

IMPROVING CHILDREN RIGHTS MONITORING MECHANISMS AROUND WESTERN BALKAN REGION

July 2021



This report on children rights monitoring mechanisms around Western Balkan region, was prepared by the “Observatory for Children and Youth Rights” in partnership with Macedonian Center for Women’s Rights – Shelter Center and Network of Roma, Ashkali and Egyptian Women’s Organization in Kosovo (NRAEWOK), with the support of Western Balkans Fund (WBF). The opinions and views expressed in this report are those of the authors’ team and do not necessarily reflect those of the “Western Balkans Fund”.

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Observatory for Children and Youth Rights was partnering in one of the regional projects funded by WBF and finds the opportunity to cooperation in the regional level tremendously important to push forward the reconciliation processes around the Balkans.

Overall objective this action is to contribute to regional cooperation, and strengthen regional cohesion in the WB6 region. The specific objective of this project is to introduce the Observatory initiative in two countries of the region: North Macedonia and Kosovo*; and to increase knowledge and skills of CSOs activists concerning access to information on the implementation of children's rights. Through this cooperation we aim to expand our experience in children's rights in the region.

Our work as an observer structure, based on local level is an extended hand to civil society, policy makers at central, regional and local level as well as the interest of the public officials that continuously provides assistance to them in implementing children rights. Within this initiative, we introduced our successful experience between Western Balkan countries by closely cooperating with Network on Roma, Ashkali and Egyptian Women's Organization in Kosovo (NRAEWOK) and Macedonian Center for Women's Rights – Shelter Center, North Macedonia. We strongly believe in our cooperation with NRAEWOK in Kosovo, also referring to the e large number of school dropout children in Kosovo by Roma, Ashkali and Egyptian kids and local authorities lack in data to follow up with the condition of the literacy of these kids. While, the close cooperation with Macedonian Center for Women's Rights – Shelter Center has consisting in reading the local and national data about children situation in Macedonia, referring to this partner history in women's and family rights agenda. We trust that our initiative that has included many different experts in Balkan regions, could be a good 'starting point for push forward this initiative in other countries.

Regional cooperation lies at the very foundation of the whole structure of European Union and is a model that has provided itself exceptionally successful, particularly in such a diversified milieu as Europe is. Countries once part in one state and now neighbouring countries tied historically and geographically to each other, the Western Balkan countries have no other choice but to cooperate among themselves. Furthermore, all these countries are small in their respective territorial coverage, population, economies and resources and thus it is in the best interest of them all to unite their potentials and act as regional partners rather than individual players.

As a fundamental impact is to continue endorsing European standards with a bottom-up approach where all the stakeholders are involved. Being Albania one of the first countries to enhance Observatory's strong presence on the ground that continuous to be an important advocate with government authorities to enhance local measures to address the needs of children and families, especially from vulnerable backgrounds, - gives the credibility to the action that similar initiatives can be successful in other countries.

In all three WB countries part of this initiative, we continue to face early marriages and this comes among others, as a result of poor economy. Organizations in the region like NRAEWOK has conducted segmented projects that tried to identify issues that push forward early marriages and its effects on the issue of security and protection of juveniles from the realization of underage marriage for trafficking, exploitation or any other form other abuse. However, having segmented projects with limited funds made these issues

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

underdeveloped and existence of mechanisms to follow-up non-existent. While, the Observatory through a close cooperation in so many years managed to become part of the promotion and actions for adolescent girls to leave free from violence and early marriage. So far cooperation with the Observatory has been successful and with concrete commitments. The real impact of this initiative is to bring up the need to all two countries that a mechanism like Observatory Albania is needed.

A tactical experience sharing document was developed. The mentoring program in this project was Peer-Mentoring or mentoring program on a same experience level. This means that all participants in this program are professionals in their field of work and the ultimate mentoring goal was to exchange information and data collection among in-country institutions and information sharing on the regional level. Nine (9) indicators were selected to collect data in all 3 countries in 2 different municipalities for each country. Through these indicators we observed what is the process of data collection in 3 countries. Trainings with CSOs and activists from the partner countries were conducted.

ALBANIA

Children's rights are always sensitive issues for a country's society and institutions. Good governance for children must also address the root causes of the lack of public sector responsiveness to children. The place to examine the quality of good governance from a children's perspective is in the points of contact between children and the state.

