



**AVOKATI I
POPULLIT**

SPECIAL Report

**CHILD LABOR
IN BULQIZA
MUNICIPALITY**

November 2018





SPECIAL REPORT

CHILD LABOUR IN BULQIZA MUNICIPALITY



November 2018



Acknowledgements

A special thanks and appreciation to all relevant governmental structures at the regional and local level for showing responsibility and willingness to join us in our initiative "Stop the exploitation of children at work". We also appreciate the interest to share with us thoughts, suggestions and the best practices of their work, to prevent the phenomenon of economic exploitation of children and improvement of the work in the future in the best interest of the child. Participation of the responsible structures at the regional and local level is a significant indicator of their awareness to perform their legal and functional tasks to minimize this phenomenon. Their commitment had been necessary at all stages of the process, particularly in identifying the findings reflected in this report and orientation towards implementing in practice the recommendations of the Ombudsman institution.

Also, we extend thanks to all the stakeholders that joined our initiative and were present at the table organized by the Ombudsman on June 12, 2018, in the Municipality of Bulqizë. Specifically, we take the opportunity to thank the representatives of the Assembly of the Republic of Albania, respective Ministries, OSCE, and UNICEF, representative of civil society, the prefect of Dibra District and the Mayor of Bulqiza Municipality. All representatives at the table shared the thoughts, experiences and suggestions on their cooperation with the institution of the Ombudsman for effectively guaranteeing the exercise, respect and protection of child's rights.

Thanks go to the Ombudsman Institution, in particular, Ms.Nejla Peka, Commissioner of the Protection and Promotion of Child's Rights Section and the Assistant Commissioners of this Section, Ms Matilda Tyli and Ms Anila Nepravishta at the Ombudsman Institution in Albania, who contributed in the drafting of this report.

A special thanks go to Mrs Erinda Ballanca, Ombudsperson, for the full support in all steps of the implementation of this process and report finalization "Child Labor in Bulqiza Municipality".



CHILD'S LABOUR IN BULQIZA MUNICIPALITY

Content

Introduction

- 1. Legal and institutional framework**
- 2. Scope and methodology**
- 3. The inspection carried out in unit to protect children.
Inter-agency cooperation at the central and local level to eliminate the problems
addressed**

Conclusions and recommendations



Introduction

The Ombudsperson Institution, based on the competencies set forth in the Constitution of the Republic of Albania, as well as in Law No. 8454 dated 4.2.1999 "On the Ombudsperson", as amended, has as its main activity the promotion, prevention of violations and protection of human rights and freedoms, including the children rights. The economic exploitation of children is one of the most widespread forms of violation of their rights.

Based on the extensive treatment that the Ombudsman institution does to problems encountered in terms of respect for these rights and freedoms, not only in receiving complaints but also in cases covered in the written and visual media, as it is the publication on social media of the tv show "Le Iene", broadcast in the Italian media on the issues of child labour in Bulqiza, who collect chromium ore around the mines, the Ombudsman institution undertook a series of actions to have a clearer estimation of the phenomenon of economic exploitation of children in chromium stocks in the region of Bulqiza Municipality. The problems have been continuously pursued by this institution, it even dates back from 2015 where at the annual conference of that year, the Ombudsman presented the report "Child Labor in Albania" in collaboration with Save the Children.

The report sheds light on the employment situation of children in Albania, presenting a series of recommendations that responsible state mechanisms should take on this issue in improving the legal framework and the steps of the state institutional, at the central and local level. For the first time in this report were published data on the situation of child labour exploitation in Albania, and it was found that around 200 children are exploited for work in the energy sector, this phenomenon is mainly encountered in the mines of Bulqiza area.¹

The Ombudsperson Institution, in exercising its constitutional and legal competences to protect the rights, freedoms as well as, in the best interest of

¹ "Child Labor", a report published by the Ombudsman Institution with Save the Children, Tirana 2015.
Law no. 9632, dated 30.10.2006, "On the system of local taxes ", as amended



children, has undertaken several actions to have a clearer assessment of children exploitation for work in chromium stocks, Bulqiza Municipality.

In the conclusion of the actions taken, the Ombudsman Institution drafted the final report on this phenomenon, based on the data collected.

1. Legal and institutional framework

Currently, our country has a comprehensive legal framework about children rights and protection, where it is also included child labour. In the meantime, the institutional structures provided for in this legislation have been set up and, in particular, also responsible state mechanisms are specifically provided for overseeing and fighting the phenomenon of economic exploitation of children. In terms of approximating the legal framework with the best models, Albania has in force the following primary and secondary legislation:

- UN Convention “On the Rights of the Child”;
- Supplement protocol of United Nation Convention against Transnational Organized Crime “ on the Prevention, Suppression and Punishment of Trafficking in Persons Especially Women and Children”, ratified by law no. 8920, dated 11.7.2002;
- Convention no.138, 26 July 1973, ratified by law no.8086, dated 13.3.1996 “Concerning Minimum Age For Admission To Employment” of the International Labour Organization;
- Convention no.182, ratified by law no.8774, dated 23.4.2001 “Worst Forms of Child Labour, 1999”, of the International Labour Organization;
- UN Convention against Transnational Organised Crime”, ratified by law no. 8920, datë 11.7.2002 “On the ratification of “United Nations Convention against Transnational Organized Crime and the Thereto Protocols”;
- Council of Europe Convention ratified by law no.9642, dated 20.11.2006 “On Action against Trafficking in Human Beings”;
- Supplement Protocol of the Convention on Child Rights regarding the trafficking of Children, prostitution of children, child pornography”, ratified on 2.11.2007;
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Law No.10071, dated 9.2.2009 “On the Ratification Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”;



