that a cautious response to the panic, uncertainty, and misinformation that accompanied the virus situation was expected from everyone. Principal's offices needed to evaluate the most appropriate methods of communication and consolidated the method of the group communication with teachers, students, and parents. School principals also had to develop work plans regarding the teaching content and communication schedules of teachers with students and parents. Teachers were requested to record lessons according to topics, which would then be published on the school website.

Teachers were instructed to maintain regular contact with the students and parents and to implement the adapted work plan developed by the principal's office. Communication would take place through the most appropriate platforms by sending explanatory videos, homework and requests for supplementary reading. However, teachers were initially asked not to overload students with new topics or additional homework, but instead to focus on previously obtained knowledge and key lesson concepts in various subjects. The guideline included instructions to parents and students as well, and detailed instructions specific to Matura<sup>19</sup> students.

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<sup>19</sup> Students of the final year of the upper secondary school,

After the first two weeks, the situation indicated that the closure of educational institutions would continue for an undefined period. The MoESY revised the guideline in order to adapt it to the new reality. For this purpose, the guideline was further supplemented with data about online learning platforms, such as the MoESY's YouTube channel, "Akademi.al", "kursori.org", "Google Classroom", "Zoom", "Edmodo", and tutorials for teachers to create virtual classrooms on such platforms. Despite the numerous available sources to learn from home, principal's offices and teachers were instructed to also agree on and consolidate the platform and communication method, and to guide students regarding lessons content and access to such lessons, for example, through RTSh<sup>20</sup> Shkolla.

RTSh Shkolla is a TV channel accessible at <https://tv.rtsh.al/kanalet/rtsh-shkolla>, dedicated only to education, which commenced broadcasting for distant learning during the COVID-19 pandemic. The channel will remain available after the pandemic, thus marking a new era of teaching in our country, in the framework of achieving the objective to digitize the Albanian education. RTSh Shkolla broadcasts pre-university education curriculum materials for classes 1-12, by the best teachers selected at country level.

The orientations provided in the initial instructions were detailed by providing further information to all actors involved, as well as teaching materials and platforms. There were special instructions to Matura students provided via guide materials and sample exams, to enable them to prepare for both compulsory and elective subject exams.

Subordinated institutions were instructed and directed to perform continuous assessments of the level of distance learning provided in order to gather the opinions of students and parents, processing data, and highlighting weaknesses or issues to be improved. For this purpose, frequent questionnaires were conducted through platforms for communicating with parents and students in regards to the teaching and learning level and difficulties encountered.

The revised guideline also focused on the psycho-social services for students and teachers by organizing and providing online services. A psychologist corner was established for each regional education directorate, which was accessible online through dedicated links, in order to gather data and information about how children were dealing with the isolation and social distancing situation.

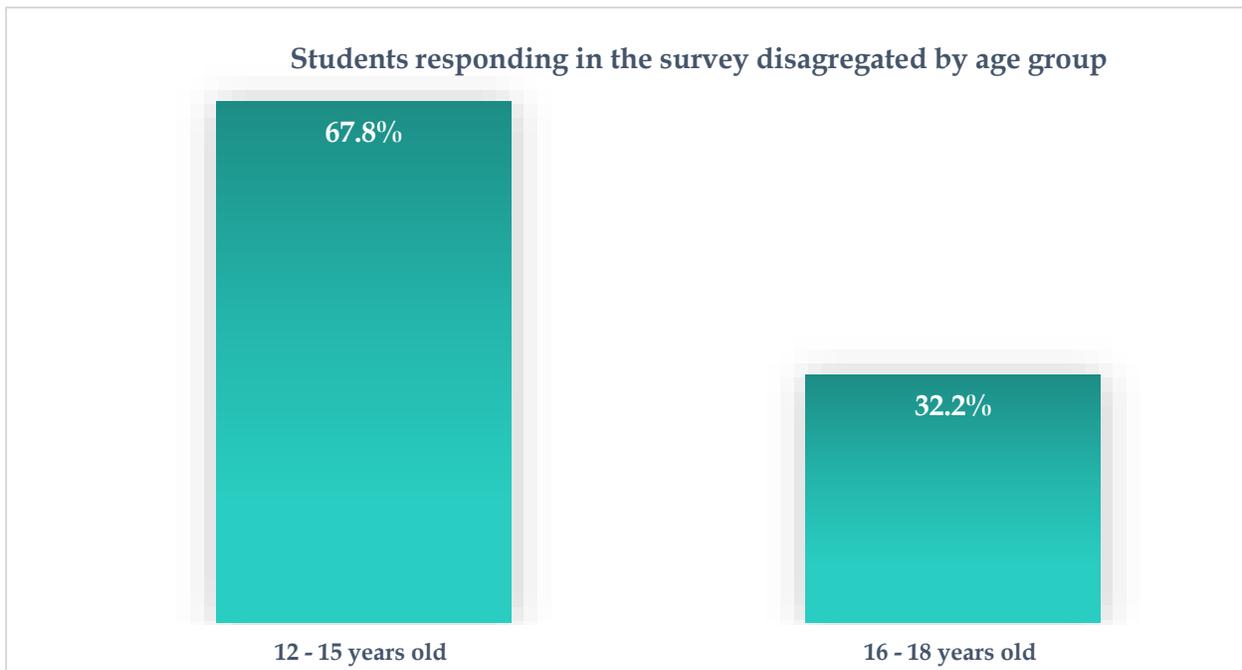
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<sup>20</sup> Albanian Radio-Television, the state-managed audio-visual media operator;

MoESY issued a special order<sup>21</sup> regulating the psycho-social service functioning at pre-university education institutions during the pandemic, in order to provide ongoing support through psychologists and social workers for addressing issues faced by children with special psycho-social needs or students with learning difficulties. A subsequent order<sup>22</sup> provided detailed regulation in regards to the organization and functioning of the psychosocial service at pre-university education institutions, as well as criteria on the number of psychologists/social workers depending on the number of students and number of students with disabilities.

### 2.3.2. Children’s opinion of and experience with distant learning

The opinion and experience of children regarding online learning were collected through questionnaires including questions aiming to assess the impact of the measures imposed due to the COVID-19 virus on children’s access to education. The MoESY provided support to conduct the survey in schools. The participation rate of students and teachers in the survey was high, indicating a great interest on the issues addressed by the questionnaire.

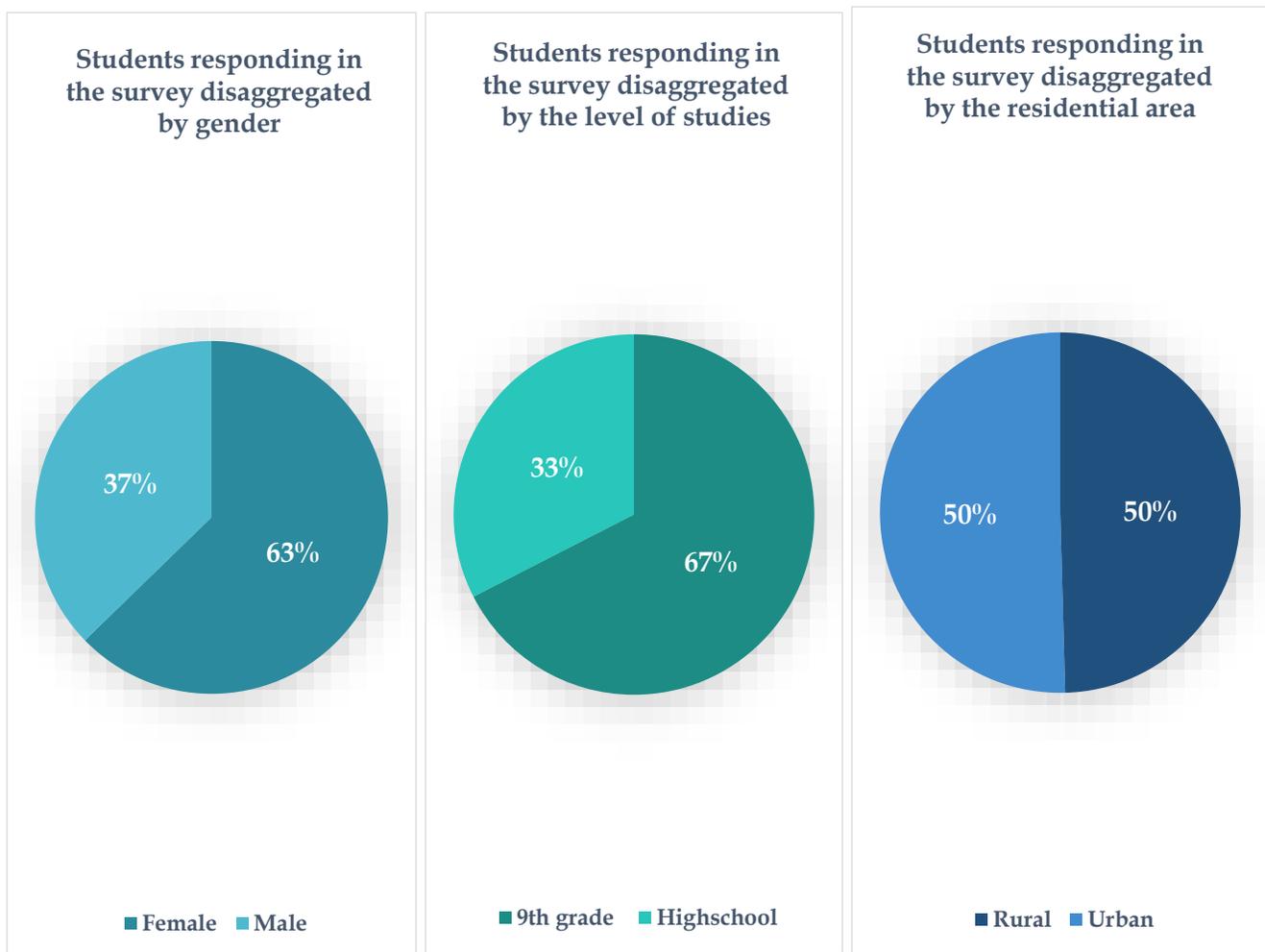


<sup>21</sup>Order No. 111 of the General Directorate of Pre-University Education, dated 26.03.2020 “On Psychosocial Service Functioning in the Context of the State of Emergency”;

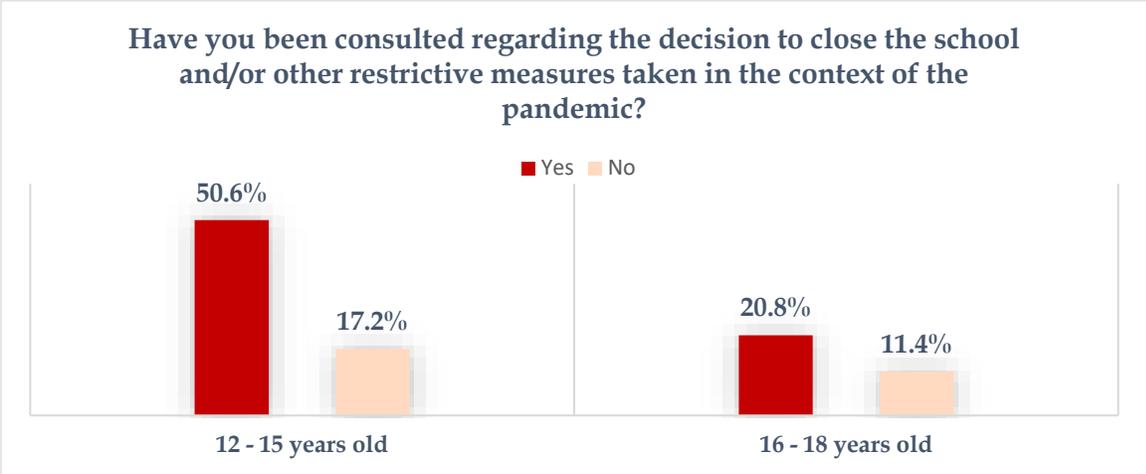
<sup>22</sup>Order No. 313 of the MoESY Minister, dated 20.10.2020 “On Psychosocial Service Organization and Functioning in Pre-University Education Institutions and Appointment, Suspension, and Dismissal Procedures in the Psychosocial Service”;

The questionnaire included questions about age groups, gender, school, and place of residence in order to establish the presence of factors that differentiated opportunities between different categories. However, the main questions in the questionnaire aimed to collect information about the children's ability to attend online classes, their available means, information sources, support provided by the school, family, and friends, and whether they had felt violated and how this had been addressed.

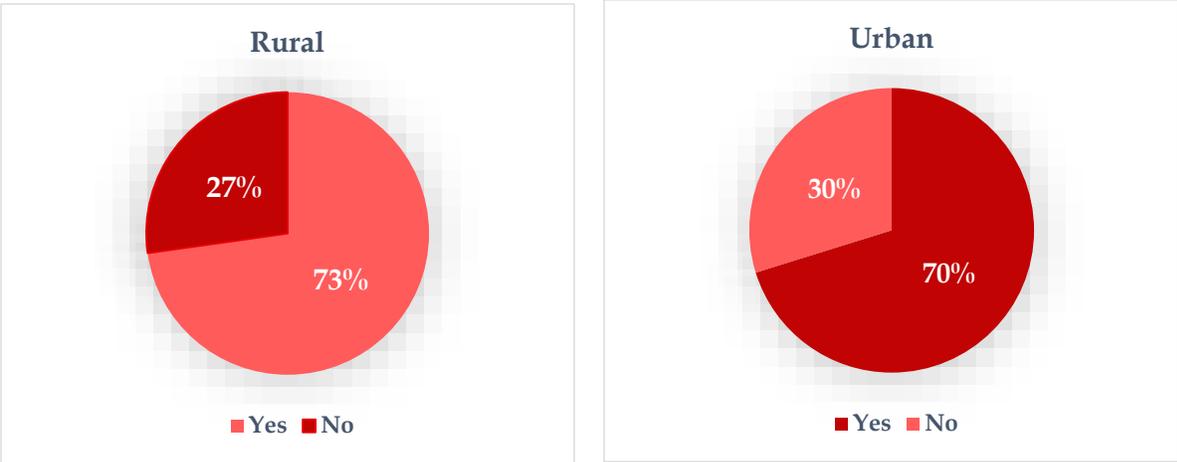
Although completing the questionnaire was voluntary and it was given out at the end of the academic year 2020-2021, 1497 students participated in the survey. Participation from rural and urban areas was at nearly similar rates, whereas as regards gender, female participation was higher at 63% compared with the 37% male participation rate. With respect to education levels, there was a 67% participation rate for 9-year schools as opposed to 33% for high schools; whereas as regards of age, 67.8% of participants were 12-15 years old and 32.2% were 16-18 years old.



A high percentage (71%) stated that they were consulted about the decision to close the school and other restricted measures imposed due to the pandemic, and the rates are similar for rural and urban areas for this section and thereafter. The information collected from this question is somehow contradictory because the decision on educational institution closure was taken very quickly and MoESY and MoHSP officials have confirmed that consultations with students in this regard were impossible as the decision was made under emergency conditions and within a very short time from the confirmation of the first COVID-19 case.

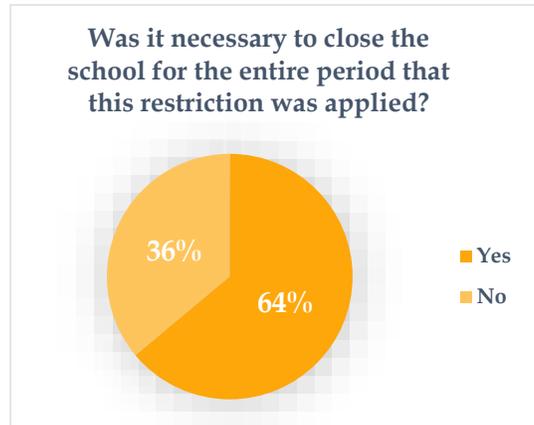


The situation in the country resembled the situation worldwide, with countries having to declare the state of emergency and restrict the movement of citizens once COVID-19 became the cause for declaring a global pandemic. The prompt implementation of restrictions across the globe led to all institutions and private companies being closed, including educational institutions of all levels. This was an immediate decision made at national level in order to prevent virus spread, thus not allowing for citizen consultation.



Students' response, divided by the residential area, regarding the consultations for the closure of the school.

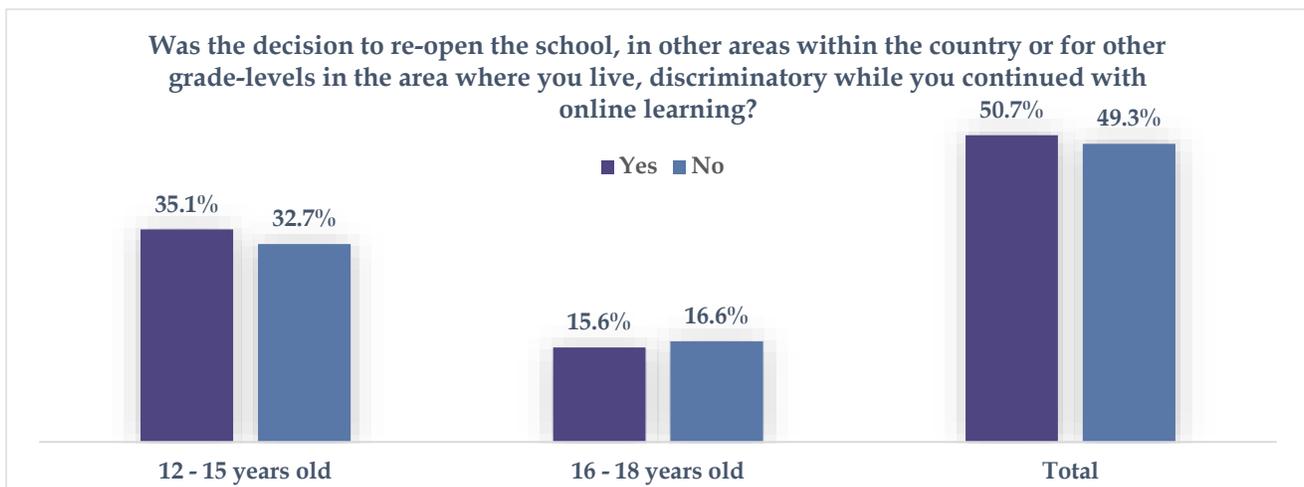
The answers to the following questions indicate that if students would have been consulted about the decision to close educational institutions, the majority, namely 51.4% of them would have voted against this decision as opposed to the 48.6% who would have voted in favor of school closure and online learning. However, 63.9% believe that school closure during the restriction period was necessary, whereas 36.1% disagree<sup>i</sup> (Please refer to Annex A of this report for a breakdown of the responses).



