



The Albanian coalition “United for Child care and Protection”

CRC Alternative Report December 2011

This report is prepared by United for Child Care and Protection coalition member organizations. Problems, recommendations and conclusions are drawn from the experience of the coalition and its member organizations working in Albania.

Throughout this report we will try to provide an overview of the child rights breaches along with some recommendations. Moreover, through this document we would like to draw attention to the actions of the Albanian Government in regard to conclusions and recommendations of the Universal Periodic Report.

The right to Protection - Weak child protection system unable to reach children in need.

Child protection system in Albania is weak and non-functional. When relating to social protection interventions, the specific and multi-dimensional vulnerabilities of children are rarely adequately addressed in Albania, which in turn contributes to a number of children being exposed to various forms of exploitation, violence and abuse. This directly challenges the capacity of the State to ensure the protection of the rights of the child and leaves long-term negative consequences on the lives of these children and communities. Even though the Government has made some efforts to improve the child protection system these efforts have demonstrated a clear lack of a clear vision.

The Albanian Parliament has ratified several conventions and optional protocols related to child protection issues and human rights during the last 4 years. Despite achievements in terms of legislation, most of the rights of children still remain declarative with a limited possibility of implementation. A major achievement for the government was the approval of the Child Rights Law in the Parliament on 4th November 2010. Other improvements are related to the amendment of the Civil Status Law and the elaboration of the Standard Operating Procedures for the identification, referral and reintegration of the children victims of trafficking (approved in September 2011.) etc. There have been initiatives on social service reform in the country with particular focus on deinstitutionalization of residential institutions. The main goal is the creation, functioning of family based care in all the country, with the goal of offering quality service. Also, there is progress in establishing foster care in the country. There are at the moment 80 foster

families trained and offering services for children in need.

Even though there is progress, the secondary legislation for the Child Rights Law should be immediately drafted and approved, several legal changes need to take place in the Penal Codes, Penal Procedures Code etc and other laws and regulations to provide statutory changes to the job description and capacity building of the professionals in charge of child protection such as social workers (case managers) their supervisors, police and health services and their monitoring bodies etc. One major impediment in the realization of child protection services was noticed to be the lack of collaboration between central and local government. To illustrate this point we would like to point out to the child protection units, which are foreseen to be created by the local government unit all over Albania¹. Out of 65 municipalities and 309 communes (municipalities in the rural areas) only 28 of them have established Child Protection Units. To date there is neither a clear vision nor a shared and participatory budgetary plans on how to establish the Child Protection Unit all over the country. What is more, most of the reforms related to the improvement of the child protection system in Albania lack financial and human resources, thus making the system and services fragmented.

Recommendations:

1. Finalization of the bylaws and related changes in the job description documents of the professionals and the establishment of functioning mechanisms envisioned by the Child Rights Law (no. 10347) in charge of child protective services.
2. Child-sensitive social protection program grounded on an evidence-based approach that aim to maximize opportunities and developmental outcomes for children, by considering different dimensions of their well-being should be in place.
3. Development and strengthening of the practice of the municipal Child Protection Units model as a holistic model of child-focused social services programs, at local level and establishing linkages with the national level.
4. The State should explore ways how to strengthen synergies between social transfers, social services and social health insurance programs, and tax deduction laws in order to directly help to reduce family economic vulnerabilities.
5. Proper consultation and budget planning should be in place for the creation of such units otherwise the local governments will not be able to make them viable.
6. It is essential to secure the awareness and involvement of a range of governmental and non-governmental actors, including children and parents.

General Principles (Articles 2, 3, 6 and 12)

Some of the factors which put children and their families in vulnerable situations include the extremely difficult economic and social situations, lack of access to health services, education or birth registration, discrimination etc. Children with a disability, intellectual, physical or multiple disabilities are discriminated against on the grounds of their disability particularly in respect of access to education, to health and rehabilitation services and to participation.

Recommendations:

The Albanian government should raise parents, families, community members, and central and local government and duty bearers' awareness on the rights of children with disabilities to inclusion, participation and a barrier free environment to ensure their development, education, rights and dignity.

Civil rights and freedoms (arts. 7, 8, 13-17, 28, 37 (a) and 39)

Article 7 – The right to have a name, nationality and to know the parents

Despite recent amendments on the Civic Registration law through providing a legal amnestyⁱⁱ, so far there are no data to measure the impact of the law. Birth registration is and will remain an important issue for BKTF coalition and member organizations even in 2012. Though the number of unregistered children has slightly reducedⁱⁱⁱ due to the amended Civil Status Law there are approximately 181 children unregistered only in Tirana, Durrës and Fier. There is no official data for unregistered children all over Albania and even the number mentioned before is the number of children identified only by one BKTF member organization.