- Law No.7895, dated 27.1.1995 “Criminal Code of the Republic of Albania”, amended;
- Law No.9062, dated 8.5.2003 “Labour Code of the Republic of Albania”, amended;
- Law No.18/2017 “On the Rights and protection of children”;
- Law No.10237 dated 18.2.2010 “On security and health in labour”, amended.
- Law No.107/2016 “on the district Prefect”;
- Law No.8454, dated 4.2.1999 “on the Ombudsman”, amended;
- Law No.121/2016 “ On the social care service in the Republic of Albania”;
- Law No.139/2015 “On local self-governance”.

By-law acts

- Decision no.353, dated 12.6.2018, of Council of Ministers, “On rules of the functioning of the cross-sectional technical group for the protection of children in the municipality and administrative units”;
- Decision no. 148, dated 13.3.2018, of Council of Ministers, “On establishing rules of cooperation among the institutional mechanisms, structures for the protection of children at the local level and non-profitable organizations to execute national and local policies as well as for the necessary services on child protection”;
- Decision no.91, dated 14.2.2018, of Council of Ministers, “ On the procedures of carrying out inspection and emplacing sanctions from the State Agency on the Child Rights and Protection”;
- Decision no.108, dated 15.2.2017, of Council of Ministers, “On the approval of the regulation “ on the protection of children at work ”;
- Decision no.573, dated 24.6.2015, of Council of Ministers, “On adopting standards of the services of child protection units”;
- Directive nr.10, dated 25.2.2015, “On the ways, forms of cooperation and intervention procedures to assist children at risk for the main institutions and structures responsible for child protection” co-nomination of four ministers, according to state responsibility areas.

Institutional framework

The protection of children rights is regulated not only in the legal aspect but also in the institutional one. Law no 18/2017 “On Child rights and protection”



has provided the institutional mechanisms for the protection of children rights by scope their activity organised at the central and local level.

At the central level, in terms of institutional mechanisms and structures, legal amends did not bring essential changes. They continue to remain the same:

- National Council on Child Rights and Protection, as an *ad-hoc* advisory body to the accountable Minister on the coordination of child rights and protection issues;
- State Agency on Child Rights and Protection.

As well in the local level, legal amends have maintained the same structures such as:

- Child Protection Units (CPU) or the Child Protection Officer (CPO). But, unlike the old law, these structures are already incorporated within the structures of social services which help in the increase of the efficiency and guarantee their existence at the local level in terms of budgeting. More precisely, Child Protection Units are included within the organizational structure of Social Services Directorate, whereas Child Protection Officers at the level of municipality administrative unit. They are an integral part of the evaluating units and cases referring (EURC).

For the first time in the area of social services are defined as beneficiary categories, which are in need for the services, the category of children in need for special protection (up to the age of 18), who may be victims of abuse, neglect, exploitation, trafficking, discrimination, violence, abandonment or criminal activity, or children under the age of 18, who have committed or are accused of committing a criminal offense

The innovations brought by the new legislation in the field of child rights and protection are as follows:

- The proactive role of structures at the local level namely needs evaluating and referring unit, as well as the child protection unit, which must carry out the identification of cases of children working outdoors;
- Harmonization of two laws, mainly Law no.18 / 2017, "On child rights and protection" and Law no.121 / 2016 "On social care services in the Republic of Albania", where the decision-making process for the emergency protection measure and the placement in alternative care are stipulated. The

proposal for these measures is made by the child protection officer at the director of Social Services Directorate in the framework of the Individual Protection Plan. In this context, the novelty is the fact that the administrative decision of the protective measure is equivalent to the custody decision and the parents cannot exercise their parental responsibility to the confirmation by the court. This provision complements an identified gap for the children in need of protection, placed in foster care institutions, whose legal status was not that of custody until the court would pronounce for them, a process which would take months and the parent, although could be the person who had abused or neglected, had the legal right to take the child, regardless to the reasons that led to his or her placement in the institution.

- Protection measures for specialized supervision of a child in a family environment is also a new measure, which aims to create accountability in the treatment of a child by the parents within the family when this is possible. This measure is anticipated to be implemented only with the consent of the parent as if the parent does not consent, it is impossible to provide follow-up and treatment of the child under the Individual Protection Plan. In these cases, the Child Protection Officer has the right to apply one of the other protection measures.

