

DISCIPLINARY PROCEDURES FOR STUDENTS, THE ALBANIAN CASE

Case Title:

Taking measures for the non-repetition of unacceptable acts of violence among students at "Sejfulla Malëshova" School, Këlcyrë, March 2017.

The scope and level of education from which the case is taken

Disciplinary procedures for students in secondary education

Description of the Case Problem

Based on a publication in a media on 27.03.2017 titled "*Scandal at the school of Këlcyra, the girls fight in the middle of the classroom*", the Office of the Ombudsman registered on its own initiative the handling of the case. The video that goes with the article shows a group of students of the "Sejfulla Malëshova" School, and acts of violence between two students could be noticed.

Legal provisions and the Commissioner's recommendation

Article 54 of the Constitution of the Republic of Albania guarantees the **right to a special protection for children** in our country.

- "3. *Every child has the right to be protected from violence, maltreatment, exploitation and use for work, and especially under the minimum age for child labor, which may harm the health, the morale, or risk their normal life and development.* "

- Violence against children is unacceptable under any circumstance, in accordance with the provisions of the Convention on the Rights of the Child (CRC). The United Nations Committee on the Rights of Children emphasizes that, in pursuance of Article 28 and 29 of the CRC, schools should be friendly to children and that the concept of "school" should not be limited to teachers and its leaders but should be more inclusive in terms of all its personnel.

- The CRC, Article 19 "*Member States take all legislative, administrative, social and educational measures for the protection of the child from all forms of physical or mental violence, insults or maltreatment ...*" and Article 28.2 "*Member States take all the necessary measures to ensure that school discipline is implemented in a manner consistent with the human dignity of the child and in accordance with this Convention.*"

- Law No.69 / 2012 "On the pre-university education system in the Republic of Albania" has stipulated that "*In the activity of the institutions of the pre-university education system, the student's interest is primary*" and also in Article 61 are provided "Rights and duties of the student". Specifically, in point 2 of this article it is stipulated that "***the student has the duty: a- to respect the rights of the all students and the employees of the institution, recognized by law***". Also in the normative provisions "On the pre-university education system" are clearly defined in Chapter XIX "Disciplinary measures, namely **Article 106" II. Special discipline violations by students**" which are taken by the School Discipline Commission.

On the basis of legal provisions, the Ombudsman recommends taking immediate measures to examine this very case by the disciplinary committee of the school, to issue a disciplinary

measure which should specifically focus not only on the unacceptable behavior of the two students but also on the influence of this behavior in the classroom environment and beyond.

The procedure followed and the Commissioner's decision

The case is addressed to the Director of the "Sejfulla Malëshova" School and to Këlcyrë Regional Education Office.

The director of the "Sejfulla Malëshova" School in Këlcyra, Ms. A.R, informs that the Recommendation was accepted and measures were taken based on legal provisions. Concretely, the Ethics and Conduct Commission has been assembled, the two students have been taken to individual counseling by the school's psychologist in order to create the psychological and emotional balance of their behavior. The commission has also assessed the two students and as for one of them it was a repeated behavior, the issue was taken to the Disciplinary Commission for review. It was decided to "decrease the grade in student behavior for student D.H based on normative provisions (article 107 / ç) as well as in the school's internal regulation (point 2). They also conducted conversations and meetings with the students in the classroom about the awareness and the re-emphasizing of non-violent manners for conflict resolution.

On account to this positive response, the commissioner considers it reasonable to close the case treatment.

Source: Recommendation on taking measures for the non-repetition of unacceptable acts of violence among students at "Sejfulla Malëshova" School, Këlcyrë, from the Ombudsman's Office.

<http://www.gazetatema.net/2017/03/27/video-skandal-ne-shkollen-e-kelcyres-vajzat-kapen-per-flokesh-ne-mes-te-klases-per-nje-djale/>

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