

THE EVOLVING OF CHILD PROTECTION SYSTEM AND PRACTICE IN ALBANIA, FROM A THEMATIC APPROACH TOWARD A SYSTEM APPROACH

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Abstract

While several studies and authors define child protection work highly dominated by values and relationships, characterized by ambiguity, complexity and high uncertainties, there is no doubt that it naturally brings an intrinsic concern and interest of the public to understand how the familial and social relationships surrounding the child's world influence the safety and well being of the child.

The society in Albania has become much more complex and diffuse. Previous social structures, networks and relationships have marked a significant and dramatic change in the last two decades, since the fall of the communist system. When relating to social protection interventions, the multi-dimensional vulnerabilities of children in Albania are rarely addressed through an adequate framework including legal provisions, services, cross-sectorial responsibilities and the environmental conditions in which children and families are leaving.

This article reviews the focus of child protection work in the context of Albania in the last two decades through a critical review of key literature. The review forms part of a research project focused in exploring influencing factors of multidisciplinary work in the evolving child protection practice in Albania since the approval of the first law on the Protection of Children's Rights in Albania in 2010. The paper employs the documentary method of research with reliance on the secondary sources of data collection. The article will explore some key trends in main policies and models that have dominated the child protection work over the last twenty years. Finally, the discussion will draw some reflections and suggestions on how the child protection work in Albania is shaping from a fragmented and "ad hoc thematic" oriented work toward a more multidisciplinary and systemic approach to address risks toward child's safety.

Keywords: *child protection, child rights, multidisciplinary practice, the best interest of the child, social protection.*

Introduction

Importance of context in shaping child protection work in Albania

Child protection as a modern practice began to emerge in Europe by the last quarter of the nineteenth century, in a time of rapid and explosive transformation in the human experience of space and time, of conscience, home, work, social relations and the state (Ferguson, 2004). The response to child abuse varies widely throughout the world, depending upon culture, the designated systems mandated to intervene, and the individuals within those systems. In some countries, there is a dramatic engagement of various government entities to address the issue of child abuse; in others, the child abuse response is a collaboration between government entities and nongovernmental organizations; and in still others, there is very little—if any—attention to coordinating an effective response to child abuse, thus leaving children even more vulnerable. In countries where there is an institutional response, the systems designated to respond often include law enforcement, child welfare, and/or prosecutors or some similar type agencies established by the government to intervene in cases where children are being treated outside the cultural norms of the society (Newlin C & Doggett C, 2014). Traditionally, these responses have been undertaken in isolation from one another, with each agency focusing on the work necessary to meet its own mandates for investigating child maltreatment.

Institutionalized child protection practice is recognized to have started in Albania only after 1990's, as an expression of dramatic socio-economic changes that increased the vulnerabilities of families, children and higher risks of maltreatment and exploitation. Albania experienced a deep and harsh political and economic reform in the

1990s because of the fall of the existing communist system and the establishment of a democratic regime through the protection of individual rights and a free market economy (Maglajlic & Muca, 2007). In spite of the fact that before 1990, Albania officially was recognized as belonging to the former socialist bloc, in reality, it was an isolated dictatorship and a totalitarian system. The deep transition was associated by a total destruction of the whole economy, state institutions, the social safety networks, system and values of the society were deeply affected. Furthermore, high fluxes of Albanian emigrants left the country for “a better life” and went to western Europe, while simultaneously there were as well massive internal demographic movements of the population. The drastic change in the system “seriously affected the capacity of Albanian families to provide a protective and nurturing environment for their children (UNICEF& ADC, 2009). Such demographic shifts weakened traditional informal community-based protection networks that once assisted families to manage difficulties and other risks and created a sense of insecurity in people. On one side, these processes were “liberating” for the population living for almost fifty years under the dictatorship and simultaneously destabilizing safety nets for individuals, groups and different communities. The dominating feeling during those transition years was ambivalence and insecurity, reflecting the shaking of values, beliefs, norms, and social relationships. In those conditions, the sense of identity becomes problematic resulting in a great fear of personal and social breakdown (Martin C, 2008). Several concerning phenomena’s started to emerge during ‘90s, affecting children and families, such as: child trafficking, the selling of organs of children mainly in Greece and Italy, sexual abuse of vulnerable children receiving social services in daily centers and residential care institutions, child begging and exploitation.