Also, the functions and responsibilities of the responsible state mechanisms in the field of child rights and protection, referred to Dibra district are as follows:

i) Institution of prefecture

The main responsibilities² of the Prefect of Dibra District during the exercise of his function, related to the issues we are dealing with, consist of:

- running of task forces, creation of temporary bodies, committees, working groups and committees on certain issues;
- controlling and monitoring the implementation, at the district level, of the sectoral policies of Council of Ministers in agriculture, education, health, environment, public order, firefighting service, social assistance and support, tourism and culture;
- Coordinating its activities with agencies and inspectorates operating at the district level, as well as monitoring their activity. For disputes that may arise with the heads of these institutions, the Perfect addresses to the responsible Minister;

² According to Article 8 of Law no.107/2016 “On the Perfect of the District”



- monthly review of the activity of territorial branches operating in the region and the coordination of the work between them and the bodies of local self-governance, as well in application of the political program of Council of Ministers.

ii) **Regional Educational Directorate**

Ministry of Education, Youth and Sports is represented at the local level by the local educational units (Regional Educational directorates at the district level or Educational Offices) and is the responsible institution for their operation within its jurisdiction. These units shall cooperate with the basic unit of local governance for the planning, realization of investment and maintenance of educational institutions, as well as cases of school dropouts. More specifically, Regional Education Directorate Diber is responsible for the establishment and organization of psycho-social service unit³. The unit shall consist of psychologists and social workers, whose numbers are determined according to the norms per students of public educational institutions. The head of the unit must:

- draft the annual plan of the unit;
- organize bi-monthly meetings of the unit;
- cooperate with the child protection unit to address child abuse and protection issues;
- regularly communicate with governmental and non-governmental organizations about cases of children at risk and social and economic difficulties;
- notify the relevant authorities in writing of any facts on students abuse

iii) **Labor and Social Services Regional Inspectorate**

The scope of activities of Labor and Social Services State Inspectorate ⁴ is controlling, counselling, ascertainment, notification, conflict mitigation, sanctioning, prevention and as well guaranteeing and respecting of legal requirements of labour legislation and social services for all the legal and physical entities.

³ Order no.343, dated 19.8.2013, of the Minister in charge of education issues, "On the Adoption of Normative Provisions for the Pre-University Educational System"

⁴ Order no.110, dated 31.5.2016, of the Minister in charge on social issues, "On the approval of the internal regulation "On the organization and functioning of Labor and Social Services State Inspectorate"



Based on the scope of the aforementioned inspectorate, the inspectorate at regional level drafts the annual inspection plan for all legal and physical entities approved by the Chief Inspector and as well exercises control over all entities within the territory of its jurisdiction.

iv) State Social Service Regional Directorate

State Social Service General Directorate has as a mission the implementation of economic aid policies, legislation, payment for people with disabilities and social-economic throughout the country. This institution exercises its activity through the regional directorates. The main responsibilities and functions of the State Social Service in the scope of social service activities consist of:

- drafting of the type documentation for beneficiaries of social services;
- conducting a needs evaluation of social care services;
- collecting, analyzing and processing the information on the progress of the social care services system and periodically reporting to the responsible ministry on social affairs;
- drafting the annual report of evaluating the needs on social care services and the capacities of public and non-public services;
- training of local government personnel that covers social services aspects;
- coordinating the process of drafting social plans, ensuring that these plans comply with national strategies;
- updating and maintaining the National Electronic Register with data on the beneficiaries and entities requesting social care ;
- sending to the ministry of social statistics related to social care services and social payments.

v) Tax General Directorate, regional directorates and other units

The Law⁵ on Tax Procedures and bylaw acts issued in and on its enforcement regulates the procedures for the administration of tax liabilities, principles of organization and functioning of tax administration in the Republic of Albania. Also, tax administration structures of verification in the field, where are included regional structures, carry out on-site verifications or checks at the taxpayers, on the purpose of timely detection of administrative tax violations provided by this law⁶.

⁵ Law no.9920, dated 19.5.2008, "On tax procedures in the Republic of Albania", as amended.

⁶ Articles 112 and 130, of the law



From a preliminary evaluation of the legal and institutional framework, officers of in-field verification of tax structures carry out check of the taxpayers, referred to the legal and by law provisions in force, as well as regulations of tax legislation, where it is noticed the identifying, advisory, recommending or coordinating character between tax administration and taxpayer entities.

In addition, local structures of tax administration shall be engaged in rigorous control of the economic activity of the taxpayer and in case of finding out offences of child exploitation for labour, they shall take the measures to warn these entities, and as well to refer the cases to the relevant structures on child protection, according to the legislation in force.

Ombudsman and child labour

Article 29 of the law on the Ombudsman provides that the Ombudsman can help and give opinions and make recommendations on the preparation of reports and other documents issued by the Albanian State on human rights and freedoms in the Republic of Albania. Also, Article 27, specifically recognizes the right of the Ombudsman, that on specific issues, on its initiative, to develop special reports. In the list of special reports that the Ombudsman has submitted to the Albanian Parliament in the year 2015, that are related to the protection and guarantee of child's rights, is also the "Special Report, Child Labor, 2015".

In the framework of promotional activities, on the occasion of June 12, 2018, the International Day Against Child Economic Exploitation, the Ombudsperson Institution organized in Bulqiza Municipality the activity "Stop the exploitation of child labour".



Representatives of the Assembly of the Republic of Albania, central and local government, international organizations, local and foreign NGOs, media representatives and other stakeholders discussed over the problems and causes of the exploitation of child labor in the chromium stocks in Bulqiza Municipality, as well as the concrete actions and steps that shall be taken to strengthen the social protection system and prevent this phenomenon.