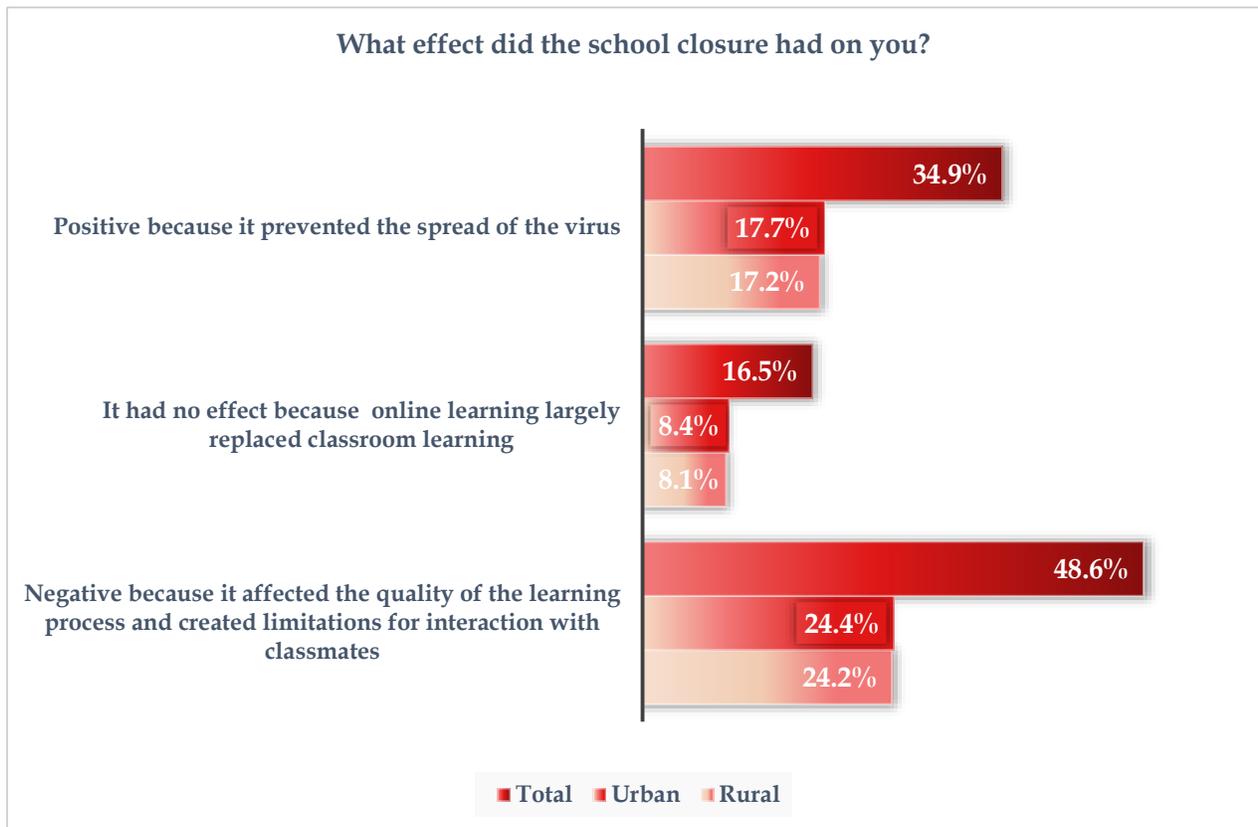
During the pandemic situation and after the first phase, there were various scenarios implemented nationwide in relation to continuation of the learning process. Such scenarios envisaged classroom learning in schools, combined online and classroom learning, or only online learning depending on the situation at local level or educational institution level.

However, in all cases and based on ongoing consultations with educational institutions, the MoESY decided on different scenario implementation in various areas in the country, depending on the information provided by the MoHSP and the relevant protocols adopted by it. Schools were obliged to adapt teaching methods according to the relevant scenario to be implemented and to be flexible in organizing classes in shifts, depending on the specific conditions of the institution as regards the number of students, physical capacity, and infrastructural conditions.

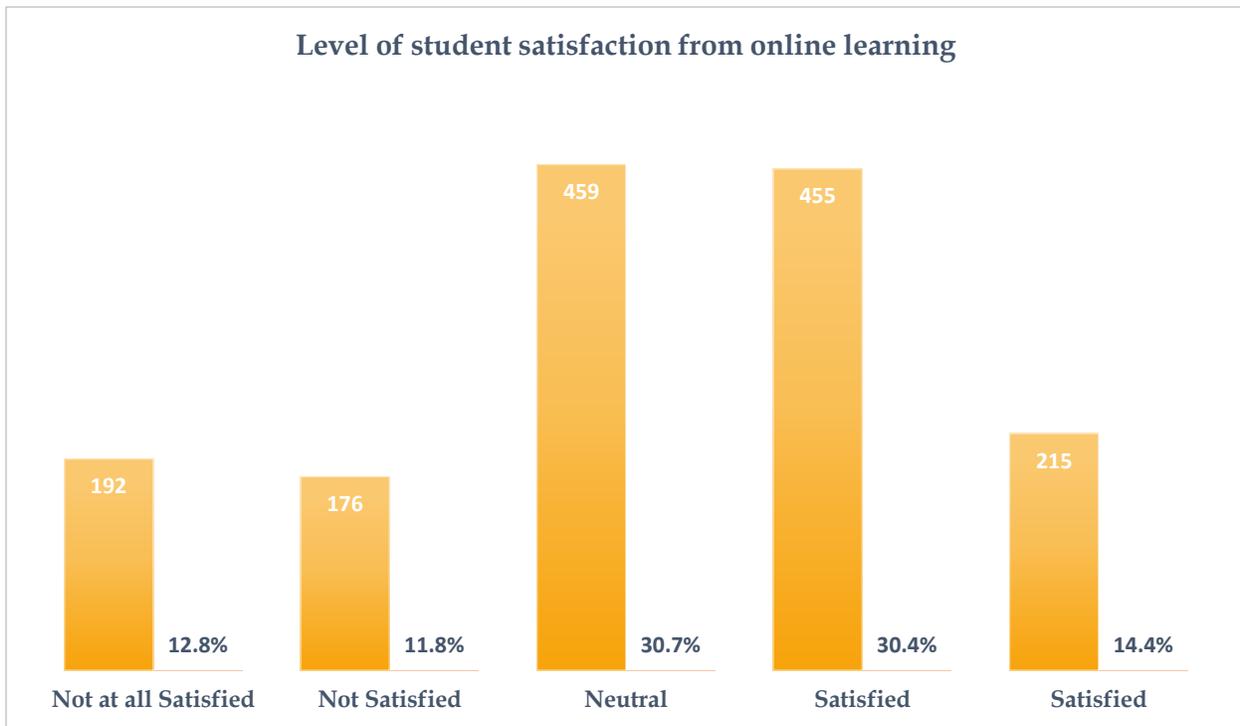
When students were asked if they perceived as discriminatory the decision to only open schools in certain areas in the country, 50.7% stated that they considered it discriminatory for certain schools to open while the rest had to attend online classes, while 49.3% did not consider it discriminatory. A high percentage (70.6%) of respondents stated that they were informed on how classes were being conducted in other areas in the country or abroad<sup>ii</sup> (Please refer to Annex B of this report for a breakdown of the responses).



In regards to the effects of the pandemic situation, 48.6% of the respondents consider that school closure measures had a negative effect on them, because it impacted the quality of teaching process and imposed restrictions on interactions with classmates, compared to the 34.9% who consider it as a positive effect since it helped prevent the spread of the virus. 16.5% of the total students included in the study state that online learning largely replaced classroom learning. It is interesting to note that very close figures are stated in relation to the effects of the situation based on the categorization city (urban) vs. village (rural).



When asked how satisfied the students were with online learning, 30.4% of them state that they are satisfied and 14.4% that they are very satisfied. These data show that despite the difficulties and social distance, students have been able to have classes at satisfactory levels. 11.8% state that they are dissatisfied and 12.8% are very dissatisfied, whereas 30.7% remain neutral. From the data collected, there is no differentiation in positive or negative experiences of the situation, or level of satisfaction when referring to comparisons between target age groups and place of residence, since the difference in percentage is very low<sup>iii</sup> (Please refer to Annex C of this report for a breakdown of the responses).



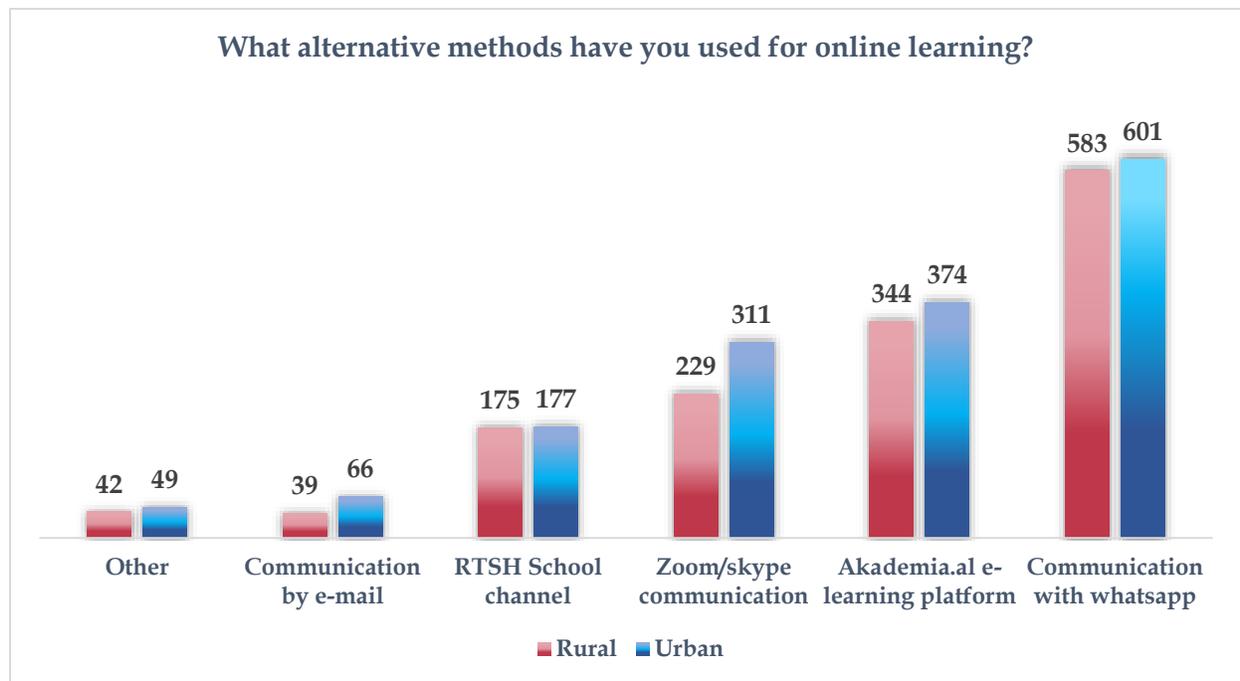
Another important factor that helps us understand the level of student participation in online learning are the modalities used. Students are introduced with a list of ways and platforms used to develop online learning from which they could choose different alternatives, even combined, to describe communication channels for the development of learning from home.

For a while now, in Albania there have been initiatives and plans for the digitalization of learning materials and introducing students to e-learning platforms, but until the beginning of the pandemic there weren't yet any structured or implemented initiatives at the national level. When the state of emergency was declared and the research of more effective ways to have classes in the condition of social distancing, MoESY verbally<sup>23</sup> instructed that the communication of teachers with students and parents be maintained via WhatsApp, as a fast and widely used method by the targeted groups. This was a temporary suggestion, for the first two weeks as alternative platforms suitable for learning from home were being considered.

With the extension of the period during which these institutions were to remain closed, several digital learning platforms in Albanian language were introduced. The selection of the main communication platform was made at the level of educational institutions.

<sup>23</sup><http://arsimi.gov.al/fjala-e-plote-e-ministres-shahini-per-pezellimin-e-mesimit-per-2-jave-ne-te-gjitha-institucionet-arsimore-me-qellim-frenimin-e-perhapjes-se-virusit-COVID-19/>

However, despite the various ways available, the responses demonstrate that WhatsApp communication has been the most widely used way to have classes and communicate with students, as it is one of the alternatives selected more often from the respondents, which was repeated 1184 times in the aggregated responses.



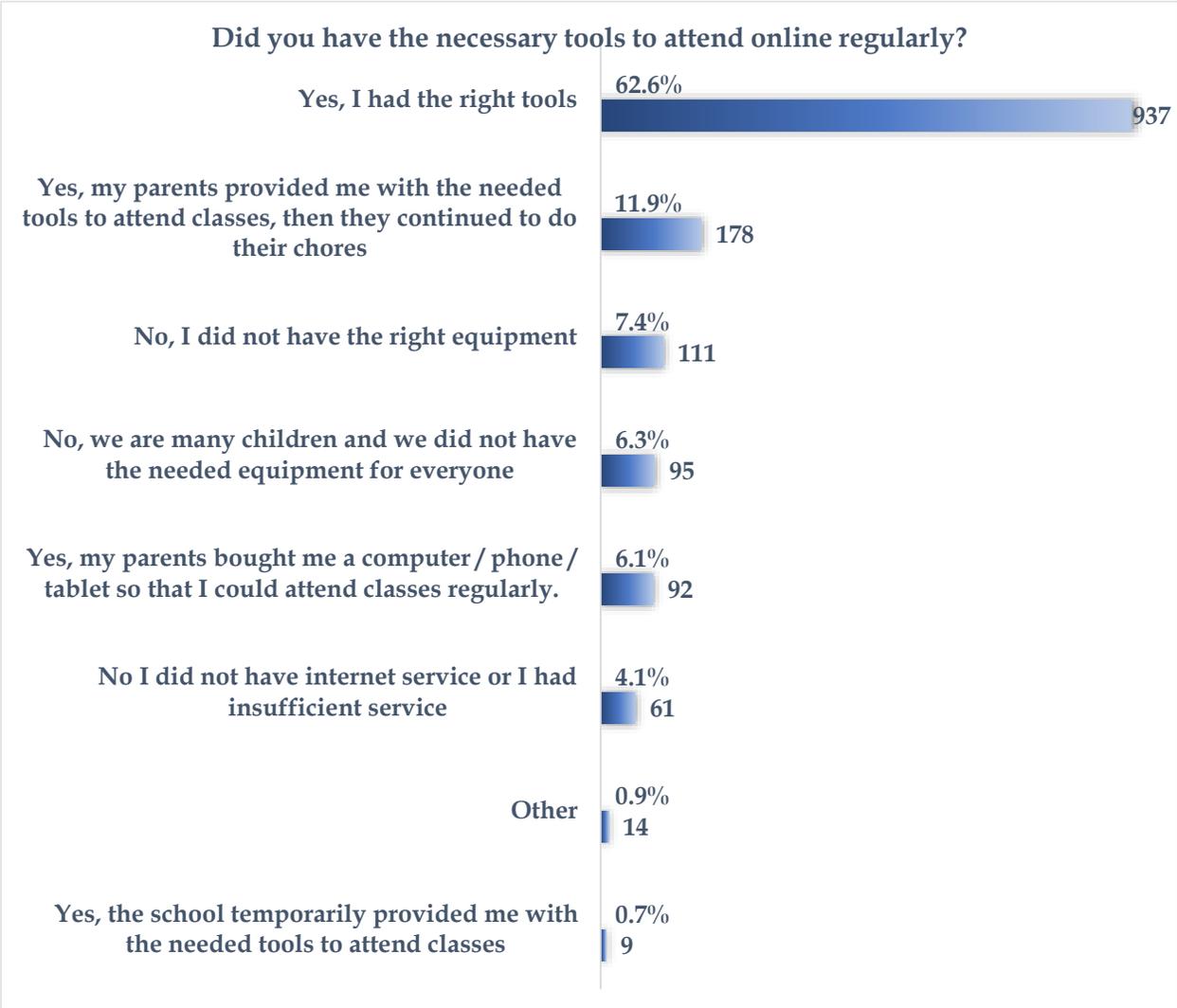
The second most frequently selected alternative is having classes through the Akademia.al platform. This alternative was selected 718 times, in combination with other alternatives. The third most selected alternative, which was selected 540 times includes having classes and communicating through platforms such as Zoom and Skype. The combinations of these communication platforms have been selected by the majority of students, which also supports the positive data regarding the level of satisfaction from distance learning according to the participants of this questionnaire.

Regarding the percentage of the students who have selected “dissatisfied” or “not at all satisfied” alternative in regard to their experience of distance learning, and also evaluating the measures taken by MoESY and its subordinated institutions to provide various methods to reach all students, we come to the conclusion that the level of dissatisfaction is influenced by the existence of several other factors, such as the emotional experience of an unknown situation such as pandemic, being distant from friends, the relationship with teachers and within the family, the struggles of online learning, but also access to tools to carry out online learning.

This survey includes a set of questions through which it is intended to understand how much access students have had to physical infrastructure, such as laptops, PCs, smart phones and how schools have supported students who were struggling. 62.6% of

students stated that they have had the appropriate tools to have online learning compared to the 11.9% who have had to use their parent’s equipment. 6% of responders have stated that parents had to buy them equipment so that they could have online classes and 0.7% have stated that the school has provided them temporarily with the necessary tools to attend online classes.