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 (irregular migrants), 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.

Moreover, most problematic remains the registration of Roma community/children resulting in the exclusion of Roma children and their families from all rights such as: education, health, social and economic support schemes.

We praise the efforts of the Government, especially the Ministry of Interior, Office of Anti-trafficking Coordinator to address the issue and we have especially appreciated the continuous involvement of civil society in these matters. However, the issue still needs continuous attention especially for those cases of Albanian children born abroad.

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.
- 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 implement already signed agreement and 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.
- There should be improved communication and closer collaboration among Maternity Hospitals and Civil Registration Offices through more accessible ways for the vulnerable children.
- Registration of children through administrative procedures in most cases requires determination of custody as a second step. This decision is issued by the Justice Court. The delay in providing this decision has often resulted in violation of children's rights and increased abused towards them.

Special protection measures (arts. 32 & 35)

Invisible children, Article 32 – Children in circumstances of exploitation

Exploitation of children for labor and for earning profits has long been an issue in Albania. Children continue to engage in begging, collecting cans and other recycling items, industrial labor in fishery and also in agriculture. There are no official statistics on the number of children who work and beg in the streets and little is done to date to address the issue. The majority of children in street situation are involved in odd jobs, such as: selling cigarettes and other little items on the street, collecting items for sale, and car maintenance. Albanian children beg not only in Albanian cities but also in other countries in pursuit of earning profit. Most children, with no gender distinction, beg because their parents ask them to do so^{iv}. 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.)^v A team of Social Workers has identified 55 children involved in begging in Durrës, coming from other cities mainly, Tirana, Fier and Elbasan during July 2010^{vi}. A majority of children who are found to beg come from the Roma and Egyptian communities in Albania, while children who sell items come from the Albanian majority.^{vii} A study conducted in 6 cities of the neighboring Kosovo observed an estimate number of 91 Albanian children who are facing a street situation in Kosovo.^{viii} Local drop-out centers working in the capital of Albania report of about 300 children begging regularly in the city, and with a national estimation of 700 – 800 children, though there are no accurate statistics on the matter.

There is not only one factor that leads to child exploitation as in most of the cases it is a combination of several factors. Some of the causes which lead children to beg are: poverty, discrimination, dysfunctional families and a low level of education of parents. Roma and Egyptian children are the ones mostly at risk of being exploited for begging due to structural forms of ethnic and gender discrimination, poverty and social exclusion with result in low educational achievement, high level of unemployment, domestic violence, growing up in state care, high school dropout rates.

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 of children who are yet not registered are children in street situation. Children are exposed to various forms of child rights violations, such as neglect, physical violence, emotional and psychological abuse etc. Many of the children in street situation have either never attended or have dropped after the first or second years of schooling 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. Children report of cases when they are approached by adults who ask them to engage in sex or other related activities. Living conditions of the families of children in street situation are much severe than the general population. Even though most of the have a shelter these are not proper houses but huts/ shacks, in neighborhoods which look like slums with no running water, electricity and toilet facilities in their homes.

Institutional and community levels are very weak and in most cases fail to protect children from such risks. Child begging is addressed neither at the protection nor at the prevention level. The law and the implementing authorities (social services, law authorities, and health) do not protect children from such phenomenon. No actor has clear job description or clear mandate to protect children. Local and central social services are not equipped to assess the needs and take decisions on children, based on their best interest. NGO service providers and even the police authorities have been active in trying to raise the issue of child begging. However, given the complexity of the situation, lack of clear procedures or pro-active actions and the fact that there is no one-size-fit-all solution still the phenomenon persists affecting children severely.

Recent studies show that child begging is not declining. On the contrary, it is growing due to increased poverty and lack of employment. Another issue of concern is the high number of children involved in collecting recycling items in the waste collection site, at least 60 children aged from 6-16 engage long hours every day in the main collection site of Tirana, as reported by a recent study.^{ix} Similar numbers are reported in the Durres waste collection site.

Albanian children are exploited not only in Albanian cities but also in other countries such as Kosovo and Greece in pursuit of earning more money. A majority of children who are exploited to beg come from the Roma and Egyptian communities in Albania. In 2010, during a two-week street observation period conducted in July, 91 cases of Albanian children begging in Kosovo were observed by the team of street workers.^x Child internal and external trafficking continues to be an issue.^{xi}

Child labor is not properly monitored, identified and addressed. Even when in age of employment children do not receive proper healthcare or benefits from their employers. Informal economy continues to thrive and children are suffering from it.