At this table, it was presented the findings and challenges for improving the work of the responsible state institutions at the central and local level for the identification, referring, protection of children that are exploited for labour, in Bulqiza Municipality, based on the findings of the inspection in the Child Protection Unit. Children, Bulqiza Municipality, as well as the information on inter-institutional commitments at the regional level (in compliance with the order of the Prefect of Dibra District).



1. Purpose and Methodology

The purpose of this report is to highlight the current situation of the level of implementation of the functional duties of institutions at local level, precisely, the prefect, Bulqiza Municipality, Child Protection Unit, the Regional Educational Directorate, Employment Regional Directorate, Labor Inspection Regional Directorate, State Social Service Regional Directorate, Regional Tax Directorate, Police Station Bulqiza, as well as making recommendations to relevant institutions, which shall actively identify cases of exploitation of child labor in the municipality. They should also prioritize every reported case of the exploited child and to undertake concrete actions to remove the child from the situation of economic exploitation.

The methodology used in this report is mixed, where the inspection of the Child Protection Unit in Bulqiza Municipality was carried out by an inspection team consisting of lawyers and social workers, based on preliminary discussions conducted with the directors of this institution, inspections of relevant documentation related to the problems encountered in the media, as well as on-site inspection of the economic conditions in which the children lived. Immediately after the inspection, an inspection act was prepared with concrete findings, on which were also drafted the recommendations to the responsible



institutions in Bulqiza Municipality, Ministry of Health and Social Protection and the State Agency on the Protection of Child's Rights.

In support to the order⁷ of the Prefect of Diber District, to establish a task force on the fight against informality and the elimination of child labor in chromium stocks, we communicated with official letters addressed to the Prefect, Bulqiza Municipality, Employment Regional Directorate, Police Station, State Social Service Regional Directorate, Regional Educational Directorate, Tax Regional Directorate, labor and Social Services State Regional Inspectorate, where it was requested a detailed information on the commitments made in terms of managing the situation for an effective work coordination, elimination of the problem addressed. The information requested by the aforementioned institutions was based on the specific question referred to the legal and institutional powers and functions of the aforementioned (discussed above), to enable the collection of quantitative and qualitative data regarding the handling of the case. The recording of the information sent by the responsible institutions is developed in this paper.

Also, in this report are mentioned/quoted in more details the legal and institutional frameworks, quantitative indicators, as well as explanations and recommendations related to the main purpose of preparing this report.

In conclusion, it is put forward the categorization of recommendations arising as a result of the analysis, according to the relevant legal institutions and mechanisms related to the matter in question.

2. Inspection at the Child Protection Unit, Bulqiza Municipality

The section of Child's Rights Protection and Promotion at the institution of Ombudsman, ranging from publishing to social media, the show "Le Iene" in the Italian media regarding the issues of child labor in Bulqiza, who collect mineral of chrome around the mines, carried out inspection at the Child Protection Unit in Bulqiza Municipality, on 23.11.2017.

This show, conducted by the investigative journalist of the neighbouring country, Italy, reflected the difficult conditions in which families of children living in Bulqiza Municipality were living in, and in order to guarantee their survival, they were forced to exploit these children for work, depriving them of the right to get education, but not only.

⁷ Order no.13/1, dated 20.11.2017 "On the plan of measures to prevent the exploitation of children from private entities using chromium materials in the mineral holding area of Bulqiza".



The social profile of Bulqiza Municipality

Bulqiza Municipality consists of eight administrative units, which are: Bulqiza, Martanesh, Fushe-Bulqiza, Zerqan, Shupenzë, Gjorica, Ostren and Trebisht. All administrative units are currently part of Bulqiza District and Dibra District. The new Municipality has two cities under its administration, Bulqiza and Krasta and 63 villages.

From the assessment of documentations from 2015 to 2017, there is a decrease in the number of families treated with economic assistance in Bulqiza Municipality, by 200 families. In 2015, 580 families were included in the Economic Aid scheme and, in 2017, there are only 280 families.

In the year 2015, there were planned 203.548.246 ALL for the social protection program (the payment of Economic Aid and payments in cash) and it was carried out only 178.924.814 ALL, ie approximately 85% of the funds.

In the year 2016, it was planned 274.224.00 ALL and it was carried out only 274 215 353 ALL, thus 99% of the funds of social security.

In the year 2017, it was planned 278 541 451 ALL in the fund for the social protection program and it was carried out 246 961 904 ALL, ie 85% of social security funds (including as well the error margin, but only December is not included).

The Ombudsman Institution, assessing the abovementioned data, has carried out a simple mathematical analysis, based on the key indicators of social protection programs, planning / realization of social protection program funds (EA and AK cash payments) and, the number of families in the EA scheme for Bulqiza Administrative Unit, because one of the causes of child labour is the difficult socio-economic situation of families in this area.

According to the 2011 Census, Bulqiza Municipality had a population of 32,210 inhabitants, while Bulqiza Administrative Unit has a population of 12 600 inhabitants. In this unit, there are 281 families in the Economic Aid scheme, with an average of 4.5 resident per household. The average allowance of the Economic Aid that these families shall benefit is about 3,000 - 3,800 ALL per month.