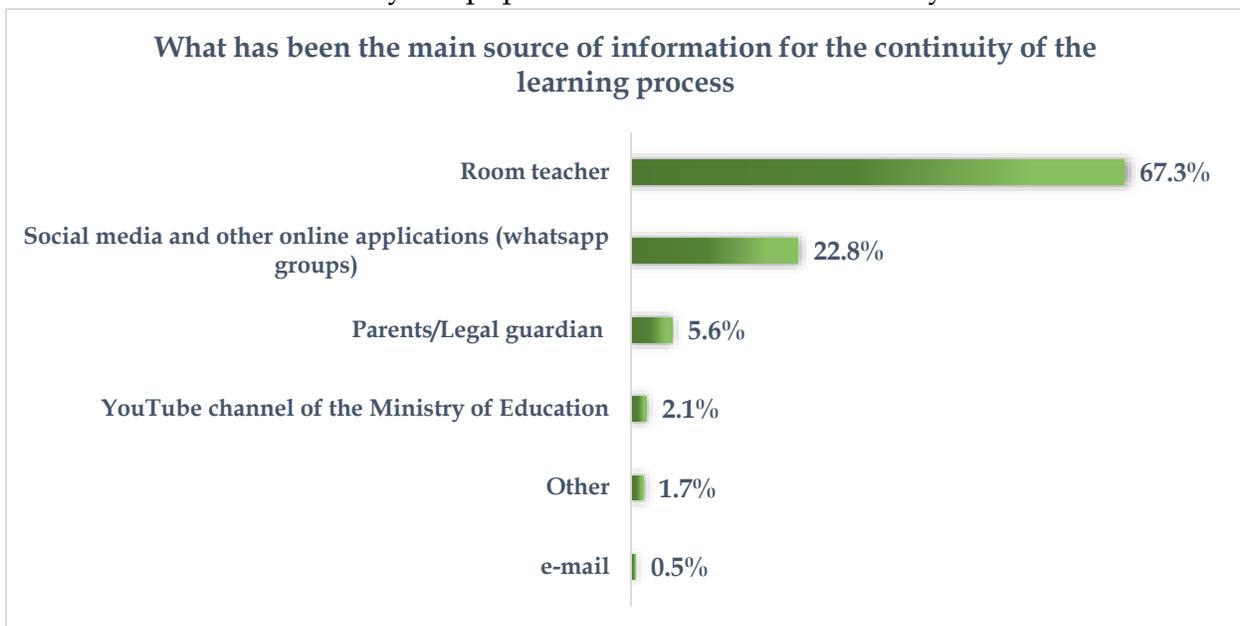
The data show that 17.8% of the respondents couldn’t attend online classes, out of which 13.4% did not have the necessary tools or were part of big families and not all had the opportunity to attend online learning and 4.1% did not have internet service or had insufficient or non-continuous internet service. This situation highlighted once again the existing inequalities among children in terms of their access to technology and digital equipment<sup>iv</sup> (Please refer to Annex D of this report for a breakdown of the responses).



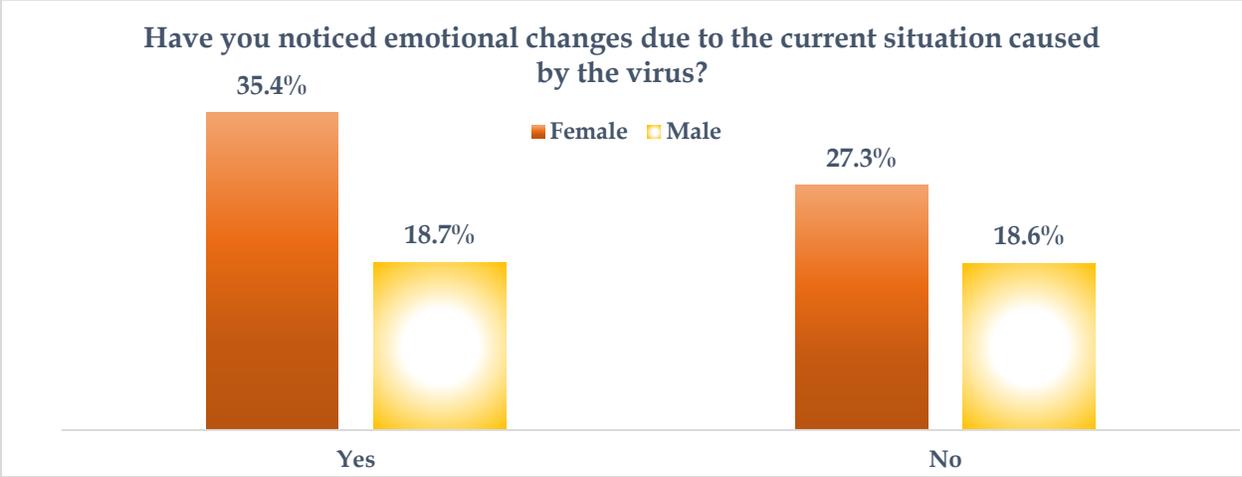
Besides access to technology and digital equipment, students have encountered various other hardships during online classes. As mentioned above, social distancing and being away from friends has been an important factor of student dissatisfaction during online learning, where 31.7% of students consider lack of interaction with friends as the main hardship they have encountered during this period. In addition, changing the routine and adapting to the new way of learning has been identified as a struggle by 29.8%, followed by 20.7% who state that they have had difficulties with listening during online learning, due to lack of knowledge and adherence to communication rules during online classes and/or due to interruptions in the internet connection. 17% have stated that during the online learning process they struggled more with sciences subjects than social sciences even though 9.2% state that during online learning the focus of the learning process shifted to science subjects such as math, language, physics, etc. Also, 9.2% of the respondents stated that during the online learning process, social subjects such as history, geography, social education, foreign languages did not receive the necessary attention.

In general, 13% of students have struggled with acquiring newly introduced knowledge during online classes and 16.2% couldn't easily follow the learning process, data which was supported by 16.6% of the respondents who state that they couldn't attend classes regularly. However, it is worth mentioning that even in the case when access to the infrastructure and internet has been possible, some of the students have encountered difficulties using the platforms introduced by the educational institution, as 11.4% of them state that parent's help to communicate with the teacher and/or connect to the online platform has been crucial.

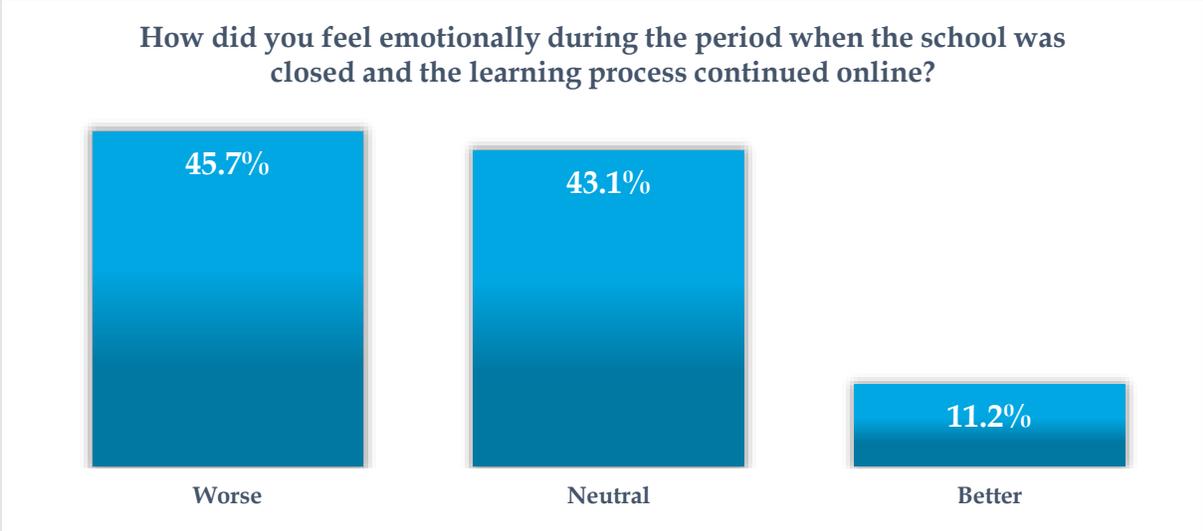
The majority of the respondents at 67.3% state that the information related with the continuity of the classes has been communicated by homeroom teachers compared to 22.8% that were informed from social networks and online applications. MoESY's Youtube channel, information from parents and email communication are the least used communication channels by the population included in the survey.



Even though the focus of questionnaires was on exercising the students' right and access to education, it also included questions in relation to the general wellbeing of children during the pandemic. The questions aim to collect data in relation to the emotional changes experienced during the lockdown period, social distancing and online learning. 54.1% of respondents have stated that they have noticed emotional changes due to the situation inflicted by the virus, versus 45.9% who stated that the situation has not affected them emotionally. It is worth mentioning the obvious difference in the responses by females and males; 35.4% of the total number of respondents who claim to have experienced emotional changes are female, compared to the 18.7% who are male.



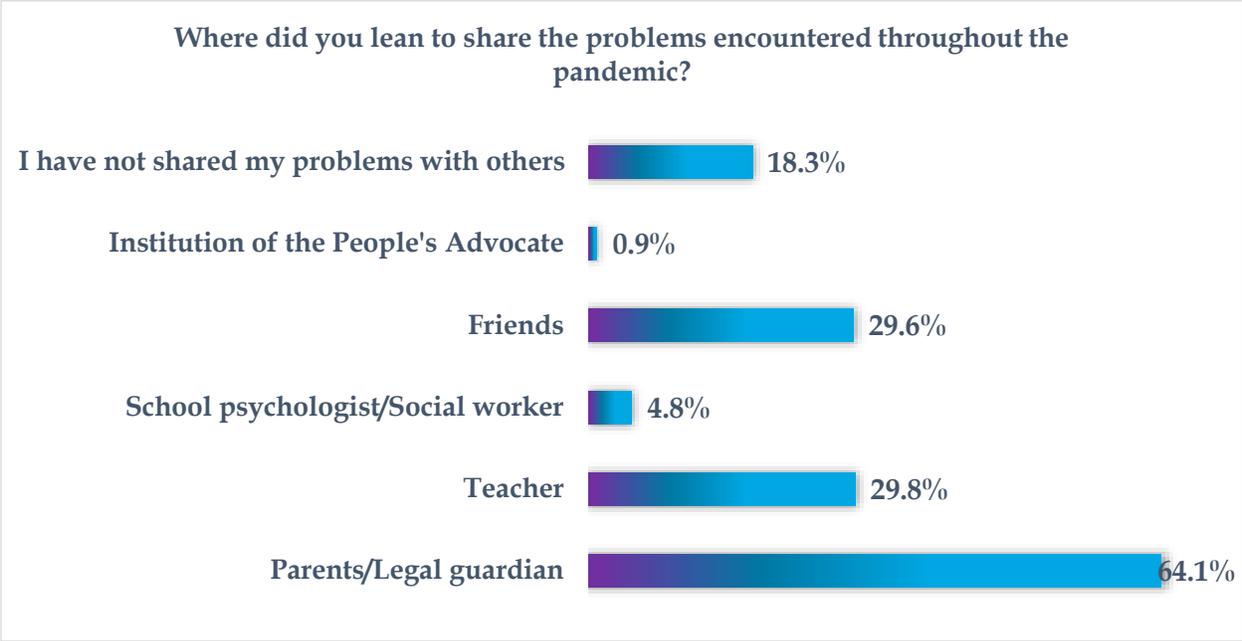
If we analyze the differences between rural or urban residence, there are no significant differences noted. Out of the total number of responders, who aim to have been affected emotionally, 26.1% are from rural areas and 27.4% from urban areas. Further on, when asked how they felt emotionally during school closure and the learning process continued online, 45.7% state that they felt worse, 11.2% state to have felt better and 43.1% were neutral and were not affected emotionally.



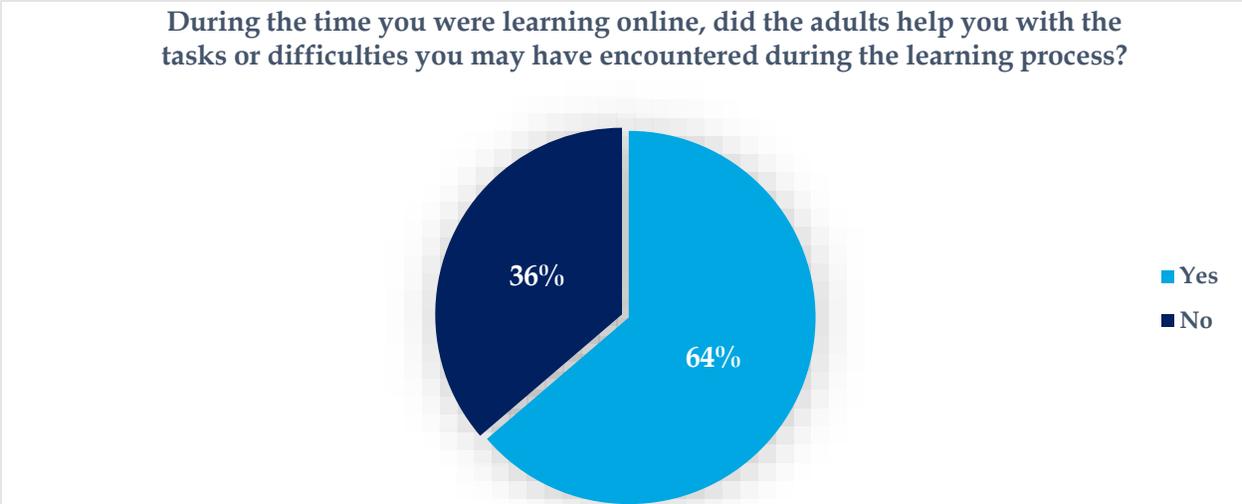
While so far, we analyzed the problems and difficulties encountered during the pandemic period focusing mainly on online learning and students' experiences regarding this decision, an interesting issue includes reflecting the situation in regard to the students' relationships with friends, parents, teachers as well as the institutions. Students were also questioned regarding the ways they have used to address various difficulties or problems they encountered either as students or as children and to whom did they reach out to address these issues.

From the collected answer we note that regardless of the age group, children mainly turn to their parents/guardians when encountering a problem, as stated by 64.1% of the respondents. Relying on parents/guardians is the most selected alternative, which was selected on its own or in combination with other alternatives.

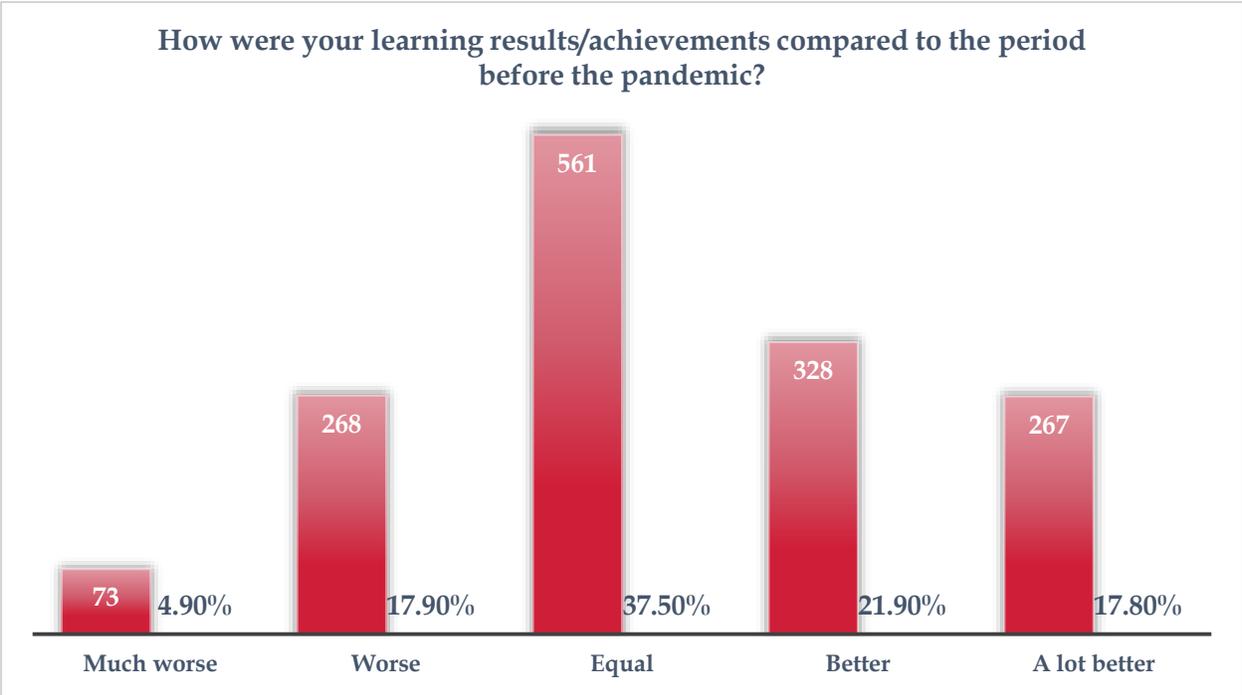
If we analyze the other most frequently selected alternatives, they include teachers and friends. The answers demonstrate that despite the importance given to strengthening the role of the psychologist in educational institutions or the work carried out by the OP institution to increase child activism and participation, still most children choose other ways to get advice when faced with difficulties or problems. 4.8% of the respondents have selected the alternative of relying on the school psychologist/social worker and 0.9% have selected the alternative of including the OP institution to address their complaints.



When asked if parents have helped them with their homework or difficulties they may have encountered during online learning, 64% of respondents confirm that they have received help from their parents, versus 36% state that they didn't get help from their parents.



It can be presumed that the attention and help of their parents has been a positive factor in the students' learning outcomes, as 37.5% of students state that their outcomes have not changed despite online learning, while 17.8% state that their learning outcomes have improved considerably, compared to the 17.9% who have noticed a decline in their learning outcomes.

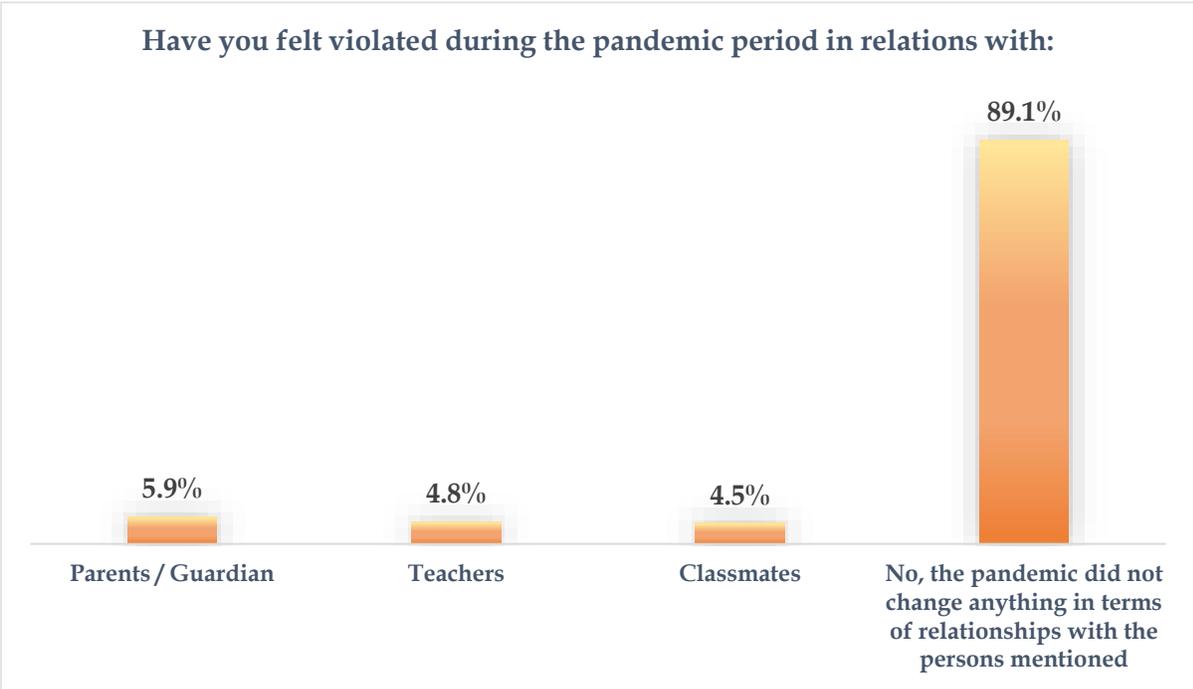


Based on the collected data, there is a coherence in the responses of the population included in the study, which shows that despite the gravity of the situation parents have tried to be more attentive and support their children with the difficulties they have encountered in the situation of uncertainty created by the pandemic.

