



Koalicioni Shqiptar "Së Bashku Kundër Trafikimit të Fëmijëve"



SOS Children's Villages

The Albanian Coalition "All Together Against Child Trafficking"

Albania

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Submitted by BKTF in collaboration with ASOS Children's Village**

This report is prepared by the BKTF coalition in collaboration with ASOS Children's Village. Conclusions are drawn from the experience of the last 4 years working in Albania. The following findings are drawn from the literature and the work of the member organizations and ASOS Village.

The Albanian Parliament has ratified the UN Convention on the Rights of the Child since February 1992.

Despite achievements in terms of legislation, institutional and policy framework, Albania is still far from adequately protecting and promoting child rights. One positive change in February 2009 was the ratification by the Albanian Parliament of the Convention of the Council of Europe on sexual abuse and exploitation. In addition, the Albanian government has undertaken the initiative to draft a framework law on children's rights.

Throughout this report we will try to provide an overview of the child rights breaches along with some recommendations. Moreover, with this document we would like to draw attention to the actions of the Albanian Government in regard to conclusions and recommendations of the "Special Rapporteur on the sale of children, child prostitution and child pornography" after his visit in Albania.¹

(I) Situation of Child exploitation-Child begging

Exploitation of children for labor, for earning profits and for begging has long been an issue in Albania. There are no official statistics on the number of children who work and beg in the streets. The majority of street children are involved in odd jobs, such as: selling cigarettes and other little items on the street (although it is illegal to do so), collecting items for sale, and car maintenance. Albanian children beg in Albanian cities as well as in other countries in pursuit of earning profit. A majority of children who are exploited to beg come from the Roma and Egyptian communities in Albania², while children who sell items come from the Albanian majority.³ Most children, with no gender distinction, beg because their parents ask them to do so.⁴ Force or other coercive means, such as physical and psychological pressure, are used by their parents to ensure their compliance. (A few children report being forced to beg by individuals outside of the family.)⁵

A majority of these children are unregistered at the civil status office and, as a consequence, they do not attend school and lack access to public services such as healthcare. Begging in the streets puts children at high risk of trafficking and other forms of abuse, in particular to sexual exploitation. Both, street working and begging children face a number of challenges with respect to their economic conditions and their ability to have their basic needs met. Most street children lack running water, electricity and toilet facilities in their homes. The need to work was the most common reason for children not attending and being enrolled in school. Some of the causes which lead children to beg are: poverty, discrimination, dysfunctional families, and a low level of education of parents, which consider children as an object for profit-making.

Albanian legal framework against child exploitation has not been implemented so far and child protection mechanisms at both institutional and community levels are very weak or nonexistent, and in most cases fail to protect children from such risks.

Recommendations:

- The State should take up more responsibilities in social matters capitalizing on the experiences of NGOs and supporting their activities and programs. The role of the local social services should be strengthened in: pro-actively identifying and referring children at risk; monitoring standards of care; assessing the situation and developing community child and family protection plans; and serving as focal point for coordinated referral and response⁶. Although this same recommendation was made in 2007, very little progress has been made by the Albanian Government.
- The phenomena of child labor and begging are very complex and related to other social problems such as: domestic violence, discrimination of minorities, gender based violence, etc. As such, the Government of Albania should envision a model which addresses all of these issues at both central and local levels. The experience established through Child Protection Units at the local level should be fully integrated within the structure of the local social services, legally supported through human and financial means by the Government and geographically distributed across Albania at the local government level.
- Family support programs should be provided considering in most of the cases parents are involved in exploiting their children. However, when parents repeatedly exploit their children, through exposing them to the risks of living on the streets, the parental responsibility/guardianship should be removed. The State should improve and monitor the process related to legal guardianship. Efforts should be increased in establishing alternative care programs considering the best interests of the child and the CRC.
- Families suffering from and/or at risk of such situations should be empowered economically. Addressing the family's economic difficulties will help alleviate the need for children to work and increase the capacity of parents to care for their children. Social inclusion and economic aid should be provided to these families.
- The police and other practitioners such as social workers, health personnel, and teachers, should be trained on how to best assist victims of exploitation and abuse when identifying and reporting cases of such abuse. In addition, ad hoc premises should be set up in police stations with specialized personnel, to create a friendly environment for victims to help them in overcoming their fears and reluctance to report cases of abuse.
- The Government in collaboration with NGOs should establish formal and non-formal programs which ensure a safe and non-discriminatory environment for all children so they can be enrolled in the education system. These programs should primarily address stigmatization and harassment coming from school and community environments.