Despite that there is a decrease in the number of families from Economic Aid schemes by 40%, there is an increase in the planning of funds of the social protection program with about 70%, from 2015 to 2017, and the average amount of payment our EA has not changed. Realization of funds to social protection program was lower, precisely in 2015, when the number of families eligible for Economic Aid was higher.

From the abovementioned analysis, it is concluded that the funds allocated from the state budget for the economic aid the Bulqiza Municipality have been considerable. The monthly benefit for each household under the Economic Aid Scheme is not an indicator that impacts on improving the socio-economic situation of poor households (which is, in fact, one of the main causes of social problems that force these families to exploit children for work). There must be a comprehensive approach in addressing the social problems in this case, such as housing, public services (education, health) and integrated social services.

In this context, evaluating as well the vision and major objectives set out in the Social Protection Strategy 2016-2020 and its action plan, we asked to carry out a revision of the action plan of this strategy, for the year 2016-2017, to enable the integration of families of the Economic Aid scheme through offering the social services with the funds of the social protection program.

Social Services Package in Bulqiza Municipality

Representatives of the Ombudsman conducted a meeting with the Director of Social Services at Bulqiza Municipality. From the interviews conducted, we were informed that organigramme of the Social Service Directorate in Bulqiza Municipality consisted of a director and fourteen employees. This directorate handles Economic Aid payments (where are included including all economic aid workers in the administrative units of Bulqiza Municipality), disability payments, gender equality and domestic violence, child protection, and as well day care services for children with disabilities.



From the preliminary evaluation of the documentation at the Social Services office in Bulqiza Municipality, in the presence of the managing authorities, an Economic Aid expert, a Disability expert (payments to KESH), a gender equality and domestic violence expert, as well as an expert on Child Protection Units and relations with NGOs, we found out that this latter position was vacant, as a result of the transfer of the expert to another job position. The municipality had begun the procedures of hiring a new employee. Also under this directorate are the social administrators, seven experts in economic aid to the administrative units of Martanesh, Trebisht, Fushe Bulqiza, Zerqan, Ostren, Shupenzë, a Rehabilitation Center for Children with Disabilities, where an expert and a janitor are employed.

Regarding the development and administration of social services in this municipality, as a legal obligation deriving from the law no. 139/2015 “On Local self-governance”⁸, we were informed that a daily rehabilitation centre for children with disabilities has been set up in this municipality, where 6 children, aged 3-14, receive services from the municipality funds. When the centre started functioning, 13 children received social care services. For the mothers of the heads of households, the municipality has allocated a cash support fund for them, where each head of the household receives an amount of 1100 ALL / month. As, for the families in extreme poverty, as well as in cases of emergency, the municipality has distributed food packages. The municipality has 18 social housing units, 6 of which do not function because they need reconstruction, as they are out of the normal standards.

The Ombudsperson Institution appreciates the efforts of the Municipality of Bulqiza to launch and administer the aforementioned social services. In addition, pursuant to its legal obligations, as well based on the data collected, there is a need for hiring an expert for children with disabilities (specialized pedagogy), to meet the social care standards for disabled children limited to residential and daycare centres⁹. Social housings need to be reconstructed to meet the needs of the citizens of this municipality. Also, to meet all the needs of the community and categories in need, the municipality should start work on creating new typologies of social services for these categories such as the elderly, the emergency service, the legal guardianship service for children, etc.

⁸ Precisely, in the Article 24 of this Law, it is explicitly provided that: “... *the establishment and administration of social services at the local level, for people in need, people with disabilities, children, women, single women, battered women trafficking victims, mothers or parents with many children, the elderly, etc., as determined by law ...*”.

⁹ Decision no.822, dated 6.12.2006, of Council of Ministers, “On the adoption of standards of social care services for persons with disabilities in residential and daycare centres”.



Legal obligations stemming from Article 35 of Law no.121 / 2016 "On social care services in the Republic of Albania", Bulqiza Municipality has partially implemented these obligations. Thus, we found shortcomings in terms of setting up the responsible structures for the administration of social care services, which have to function/duty:

- i) Identification of needs for the territory it covers;
- ii) needs assessment based on vulnerability map;
- iii) Drafting of the social plan;
- iv) Budget programming;
- v) Planning and providing the basic package of social care services and,
- vi) Raising the basic basket of social services.

Bulqiza Municipality, after the new territorial-administrative division, one of the main challenges, has also the assessment of the community needs for social services, which will pave the way for the development of the social plan of this municipality, together with the respective budget programming. This will lead to the creation of the basic package of social services for this municipality (such as the opening of a social centre for the elderly, etc., for the benefit of this community).