During the pandemic period, physical distancing has kept children from having contact with other people except their family members other than online communication with their friends or in the framework of the classes. An important issue to analyze and discuss is particularly how this situation has shaped the relation children have with the people they have been in contact with or have interacted with. In 89.1% of the cases respondents state that the pandemic hasn't changed anything in regard to the improvement or deterioration of their relationship with other parties.

A high percentage of 67.3% of respondents claim that their teacher's behavior hasn't changed during the pandemic, compared to the 5.1% who state that their teacher's behavior has deteriorated.

Conflicting relationships or cases when children have felt that their rights have not been respected turned out to have been rare with 5.9% or respondents stating that they felt their right were not respected by their parents/guardians, 4.8% by their teachers and 4.5% by their classmates. Despite the low figures, violence against children is an important issue and it should receive the appropriate attention.



From the answers provided in the questionnaire we have noticed that in case of conflict with the teacher, in 42.2% of the cases the respondents turned to their parents as their first choice, followed by 31.5% of the cases when they relied on their friends. 20.4% have had to sort out the conflict themselves since they did not get any support, 13.9% turned to the school director, 11.3% state that they sought the support of the school psychologist or social worker to address the situation. A low percentage of 3.9% of respondents state that they turned to the CPU/CPW and 2.3% addressed the OP institution.



The situation remains similar for the children who have felt that their rights were not respected by their parents/guardians. In 38.5% of the cases, they initially turned to their friends and in 35.3% of cases they didn't find any support and had to sort out the issues and problems themselves. The figures decrease significantly for other alternatives of addressing violence from the parents/guardians. 15.2% of the survey participants state that they turned to the school psychologist, 12.4% turned to their teachers, 4.5% turned to the school director and 10.2% to CPU/CPW. This result emphasized the fact that children are inclined to find solve their issues using the easier way or simpler methods before escalating to another level.



Despite the cases when children may have felt violated by their parents, teachers or other people they know, there may have been cases when they felt discriminated from the decisions that others have made for them. In the cases when certain time slots were reserved to different categories of citizens who were allowed to go out (by age group) and their age group was not included, 45.6% of them state that they felt discriminated, while 54.4% didn't feel that way.

Even though during the pandemic we have focused mainly on adults and elders, since these were the most vulnerable categories, 84.7% of respondents state that they didn't feel discriminated or neglected due to this fact, whereas 15.3% state that they felt neglected.

### 2.3.3. The parents' role

The parents were the consulted group to briefly bring their perspective to this report in terms of the difficulties they have encountered in managing the new situation caused by COVID-19. In addition to the difficulties encountered due to economic and social reasons, due to insecurities or interruption of work, distant learning for children imposed additional responsibilities for parents. Not only were parents required to be present and facilitate the access to online platforms for children by also providing their necessary tools, but they had to do tasks that usually are covered professionally by teachers.

In many occasions parents had to assist their children who showed difficulties in comprehending the learning materials presented online or other subjects or assignments that were not covered during online sessions.

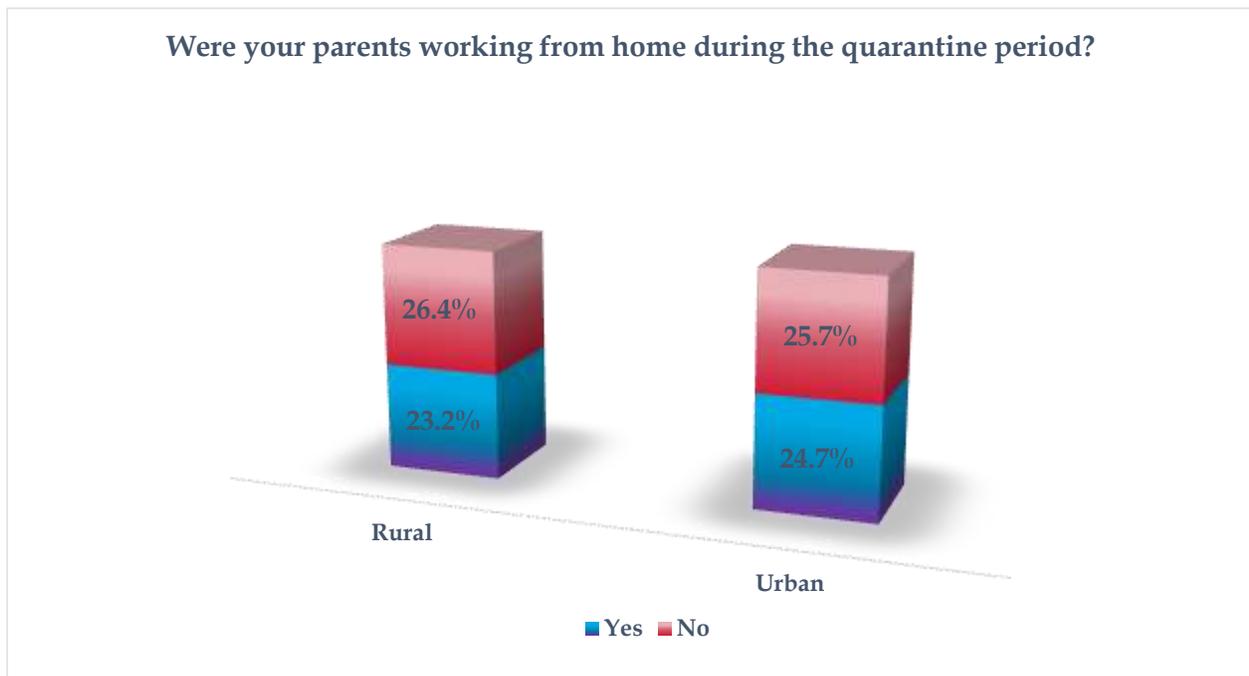
The challenges presented by the parents mainly consisted on the difficulties faced by the students during online learning, in particular for elementary school children and their ability to access the technology required for the new learning platform.

Families with more than one school children faced additional difficulties to accommodate the necessary learning space for their children and to provide the tools needed while required to work from home and perform their professional duties.

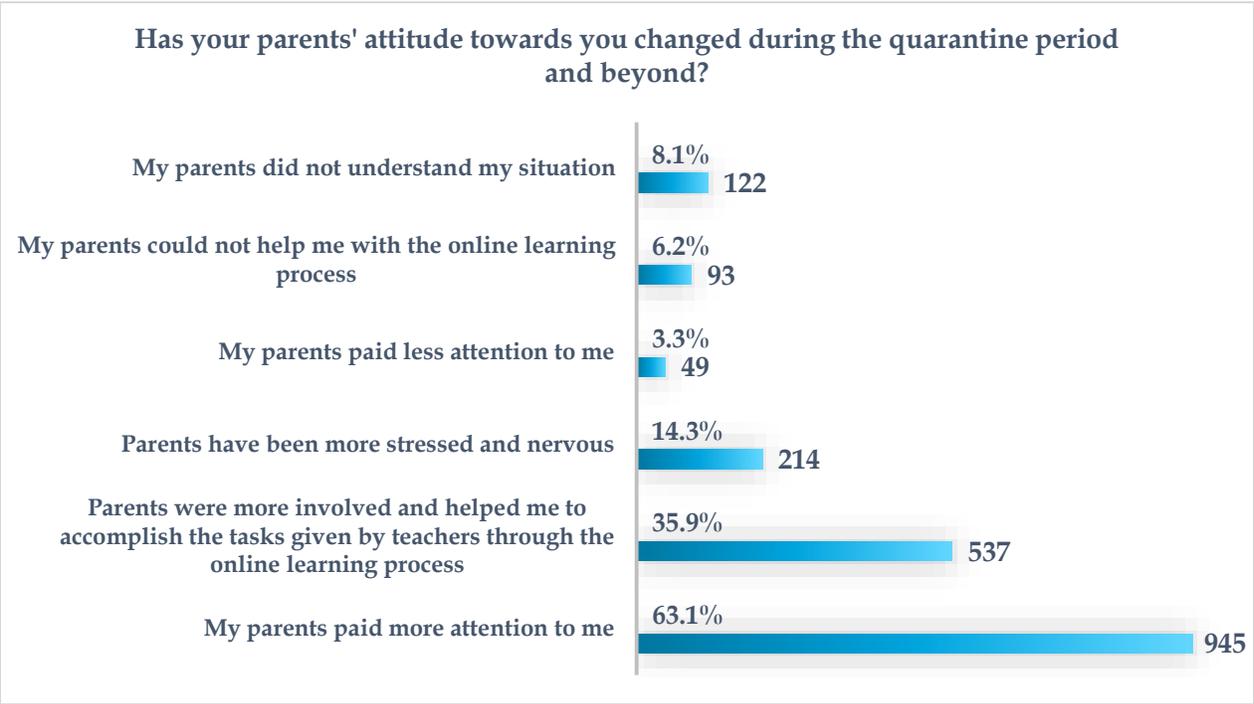
Regardless of the faced challenges, the pandemic situation gave the parents the opportunity to be more involved in supporting their children psychologically and academically. Parents stated that they had to be more creative to find ways to keep the children active and involved during the stay-at-home conditions. They also had to exchange experiences with friends and relatives exploring additional alternatives to keep the children busy and entertained. This situation also prompted an increased communication between parents and teachers in regard to learning materials and assignments but also between parents themselves.

An important element which was addressed by the questionnaire with students included gathering children's perception of the parents' behavior towards children during the pandemic. A considerable part of the population has been working from home due to the closure of most companies and institutions. The students included in the survey state that 47.9% of parents have been working from home compared to the 52.1% who state that their parents continued to work normally.

The situation remains the same when referring to the respondents' place of residence, where regardless of the rural or urban areas, the percentage of parents who have worked from home remains lower compared to the parents who have continued to go to work.

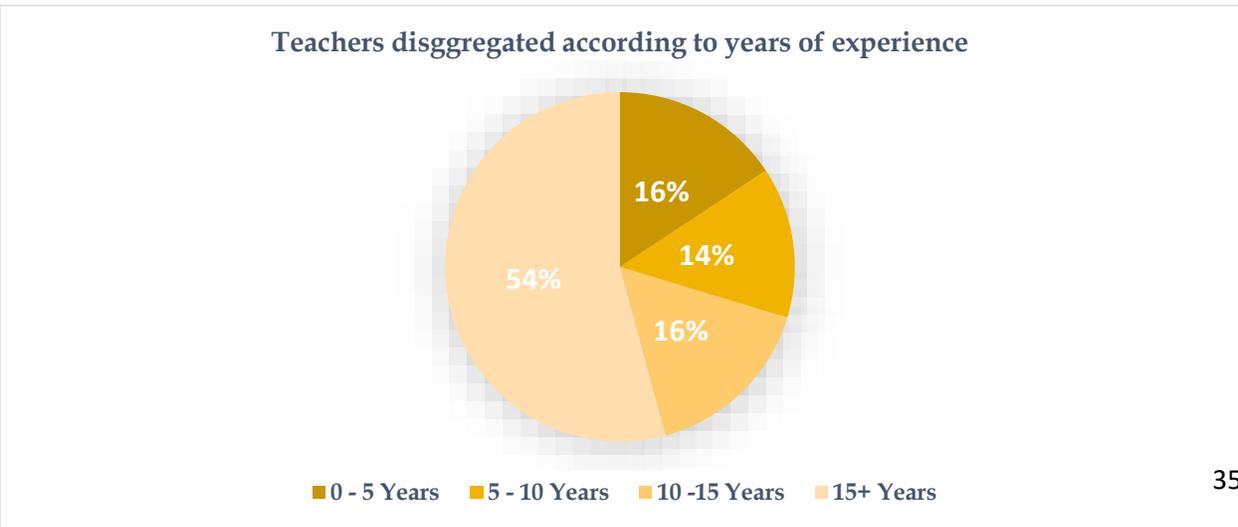


Regardless of their parent's work modality, the students participating in the questionnaire state that parents paid more attention to them during the pandemic. From the collected data, we conclude that the most frequently selected alternative in 63.1% of the cases is positive and confirms that parents have been more involved and attentive towards their children during the pandemic and online learning process, compared to 3.3% of the cases when respondents state that their parents paid less attention to them during this period. However, 35.9% of respondents state that their parents have been more involved and have helped them carry out the assignments given to them by their teachers during online learning. The rest, in 14.3% of the cases stated that parents have been more stressed and nervous than usual, 8.1% think that parents haven't been able to understand their situation and 6.2% state that their parents couldn't help them with the online learning.



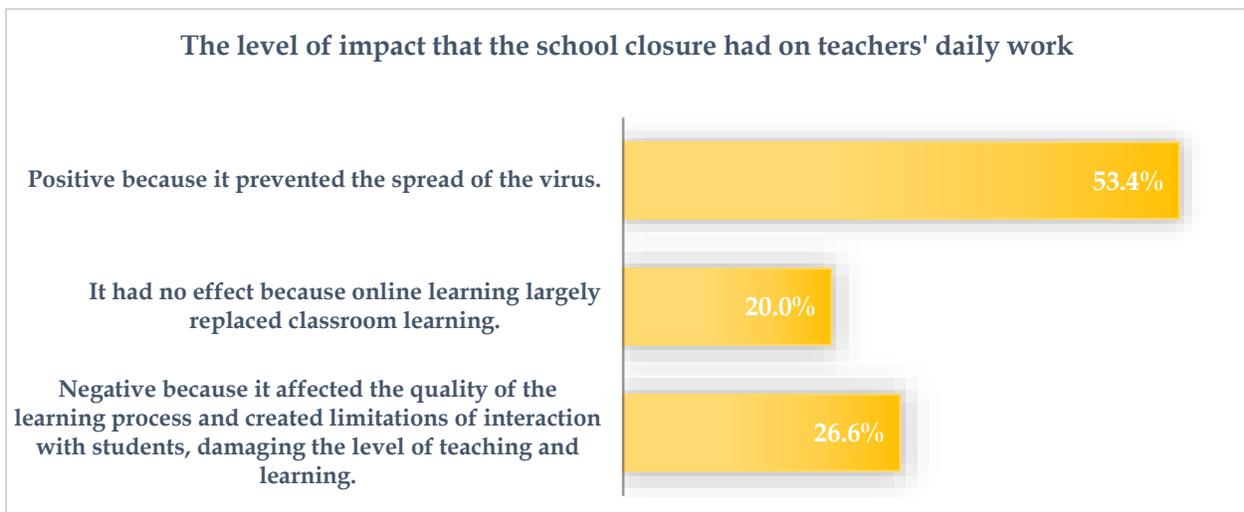
#### 2.3.4. Teacher's opinions on the measures taken and their impact on children rights and access to education.

In order for the analysis to be complete and comprehensive an important element was the teachers' perspective on how they perceived the impact of the pandemic caused by COVID-19 and the measures taken by the State in the framework of children's rights. 485 teachers participated in the survey, 69.1% of which represented urban areas and 30.9% represented rural areas. Also, the participation of women was higher with 82.5% females versus 17.5% males. Regarding the division according to levels in which teachers teach, 31.7% of which are part of Lower Secondary Education (LSE), 31.5% of which are part of Elementary Education, 25.3% part of Upper Secondary Education (USE), 8.5% LSE+USE and 2.9% teachers from collective classrooms. Regarding experience, 54.2% of respondents have more than 15 years of experience in teaching, 16.1% have 10 - 15 years of experience, 14% have 5-10 years and 15.7% have 0-5 years of experience.

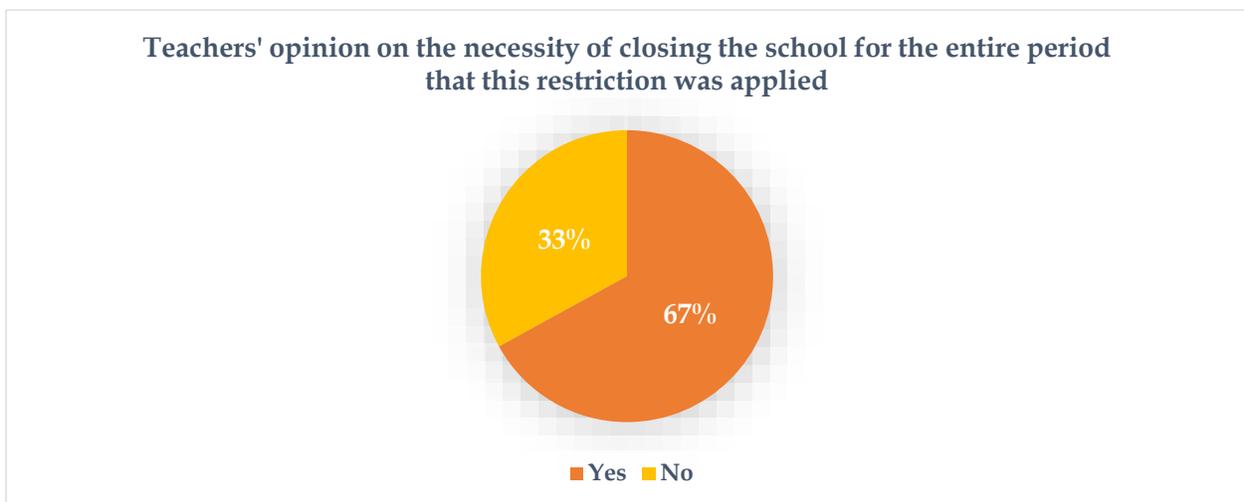


When asked if according to their opinion it was fair to close down educational institutions in the framework of COVID-19 restrictive measures, a very high percentage, about 82.1% held a positive stance regarding the matter, compared to the 17.9% who thought that the decision was not fair. These data are supported by about 53.4% of respondents that state that the closure of educational institutions had a direct impact in preventing the spread of the virus.