After 1990s Albania started to reform the entire legislation and justice system and undertook first steps in addressing various concerns related to child abuse and other manifestations (Mandro, 2007). After ratification of the United Nations Convention on the Rights of the Child (UNCRC), European Convention on Human Rights (ECHR), reforms of the legal and justice system embraced a more qualitative approach in addition to quantitative dimension reflecting local realities in the country (Mandro, 2007). In spite of these efforts to build a comprehensive legal framework, the real practice addressing various concerns related to child abuse was characterized by a very narrow approach with limited impact in the life of the child. Most of services offered such as, emergency services, legal aid, psychosocial counselling and others were mainly funded and driven by the international donor community. The country suffered the lack of a functional system of child protection with a focus on prevention, protection, reintegration and support to children and families to overcome vulnerabilities.

Methodology

The basis of the full study was a detailed analysis of the child protection system in Albania, deployment of roles, responsibilities of various agencies stipulated by the law on the protection of children’s rights in Albania approved in 2016. The assessment of the child protection system is conducted based on a full in depth analysis following the evolvement of child protection practice and the set-up of the system across various agencies. This article is based on a comprehensive review of the key literature published in Albania in the area of child protection and it examines the process of how the child protection system embraced a system approach over years in Albania challenges and opportunities associating such process. In addition, six focus-group discussions with multidisciplinary teams were organized in six municipalities in Albania. The goal was to obtain the opinion of the public administration specialists on the needs and challenges related to child protection system as well as exploring ways on how to strengthen such approach in the country.

Evolvement of child protection system – from a thematic and fragmented approach toward system approach

The ratification of the Convention on Child Rights in February 1992 and prospects of Albania to join the European Union were strong drivers in stimulating joint efforts of government and non-government agencies in shaping the child protection work and broader programs in the area of child welfare and social protection in Albania. The so called “soft” or “social aquis”, more specifically, Social Policy and Employment and Justice, Freedom and Security clearly emphasized the need for a coherent social policy, clear anti-discrimination measures and an effective system of social protection (UNICEF, 2007). The period between 2000- 2010 is characterised by a number of studies and evidence based work undertaken in the area of child protection, child welfare system and child protection system in Albania. These studies influenced deeply in building more understanding around the issues, needs and ways forward in shaping the child protection system. The revision and analysis of key research work and studies conducted, shows that such system used a bottom up approach starting initially at local level and as well a an increased focus on using the the system approach in shaping the child protection work in the country. This is an important development and characteristic for Albania, because it clearly shows the benefit of using the field evidence

based work in informing policies and systems in addressing the phenomena of child abuse through a close collaboration between non-governmental agencies and public institutions.

The first comprehensive national study on the phenomena of child abuse enlightened society and raised public anxiety on the extent, character and causes of violence against children in Albania (UNICEF & HDC, 2006). According to the study, one out of three children in Albania experienced severe forms of physical and emotional abuse at home, schools and communities.

The first *opinion report* on the implementation of the first National Strategy for Children in Albania (2001), developed by the Committee on the Rights of the Child in Geneva, expressed the high concerns on lack of necessarily structures, financial and human resources allocated to allow the full implementation of national plans and models tackling the complexity of child protection. Furthermore, the report noted the fragmented approach in child protection and care services, adopted by Albania as well as, difficulties in multiagency coordination causing overlap or gaps in certain areas in child protection work.

Another important report undertaken by UNICEF office on the assessment of the child welfare reform in Albania highlights the need for reforming social care services in the view of establishing a proper system of child protective and welfare services as part of the broad system of social protection (UNICEF, 2007). In addition, the report noted a number of challenges for the government and areas for further development such as: i) establishment of a formal training in social work for all personnel of welfare services ii) allocation of adequate human and financial resources; iii) establishment of social care services at local level with a view toward community based and family based services; iv) strengthening of gate keeping functions at national and local level.

The analytical evaluation of perception study undertaken by a group of non governmental organizations revealed the traditional perceptions of child care personnel and parents on childcare and protection (BKTF, 2009). They considered parents as the providers of child security and interests, and that only in their absence other measures should be taken. However, the same traditional approach could also be understood that not only parents are responsible for their own children, but also that nobody should interfere in the way they raise and educate their children, because in a way parents “own” their children and have the right to act as they like while raising them as adults. In addition, another national study focused on the situation of children in street situation revealed the alarming situation of protection of children and the lack of a child protection system addressing the complexity of this phenomena in the country (UNICEF & MMSR 2014). Furthermore, another report undertaken on existing child protection services at local level, highlights that Albania was lacking a comprehensive legal and social framework, as well as good models and practices to protect children from all forms of violence and other types of abuses, at home, community and society in general (UNICEF, & Tdh, 2016).