Child protection by the Child Protection Unit, structure at Bulqiza Municipality

According to Decision No. 266, dated 12.4.2012, of Council of Ministers "On the coordination of the activities of central and local level mechanisms on issues related to the protection of child's rights" and Directive No. 10, dated 25.2.2015 "On the ways, forms of cooperation and intervention procedures to assist children at risk for the main institutions and structures responsible for child protection", the Ombudsman Institution requested the files of two children who are residents in the Administrative Unit Bulqiza and, who were the protagonists of the show "Le Iene", broadcasted in the Italian media. Due to the lack of child protection expert, the procedures conducted for these two children were not fully implemented. Specifically, only the evaluation of the child's family with the initials E.P. was completed, while for the other child, with the initials A.H., the family's evaluation of the child's risk was not carried out. This, according to information provided by the Social Services Director (social worker by profession, who is also the person who conducted the family assessment), the



family members refused to perform such a thing. This evaluation was put also at the disposal the for Child's Rights Protection State Agency.

What is noticed about this procedure is the fact that the whole process is carried out only by a professional figure (who has no functional duty, not only with reference to the job description, but also with the obligations arising from the Directive no.10, dated 25.2.2015 "On the ways, forms of cooperation and procedures of intervention to help children at risk for the main institutions and structures responsible for child protection").

From the control of the evaluation form, the People's Advocate concluded as follows:

In the rubric "**Family background**" it is mentioned that: *"... their house is located in the "Gjeologu" neighbourhood near the chrome mine and their building does not meet the basic living and hygienic-sanitary conditions even though the child's father works in one of the chromium mines in the area of Bulqiza whereas the child's motheris the beneficiary of the complete group (dm.th benefits disability payment, first group) ... "*, while in the rubric "**Parenting Capacity & Ability to Cope**" it is mentioned that: *"... I would like to point out that even though his father is employed, he abuses with alcohol, but does not display it in violence (both physical and verbal) to the other family members. His mother, being disabled, finds it difficult to care for other members in normal care, as she has problems with breathing and her movements are limited ... "*.

The child's age is 10 years old, attends the teaching process at "Xhevdet Doda" school, Bulqiza. In the rubric "**Risks and dangers for the child,**" noting that: *"... there are not ..."*

Referring to the analysis of indicators in the abovementioned rubrics it is observed that:

- i) the dwelling is unfit for a living;
- ii) the father abuses with alcohol;
- iii) mother is disabled and has difficulty for the upbringing of children

Therefore, it is difficult to conclude that there is no risk for the child. Any legal and bylaw act is adopted in the principle of best interests of the child, provided



that the CCR (Code of Child's Right) ¹⁰. Non-implementation of legal acts in force, where child risk evaluation should be carried out by a multidisciplinary team of professional figures which operate locally (child protection officer, social administrator, teacher, doctor, police, family members and the child himself/herself) , has brought about an ineffective process in the treatment of the child, seeing his best interest.

In this context, the Ombudsman Institution expresses concern that in the evaluation of the risk of the child (not only from the procedural part but also the content), the principle of the best interest of the child is not respected.

As a result, the process of drafting a child protection plan has not been completed, a process which has also been monitored by the Child's Protection Rights State Agency.

Inspection findings carried out at the Child Protection Unit, Bulqiza Municipality

The Ombudsman Institution appreciates the commencement of the work of this municipality for the establishment of the Social Services Directorate and the establishment of social services (Daily Rehabilitation Center for Children with Disabilities).

For the above, the Ombudsman Institution seeks to ensure more effective coordination between child protection units and the Child's Rights Protection State Agency of in specific cases, when personnel of the child protection unit is absent. (In the present case, this fact has adversely affected the treatment of children in their best interest).

From the final observations made from the monitoring, it is concluded that the social protection funds from the state budget, the economic aid scheme and disability payments are not the main indicators that influence the improvement of the socio-economic situation of the poor families.

¹⁰ Likewise, item 3 of Article 6 of Law No.18 / 2017, "On the Rights and Protection of the Child" it is provided: "... *The highest interest of the child implies the child's right to have a healthy physical, Under this principle, the following shall be taken into account:*

- a) the child's needs for physical and psychological development, education and health, security and sustainability as well as growth / belonging to a family;*
- b) the child's opinion, depending on his age and ability to understand;*
- c) the child's history, bearing in mind the particular situations of abuse, neglect, exploitation or other forms of violence against the child, as well as the potential risk that similar situations will occur in the future;*
- d) the ability of parents or carers to take care of the child to respond to the child's needs;*



The Ombudsman Institution, to meet the challenges, for the practical implementation of its recommendations, continues to stand by the recommendation for the calculation of the national minimum wage, to consider the concept of the minimum wage no longer a criterion for survival, but as a reasonable standard of living.

The absence of a child protection officer, the procedures followed for referring the protections of two children, the lack of risk assessment of the children by the multidisciplinary team of various professional figures are also factors that influence and, consequently, have brought about an ineffective process as a whole. For this reason, only the evaluation of the child's family with the initials E.P. was performed, whereas for the other child with the initials A.H. no action was taken.