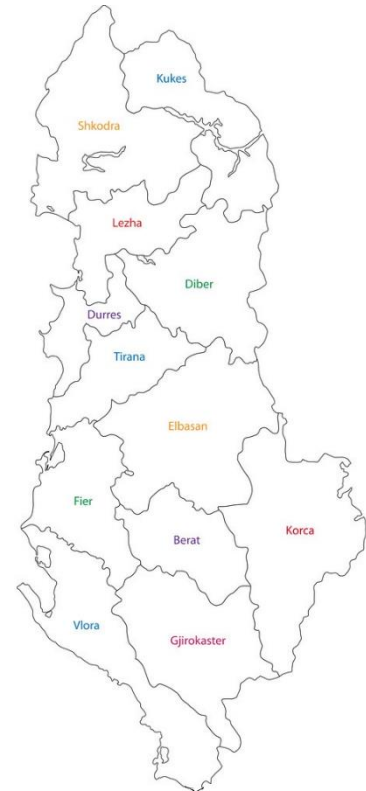
Protecting and promoting the well-being of children is not merely a moral imperative but also a pragmatic one. Failure to do so may cause increased risks across a wide range of outcomes later in life of child, as well as that of their communities and countries.

The Albanian government has undertaken and is implementing a broad and complex social policy reform, aimed at strengthening institutional mechanisms to monitor and report on the realization of the rights of the child. The UN Convention on the Rights of the Child (CRC), which Albania ratified in March 1991, guides law reform and lead to adoption of Law No. 10347, dated 4.11.2010, 'On the Protection of the Rights of the Child'. This law lays the foundation to establish effective institutions to ensure that the rights of all children are protected and respected by individuals, families and the state. Despite the achievements, it is particularly important to ensure that specific laws are part of this integral Law, while social policies and respective strategies are inclusive.

Key data of Albanian report are produced by central and local public institutions, such as the National Institute of Statistics (INSTAT), Ministry of Internal Affairs , Ministry of Health and Social Protection, Ministry of Education, Sport and Youth, Institute of Public Health, General Directorate of Pre-University Education, all subordinate institutions in local level and the Municipalities.

The institutional mechanisms for the rights of children in the Republic of Albania are as follows:

- 1- Institutional advisory and coordination mechanisms are:
 - the National Council for the Rights and Protection of the Child, at the central level;
 - the inter-sectorial technical group at the municipality or local administrative unit level.
- 2- The structures for the rights and protection of the child at the central level include:
 - the minister coordinating action for issues of rights and protection of the child;
 - the State Agency for the Rights and Protection of the Child.
 - any minister responsible, by respective area of competence, for the rights and protection of the child.
- 3- The structures for the protection of the child at the local level include:
 - the municipality
 - the structure responsible for social services at the municipality;



- the child protection unit attached to the structure responsible for social services at the municipality;
- the needs assessment and referral unit attached to the municipality or administrative units;
- the child protection worker attached to the child protection unit and the needs assessment and referral unit.

Observatory for Children and Youth Rights selected as a municipality for data collection the municipality of Shkodra (North part of Albania) and the Municipality of Korça (Southeastern part of Albania).

1. Municipality of Shkodra historically known as Scodra or Scutari, is the fifth most populous city of the Republic of Albania. It is one of the most ancient cities in the Balkans and exerts strong cultural, economic and religious influences in Northern Albania. The total population is 135,612 (2011 census), in a total area of 911.84 km² (352.06 sq mi).
2. Korçë is the eighth most populous city of the Republic of Albania. The total population is 75,994, in a total area of 806 km².

To make the data collection process comparable in the partner countries in this project, 3 questions were asked.

- How is the process of data collection regarding the indicators for child rights? How do you deal with difficulties and obstacles you may encounter?

The Observatory for the Rights and Youth Rights has conducted several field visits and meetings in the respective municipalities of the project, to enable the collection of data about the targeted indicators. We noticed that the data we were interested in collecting from local institutions (health, social protection and education) were not part of the public information on the relevant websites of these institutions. As the Observatory has a long experience of investing in the issue of children's data, some of the data from previous years were based on the Observatory databank. Due to the pandemic situation both in the country and throughout the region, the data collection process encountered difficulties and delays due to delayed responses from relevant local institutions.

- How is functioning the child protection mechanism in your country?

The mechanism for the protection of children's rights in the Republic of Albania over the years has managed to realize successful steps, but in the meantime there are still issues at the local level that still needs attention and energy for being better address, such as: identification of out of school children at the first class registry and the children of risk dropping out, well addressing cases at risk of early marriage, taking immediate action in cases of trafficking or exploitation for work or child begging, and many other issues. We note that in most institutions at the local level, detailed statistics are kept about child protection. However, it is noticed that there is still a lack of reporting and documentation regarding the indicators that are divided according to age groups, gender, vulnerability, place of residence, etc.

- How will be defined the role of CSO in improving the child right mechanism?