Recommendations:

1. Immediate measures should be taken to address the phenomenon of child begging / child exploitation and child labor because it hampers child rights today and limits their possibilities for the future.
2. 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 response.^{xii}
3. The phenomena of child labor and child begging are very complex and related to other social problems such as: domestic violence, discrimination of minorities, gender based violence, etc. All such issues should be addressed with preventive and protective measures.
4. The State should improve and monitor the process related to legal guardianship. Efforts should be increased in establishing alternative care programs considering.
5. The Penal Code should be amended to criminalize child exploitation. However, particular attention should be paid when implementing it. Punishment of parents should be seen as the last resort while strengthening the families and providing economic alternatives, education for children and illiterate adults along with strengthening their life skills and psycho-social support should be the provided beforehand.
6. 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. Economic aid, micro-credit, vocational training and education should be provided to these families combined with psycho-social support and life skills. The latest is very important considering that the parents of children who beg have been for a long time used to a life in the street and they distrust institutions. These children and their families need to receive support in the long time.
7. 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.
8. 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.
9. In cases of Albanian children found begging/ working in neighboring countries, collaboration and coordination of Albania and the destination country are essential and should be strive for the determination of their best interests: in order to be able to

identify sustainable interventions in the best interest of the children found, assessment needs to take place in close coordination and collaboration with the place of origin. The Albanian Embassies abroad could also play a key role in assisting cases of Albanian children found begging (and their family members). Collaboration should exist among other structures such as police and social services.

Violence in school

Violence to children in Albania is widespread^{xiii} in different forms and Albanian society has traditionally a high level of tolerance for violence. Some forms of violence are justified by parents, teachers and children themselves^{xiv} as part of the traditional educating children's culture: *"Children fight from time to time, but that is normal"; "Those who smack a child does it for the best of the child"*, violence is seen as a disciplinary tool, the belief that children must be scared to behave. Two large scale reports in the country (UNICEF 2006, Save the Children 2007) indicate high figures of physical and psychological violence against children in the family, school settings and social institutions. Although schools should play an important role in protecting children from violence and abuse, frequently teachers use violent behavior as a means to drive children to improve performance and exercise their authority to keep discipline. Despite MOE's instructions^{xv} to address and prevent violence, no specific system to record and address incidents of violence has been established at school level.

In the majority of cases the students are afraid of reporting incidents of violence exercised by teachers because of a possible retaliation^{xvi}. When incidents of violence are reported, the Regional Education Authority (REA) responding measures are weak in terms of warning, suspension or dismissal of teachers who use violence. Violence against children in schools is subject to be tackled by the new Pre-university education Bill expected to be passed by the Parliament until end of 2011. BKTF coalition has provided input in regard to the rights of students and parents to complain about a teacher's inappropriate behavior, and safe reporting procedures in case complaints for violent incidents are made.

Recommendations:

- Actively involve children, families and community members in the efforts to reduce the use of violence in schools and at home and in addition promote the positive values of multiculturalism.
- Increased attention and professional capacity of school and municipal staff, is also considered necessary for assuring effectiveness and sustainability.
- Empower children to advocate for children's right to grow up without violence. Ensure safe reporting procedures for incidence of violence within schools
- Introduction of violence prevention programs in school curricula.

Article 35 – Right to protection from abduction, sale and trafficking for any purpose and in any manner

Albania continues to be a country of origin for the trafficking of children for labor purposes. Many children are sent to Kosovo and Greece to work and beg either by parents, relatives or other.

Another phenomenon which is increasing lately is internal trafficking which makes Albania in the same time even country of destination. Children usually coming from small towns/villages are sent to the capital and other big cities to beg and, work thus being exploited in different forms. The number of exploited children is increased during summer when children move to the seaside area and might get exploited for labor purposes. There is a fear that girls might get involved in sex tourism.

According to a street observation report conducted at least 91 children coming from Albania have found begging in the streets of Kosovo^{xvii}.

The State recognizes the phenomena of child exploitation and trafficking during the presentation of the reports on the implementation of the National Strategies for Children, and measures are taken to address its root causes. However, more work needs to be done for the identification and referral of internal trafficking and for building the capacities of state institutions and putting in place the necessary mechanisms (as presented in the Child Rights Law) to be able to identify and protect potential victims or victims at risk of trafficking. There is lack of clarity in regard to trafficking definition and inadequate law enforcement action and practices.

Efforts were made to improve capacities in piloting the Standard Operating Procedures and in trainings delivered to some of the Regional Anti-trafficking Committees. Nevertheless, the Government Institutions lacks human and monetary resources allocated and needs capacity building especially in the social service sector. What is more there is no sustainability in the already trained staff, in the border police or else. The National Referral Mechanism has been recently revised but one of the main challenges of this agreement it is to find an effective way to keep it as a living, open and dynamic framework which should change in accordance with any changes in national legislation, new developments in the forms and methods of exploitation, new risk groups and regions, the evolving needs of the victims and other shifting parameters of this phenomena.