After the above presentation and analysis, the Ombudsman presented the following recommendations to the responsible state institutions and mechanisms for improving the work in meeting the constitutional and legal obligations to prevent the economic exploitation of children. What we can note is the fact that the treatment of children being exploited for work has begun, but we still have a "dim" situation, with stakeholders who are little or not at all engaged in making a crucial difference in the integration of these children in the community and beyond. These recommendations are as follows:

- taking measures to evaluate children's risk with the initials E.P. and AH and the drafting child protection plan, pursuant to Directive No. 10, dated 25.2.2015 "On the ways, forms of cooperation and procedures of intervention to assist children at risk for the main responsible institutions and structures for child protection " from the multidisciplinary team;
- m;
taking measures to support the risk assessment process and the drafting of the protection plan from the Child's Rights Protection State Agency, as a result of the lack of child protection officer in this municipality;
- measures are taken from Bulqiza Municipality to accommodate the child's family with the initials E.P. in social housing;
- taking measures to start the preparatory work of the needs assessment for the social services for Bulqiza Municipality, guaranteeing the development of relevant social plans and budget programs, in cooperation with NGOs such as Save the Children, "Terre des Hommes" etc .;

- taking measures for the evaluation report of the Social Protection Strategy 2016-2020 and the action plan for its implementation in 2016-2017;
- taking measures for the evaluation and drafting of legal / bylaw acts, to enable the spending of unexecuted funds (which are not executed and returned to the state budget), in the establishment of social services for each municipality from the Ministry of Health and Social Protection;
- taking the measures to hire an expert (specialized pedagogy) at the Rehabilitation Center for Children with Disabilities;
- Taking measures to complete the procedures for hiring a child protection officer in Bulqiza Municipality, in compliance with the legal criteria determined in Law No. 18/2017 “On Child’s Rights and Protection”.

3. Inter-institutional cooperation at the central and local level for the elimination of the problems addressed

Under the law no.107 / 2016 "On the Prefect of the District", the prefect of Dibër District has taken the legal initiative to issue the order no.13 / 1, dated 20.11.2017, “On the plan of measures to prevent the use of children by private entities that exploit chromium materials in the mineral-bearing zone of Bulqiza.” Under this order, a working group has set up consisting of representatives of Bulqiza Municipality, Educational Regional Directorate, Employment Regional Directorate, Labor Inspectorate Regional Directorate, State Social Service Regional Directorate, Tax Regional Directorate of Dibër region, as well as Bulqiza Police Station. The purpose of the work of this group was to identify cases of economic exploitation of children and to take measures to implement the relevant legislation for the management and prevention of the phenomenon. In fulfilling its functions and area of responsibility (also based on our official written communication with the Prefect's institution)¹¹ from the above-mentioned institutions there have been required for the realization of effective cooperation, consentaneity and coordination of work, as follows:

- Bulqiza Municipality should undertake the commitment to identify families that draw children to work and to include them in the scheme of economic aid or employment according to the possible;
- Employment Regional Directorate, through the Employment Agency, should undertake the commitment of evaluating these families and their inclusion in the employment programs;

¹¹ Official Letter no.580 / 1.prot., Dated 7.5.2018, addressed to the Ombudsman Institution

- State Social Service Regional Directorate Diber shall undertake the commitment to establish close cooperation with Bulqiza Municipality, enabling them to be included in the economic aid scheme and other benefit schemes, as provided by legal provisions.
- The Labor Inspectorate at the district level shall commit itself to strictly enforce the legal obligation by imposing strict sanctions against any entity that openly violates the law and exploits children for work;
- Regional Educational Directorate Diber shall commit itself to identify all cases and work with children to familiarize them with their rights guaranteed by law;
- Tax Regional Directorate shall commit itself to check in details the activity of chrome entities in Bulqiza and to take appropriate legal action in the event of violations or diversion of the activity;
- The local Police Directorate and Bulqiza Police Station shall be committed to continuously monitor the situation and take appropriate legal measures to prevent this phenomenon, keeping in constant contact with the Prefect.



The Ombudsman Institution, evaluating the approach in handling this phenomenon, the readiness of the responsible institutions, to cooperate and



coordinate the work regarding its treatment and resolution, requested detailed official information¹² on the concrete undertaken actions.

More specifically, for the period December 2017 - April 2018, it was requested the following:

- an action plan that specifically handles the forms of cooperation between the responsible institutions above mentioned regarding this phenomenon;
- the responsible persons as a point of contacts for the performance of the duties left in pursuance of the Prefect's order;
- measures are taken for the procedures cooperation and coordination activities to fulfil the tasks;
- data collected on the number of registered children exploited for work, the number of families, of these children, supported by including in the employment programs;
- Complaints submitted to the institutions, through which was generated information on the exploitation of children for work by non-profit organizations, citizens, children, civil society, etc .;
- concrete activities carried out for each institution related to this phenomenon (child labour);
- drafting a summary report regarding the challenges encountered, problems encountered in using children for work;
- the reporting period of the institutions regarding the implementation of the order and concrete actions they have taken on an ongoing basis.

The evaluation of the official responses of these responsible institutions revealed that only three of them responded to it, precisely the Bulqiza Municipality, National Employment Service and State Social Service Regional Directorate, while four other institutions are part of the task force. We have not received any response (precisely Bulqiza Police Station, Regional Educational Directorate, Diber, Tax Regional Directorate and Labor and Social Services State Inspectorate).

From the analysis of quantitative and qualitative data, elaborated in the official documents of the institutions: Municipality of Bulqiza, State Social Service Regional Directorate and Employment Regional Directorate, we evaluate the readiness and the work done for the social-economic evaluation of families.