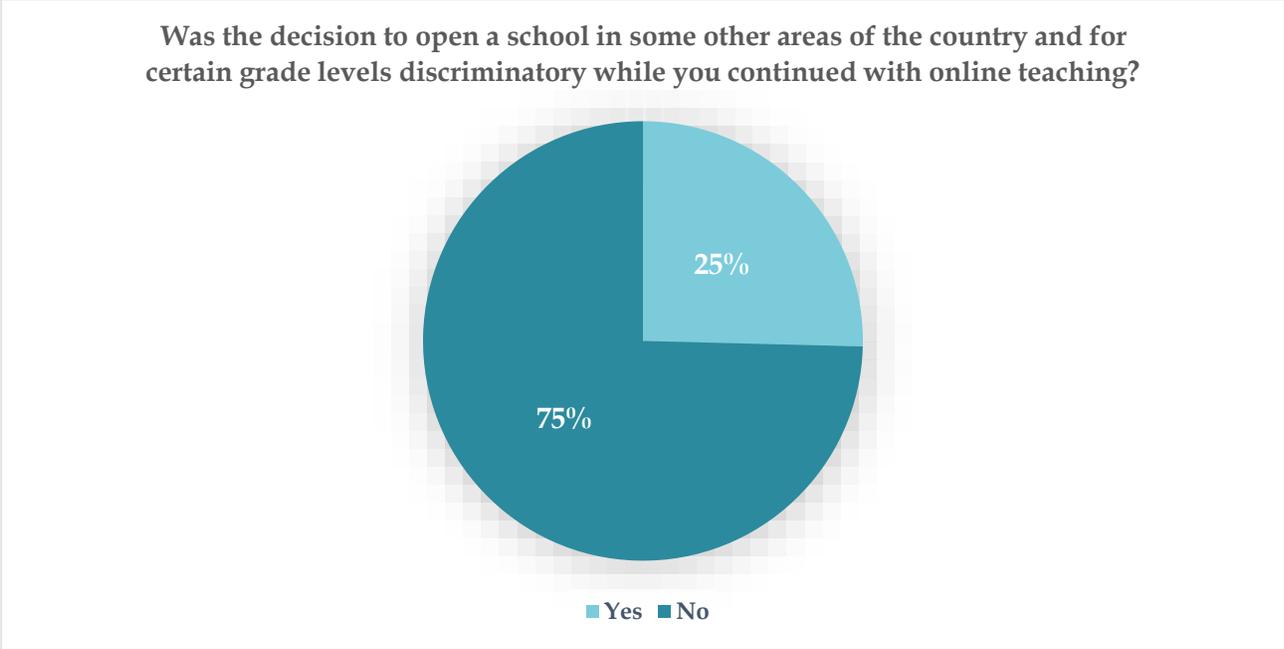
The closure of educational institutions, for 20% of the respondents, did not have any influence, since in their opinion, distant learning made up for classroom learning, whereas 26.6% think that the decision to close educational institution had a negative impact because it influenced the quality of the education process and inflicted interaction restriction on the students, thus damaging the quality level of teaching and learning.



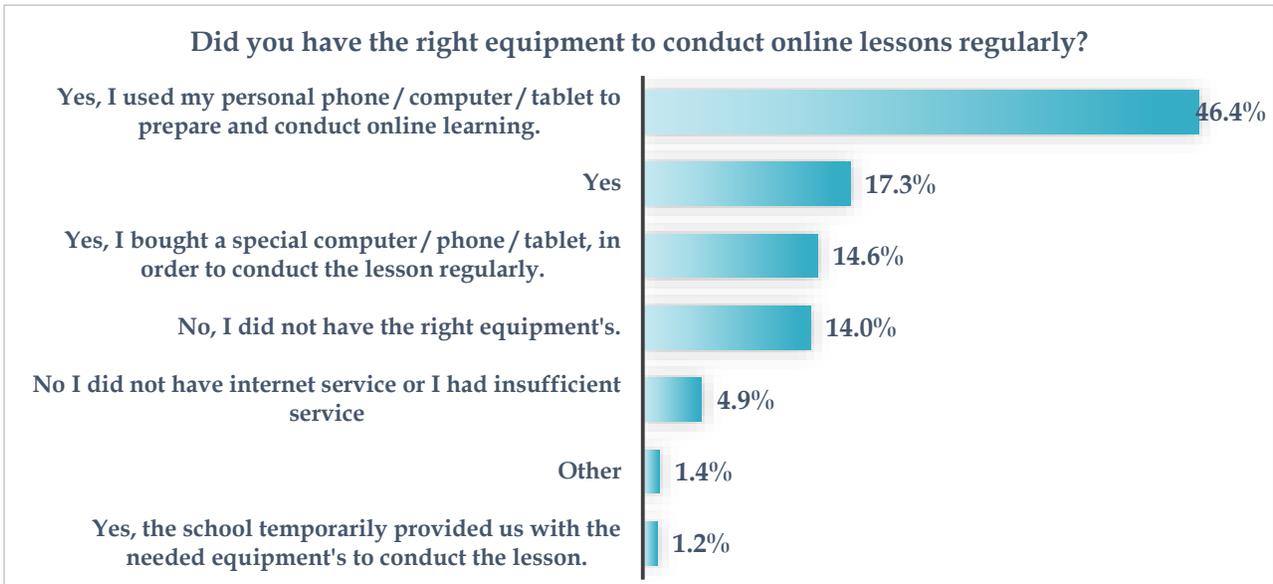
Despite the fact that the lockdown was only supposed to last 2 weeks, and later extended to the end of the academic year, 67% of teachers who were part of the survey think that it was necessary for educational institutions to remain closed during the entire designated period and 33% state to have spoken out against this decision.



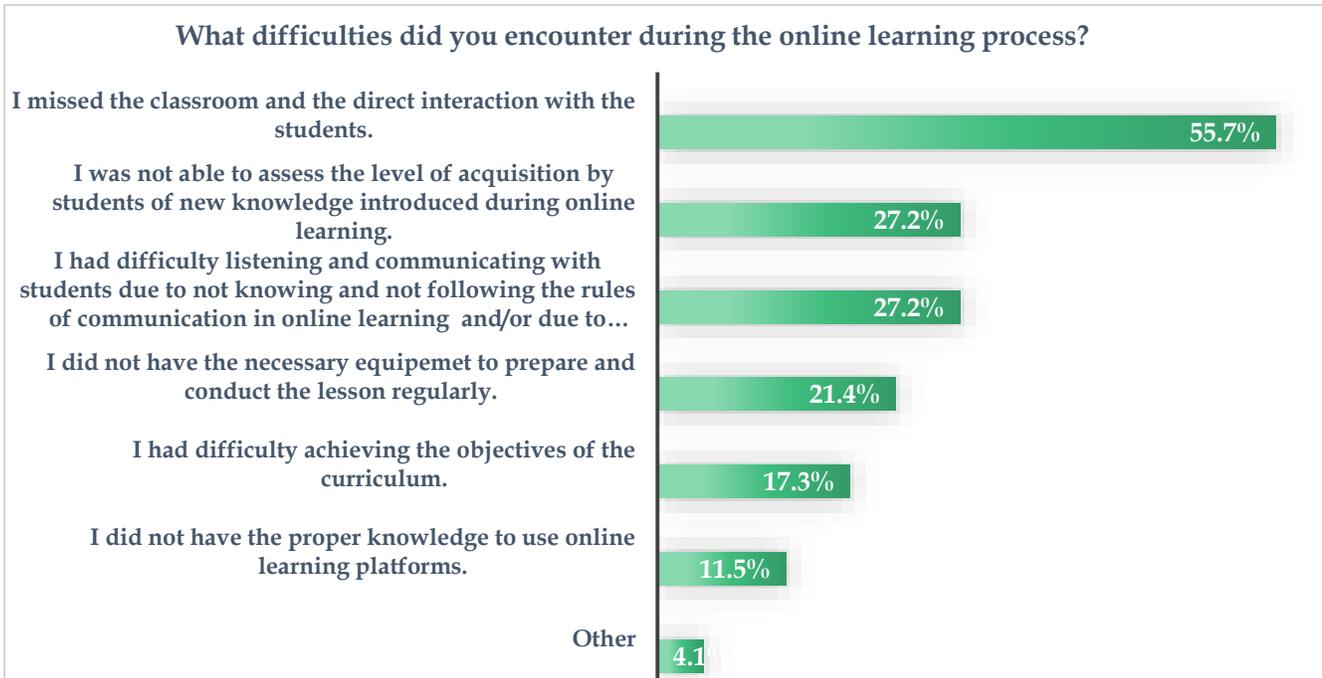
However, after the end of the first phase of the pandemic, MoESY implemented various scenarios depending on the epidemiological situation for different areas considering a gradual opening of activities. In this framework some educational institutions in some areas of the country were physically returned to schools. The decision to open educational institutions or continue with online classes was made considering the number of COVID-19 infections for each city/area. 25% of teachers think that this was a discriminatory decision, since some institutions went back to classroom learning whereas others had to continue with distant learning. However, the majority of the respondents, about 75%, did not consider the decision as discriminatory, but instead they considered the decision to be justified by the circumstances.



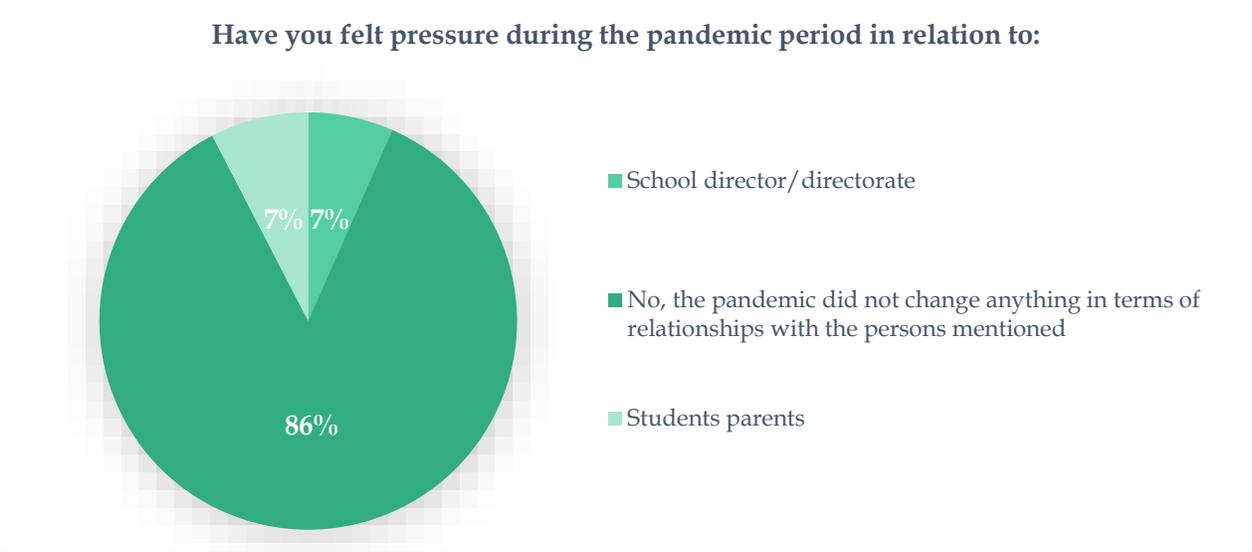
With the implementation of the decision to close down educational institutions of all levels and starting online learning, teachers should have had the necessary tools and knowledge to continue working in this new reality. 63.7% of participating teachers state that they had the necessary tools to conduct lessons normally and have used personal phones/computers/tablets to prepare and carry out classes. 14.6% had to specifically buy equipment in order to conduct regular classes and only 1.2% have received support from the school which has temporarily provided them with the necessary tools to have online classes. 18.9% of respondent teachers state that they did not have the opportunity to conduct the lessons regularly, out of which 4.9% because they did not have internet service or had insufficient service and 14% did not have the appropriate equipment.



However, lack of the proper infrastructure has not been the only problem teachers have encountered. 55.7% of teachers state that they missed the classroom and direct interaction with students, 27.2% have encountered listening and communication difficulties with the students due to lack of knowledge or non-compliance with the communication rules in online learning and/or due to internet connection interruptions. On the other hand, 27.2% have not had the opportunity to assess the level of attainment of the new knowledge introduced during online learning, 21.4% have not had the necessary tools to conduct the lessons regularly, 17.3% have struggled with achieving the education program objectives and 11.5% have stated that they did not have the adequate knowledge to use platforms for online classes.



Considering the insecurities, new burdens and responsibilities caused by the virus situation and the transition to a new way of online learning and how all these factors influenced human interactions between teachers and students, parents, institutions, a significant number, representing about 85.5% of teachers state that the pandemic didn't change anything regarding the relationship with colleagues, parents or students. However, 7.6% state that the relationship with the students' parents have been tense and 6.6% state that they felt pressured by the school's directorate.



#### 2.4. The rights of children in conflict with the law

The analysis on this section aims to assess the measures taken through normative acts in view of the pandemic, the restrictions set by these measures and their impact to the rights of children in conflict with the law as well as the compliance of such normative acts with the framework of national and international legislation<sup>24</sup>. In addition, the analysis aims to assess whether the restrictions were proportional to the stated purpose, if they were necessary, implemented on temporary basis, without discrimination and accompanied with the appropriate compensating alternatives.

<sup>24</sup> UN Convention "On the Rights of the Child", ratified by law no. 7531, dated 11.12.1991, law no. 37/2017 "On the criminal Justice Code for Minors", law no. 18/2017 "On Rights and Protection of the Child " and bylaws in its implementation, normative act no.3, dated 15.3.2020, of the Council of Ministers "On taking Special Administrative Measures during the Period of Infection caused by COVID-19 " , UNICEF Technical Note: Covid-19 and children deprived of their liberty, WHO guidelines and other normative acts and orders of the Minister of Health and Social Protection and the Minister of Justice, to prevent the spread of COVID-19. The recently approved Declaration of Principles by CPT in respect of the treatment of people deprived of liberty in the context of the Coronavirus pandemic (COVID-19)

In particular, the analysis makes reference to the UN Convention on Right of the Child, and especially to article 37 and 40. These provisions state that detention should always be the last resort and only for the shortest period of time as there should be significant efforts and solutions to help children accused of breaking the law to become good members of their community. Pursuant to these provisions, children deprived of their liberty should obtain legal assistance, a fair treatment and be able to stay in contact with their family.

The COVID-19 pandemic crisis has put a huge pressure on penitentiary institutions in EU<sup>25</sup> and other countries, which sometimes even in normal situations are overcrowded and provide insufficient access to health services and psycho-social support for every person within the penitentiary system. Likewise, the COVID-19 crisis placed the IECs in Albania in a difficult situation. During the COVID-19 pandemic, the Albanian penitentiary system faced difficult challenges which required emergent response from the relevant institutions. It became critical and challenging to find effective ways to manage this situation being a closed environment and prone to pandemics and its spread. Emergency situations expose persons deprived of their liberty to risks and uncertainties, which must be properly managed to minimize and possibly avoid the immediate and subsequent negative consequences. But special groups such as juveniles in conflict with the law, victims and / or witnesses need specific, more careful and proper management.

For these categories, the Code of Criminal Justice for Children defines the principle of proportionality as one of the fundamental principles to administrate juvenile justice. In this case, every measure taken against a minor in conflict with the law "... must be in accordance with needs related to age, education, personal and family conditions, social and environmental conditions and developmental needs..."<sup>26</sup>.

The MoJ took immediate measures<sup>27</sup> aiming to prevent infection, including the suspension of rewarding and special permits for all detainees and prisoners, including juveniles, banning of visits and putting on hold recreational and group activities. Suspending family visits and daily activities, in the framework of social distancing, were among the first precautionary measures that needed to be placed in a certain legal and

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<sup>25</sup> European Parliament Briefing, Coronavirus and prisons in the EU, available at [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_BRI\(2020\)651976](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2020)651976) ;

<sup>26</sup> Article 13 of Law No. 37/2017 "Juvenile Criminal Justice Code", available at [https://drejtesia.gov.al/wp-content/uploads/2017/11/03\\_Ligj\\_37\\_2017\\_30.03.2017\\_Kodi\\_i\\_Drejtesise\\_Penale\\_per\\_te\\_Miturit.pdf](https://drejtesia.gov.al/wp-content/uploads/2017/11/03_Ligj_37_2017_30.03.2017_Kodi_i_Drejtesise_Penale_per_te_Miturit.pdf)

<sup>27</sup> Order of the Minister of Justice, No. 91, dated 09.03.2020 "On taking measures in Institutions of Execution of Criminal decisions for preventing spreading COVID-19" Order No. 92, dated 09.03.2020 "On taking measures in the GDP and institutions of execution of criminal decisions for the prevention of the transmission of COVID-19";

medical context, which adequately responded to the importance of the situation and the challenge to guarantee the rights and health of convicted or detained minors at IECD.

The enforcement of the above restrictive measures had greatly affected the functioning of penitentiary institutions, thus creating new challenges to observe and adhere to prisoners' rights while the interaction of the convicts with the outer world was reduced. While health protection and preventing the spread of virus took precedence, the imposition of the restrictive measures to this end, violated other important rights for juvenile detainees and convicts in the Juvenile Institution in Kavaja. The deprivation of family visits and prohibition of recreational and socializing activities, inevitably violated their rights, regardless of the daily online contacts with family and increased access to television that were provided.

While the Orders of the MoJ did provide for an exception regarding the visitation ban, thereby meeting with family members could take place in designated areas, within IECD, that provided the conditions for elimination of physical contacts entirely, such exception was never applied in the case of Juvenile Institute in Kavaja. Even when the restrictions due to COVID-19 became more lenient for the rest of the population (i.e., schools reopened, restriction of movement was limited to the night hours, etc.), the visitation bans in that IECD continued to remain in force. Meanwhile, the teaching process continued to take place in class for the children in this institute during the pandemic after it was interrupted for a short period of time at the early stage of the pandemic. For the new school year 2020-2021, the teaching process for primary and secondary education continued in class, while only vocational training courses were suspended.

Children deprived of their liberty often have significant and complex problems related to their physical and mental health<sup>28</sup>. Additional restrictions imposed by the pandemic have most likely aggravated the situation. The interviews conducted by the SPPCHR with children serving at the Juvenile Institute of Kavaja and its personnel, have confirmed that the visitation ban has impacted the emotional state and behavior of the juveniles, even though they were allowed frequent contacts with their families via telephone and online video communication.

