



Global Initiative to
**End All Corporal Punishment
of Children**

ALBANIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 6th session, 2009

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Albania, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and in alternative care settings.

1 Legality of corporal punishment in Albania

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Criminal Code, the Family Code and the Law on Measures Against Violence in Family Relations are not interpreted as prohibiting all corporal punishment in childrearing. In September 2008, government and parliamentary representatives signed the Council of Europe's petition against corporal punishment.

1.2 According to a statistical review by UNICEF, 46% of children aged 2-14 experienced minor physical punishment in the home in 2005-2006, although a much smaller percentage of mothers/caretakers (6%) believed that children need to be physically punished.¹

1.3 Corporal punishment is prohibited in **schools** and in the **penal system**. But interview research with juveniles in prisons by the Children's Human Rights Centre of Albania found that corporal punishment was commonly used as a punishment when internal prison rules were broken.²

1.4 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party's initial report in 2005, the **Committee on the Rights of the Child** recommended explicit prohibition of all corporal punishment in the family (CRC/C/15/Add.249, paras. 50 and 51).

¹ UNICEF (2007), *Progress for Children: A World Fit for Children – Statistical Review, Number 6, December 2007*

²² Coku, B. & Kotorri, V. (2000) *Juveniles in Albanian Prisons: A report on the situation of juveniles in Albanian prisons*, Children's Human Rights Centre of Albania