The Observatory mission is to ensure the dignity and well-being of children and youth across Albania through observation, research and analysis, communication and advocacy, by collaborating with other stakeholders/ institutions; and by engaging in public awareness and education campaigns. Through its representatives at the sub-national (regional) level and in collaboration with local government units in municipalities and administrative unit, the Observatory manage statistical information from administrative records of health, education, social protection and other local authorities.

CSOs can hold states to account for realising children's rights and can advocate for positive change for children in policies, laws, programmes and budgets in central and local level. It can also promote, raise awareness of and build capacity on children's rights. In many countries, civil society helps to deliver basic services for children and it can also be a watchdog to ensure equal access to services and adequate standards of quality across the continuum of development and humanitarian contexts.

Civil society can support the participation of girls and boys in governance as active citizens and agents for positive change in their societies. Children's opportunities to improve their own lives and to drive their own agendas are connected with the strength and diversity of civil society which at its best provides multiple opportunities for self-expression, dialogue and exchange for children and adults alike. It is vital to have diverse spaces and places where people, including children, can come together to argue constructively, find possible points of consensus and work collectively. This pluralist vision is only possible when there is a wide range of civil society organisations, movements and individuals that are able to act freely. Children have the right to be heard, they want to be heard and we need them to speak out to better understand and respond to their situation.

Children's rights are rights within human rights with special attention to the rights of protection and special care given to minors. A number of institutional mechanisms have been set up at the global, regional, central and local levels to protect and promote children's rights. Civil society organizations play an important role in effectively protecting and promoting children's rights. While institutional counseling and coordination mechanisms and structures for the rights and protection of the child aim to provide the child with a safe environment and services necessary to ensure well-being, civil society organizations are promoters and promoters of the implementation of commitments in the function of rights. of children. The role and work of civil society organizations is very important in the field of children's rights, closely monitoring and cooperating in the field of awareness, lobbying and advocacy with actors responsible for the realization and guarantee of child protection. Civil society works closely with the community and monitors their needs to decision-making and policy-making bodies. Through community work and listening to children's voices, civil society works with children and the whole group of actors that affect their lives, such as parents, teachers, doctors, psychologists, social workers, employees of the child protection unit, etc.

KOSOVO

Network of Roma, Ashkali and Egyptian Women Organizations in Kosovo (NRAEWOK) as part of the regional initiative “Improving children rights monitoring mechanisms around Western Balkan region” led by Observatory for Children and Youth Rights, and funded by WBF found tremendously important to push forward the reconciliation processes around the Balkans. Through this cooperation, NRAEWOK has learned a lot how as observer structure, based on local level is an extended hand to civil society, policy makers at central, regional and local level as well as the interest of the public officials that continuously provides assistance to them in implementing children rights. NRAEWOK through other initiatives managed to track a large number of school drop out in Kosovo by Roma, Ashkali and Egyptian kids and local authorities lack in data to follow up with the condition of the literacy of these kids, but NRAEWOK still lacks on advocate role with government authorities in local and central level that will enhance local measures to address the needs of children and families, especially from vulnerable backgrounds.



The institutional mechanisms for the rights of children in the Republic of Kosovo are as follows:

1. Institutional structure and mechanisms at the central level are:
 - People's Advocate
 - Relevant ministries according to the field they cover, in relation to the rights of the child;
 - The relevant unit for good governance, within the Office of the Prime Minister;
 - Inter-Ministerial Committee on the Rights of the Child;
 - Council for the Rights of the Child;
2. Institutional structure and mechanisms at the local level are:
 - Municipality;
 - Relevant department according to the field they cover in relation to the rights of the child;
 - Center for social work;
 - Child rights team;

NRAEWOK conducted a research in two municipalities which are:

1. Ferizaj which is located in south-eastern Kosovo, about halfway between Prishtina and Skopje, North Macedonia and
2. Shtime, located in the Ferizaj District of Kosovo.

Municipality of Ferizaj in terms of population is quite diverse with Albanian community at 95%, Serbs 1,7% and Roma, Ashkali and Egyptian 2,5%.

The town of Shtime has 7,225 inhabitants, while the municipality has 27,324 inhabitants. Whereas, Albanian community is 96.8%, Serbian community 0,18% and Roma, Ashkali and Egyptian make 2,8% of the overall population in Shtime.

- How is the process of data collection regarding the indicators for child rights? How do you deal with difficulties and obstacles you may encounter?

NRAEWORK faced some obstacles in the collection of data for most indicators and these obstacles were encountered more in the Municipality of Shtime - *where for some indicators no data was provided*. Despite the persistence of the NRAEWORK staff involved in this initiative, to have an institutional response with a reason for not providing data for these indicators, *even today we still do not have an official communication with the reason why this data is not provided or collected from the institutions of the Municipality of Shtime*.