It is important to emphasize that the right to be in contact with the outer world in regular intervals is one of the fundamental rights of people deprived of liberty<sup>29</sup>. In this setting, the restrictive measures taken by the institutions, need to be temporary and accompanied

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<sup>28</sup> The United Nations Global Study on Children Deprived of Liberty, 2020, available at <https://childrendeprivedofliberty.info/wp-content/uploads/2020/09/Executive-Summary-GSCDL.pdf>;

<sup>29</sup> Resolution adopted by the General assembly on 17 December 2015, United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules, Rule 58), available at <https://undocs.org/A/RES/70/175>;

by sufficient compensatory alternatives. The opportunity for daily online contacts with family and relatives as well as increased access to television, represent alternatives that provided some counterbalance prompted by the visitation ban in the Juvenile Institute of Kavaja.

Although it is considered as positive and necessary providing alternative measures for detainees and convicts to stay in contact with their families and relatives and the outside world through electronic communication (phone, video calls), nevertheless the prolongation of the restriction of the visits over 15 months, even after the Covid measures were relaxed for the rest of the population, confirms that this matter did not get the proper attention.

In this regard, the Ombudsperson Institution issued a recommendation to the Ministry of Justice in April 2021, requesting immediate measures to allow visits with family members at Institution of Kavaja. The lack of visitation for a period of 15 months, March 2020 - May 2021, is considered as a significant violation of the rights of children deprived of their liberty and with consequences for their well-being. As a result of the above Ombudsperson recommendation, the visitation ban was lifted for the juveniles serving in Kavaja, since May 2021 onward.

The suspension and postponement of judicial proceedings in Albania, a measure imposed by Normative Act, with the power of the law, No. 9, dated 25.03.2020 "On the adoption of special measures in the area of judicial proceedings, during the period of epidemic situation caused by COVID-19", was another restriction that adversely affected the legal and procedural guarantees for children as well as their right to a fair trial, especially for children in pre-trial detention. Even though the trials involving children, according to this normative act, were foreseen to take precedence during the pandemic, the lack of tools, such as video-conferencing, to implement the alternative measures, impeded the continuity of these processes.

#### 2.4.1. The measures taken in the framework of the pandemic

This section will analyze the approved normative acts during the pandemic against the standards, principles and requests of international and national legal and policy framework, to further assess if the measures taken were in compliance with the desired or expected results in relation to guaranteeing the fundamental rights of security and children's access to justice.

The children within the criminal justice system are recognized by the Convention on the Rights of the Child (CRC) as a group which requires special protection. Their circumstances require age-appropriate treatment and an adapted system of justice that protects their rights and interests according to Article 40 of the CRC.

In this framework, the recommendations given by UNICEF for member states, to ensure the rights of children deprived of liberty during the pandemic<sup>30</sup>, emphasizes that the measures taken by the state need to be appropriate, proportional and limited in time.

The urgent measures taken to prevent the spread of the virus should not result in the detention of children who had met the conditions for release or increase the number of juveniles in the IECD. Pursuant to the Criminal Justice for Children Code, and in light of the CRC principle of using detention only as a measure of last resort, competent authorities can make use and must prioritize diversion and non-custodial measures, instead of custodial ones. Recommendations of international organizations and also statements from the office of Ombudsperson suggest meeting juvenile justice standards at any time and especially during extreme circumstances such as pandemic, in particular to take actions so that children stay in regular contact with their family through correspondence and visits.

The Convention on the Rights of the Child (CRC) applies to all children, in any context, including emergency situations. According to Article 24 of CRC, children are entitled to the highest possible standard of health. WHO issued specific guidelines for prisons which emphasized the importance of providing adequate health care in addition to providing information<sup>31</sup>. In a statement made in March, Council of Europe Committee for the Prevention of Torture noted that any restrictive measures must be strictly necessary, proportional, respectful of human dignity and of limited duration<sup>32</sup>. Moreover, due to overcrowding, the implementation of alternatives to detention was recommended.

The UN High Commissioner for Human Rights also stressed the need to reduce the number of detainees by suggesting the release of those detainees who are particularly vulnerable to the risk of the virus due to their age or other health conditions as well as social low-risk offenders in accordance with the rules and principles of amnesty<sup>33</sup>. The EU Fundamental Rights Agency (FRA) highlighted the challenges of access to justice in the time of the pandemic when courts significantly reduced their activity<sup>34</sup>.

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<sup>30</sup> Technical notes: COVID-19 and children deprived of liberty.

<sup>31</sup> 2019 Novel Corona virus (2019-nCoV): Strategic Preparedness and Response Plan. Geneva: World Health Organization; 2020 ([https://www.who.int/docs/default-source/coronaviruse/srp-04022020.pdf?sfvrsn=7ff55ec0\\_4&download=true](https://www.who.int/docs/default-source/coronaviruse/srp-04022020.pdf?sfvrsn=7ff55ec0_4&download=true)); Prisons Checklist on preparedness and response in places of detention, last access June 2020. Prison Checklist on Preparedness and response in places of detention. [https://peacekeeping.un.org/sites/default/files/prison\\_checklist\\_04\\_02\\_20\\_COVID-19\\_preparedness\\_and\\_response\\_in\\_places\\_of\\_detention\\_unitar.pdf](https://peacekeeping.un.org/sites/default/files/prison_checklist_04_02_20_COVID-19_preparedness_and_response_in_places_of_detention_unitar.pdf)

<sup>32</sup> <https://rm.coe.int/16809cfa4b>;

<sup>33</sup> <https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf>;

<sup>34</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-coronavirus-pandemic-eu-bulletin\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin_en.pdf);

According to the international law and declarations, all decisions and actions relating to children must be guided by the principle of the best interests of the child, the right of the child to life, survival and development, as well as his/ her right to be heard. In this sense, all institutions while taking measures in response to the pandemic, must ensure that the human rights of every child who is deprived of his/her liberty are fully respected, protected and fulfilled.

Despite the above referred standards and recommendations, the analysis has identified deficiencies in addressing the needs of children as a special group due to the fact that the restrictive measures did not provide a differentiated approach to manage the situation of juveniles. In this context, in accordance with the statements of international organizations<sup>35</sup>, it is considered that relevant institutions did not address sufficiently the needs of the category of children in conflict with law, and did not uphold the best interest of the child and their protection in the process of designing and implementing acts and plans in response to the pandemic.

More specifically, the Normative Act of the Council of Ministers, with the power of the law, No. 7, dated 23.3.2020 “On temporary stay at home of convicts” further reinforced by adoption of the Law No. 28/2020<sup>36</sup> was approved aiming to reduce overpopulation in prisons, by having convicts temporarily reside in their homes. This normative act aimed to determine the conditions and criteria for the convict’s temporarily stay at home, as a special permit for the duration of the COVID-19 pandemic. This act did not include differentiated provisions for children deprived of liberty, nor considered their age when setting the criteria to benefit from the special permission. Therefore, this act did not provide the appropriate approach for this group that requires special protection from the state. Consequently, the children deprived of liberty in Albania, did not benefit from the above act, despite the CRC and the Code principle of detention as a last resort.

During the visit conducted in May 2021 in the Juvenile Institute in Kavaja, which serve as IECED for juveniles under the GDP, it resulted that 23 male children were accommodated there, out of which 21 in pre-trial detention and 2 convicted, while the accommodation capacity of the Juvenile Institute in Kavaja is 40 persons, respectively for 21 detainees and 19 convicts.

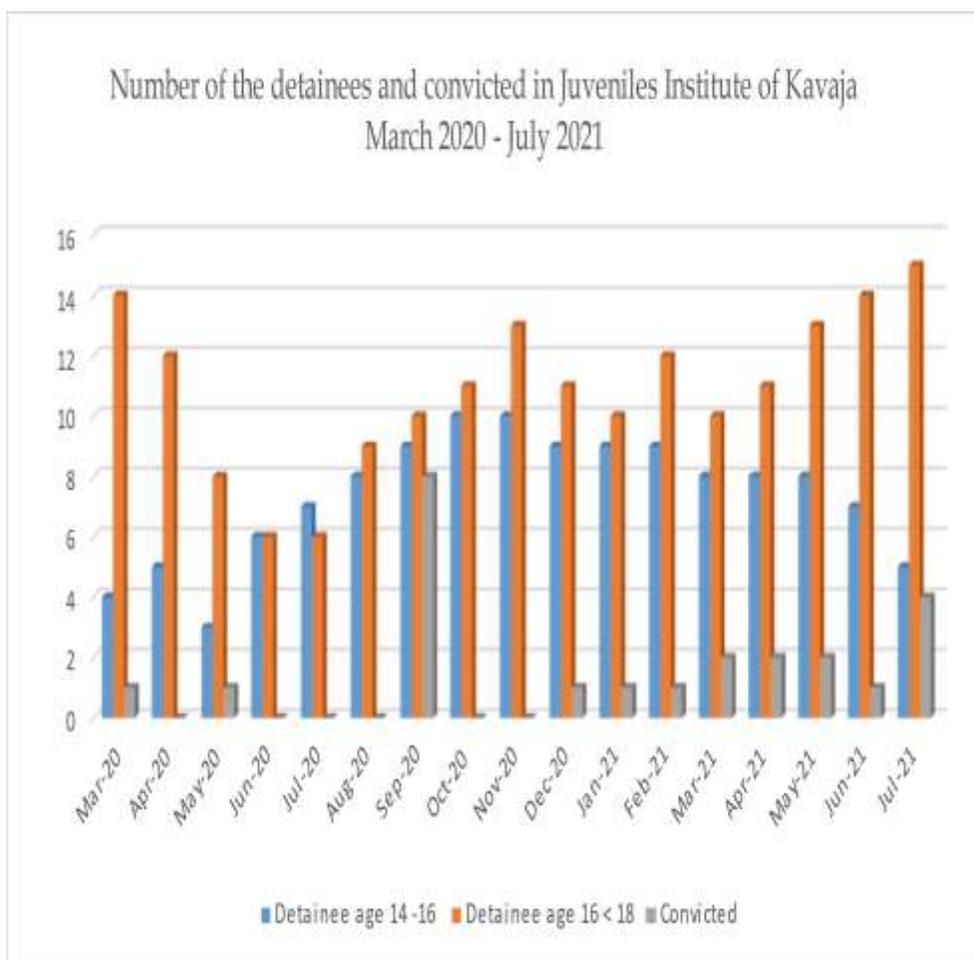
Albania showed no compliance with the principle of using detention only as a measure of last resort as well as the technical note issued by UNICEF on COVID-19 and children

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<sup>35</sup> The recommendations of The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and UNICEF, to provide other alternative measures such as release or returning to their families;

<sup>36</sup> Law No. 28/2020 for the approval of the normative act, having the power of law, No. 7, dated 23.3.2020, of the Council of Ministers, “On the temporary stay at home of convicts”;

deprived of their liberty<sup>37</sup> aiming to provide responsible institutions with recommendations on releasing all children who could be safely released and instituting a moratorium on new children entering detention facilities. The fluctuations in the number and status of children staying at the Juvenile Institute of Kavaja, as indicated in the table below based on the data published by the General Directorate of Prisons<sup>38</sup>, supports such finding.



Month	Detainee age 14 -16	Detainee age 16 < 18	Convicted
Mar-20	4	14	1
Apr-20	5	12	0
May-20	3	8	1
Jun-20	6	6	0
Jul-20	7	6	0
Aug-20	8	9	0
Sep-20	9	10	8
Oct-20	10	11	0
Nov-20	10	13	0
Dec-20	9	11	1
Jan-21	9	10	1
Feb-21	9	12	1
Mar-21	8	10	2
Apr-21	8	11	2
May-21	8	13	2
Jun-21	7	14	1
Jul-21	5	15	4

Another Normative Act, with the power of the law, No. 9, dated 25.03.2020 “On the adoption of special measures in the area of judicial proceedings, during the period of epidemic situation caused by COVID-19” provided for the specific measures in the field of judicial activity during the pandemic. According to this act, the court hearings on administrative, civil and criminal matters, scheduled at all courts, were temporarily

<sup>37</sup> Technical Note: COVID-19 and Children Deprived of their Liberty, UNICEF, The Alliance for Child Protection in Humanitarian Action, available at: <https://www.unicef.org/albania/reports/covid-19-and-children-deprived-their-liberty>;

<sup>38</sup> <https://www.dpsh.gov.al/newweb/?fq=brenda&gj=gj1&kid=72>;

postponed for an unspecified period. The deadlines for filing lawsuits, complaints and any procedural action in administrative, civil and criminal matters were also suspended.

This normative act provided for exceptions to these delays and suspensions, for particular issues specifically mentioned in the normative act, that were mainly related to the nature of the issues. This act, unlike the normative act on temporary stay at home of convicts, provided dedicated regulations for children. Namely, the criminal cases against children in conflict with law, to whom the arrest or detention was applied, were exempted from the suspension.

During the visit conducted in May 2021 in the Juvenile Institute of Kavaja by the Ombudsperson's staff, it was found that shortest detention period was 1 month and the longest was 36 months. This is considered quite high compared to the statistics in other regional countries. Suspension and adjournment of judicial activity in criminal cases, are likely to have had an impact on the extension of detention for some juveniles held in the institute during the pandemic situation.

Children deprived of liberty were at risk of becoming infected with Covid-19, especially due to closed environments in which they live, like other persons in the IECD. Deprivation of liberty makes self-isolation and social distancing measures harder, where the security requirements as well as infrastructure conditions make it more difficult to comply with hygiene recommended requirements.

The Albanian penitentiary system, in response to the COVID-19 pandemic took actions by implementing several normative acts, orders, instructions and action plans which aimed at protecting the health of persons in the IECD and prioritizing isolation measures in order to prevent the transmission of the virus. Initially, a task force was established at the GDP level to manage the situation.

The order no.91, dated 09.3.2020, "On taking measures in the institutions of execution of criminal decisions for the prevention of the transmission of COVID-19" approved by the Minister of Justice<sup>39</sup> states that detainees or convicts, including juveniles, were deprived of the right to short-term visits of their family members during the pandemic. Exceptions to this restriction were those cases when meetings could take place in special facilities, adapted to maintain the required distance and avoid direct physical contact with family members and lawyers. The adjustment of special designated areas at the Institution of Kavaja, did not happen as a result of the lack of budget funds allocation.

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<sup>39</sup> Order of the Minister of Justice, No.91, dated 09.3.2020, "On taking measures in the institutions of execution of criminal decisions for the prevention of the transmission of COVID-19";

Order<sup>40</sup> no. 92, dated 09.03.2020 “On taking measures in the GDP and institutions of execution of criminal decisions for the prevention of the transmission of COVID-19”, provided additional precaution measures to prevent the spread of the virus in IECDC, including requirements for the admission rules of pre-detainees or newly admitted convicts to IECDC, a greater commitment of the medical staff in taking extra safety measures as well as the role of the task force for carrying out frequent inspections and reporting to GDP. The order has as an integral part a health protocol which, although it may have received the opinion of health experts, it is approved by the Minister of Justice. Even this order did not address in specific the children serving at the IEDC of Kavaja.

According to the information provided by the personnel of Institute of Juveniles, all precautionary measures were taken regarding the protection and health of juveniles, pursuant to orders and instructions, such as measuring temperatures twice a day, restriction of daily activities, online meetings with family members, as well as increased hygiene and sanitation measures. In addition, quarantine rooms were set up for juveniles in case of COVID-19 infection, where they could be separated, if necessary. There has not been any case of infection reported by this institution throughout the assessment period.

Moreover, the above two orders of the MoJ indicate that were valid until 3rd April 2020. After the expiration of this date, no other order was issued to extend or amend them. However, they continued to be implemented in the penitentiary system in Albania.

The implementation of special measures in response to emergency situations is also related to their proper budgeting. Specifically, the creation of special facilities (without physical contact) for meetings with family members, determination and preparation of alternative places of serving the sentence, increase of health staff, appropriate clothing and protective equipment, increased means of electronic communication to compensate for visits with relatives provided for expenses to be covered by the state budget. However, the fulfillment of these requirements and standards was not accomplished appropriately due to insufficient budgetary funds to cover them.

Although children deprived of their liberty in closed institutions face an increased risk of becoming infected or spreading the disease, measures put in place to control the spread of the virus, such as temporary interrupting the learning process, interrupting for a longer period the professional training courses, meetings with family members and relatives, court proceedings, etc. have significantly limited the ability of juveniles to exercise their

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<sup>40</sup> Order No. 92, dated 09.03.2020 “On taking measures in the GDP and institutions of execution of criminal decisions for the prevention of the transmission of COVID-19”;

rights and have negatively affected their well-being and healthy development. Such restrictions are likely to negatively affect the mental health of minors and are not in compliance with the purpose of sentencing of a minor which is re-socialization, reintegration, rehabilitation and prevention of recidivism to commit another offense as well as obligation to provide to this category educational and reintegration programmes, pursuant to national educational standards.

In the focus group developed with children at the Juvenile Institute in Kavaja, it resulted that the pandemic situation has negatively affected their emotional state, causing stress and suffering, precisely from the lack of meetings with their family members. Although meetings have been replaced by phone calls and video calls via Skype, they say that this alternative solution has not helped to improve psycho-social status or reduce stress. To mitigate the negative effect of indoor isolation, the employees of this institution adapted a new approach to work, focusing on ongoing psychological support and health care and, at a later stage, organizing recreational sports activities such as: football, basketball, volleyball, computer games etc.

Regarding other places of deprivation of liberty, such as police stations/ commissariats, the Ombudsperson Institution has paid special attention to the monitoring of administrative measures that were taken during the period of infection caused by COVID-19. Monitoring visits were mainly focused on the implementation of national legislation in force and international standards in order to guarantee the rights of children in conflict with the law, such as: the right to information, the right to food, as well as the right to life and health in pandemic conditions.

7 monitoring visits were made to the police stations (commissariats) of Tropoja, Shkodra, Korça, Durrës, Elbasan, Saranda, Përmet in order to monitor and assess the conditions and treatment of children deprived of their liberty, with particular regard to measures in order to ensure and enforce the rights of children during the COVID-19 pandemic. It resulted that the security and detaining facilities in these police stations were lacking informative materials on the rules of preventing the spread of COVID-19.