Albania approved the first Law on the Protection of Children’s Rights in the Republic of Albania in November 2010. The law institutionalized the model of establishing child protection units at local level. The law framed roles and responsibilities of multiagency work across all sectors in implementing the multidisciplinary approach in preventing and protecting children from all forms of abuse. The model of child protection unit was initially introduced in Albania by UNICEF and a group of non-governmental organizations in Albania. The model entailed the employment of a social worker as the key case worker in coordinating various services in helping and supporting the child in need of protection. The institutionalization of this model in the main law on children’s rights was the first step toward a more systemic approach in setting up the child protection system.

Major efforts were put during the period 2000-2005, to combat the phenomena of child trafficking considered as one of the major protection issues for children in Albania. The Ministry of Justice and the Ministry of Interior took the leading role in addressing the problem through a strong control of boarders with Greece and Italy, as well as through reforms in the justice system. In addition, several programs mainly supported by international donors, aimed at assisting families and victims of trafficking through some short term economic aid, assistance and rehabilitation of victims of trafficking in shelters and daily centers.

While these programs provided some short-term support to children and families, they were not followed by long term interventions in the system to further support the reintegration of victims and mitigation of risks and threats to the safety of children. A number of reports highlighted that in spite of economic reasons, poverty, unemployment, inequality and marginalization, there was no explicit link between children who lived in situations of social and economic poverty and trafficking (Save the Children, 2007). The difficult problem of child trafficking started to be considered by professionals as a protection issue and not just as a simple cause of poverty.

Instead, professionals started to see poverty as one of the conditions which combined with others such as inequalities, history of violence and abuse in the family or in the community, created and/or increased vulnerabilities

of children and families to being trafficked (BKTF, 2009). Such reflections clearly showed a shift in the way how child protection agencies started to look at the way how to address root causes of child trafficking as not a single issue but as a complex issue which required a good identification of risks and vulnerabilities at both the individual, family and community level. Such reflections were further influenced by the fact that a number of cases of trafficked children implied parents or relatives of the child.

The National Strategy for Children (2005- 2010) established a more explicit and comprehensive approach toward protection of children by all forms of abuse, neglect and exploitation by emphasizing joint efforts of all structures of the government, civil society and more broadly, the society. The strategy establishes the framework for a national child protection system by orienting programs in three directions: *first*, it builds an explicit link between child protection issues with the broader social context of the country and identification of social vulnerabilities; *second*, by making child protection work a responsibility of local and national government and third, by calling for a multi-sectorial engagement in responding to child protection concerns (MoLSA, 2005).

Albania revised the law "On the Protection of Children's Rights" during 2016, enlarging the scope, mandate and responsibilities of the local government in dealing with the prevention, protection and support to children in need of protection. The new law on the protection of child rights approved in 2016, adopts and formalizes the concept of a system of child protection and Albania and more specifically establishment of child protection services for all local administrative units in Albania. The Child Protection Unit is a public social service provider for children in risk and in need for protection. The child protection work implemented is specifically focused on multidisciplinary coordinated responses to cases of children in need for protection from different forms of maltreatment, abuse and exploitation at local level. Embodied by a social worker, the Child Protection unit embraces a model of social work services designed to support families and children in need. This is achieved through multi-stakeholder's engagement, starting with a comprehensive child centered assessment; the establishment of a plan for the child and regular review and follow up.

The work of the child protection worker is driven by the best interest and the fundamental rights of the child and it is based on developing strengths based approaches in working with children and families in order to strengthen capacities of parents and the family protective environment. For the first time, Albania included in the law the requirement for the obligatory background in social work for all child protection workers at the child protection unit.