(II) Children unregistered at the Civil Register

The substantial number of children not registered at the civil registry is still a big concern for Albania. Many children in Albania remain unregistered due to child birth outside of health centers and therefore not obtaining the Act of Birth Certificate; declaration of false/wrong identity of parents; lack of economic means to follow the court procedure in cases where the deadlines provided by the law have not been respected⁷; limited awareness of parents on the importance of registering their child; and the inappropriate registration scheme which is unable to cope with internal migration and other phenomena. Even though there are no official statistics on the number of unregistered children, the number reported by NGOs involved in this report is 405⁸

The registration of a child can be extremely complicated in cases where the legal systems of more than one State have to be applied, as is the case for many Albanian children born and/or living abroad. More difficulties arise when the parents of the child reside illegally in the country where the child is born at the time of birth or later. From the efforts of NGOs working both in Albania and in destination countries it is clear that the necessary procedures in these countries set insuperable obstacles for children born abroad, whose parents are Albanian citizens without residency permits, to be registered in the Albanian registries. This is necessary in order to acquire an Albanian passport as a first step to legalize their remaining in the country where they currently live.

Despite recent amendments to the law on Civic Registration through providing a legal amnesty⁹, so far there are no data to measure the impact of law. Moreover the registration of Roma community/children is still a problematic issue resulting in the exclusion of Roma children and their families from all rights such as: education, health, social, and economic support schemes.

Recommendations:

- The Albanian Government should inform/raise public awareness for child registration and the importance of being a legal person within and outside the country - Registration of all children is a fundamental preventive measure for the protection of children from criminal phenomena, such as selling of children, illegal adoption and child trafficking. Initiatives of Government should be right-based and need to involve civil society.
- The Albanian Government should undertake all the necessary measures to ensure the implementation of laws related to birth registration (giving the financial benefit for birth registration within the deadline provided by the law, training of staff, creation of administrative infrastructure) and also to ensure that every child born within territory of the Republic of Albania, and children of Albanian citizens born out of the Country, are registered in civil offices. The suggestion to achieve such a recommendation would be the establishment of a national monitoring system for children.
- The Albanian Government needs to implement a specific plan, like including free legal assistance and social inclusion in the registration of children, for facilitating the registration of Roma and other vulnerable communities at risk of such phenomena. In addition, plans should include empowering initiatives which make these communities aware of the risks and problems that lack of -registration entails. The right of children to be registered should underpin such programs.
- Albanian Authorities should initiate agreements with other States, where large numbers of Albanian citizens live, regarding the facilitation of document issuance related to birth registration.
- The Albanian Government should undertake measures for its Civil Status Offices in the Consulates to carry out such obligations. Moreover, such offices should use unified procedures in all Albanian Consulates to coordinate with their counterparts in Albania and facilitate their procedures on legal document issuance.

(III) Leaving care and after care

In Albania the situation of children ageing out of care remains a cause for concern particularly considering the early age of leaving care, as young as 14-15 years old. After children leave public residential institutions, they are transferred to boarding schools only if suitable places in school dormitories are available. The majority of care leavers have low educational attainment (8th grade education or perhaps one or two years of high school). Many drop-out of education during their time in these boarding schools. Other children are known to have deliberately failed the school year, in order to repeat the year and therefore postpone their post-graduation departure from the school¹⁰.

Children in boarding schools report that they are often stigmatized, live in poverty, do not have access to free health assistance, and have no housing support after graduation at age 18. Therefore, most of the care leavers tend to live throughout their life in boarding schools or on the streets. There is no clear policy or practice supporting children ageing out of care, even those aged 14. No after care services are available once they leave public residential institutions, and there are no follow-up processes to monitor progress or support educational, employment, or welfare and housing outcomes. The total lack of support services and any appointed structures to continue care for children and young adults results in numerous negative outcomes; for example, unemployment, homelessness, and vulnerability to exploitation.

According to National law “On status of orphans – Law no.8153 – 31.10.1996”, children granted orphan status are entitled to various supports, such as financial payments, scholarships and free access to other basic services. In reality, the available economic support is insufficient to address levels poverty and there is also poor

implementation regarding prioritizing support services for orphans, such as employment support from age 16, housing and accommodation, health, etc.