Most of the police stations were not equipped with sufficient quantities of preventive and protective equipment such as disinfectants and thermometers for non-contact measurement of body temperature. Among other things, the infrastructural conditions did not guarantee the minimum requirements and standards for respecting the dignity of the juveniles who were escorted, detained and arrested, specifically in the police station of Elbasan, Korça, and Saranda. In addition, the staff structure of the police

stations does not include the position of a doctor, according to the provisions of the Criminal Justice for Children Code. Escorted juveniles/ detainees, according to their needs and conditions, are sent to the regional hospital of the city.

Based on the inspections carried out, the Ombudsperson institution has addressed a series of findings and recommendations to the responsible institutions in relation to the situation of children in conflict with the law.

The management of the pandemic situation highlighted the need for more developed forecasts of measures to be taken in emergency situations, the role of specific institutions and mechanisms as well as their respective responsibilities. There was obviously a lack of emergency plans, which would have better facilitated the management of the situation. The need for long-term emergency plans, their costing, staff training within institutions, and moreover, continuous evaluation of existing interventions remains a necessity.

Although the responsible institution acted immediately through normative acts to address the situation and to protect the health of the citizens, they did not properly refer to the principle of the best interest of the children deprived of liberty, while taking these measures, and applied them equally to all people in detention or convicted, with no regard whether they were children or adults. The restrictive measure did not provide a differentiated approach to address the situation of the children of this category. Children deprived of liberty were not included to benefit from the normative act that established the criteria for temporary stay at home for the duration of Covid-19 violating again their rights.

Another restrictive measure that inevitably violated their rights was the deprivation of family visits, even after the measures became more lenient. In addition, the prevention of social activities also had negative impact to the wellbeing of children deprived of liberty.

In contrary, in regards to the constitutional right to a fair trial, even though judicial proceedings were generally suspended and postponed, the trials involving minors during the pandemic were treated with priority.

## 2.5. Access to social care services for children in need of protection

The analysis of this section aims to assess the access to social care services for children in need of protection also from the point of view of the preparedness of child protection structures regarding the management of emergency situations. In Albania, the situation created by COVID-19 was preceded by another situation of natural disaster caused by earthquakes, which caused great damage, especially in some areas of the country.

Due to the pandemic, even the most developed countries with more consolidated structures and services, were faced with a difficult situation. Moreover, the situation caused by the COVID-19 virus cannot yet be predicted whether it is over or a new wave is expected or other forms of the virus may emerge, which may dictate the declaration of a state of emergency again.

Therefore, it is vital to evaluate the level of preparedness of relevant structures at the local level for child protection and to provide lessons learned and recommendations. Such recommendations will serve to prepare these structures to duly comply with their mandate and the appropriate response at any given moment in time, including emergency situations when child protection takes on an even greater importance.

The protection of the child from violence, abuse, exploitation and neglect and the constituent elements of the integrated child protection system must be ensured at all times. Moreover, in emergency situations when risk factors increase and so does the exposure of children to them, the special protection of the child and the application of the principle of the best interests of the child must be a matter of paramount importance.

#### 2.5.1. Specific provisions on the management of the cases of children in need of protection during the COVID-19 period

Legal provisions on the rights and protection of the child and on social care services<sup>41</sup>, could not be properly implemented due to the restrictions imposed and the risk of the virus spread. Therefore, regarding the management of cases of children in need of protection during the period of the pandemic caused by COVID-19, the Minister of Health and Social Protection issued special order 253, dated 10.04.2020 “On the management of cases of children in need of protection during the period of natural disaster due to the epidemic caused by COVID-19”<sup>42</sup> which aimed at defining concrete procedures and actions that had to be undertaken by child protection structures at local level in order to adapt to the situation caused by COVID-19. The aim was to continue to provide protection and alternative care for children in need of protection, who were identified before the beginning of the pandemic situation as well as to identify, refer and manage new cases which could potentially arise due to the social and economic difficulties caused by COVID-19 situation.

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<sup>41</sup> Law No. 121/2016 “On social care services”; available at <https://shendetesia.gov.al/ligje-7/>

<sup>42</sup> Order by the Minister of the Ministry of Health and Social Protection, No. 253, dated 10.04.2020 “On the management of cases of children in need of protection during the period of natural disaster due to the epidemic caused by COVID-19”; available at <https://www.unicef.org/albania/media/2761/file/Udhezim%20nr%20253.pdf>

The order aimed at ensuring unified implementation of the case management procedures and actions of children in need of protection throughout the country during the specific situation caused by the COVID-19 as the restrictions dictated by the situation created additional difficulties and required adapted case management procedures for these children.

Child protection workers were instructed to raise awareness and to inform children and their families as well as to support them in the situation created by the pandemic caused by COVID-19. The information to be provided by the CPW related to measures to prevent the spread of the virus, signs and symptoms in case of virus infection, emergency numbers and referral ways to health facilities as well as how to access services provided in the territory where children and their families lived. The information should be provided in a form that was appropriate to the child's age, development, gender, cultural level and family situation.

Regarding the referral to health, social and psychological services, the active cooperation of CPW with health workers, school psychologists as well as with other CPWs within a municipality, but also outside of it, took on great importance in order to effectively refer children in need of protection and children left without parental care. CPW had complete and up-to-date information about the psychological counseling platforms and contacts of school psychologists, located in the territory where they operated. On the other hand, the health structures had the obligation to refer to CPW all cases of children who, were in need of protection due to their exposure or their family members exposure to the virus.

Concerning the implementation of protection measures, the municipalities throughout the country, in cooperation with the SSS, were in charge of identifying emergency child protection services and any other social protection services during the pandemic period. CPW in municipalities or administrative units had complete information on contact numbers of these services. On the other hand, SARPC published on its official website<sup>43</sup> the list of emergency services at regional and national level. Furthermore, SARPC engaged civil society organizations in setting up transitional child protection services during the pandemic period.

The provision of psychological support for children was made possible by referring cases assessed in need of psychological support to the National Counseling Line which was accessed through a toll-free number, counseling or individual online therapy through the

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<sup>43</sup> [http://femijet.gov.al/al/njesite-per-mbrojtjen-e-femijeve;](http://femijet.gov.al/al/njesite-per-mbrojtjen-e-femijeve)

platform [www.tinukjevetem.al](http://www.tinukjevetem.al) and referral to school psychologists or psychologists from the list made available by the Psychologist Order in order to respond to citizens.

In any case, the management of new cases of children in need of protection should be done in accordance with the law on the rights and protection of the child and DCM No. 578, dated 03.10.2018 on case management referral procedures, drafting and content of the individual protection plan, financing the costs for its implementation and the implementation of protection measures<sup>44</sup>. Inter-sectoral Technical Group meetings, which supports CPW and the needs assessment and referral unit for the drafting of the Individual Defense Plan and is composed of representatives of the police, social services, education, health, justice and other specialists, were instructed to continue through other alternative ways via telephone, electronic messaging and video calling. CPW was responsible for documenting the discussions and opinions of CTG members by communicating them to other CTG members so that they could contribute to child protection measures and their implementation.

However, throughout the pandemic situation, the CTGs were responsible for taking protection measures, which were electronically confirmed by the Head of Social Services of the Municipality and remained in force until a later time when the relevant regulations were changed or reviewed in court, after the judges returned back to work.

Case management, based on the assessed degree of risk, was carried out by telephone for cases of children in need of low-risk protection. In the case of children in need of medium or high-risk protection, CPW organized family visits when possible and when there was no presence of infected persons in that family. In case there was an infected family member, CPW provided telephone communication to the children and had the duty to communicate immediately with the health and police structures if it was deemed that the child should be placed in an alternative service.

Particular attention was paid to children in street situations, children isolated at home due to disability or chronic illness, children in emergency centers, isolation, alternative treatment or care, children abused or neglected by family members who were more at risk due to isolation than before, as well as children whose parental care was not available because their parents / guardians were ill, quarantined, hospitalized or had died due to COVID-19.

The instruction provided clear and detailed regulations for the observance of health protocols and hygienic-sanitary measures for both CPW and other persons involved in

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<sup>44</sup> <http://femijet.gov.al/wp-content/uploads/2019/01/VKM-nr.-578-date-3.10.2018.pdf>;

the process of managing the cases of children in need of protection at any time, even in cases when they were confirmed to be infected with virus.

Provisions included the method of communication with the superior and SARPC in case a CPW showed symptoms of infection, in order to arrange his/her replacement with another employee from the social services structure for the management of cases in need of protection, until the colleague returned back to his/her duty. In case of infection of children, the instruction provided provisions related to the coordination with health and psychological services for children who were at home, residential social care institutions or hospital.

A specific order<sup>45</sup> provided measures to prevent Covid-19 infection of social care beneficiaries. The focus of this order was on taking hygienic-sanitary measures on social care institutions, coordination with territorially responsible health structures and reporting requirements to local health care units and the state social service. The order is of a general nature and does not address specific groups of beneficiaries, including children.

On the other hand, regarding the provision of housing assistance to the needy <sup>46</sup>, in the conditions of the epidemic caused by COVID, DCM does not specifically address children, but children are indirect beneficiaries, meanwhile the decision refers to beneficiaries of economic assistance, persons with disabilities, homeless people and families who had lost their homes due to the earthquake. The provision of assistance according to this decision consisted in sending monthly payments to entities that benefited from the social protection program, but also providing minimal supplies of food and non-food products as well as medicine supplies. The civil protection commissions, which were set up at local level, pursuant to this DCM, were in charge of delivering the food and non-food products as well as the type of aid that would be provided.

### 2.5.2 Practical administration of case management of children in need of protection during the COVID-19 epidemic

Despite the efforts in adopting regulations that ensure the protection of children even in unusual situations accompanied by certain and important restrictions for the realization of child protection in accordance with legal provisions, the difficulties encountered in

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<sup>45</sup> Order by the Minister of Health and Social Protection, No. 157, dated 10.03.2020 "On taking measures to prevent COVID-19 infection of beneficiaries of social care services";

<sup>46</sup> DCM No 236, dated 19.03.2020 "On measures to provide domiciliary assistance to the needy strata, in the conditions of the epidemic caused by COVID-19";

practice regarding the case management of children in need for protection exceeded the predictability reflected in the measures, which were adapted to the specific instruction issued for this case.

The lessons learned from the ad-hoc management of the pandemic situation and the proactive approach regarding the measures to manage the emergency situations of any nature, were taken in consideration and supported by all CPWs and support services, consulted for this purpose. That is because triggering emergency budgets or measures requires some preparation and it would be better if they are planned and consulted at normal, non-emergency times, in order not to be influenced by unexpected events and burdens that are imposed during emergency situations carries.

The analysis in this section and the recommendations have been collected and validated with CPWs and other support structures in municipalities and administrative units, who during the pandemic period had an even more prominent role than usual in managing the cases of children in need of protection, while on the other hand, as every citizen or parent, experienced the fears, difficulties and insecurities caused by the COVID-19 virus.

In general, CPUs, like all other structures not only in our country but all over the world, were unprepared to face the challenges related to child protection throughout the pandemic situation and to provide effective protection. The specific instruction for managing the cases of the child in need of protection during the period of natural disaster due to the pandemic caused by COVID-19 came out on April 10, after about 1 (one) month from the date when the WHO declared the state of the global pandemic on 11 March 2020, and the adoption of the normative act<sup>47</sup> for taking special administrative measures during the period of infection caused by COVID-19.

This period, that was not addressed by any legal provision adapted to the situation, coincided with the beginning of the implementation of the lockdown measures which caused insecurity and fear in the CPW themselves, in their position as citizens, parents or family members. Meanwhile, the CPWs, like other citizens, were allowed to move only in certain hours, a problem which was addressed in the instruction which provided that the CPW had to be given a traffic permit by the police to move at any time. This combination of impediment factors, increased the risk of inadequate case management for children in need of protection. The uncertainty as to how to proceed and the restrictions imposed were clearly reflected in the work of the CPWs, in terms of child protection.

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<sup>47</sup> Normative act of the Council of Ministers, no. 3, dated 15.03.2020 on taking special administrative measures during the period of infection caused by COVID-19;

For the period after the relevant instruction was issued, the CPW estimated that the instruction addressed key aspects of case management of children in need of protection but still the instruction needed an implementation protocol that would ensure a more effective protection of the child, as well as of the CPW themselves. Only in the case of the municipality of Tirana, a few months after the issuance of the specific instruction, in September 2020, an internal order was issued for 27 administrative units under this municipality to implement the specific instruction and best fulfill the role of CPW during pandemic situation.

The emergency situation regarding child protection has been managed at different levels in different municipalities and administrative units. This is also due to the resources and preparation level that these units have even in ordinary situations. The Municipality of Tirana has had many opportunities and resources to review the cases of children in need of protection they had under management at the time the pandemic began, in order to plan resources according to the degree of risk that each case presented. During the evaluation period of this report, the CPU of the Municipality of Tirana managed 156 cases of children in need of protection at low risk by telephone, 167 cases of medium and high risk through online counselling and family visits and 3 cases who have been taken into immediate protection after being identified at high immediate risk.

Despite the various opportunities that municipalities and administrative units have had for the management of cases of children in need of protection and the specifics of the cases they had under their management, all local self-government units, especially initially, paid attention to meeting basic needs and providing COVID-19 virus protection equipment for children and their families.

Difficulties have been encountered by all CPWs in the case management process for the implementation of the emergency measure and placement of children in alternative care in residential social care institutions, especially at the early stage of the situation. According to the specific instruction, the transport of children had to be safe and supported by the national emergency service that had to make an ambulance available. Furthermore, before entering the institution the child had to be tested for COVID-19 and placed in a special quarantine area until the test results came out, or if she/he showed signs of the virus. Access to ambulance service and testing, especially at the beginning of the situation was difficult and created delays. However, thanks to the preparation at CTG, the support structures were very aware of the importance of timely and proper management of cases of children in need of protection and the contact persons from these structures have facilitated and accelerated communication and interaction.

In addition to supplementing the regulatory framework with additional and adapted adjustments, the need for training of child protection structures to work in emergency situations was also assessed as of equal importance. CPW took measures to respond as

much as possible to the referred cases, but they have found that they lacked information and training on how to properly address the situations of children in need of protection during emergency situations.

The specific instruction for case management during the pandemic situation, despite any shortcomings, helped and guided the work of child protection units at the local level. However, child protection is realized only through an integrated inter-institutional and interdisciplinary approach and from this point of view other health, education and safety protection structures did not give its due importance to get acquainted and to implement that instruction.

One consulted CPW stated that the health structures were very busy providing medical assistance and did not pay very much attention to the protection of the child. But, even in ordinary situations, health structures seem to have shown indifference in fulfilling their role clearly provided in the law on the rights and protection of the child. One of the CPW participating in the focus group reported that during 18 years of work in child protection structures, there was only 1 (one) case reported by the family doctor.

One of the issues addressed in the focus group with CPW was the question whether there was an increase in the number of cases of children in need of protection during the pandemic period. In their perception, this is an issue that is debatable and not easily measurable as long as the pandemic situation was accompanied by fear, anxiety, insecurity and economic hardship, but also lower interaction and lack of information. During that period, priority was given to the supply of food, medicine and hygienic-sanitary packages, especially for families in need of support. Especially at the beginning of the pandemic situation it seems that the attention was somewhat diverted from the issue of child protection by paying more attention to meeting the basic needs of families.

The CPW states that although there have been no new cases registered, there has likely been an increase in the number of cases of children in need of protection due to restrictions on movement and socio-economic difficulties created by the situation in many families. These factors may have caused an increase in tension and violence in family relationships, but there has been no increase in the number of reported cases of children in need of protection, possibly due to a lack of reporting from various sources. In this regard, even school psychologists who are a major source for identifying new cases, as well as following up on the existing cases of children in need of protection, had very few opportunities to fulfill their role. While it is not possible to say with certainty whether or not there was an increase in the number of cases of children in need of protection, what can be said is that there was an increase in the needs of families who were part of case management schemes for children in need of protection.

Online communication with children in need of protection created additional opportunities to continue managing the cases of this category even in conditions of physical distancing dictated by the pandemic, but it also created difficulties due to lack of direct contact with children. Direct contact was made only in cases of children in need of medium or high-risk protection, and when they or their family members were confirmed not to be infected by the virus.

The case management of children in need of protection who had disabilities or other mental health problems became even more difficult to manage. The community centers initially closed their operations, and then continued to operate with reduced activities and shorter hours. This created tension and problems for these children and their families, who also raised these issues in online communications.

Like every institution and unit, CPUs gave greater importance to the implementation of measures against the spread of COVID-19. Their work in regards to the physical interaction with children and families, when dictated by the case, was even more difficult due to the lack of masks and other protective equipment of those families, but also due to their low awareness of the dangers posed by the spread of the virus.

In terms of infrastructural, financial and human resources, the CPW encountered deficiencies to allow them to fulfill their role and functions during the pandemic. CPUs have insufficient resources for case management in normal situations, even more so in emergency situations.

However, efforts were made by local self-government units to prioritize interventions and optimize resources. CPUs do not have a special fund, but through a decision of the municipal council, the amount of the emergency fund was doubled, and priority was given to support families in need, at least to meet basic needs. Planning a more adequate fund would ensure meeting the specific needs of children, as part of case management schemes and their families and not just basic needs.

The most problematic was the situation in the municipalities affected by the earthquake, like the municipalities of Durrës and Lezha, which had more difficulties and shortcomings, because they had just overcome the emergency situation caused by the earthquake and had homeless children and families. Therefore, the implementation of anti-COVID measures, in these cases, was even more difficult. On the other hand, it's important to emphasize that smaller municipalities have limited resources which raises additional difficulties to adopt immediate solutions to respond to emergency situations.

However, a great deal of help has been offered and provided by civil society and non-profit organizations, which, in addition to support by the state, have been able to meet the specific needs of children in need of protection and their families. The CPU and the SSS directorate were the units that had complete information about the children and were

aware of the specific needs of the children whose cases they managed, as well as the needs of their families. For this reason, they played a coordinating role in the effective use of additional resources made available by civil society organizations, and accompanied teams in the field to distribute them to ensure that needs were met.

In terms of lessons learned from pandemic situation management and case management of children in need of protection during that period, all participants from CPUs and social care service units at the local government level agree that it is the time that these structures begin proper preparations to properly cope with any emergency situation they may face in the future. They are front-line workers in any emergency situation and should be treated as such, despite not being referred to as such during the pandemic situation.

Regardless of the characteristics of the emergency situation, child protection must be provided at all times, and must be a primary consideration not only for the CPU but also for all support units and services. Children in need of protection need personalized support and services, according to their needs, and not just help to meet basic needs.