¹² Official letter no. K5 / I16-4 prot. dated 25.5.2018 to Bulqiza Municipality, Regional Educational Directorate, Regional Employment Directorate, Labor Inspectorate Regional Directorate, State Social Service Regional Directorate, Tax Regional Directorate, Dibra District and Bulqiza Police Station



From the social profiles of seven families evaluated by the social administrator of Bulqiza Municipality and the officers of the Social Services Regional Office, despite the extremely deplorable health, economic and social situation, only one family out of 7 is included in the Economic Aid scheme. The other families, despite the extremely difficult social-economic situation, find themselves rejected from applying to be included in the economic scheme, as a result of undeclared wages and failure to register at labour offices as job seekers. All of the evaluated families have children in their composition, with one of the members, either mother or father, declaring that they work at the chromium stocks to provide food for the children.

These families have been supported by Bulqiza Municipality on the occasion of national holiday packages. Bulqiza Municipality has informed us about the inclusion of families excluded from the new Economic Aid scheme in the 6% grant provided by the State Social Service funds but has not provided with full data on how many of these families are excluded from the new scheme.

Concrete activities undertaken by Bulqiza Municipality have identified 23 families living in difficult social-economic conditions. To enable somehow, improvement of the situation in which these families are, the Social Services Directorate in Bulqiza Municipality informed us that it is continuously following the cases, but has not provided detailed explanations regarding the concrete measures it has undertaken.

In conclusion, considering the work done by the institutions, from the analysis of official data, addressed to the Ombudsman Institution, their performance is not in compliance with the elements required by our institution. In our judgment, this fact proves that we are dealing with a lack of a concrete action plan (what will do who), lack of responsible persons who have to report and a lack of data collected on the exact number of identified children being exploited for work. We already have special structures dedicated to children, but these structures are not yet up to the task to perform reporting and analysis.

During the activity carried out to stop the exploitation of children for work, it is interesting that all structures involved in the activity are interesting, aware of the need to take immediate action to strengthen the social protection system, to address the causes of child exploitation for work and prevention of this phenomenon, as well as put prioritization measure, that one to reduce the causes lead to exploitation of child labour.



In this activity, it was emphasized that, in the framework of the tradition and culture of our society, activating children within the family to provide income to the parents is not considered labour exploitation. To minimize this stereotype of mentality, responsible structures need to develop awareness activities regarding child labour exploitation. This phenomenon is noticeable when the school year closes and summer holidays begin, as well as on weekends.

Conclusions and recommendations

Currently, in Albania, there is a lack of a unified state data system, which enables the identification of cases of child labour exploitation. In Bulqiza Municipality, responsible state institutions have started to have available information on generalities or other data on the economic and social situation of some families, but there is still lack in the reporting mechanisms.

Regardless of the initiatives undertaken to do good work, the Prefect of Dibra should have provided for a full set of institutional actions, in accordance with the best interests of the child and, in accordance with international law and domestic law, for the protection of child's rights, and especially those children exploited in mining industry. This approach should aim for standardized inter-institutional actions, to avoid any overlap, clarification of the modes of action, to guarantee the protection of children who are exploited for labour and following the principle of their highest interest. These actions should be based on the best practices followed so far in our country, as well as on the current child protection system¹³.

In the following, we also note:

- lack of response and coordination with specific procedures and standards, between institutions at the national and local level, in cases of child labour exploitation;
- the lack of new typologies of social services to integrate their families and children into the community;
- lack of good practice support from civil society to adequately evaluate mechanisms established at the local level (child protection units in administrative units) and their professional development.

¹³ For example, Council of Ministers Decision No.582, dated 27.7.2011, "On the approval of procedures and standards of action for the identification and referral of victims / potential victims of trafficking"..



Children do not have proper access to state institutions and there is a lack of effective means through which they can anonymously report cases of exploitation. Despite the reform of the legal and institutional framework, what is most noticeable is that the implementation of this framework in practice leaves much to be desired.

We would like to emphasize that the implementation of the Prefect's order shall enable the development of a practical guide, which should:

- provide clear procedures for the intervention of professionals, for a proactive approach within the current child protection system to help children who are labour exploited;
- define the roles and responsibilities of service providers and responsible structures to better understand what each person should do and what to expect from each other in working with children who are exploited for work;
- to assign monitoring and evaluating indicators of procedures to ensure success in invention and mutual accountability among all responsible stakeholders and structures involved with children who are exploited for work;
- to provide a solid and comprehensive framework of measures and their sustainability, for the protection of children who are exploited for work, through the institutionalization of the steps set out in this guide.

Educational institutions in cooperation with other institutions should organize promotional and educational activities to prevent child labour.

In conclusion, what is noteworthy is the fact that public administration institutions at the local level have begun to pursue good working practices, which we have identified and reviewed in this report.

But, we would appreciate that following these practices, to be more effective in the fight against the prevention of economic exploitation of children, be accompanied by the strengthening of human resources capacities and the consolidation of work methodologies.

The main challenges for our society, which must be prioritized by the legislature and the executive, to enable the elimination of all forms of child labour exploitation, as one of the most serious violations of child's rights, it must be addressed to the correct and in practice implementation of the recommendations of the Ombudsman Institution.



Tirana, November 2018