Recommendations:

- Considering the age of leaving care, immediate action should be taken to extend the period of State care to cover children up to the age of 18.
- Introduce legislation and put into practice adequate provisions to ensure that children leaving care receive support in educational attainment, vocational training, and life skills to ensure better outcomes for care leavers.
- Introduce legislation to improve the legal status of care leavers, and put into place appropriate services to support children leaving care during the period after care; with reference to, for example, continuing education, vocational training, employment support, as well as provision of housing, health services, and welfare.
- Introduce policy and legal improvements which increase and clarify the obligations of all stakeholders at the national and local levels to support children leaving care.
- Develop supportive forms and build up relevant structures by the State that support care leavers during the transition from care into independent life in terms of education, health, housing and psycho-social support (particularly for children leaving care at age 14).
- Ensure follow-up of plan of children aged 14 years with links to specialized structures and appointed structures.
- Develop effective vocational training for children leaving care in accordance with labor market needs.
- Train State structures on leaving care issues and raise of capacities for follow-up and leaving care standards, making good use of practices of other NGOs in the field.
- Provide adequate financial support to youngsters ageing out of care.
- Develop suitable accommodation options for children leaving care at the age of 14 years and appropriate housing for those going out of boarding schools.

(IV) Children without parental care

Most children in institutional care come from rural areas and are often from poor families, headed by one parent (due to death, divorce, emigration, imprisonment) or parents with health problems (85% of the cases)¹¹. Whilst there are a decreasing number of biological orphans, these children represent a growing population of social orphans and are generally in alternative care, largely due to labels of poverty faced by their families. Limited financial support is not sufficient to reduce levels of poverty nor to support these families in preventing the separation of any child simply due to economic factors. Research has shown that about 80% of families who benefit from economic assistance remain dependent on welfare for a period of more than 8 years. There is a large at-risk population with 200,000 children¹² living in families affected by poverty and receiving monthly economic assistance.

There is currently a lack of any legal definition for “*children at risk of losing parental care*”. In the absence of such a definition, it is not possible to properly identify and collect relevant and necessary data, and to consequently support families or children at-risk due to poverty.

Recommendations:

- Develop and implement policy and practice to support the reintegration of children into their biological families, with adequate financial, housing and other support for families affected by poverty.
- Improve gate keeping for unnecessary admission of children in alternative care, in all cases, but with particular reference to poverty as a decisive factor.
- Improve legal definition of children at risk of losing parental care, and develop systematic measures to identify children at risk and provide adequate support and other services to prevent separation.

- Develop community based supportive services for families in order to prevent child from losing parental care, i.e. family centers and counseling
- Build the capacities of local authorities, improve gate keeping system, provide alternative supportive services to strengthen the families and engage constructively with all stakeholders in these developments.
- Take concrete steps, within an overall plan to de-institutionalize alternative care, to develop other forms of care, e.g. short term placement, emergency social centers.

¹ *Rights of the Child, Mission to Albania, Report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, E/CN.4/2006/67/Add.2, 27 March 2006*

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/61/PDF/G0612161.pdf?OpenElement>

² *Transnational Protection of children. The Case of Albania and Greece 2000-2006. Terre des homes. pg. 9*

³ *Characteristics of Street Children in Tirana, Albania. A Quantitative Study. Tonya R. Thurman, Lisa Johnston, Bridget Lavin, Elizabeth Bunde, Nancy Mock from Tulane University, USA. Activity conducted in collaboration with World Vision Albania. August, 2008*

⁴ *Transnational Protection of children. The Case of Albania and Greece 2000-2006. Terre des homes pg.9*

⁵ *Unpublished study of Anti-slavery international, Terre des hommes, Arsis*

⁶ *Rights of the Child, Mission to Albania, Report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, E/CN.4/2006/67/Add.2, 27 March 2006*

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/61/PDF/G0612161.pdf?OpenElement>

⁷ (Special Report “On the Activity of People’s Ombudsman on Child Rights Protection”) *Raporti i veçantë “Për veprimtarinë e Avokatit të Popullit në mbrojtje të të drejtave të fëmijëve”, Tirane 2008, f. 11. (Special Report “On the Activity of People’s Ombudsman on Child Rights Protection)*

⁸ This figure is provided by Tirana Legal Aid Society 2008 Report.

⁹ *Law on Civil Status No.8950, Date 10.10.2002 changed with the Law No.9029, date 13.03.2003; No.9229, Date 29.2.2004 and the Law No. 9929, Date 09.06.2008. According to changes in the law, the deadline to register a child has changed from 15 days to 60 days within the country and 90 days for children born outside the country. Also the law provides remuneration of 5000 Lek for parents which do register their child within the deadline provided by the law.*

¹⁰ *SOS Children’s Villages Albania. Country Rights Situation Analysis of Young People Ageing Out Of Care in Albania. Mirela Muca & Vilma Kolpeja. (National Albanian Centre for Social Studies). A. Guma, A. Berzani, E. Osmani (SOS Children’s Villages Albania). Albania, January, 2009. p 27-28*

¹¹ *SOS Children’s Villages, Albania. Child Rights Situation Analysis: Children without parental care or at risk of losing it - Summary Report. March 2009 p.21.*

¹² *Statistical Bulletin, No.3, INSTAT, 2006*