In addition, the new model introduced influenced the paradigm of making child protection a concern for all, by recognizing the role of governmental and non-governmental agencies in providing support to child protection plans. In spite of the fact that Child Protection Units are still considered an embryonic social service in Albania, they are the only services which place the child protection concern at the central of attention and deal directly with risk and management focused on the child through a multidisciplinary approach and engagement of different actors at local and national level (UNICEF & ADC, 2009). This model signs a new development in the mindset and in the reality of child protection work, by highlighting the integrated approaches, best interest of the child, risk management, building of resilience in children and families, concepts which were not well known before. Another important dimension highlighted through focus group discussions was the need to link child protection work with the broader framework of social protection. Children, in particular, endure specific vulnerabilities, due to natural, environmental, economic, health, life cycle and social factors combined with developing, physical, psychological and intellectual capacities and their level of dependency on adult care and protection. This suggests that only throughout a careful assessment of all types of vulnerabilities and risks, seen through the lenses of children's evolving capacities it is likely that any shock which will reduce the capacity of primary caregivers to provide for the basic needs of the family will severely impact on children.

Over the last twenty years, the Albanian Government has developed several policies, reforms and institutions to tackle new social problems that came with the transition, largely with the perspective of acceding to the European Union. This is evidenced through a number of reforms that have addressed all sectors of the economy as well as basic services such as education, health and social care, insurance and other protection systems (ICS, 2008). The tendency to link child protection with the broader context of efforts to promote the general well-being of all children and broader situational factors is helpful to go beyond the prevention of harm and concerned with the general welfare of children (Broadhurst & Grover & Jamieson, 2009). These policy documents and strategies are positive efforts in establishing special provisions in reaching children who are particularly vulnerable and excluded. They do recognize that families raising children in need support to ensure up roaring and wellbeing of children and emphasize the need to intervene as early as possible when children are at risk in order to prevent harm and

impairment (Giddens, 2001).

However, during focus group discussions professionals emphasized the need to include other key principles which are essential to child sensitive social protection programs. Such considerations should start by looking at ways how to avoid adverse impacts on children and mitigate social and economic risks that directly affect children's lives. And furthermore, they should address the inclusion of the voices and opinions of children, their caregivers and youth in the understanding and the designing process. There is still a need to further explore synergies between child protection work and the social protection framework, aiming to help stemming the greater vulnerability typically faced by groups of children more at risk of discrimination and social exclusion. By exploring such links, the child protection work can be better placed between identifying individual vulnerabilities and managing risks to the child's safety and wellbeing, and from the other side contributing at understanding social vulnerabilities which influence the safety and wellbeing of children.

The revision of twelve reports and analysis conducted during the period 2001- 2016, undertaken mainly by independent non-governmental agencies, served as a basis for shaping the understanding of the government agencies in shifting the child protection work from a thematic intervention mainly focused to the phenomena of child trafficking, toward a more systemic approach and holistic model to address risks and vulnerabilities of children. Also, major recommendations noted the need and the importance of linking child protection interventions with the broader framework of social protection in order to tackle broader social vulnerabilities to children and families in Albania. Establishment and proper functioning of a child protection system calls for a broader view and it is closely linked with the functioning of the social protection system.

Conclusions

The work of child protection in Albania has been rapidly developed in the last decade. Strategies and program interventions are characterized by limited short-term assessments on child protection issues and by an economic approach to address risks, which threatened child safety. Since the ratification of the Convention on the Rights of the Child in 1992, a number of legal reforms and programs in different sectors for the most part have addressed child protection concerns on an issue-by-issue basis, rather than adopting a comprehensive approach. Issues receiving attention in recent years especially child trafficking and violence against children have influenced the establishment of the systemic approach to child protection work in Albania. However, gradually it has been realized that many children are vulnerable to multiple child protection violations. While issue-focused programming can be very effective in serving the specific groups of children targeted, it can result in protection gaps, lack of sound referral systems and lack of attention to early intervention, family support and prevention efforts. In contrast, the child protection systems approach is seen as a comprehensive and sustainable approach to preventing and responding to child protection issues. Such approach includes a set of laws, policies, structures, regulations, human resources and services required across all sectors – especially social services, education, health, security and justice – to respond to and prevent protection-related risks.

Specific themes, in this view can become an entry point to strengthen child protection systems more broadly. The system seeks to protect all children and to unite all stakeholders behind a common set of goals, creating a long term response that is robust, properly coordinated and adapted to evolving problems and social vulnerabilities which influence children and families. In addition, the complexity of the work of protecting children requires both prevention and protection as a single protective strategy. However, such system approach is still a new concept in the child protection work in Albania and it is expected that other new challenges will emerge as the system starts getting into the life of children and families.

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