- How is functioning the child protection mechanism in your country?

The mechanism for protection of the rights of the children in the Republic of Kosovo has been developed a lot so far and still is are working on its further upgrading. In most institutions, statistics are kept on data related to child protection. However, a large number of data missing by age, gender, vulnerable category, etc. are still missing.

- How will be defined the role of CSO in improving the child right mechanism?

Civil society can hold states to account for realizing children's rights and can advocate for positive change for children in policies, laws, programmes and budgets. It can also promote, raise awareness of and build capacity on children's rights. In many countries, civil society helps to deliver basic services for children and it can also be a watchdog to ensure equal access to services and adequate standards of quality across the continuum of development and humanitarian contexts. Civil society can support the participation of girls and boys in governance as active citizens and agents for positive change in their societies. Children's opportunities to improve their own lives and to drive their own agendas are connected with the strength and diversity of civil society which at its best provides multiple opportunities for self-expression, dialogue and exchange for children and adults alike.

NORTH MACEDONIA

Macedonian Center for Women's Rights – Shelter Center as part of the regional initiative "Improving children rights monitoring mechanisms around Western Balkan region" led by Observatory for Children and Youth Rights, and funded by WBF considered this initiative as an important opportunity to unify the collection of data on children in the Western Balkans region.

The mechanism for protection of the rights of the children in the Republic of North Macedonia has been developed a lot so far and still is are working on its further upgrading. A specialized law that deals with the rights of children in the Republic of North Macedonia is the Law on Child Justice. This law was first adopted in 2013, and to date there are two amendments in 2019 and regulates the treatment of children at risk and children perpetrators of acts provided by law as crimes, determines the conditions for application of measures of assistance, care and protection, educational and alternative measures and punishment of children and younger adults, the position, role and competence of the bodies participating in the treatment of children and the execution of educational and alternative measures and punishments.



The goals of the Law and its application are realization of priority interest and protection of children from crime, violence and any form of endangerment of their freedoms and rights and their proper development, protection of children perpetrators of acts provided by law as criminal offenses and from the return of such offenses, their socialization and re-education, assistance and care for children and protection in court proceedings and other bodies of their freedoms and rights guaranteed by the Constitution of the Republic of North Macedonia, the Convention on the Rights of the Child and other international agreements on the position of children, ratified in accordance with the Constitution of the Republic of North Macedonia.

Competent institutions dealing with children rights in the Republic of North Macedonia are:

- Center for Social Affairs;
- Ministry of Interior; and
- The courts - the competent court is a judge for children and a council for children;
- The public prosecutor's office;
- The institutions for execution of sanctions for children.

Macedonian Center for Women's Rights – Shelter Center conducted a research in two municipalities

1. Municipality of Skopje the capital and largest city of North Macedonia. Skopje has a population of 428,988 inhabitants in its urban area and 506,926 in ten municipalities that form the city.
2. Municipality of Gevgelije with a population of 15,685 located in the very southeast of the North Macedonia along the banks of the Vardar River, situated at the country's main border with Greece.

- How is the process of data collection regarding the indicators for child rights? How do you deal with difficulties and obstacles you may encounter?

Macedonian Center for Women's Rights – Shelter Center did not face any serious obstacles in collecting the data for most indicators. Most data are publicly available on the websites of the relevant institutions. Those that were not available were obtained with the help of non-governmental organizations working to protect the rights of children. For more specific information, the Shelter Center goal was to address a Request for access to public information to the competent institution that has the type of data that we lack. We were often faced with responses from the relevant institutions that the specific data on child protection are not recorded or collected. Also, some of the data the institutions didn't give to us without any explanation.

- How is functioning the child protection mechanism in your country?

The mechanism for protection of the rights of the children in the Republic of North Macedonia has been developed a lot so far and still is are working on its further upgrading. In most institutions, detailed statistics are kept on data related to child protection. However, a large number of data missing by age, gender, vulnerable category, etc. are still missing.

- How will be defined the role of CSO in improving the child right mechanism?

The role of the non-governmental sector in the Republic of North Macedonia in improving the mechanisms for protection of children's rights is crucial. With each project and public criticism from the CSOs, we press the relevant institutions to develop a broad and comprehensive data system that affects the rights of children. We believe that so far CSOs have made serious efforts to improve the system of protection of children's rights. But we have an even bigger struggle ahead of us in order to contribute to the collection of data by the relevant institutions on as specific data as possible that affect the rights of children. Because only with complete and detailed data on the violation of children's rights, the system can affect the improvement of the protection of children's rights.