First of all, CPUs need to strengthen their capacities and have more funds and tools available to manage the cases of children in need of protection even in ordinary situations. Moreover, in emergency situations this need increases, and the consulted groups find that the CPUs and support structures are not prepared to manage emergencies in common situations, even less so in emergency situations.

In these circumstances, it is necessary to provide emergency protocols, as well as emergency funds which should be activated automatically in such situations. These protocols should include not only the work processes related to the role of the CPU, but also all other stakeholders involved in the management of cases of children in need of protection and beyond. Emergencies require immediate mobilization of all stakeholders and resources. Otherwise, taking action on the usual administrative method takes time and causes delays which can lead to serious and irreparable consequences.

CPUs also identified the need for training as they were not able to provide psycho-social assistance to the child of the family or meet basic needs. CPWs were unprepared while having to manage personal and family situations affected by the pandemic. They exchanged good information and experiences with colleagues serving in municipalities or other administrative units and, when necessary, sought the assistance of the SARPC. Only in the municipality of Tirana, with the support of the WHO office and UNICEF and in cooperation with MoHSP, online trainings were organized and 27 employees were trained on the topic “Mental health and psycho-social support in emergency situations”. This training can be extended to CPWs that serve in municipalities and other administrative units throughout the country.

This situation dictated the need for the existence of an emergency unit, similar to that consisting of specialists against fire, flood or other natural disasters. This unit may operate in CTG format and should consist of at least 1 person from each service involved in child protection, who should be identified and trained in advance to provide appropriate case management support for children in need of protection, including psycho-social support in emergency situations.

### III. Main findings

Measures taken by the state throughout the COVID-19 pandemic have raised questions around the world about their proportionality and the consequences for the rights and protection of the child. The pandemic situation, in addition to eventual effects is predicted to have effects extending over time, which no one is yet able to assess.

This report aims to reflect, as much as possible, the impact to the rights of the child of the selected measures consisting of normative acts issued in the framework of the pandemic. These normative acts were related to the right and access to education, justice, as well as to social care services for children in need of protection. The assessment reflects also the perspective of the children themselves, as well as other actors involved.

The assessment of the countries involved in the CRIA exercise was carried out while the most emergent phase of the situation management has passed, while some of the assessed measures were still in force. Sooner or later, we may find ourselves again in an emergency situation due to COVID-19 virus, or for some other reasons. Therefore, the CRIA report, through its findings, aims to identify the shortcomings in the decision-making during this period, and to provide recommendations for a more adequate management of emergency situations in terms of guaranteeing the rights and protection of the child at all times.

Despite the low risk posed to the health of children by the virus, the closure of schools, distancing from friends, and lifestyle change negatively impacted their well-being. Some children were at greater risk due to increased abuse and domestic violence triggering factors, including the parents' difficult social and financial circumstances. The existing disparities among children were further exacerbated by the situation resulting from the virus and measures imposed in that regard, particularly for children living in poverty or in remote areas. On the other hand, we are pleased to acknowledge that the resilience of the children, as per the data collected by their answers, is remarkable. Furthermore, there are no differences between the children living in the rural and urban parts of the country. However, further thought must be given on the level of awareness that the children should have with respect to potential and additional issues that have impacted them.

Measures taken in the context of the pandemic include not only restrictive measures but also other complementary measures. Complementary measures were numerous and, in the view of the measures selected in the framework of this assessment, it is worth mentioning the provision of offering assistance at home for the families in need, providing the benefit of financial assistance to the employees of the private sector, the benefit of financial assistance for the employees that were laid off work as a result of the COVID-19 situation and other measures that contributed somewhat to alleviating the consequences of the COVID-19 situation.

An important component of complementary measures is also the review of budgets. Budget review is a complex process which also requires adherence to certain procedures. During the pandemic period, the law on the budget for 2020<sup>48</sup> was revised and through DCMs issued in different periods, the additional fund in the approved budget for MoHSP was approved from time to time. The anti-COVID-19 fund, in the amount of ALL 2,500 million (equivalent to approximately EUR 20 million) was fully used by the MoHSP, according to the details of the relevant DCM<sup>49</sup> that defined the use for public health services, secondary care services, national emergency service, as well as for capital and current expenses for situation management. Additions to the budget were also approved for the Ministry of Defense for the establishment of infrastructure for quarantine service, as well as for the Ministry of Tourism and Environment to cover the accommodation costs of repatriated persons.

No additional budget or details of budget items aimed at the protection of the children's rights have been noticed. Only the local self-government units doubled the emergency fund used for groups in need, including children in need of protection and their families. However, financial resources were insufficient and clearly not in line with the needs of a family, making reference to minimum living standards.

Additional activities related to the training of CPU staff and social care service professionals in LSGUs, as well as the training of teachers and psycho-social service staff in schools were funded mainly by development partners, and to a very small extent by budgets of institutions. For this reason, it was only the employees of the municipality of Tirana who received the training, but not the employees who served in 60 other municipalities of the country, even though these employees needed this training as much.

Under the conditions of emergency, and to some extent, because of unpreparedness and panic, state institutions rushed to adopt acts which aimed primarily at protecting health through the implementation of restrictive measures, in order to prevent the spread of the virus. These acts were issued by bypassing the normal procedures of planning,

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<sup>48</sup> Law No. 88/2019 "On 2020 budget";

<sup>49</sup> DCM No. 249, dated 27.03.2020 "On details and manner of use of the Anti-COVID fund-19"

evaluation, drafting and consultation of a normative act, and in some cases exceeding the decision-making legal competencies which in fact belonged to the area of responsibility of another institution. Thus, was the decision of MoHSP<sup>50</sup> to close educational institutions while the activity and governance of the pre-university education system is the responsibility of MoESY and vocational education is the responsibility of MoFE. Also, an order<sup>51</sup> approved by the MoJ regarding the taking of measures in the IECD to prevent the spread of the virus had a health protocol as an integral part and such order was not co-signed by the PHI/MoHSP. Therefore, this shows the lack of coordination between the Ministry of Justice and the Ministry of Health for the approval of professional medical protocols. Moreover, the Reopening Strategy<sup>52</sup> drafted by the Ministry of Health and the Institute of Public Health did not include any provision for IECD, while providing rules for various institutions according to the nature of these institutions.

The Ombudsperson institution believes that challenges in complying with the national and international standards, while adopting the emergency measures, were present all over the world. However, a better understanding of the principle of proportionality and no harm is important to be explored, understood and then implemented. Inclusion of such concepts in the curricula of education shall contribute to create a more just and resilient society in the future.

Another important finding relates to the fact that some adopted normative acts and measures taken in the context of the pandemic situation caused by the COVID-19 virus did not contain provisions intended for children even in cases when their implementation directly or indirectly affected their rights and protection as in the case of normative act with the force of law on the temporary stay at home of convicts. Relevant institutions did not address sufficiently the category of children in conflict with law and did not uphold the best interest of the child and their protection in the process of designing and implementing acts and plans in response to the pandemic, despite statements and guidance documents of international organizations. Moreover, such acts were not accompanied with additional budget allocations.

Albania showed no compliance with the principle of using detention only as a measure of last resort as well as the international recommendations on releasing all children who could be safely released and instituting a moratorium on new children entering detention

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<sup>50</sup> Order no. 135 of Minister of Health and Social Protection, dated 09.03.2020 "On closing of educational institutions to prevent the spread of COVID-19", as amended available at <https://shendetesia.gov.al/wp-content/uploads/2020/03/Urdher-135-Per-Mbylljen-e-Instit-Arsimore.pdf>

<sup>51</sup> Order no. 92 of Minister of Justice, dated 09.03.2020 "On taking measures in the General Directorate of Prisons and institutions for the execution of criminal decisions to prevent the spread of COVID-19

<sup>52</sup> [https://shendetesia.gov.al/wp-content/uploads/2020/01/Covid\\_Strategjia-e-rihapjes.pdf](https://shendetesia.gov.al/wp-content/uploads/2020/01/Covid_Strategjia-e-rihapjes.pdf);

facilities. The fluctuations in the number and status of children serving at the Juvenile Institute of Kavaja, as reflected in this report, supports such finding.

Exceptionally, the acts adopted by MoESY, also due to the nature of these acts related to student education, purposefully targeted children and attempted to guarantee their right and access to education during the pandemic. These acts have been continuously revised depending on the situation, and were based on comprehensive approaches that take into account the consequences on the child's psycho-emotional situation, thus achieving a wide range of children's access to distance education, ongoing support for teachers and the level of high student satisfaction. However, the acts issued in relation to distance learning did not target specific categories of children even though the available means and platforms were designed to reach out to a wide geographical area.

#### IV. Recommendations

The risk from the virus is not over yet. Moreover, the economic and social consequences of the pandemic will be present for a longer period of time, affecting both the rights and the protection of the child. Guaranteeing the rights and protection of the child is a state responsibility of paramount importance and as such should be adequately addressed. While the pandemic situation found almost all countries unprepared, the recommendations of this report aim to raise awareness of the institutions responsible for taking measures and carrying out appropriate preparations, in order to respond effectively to emergency situations, such as in the case of a pandemic.

The recommendations in the framework of this assessment suggest the proper fulfillment of the institutional responsibilities of all authorities involved in accordance with and in implementation of the principle of the best interests of the child. More specifically, all normative acts should provide for specific regulations in all cases affecting the rights and protection of the child, directly or indirectly. The implementation of those regulations requires also adequate budgeting to ensure their proper implementation.

The *ministries responsible for health, education, and justice*, in compliance with Article 39/c of the Child Rights and Protection Law, that requires them to accompany any draft law or draft normative act they put forward with an analysis of its potential impact on children, boys and girls, should pay special attention to the protection of children and their rights in all acts they issue or propose to the *Council of Ministers*, aiming to regulate common situations and in particular, emergency ones.

In the framework of the integrated protection system approach as defined in the law on the rights and protection of the child, the adoption of normative acts in all areas and especially in those of social welfare, education, health, safety and justice should prevent as much as possible the risks arising from the emergency situation.

Responsible involved institutions, at central and local level, should take concrete measures for cooperation, division of responsibilities and coordination at all levels, between state actors, as well as non-state ones. In the context of emergency situation preparedness, it is recommended to draft, consult, approve and budget emergency plans that will automatically take effect in such situations, and ensure the fulfillment of rights and protection of the child at all times, and particularly in emergency situations that put them at increased risk.

It is important to increase capacity in all areas, and to prepare responsible involved structures at the central and local level, in order to gain skills for managing emergency situations in accordance with the standards of guaranteeing the rights and protection of the child and the importance of the situation.

In these circumstances, it is necessary that *LSGU* adopt emergency protocols, as well as emergency funds which should be activated automatically in such situations. These protocols should include not only the work processes related to the role of the CPU, but also all other stakeholders involved in the management of cases of children in need of protection and beyond, most notably structures of social services, police, education, health and justice. Emergencies require immediate mobilization of all stakeholders and resources. Otherwise, taking action on the usual administrative method takes time and causes delays which can lead to serious and irreparable consequences.

In relation to children in conflict with the law, it is recommended that *Ministry of Justice and competent bodies/participants in administering criminal justice for children processes*, propose and take measures in the spirit of child-friendly justice, whether for children in conflict with the law, victims and/or witnesses. Measures should include the provision of appropriate care, protection and their safe return to their families. In the process of drafting and implementing plans in response to emergency situations, the protection of children as a separate group should be considered as a priority, and restrictive measures should provide for a differentiated approach to the management, rehabilitation and reintegration of children.

## V. Plans for continuation

Throughout the pandemic situation the institution of Ombudsperson and the Section for Protection and Promotion of Children Rights has actively published on its official website and social media platforms valuable and up-to-date information in regards to the situation related to pandemic, using a child-friendly language. In addition, it has reached out to relevant institutions to convey the recommendations issued by international organizations in relation to child rights during COVID-19 situation.

In the framework of its dual role as protector as well as promoter of human rights and in particular of children's rights, the Ombudsperson institution has created a consolidated

experience regarding cooperation with state institutions at central and local level. Based on this cooperation, the data provided under this report as well as the findings and recommendations will be further communicated to all institutions referred to in this report. Furthermore, they will be communicated to the participants in this report as well as to children and young people across the country.

During the pandemic, this institution took to monitoring of the adherence to the children rights to another level, by intensifying the inspections nationwide, supported also by UNICEF Albania. Some of the finding from these inspections as well the preliminary findings of this report were already translated into recommendations addressed to Ministry of Justice, Ministry of Health and Social Protection, Ministry of Education and Sports, their subordinated institutions and to Local Self-Government Units. The recommendation issued by OP is the institutional instrument for communicating with public institutions on corrective measures to be taken when rights of children have been violated in the view of its mission to protect the rights, freedoms and legitimate interests of the individual from illegal and irregular actions of public administration bodies.

Measures taken in response to the situation caused by COVID-19 have been adopted at various levels. These were mainly orders and instructions of ministers according to their area of responsibility, but there were also some decisions of the Council of Ministers and acts approved by the Parliament, as well as acts of local self-government units and municipal councils.

First of all, this report will be sent and presented to the members of Parliament group “Friends of Children” that is established within the Parliament of Albania, which is a voluntary union of members of Parliament, regardless of political affiliation, whose mission is to promote state initiatives and actions for support and protection of the rights of the child. In September 2021, in Albania, the new legislature of the Parliament resulting from the elections of April 2021 began its work. In the framework of the role and constitutional functions of the members of Parliament to ensure special protection of children and implementation of international instruments in the field of the rights of the child, the communication of this report to the “Friends of Children” is a good opportunity to reinforce the importance of protecting and promoting the rights of the child, as well as the role that the Parliament, and all institutions have to guarantee them.

The Ombudsperson institution will prepare thematic summaries of this evaluation report to be presented to the responsible institutions, including line ministries and local government units. Furthermore, if needed, it will prepare recommendations, as an institutional instrument, to address certain issues that require special attention in the forthcoming period.

The Ombudsperson institution will also prepare a summary of the main findings of the report, in a language that is simple and understandable to children. The material tailored in an appropriate form and language will be presented to the children participating in this assessment, as well as other children.

The distribution of the report will be done in accordance with the Strategy of Ombudsperson institution and its Section on the Protection and Promotion of Child Rights, and the Action Plan 2019-2022<sup>53</sup>. The activities planned under this document will also serve to present the findings and recommendations of the report.

In cooperation with the local government, the Ombudsperson has established 7 (seven) regional offices in the cities of Shkodra, Fier, Berat, Saranda, Kukes, Pogradec and Dropull. These regional offices will also serve to communicate the report to the respective regions including local self-government units, local education offices and educational institutions.

Online communication platforms, such as the Ombudsperson institutions official website and social media accounts, shall be used in support of proper communication of the report. Interviews and invitations of Ombudsperson officials to the audiovisual and print media will also be used as an alternative means of communicating the findings of the report to a wide public.

This report will be part of a main report issued by ENOC during 2022, providing information also on the situation in other countries participating in this exercise.

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<sup>53</sup> <https://smpdf.avokatipopullit.weather.al/sample-page/strategjia-per-te-drejtat-e-femijeve/>

**i Annex A**

Question 9: If you were consulted about the decision to close the school, were you for or against the decision to close?

	Total number of students included in the survey		Rural		Urban		Female		Male	
	Pros	Against	Pros	Against	Pros	Against	Pros	Against	Pros	Against
12 - 15 years old	500	515	232	276	268	239	287	322	213	193
	33.4%	34.4%	15.5%	18.4%	17.9%	16%	19.2%	21.5%	14.2%	12.9%
16 - 18 years old	227	255	92	142	135	113	138	192	89	63
	15.2%	17.0%	6.1%	9.5%	9%	7.5%	9.2%	12.8%	5.9%	4.2%
Total	727	770	324	418	403	352	425	514	302	256
	48.6%	51.4%	21.6%	27.9%	26.9%	23.5%	28.4%	34.3%	20.2%	17.1%

**ii Annex B**

Question 12: Do you have information on whether or not schools in other parts of the country or other countries have been closed as part of the pandemic situation?

	Total number of students included in the survey		Rural		Urban		Female		Male	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
12 - 15 years old	709	306	350	158	359	148	439	170	270	136
	47.4%	20.4%	23.4%	10.6%	24.0%	11%	29.3%	11.4%	18.0%	9.1%
16 - 18 years old	348	134	173	61	175	73	244	86	104	48
	23.2%	9.0%	11.6%	4.1%	12%	4.9%	16.3%	5.7%	6.9%	3.2%
Total	1057	440	523	219	534	221	683	256	374	184
	70.6%	29.4%	34.9%	14.6%	35.7%	14.8%	45.6%	17.1%	25.0%	12.3%

### iii Annex C

Question 14: How satisfied are you with online learning?

	Total number of students included in the survey	12 - 15 years old	16 - 18 years old	Rural	Urban
Not Satisfied	176	82	94	93	83
	11.8%	5.5%	6.3%	6.2%	5.5%
Not at all Satisfied	192	126	66	95	97
	12.8%	8.4%	4.4%	6.3%	6.5%
Very Satisfied	215	156	59	106	109
	14.4%	10.4%	3.9%	7.1%	7.3%
Satisfied	455	349	106	228	227
	30.4%	23.3%	7.1%	15.2%	15.2%
Neutral	459	290	169	220	239
	30.7%	19.4%	11.3%	14.7%	16.0%

### iv Annex D

Question 17: What are the difficulties you encounter during online learning?

	Total		Rural		Urban	
I did not have the necessary equipments to attend classes regularly	248	16.6%	136	9.1%	112	7.5%
I needed the help of my parents to communicate with the teacher and realize the connection to the e-Learning platforms	171	11.4%	68	4.5%	103	6.9%
I had difficulty listening and communicating due to the lack of knowledge and not following the rules of communication in online learning and / or due to interruptions in the internet connection.	310	20.7%	164	11.0%	146	9.8%
I had difficulty adjusting to the new routine	446	29.8%	213	14.2%	233	15.6%
I could not easily follow the learning program	243	16.2%	114	7.6%	129	8.6%
I was not productive in acquiring new knowledge introduced during online learning	194	13.0%	85	5.7%	109	7.3%

During the online learning process, the focus was on scientific subjects such as mathematics, language, physics, etc.	137	9.2%	62	4.1%	75	5.0%
During the online learning process, social subjects such as history, geography, social education, foreign languages did not receive the necessary attention.	138	9.2%	63	4.2%	75	5.0%
During the development of the online learning process, the acquisition of exact science subjects was more difficult than the social sciences.	254	17.0%	120	8.0%	134	9.0%
I missed interacting with friends	474	31.7%	237	15.8%	237	15.8%
Other	205	13.7%	102	6.8%	103	6.9%