Regarding police institutions there is a good tendency and will from this institution to assist victims at risk of trafficking but the procedures are not clear. However, especially at the border points there is still a need for improving the premises or facilities where the returned person may be interviewed, such as the case of Morina border point in Kukes. There is a lack of understanding of responsibilities in the social services in the cases when a victim at risk of trafficking is identified. What is more the social service of the State Social Services is not always available to assist when the child is identified after the official working hours or during the weekend. As a result the child has to stay in the border or in the police station until a social service worker finalizes the official documentation procedures. Even the plan of action does not sufficiently integrate the standards for good practice with respect to protection and assistance of child victims of trafficking from initial identification up until the final integration and recovery

of the child. Moreover no additional resources are made to deal with this new action plan and added mandate opens many doubts and questions the success of the anti trafficking strategy in years to come.

The government provides support to victims of trafficking through the National Shelter and by supporting NGOs which provide services for victims of trafficking. However, more should be done for the mid-term and long term integration of former victims in the society and normal life. BKTF recognizes that the Standard Operating Procedures provide for guidelines and clearer roles for the various professionals involved in anti-trafficking. Yet, it has to be put in place and implemented.

Recommendations:

- Integrate results based planning and monitoring in all the stages of anti trafficking efforts. Regional anti-trafficking coordination groups should be further supported and continuously monitored.
- Ensure proactive identification at border points and among persons exploited within Albania's sex trade and labor sectors while intensifying partnerships with NGOs to increase detection and referral of all trafficking victims
- Improve identification and specialized services for child trafficking victims and pro-active referrals.

Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 19-21, 25, 27 (para. 4) and 39)

Separation of children from parents

In Albania, most of 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^{xviii}.

Current data show that there is an increase of 'social orphans' in care, thus children that come from families with one parent and that for different social and economic conditions are placing their children in care.

Also, Albania has the highest percentage of children living in extreme consumption poverty (households with per capita consumption below PPP \$2.50 a day) (UNICEF, 2009)

There is a lack of legal definition about "children at risk of losing parental care". In view of the fact that neither definition nor classification of families and children at risk are clearly defined, there is no existing statistical data indicating prevalence of child abandonment. Therefore, there is a lack of identification mechanism for children at risk.

At the moment in Albania, there is a lack of preventative services such as short term care services, efficient community based services.

Within the decentralization reform, the local government is the main responsible body to offer social services for families at risk but due to few capacities, human and financial resources, the

families at risk are not identified and provided with support to be strengthened enough to care about children and not be at risk of abandoning them. Actually, the problem of family separation is not only of economical nature and solving this problem requires more efforts and social assistance responses available, than just offering the financial assistance per se.^{xix}

Recommendations

- 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, provide alternative supportive services to strengthen the families and engage constructively with all stakeholders in these developments.
- Under the framework of DE institutionalization, that is considered a priority of the Albanian government to develop day care and community based services and centers, offering of various supportive courses and strengthening of multidisciplinary groups, in order to achieve a systemic intervention with families in need
- 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.

Children deprived of their families

Children in care

Data obtained by Social State Service in Albania, show that the current number of children in care on 2010 is 582 children. By the statistics collected, the children 0-6 years make up almost half of the children placed in public residential care institutions (114 out of 238 children resident in 2010)

Besides the initiated efforts within the planned De Institutionalization reform in the country, main problems of children in care are:

- Lack of quality services offered to children in public care: Although there is national care standards applied in the public residential institution, their implementation in practice is poor. Actually children in public care have poor academic performance, suffer the effects of institutionalization and are more exposed to violence and abuse. The child development plans are not implemented and most of all the emotional and psychological needs of children are not met. The preparation for leaving care is not a thorough and well planned process and children are informed less than 4 months before that they should leave care. After they leave care, there is no caring person to support them during process of transition.^{xx} Lack of culture of children participation in decision making processes: Children are not empowered and educated to be part of decision affecting their life during the time in care.

- No application of “open door practice” when children and young people leave care, in case they fail or need further support.

Children leaving care

In Albania the situation of children ageing out of care still remains a cause for concern particularly considering the early age of leaving care, as young as 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 (9th 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 school.^{xxi}

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 15. 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.

In any case, the provisions of the law “ On the status of orphan 1996” exclude many care leavers who do not meet its criteria because they have a living parents or parents and have not been formally abandoned. However, they may be similarly situated to registered orphans in that they were raised in social care, while parental illness, disability, emigration or family breakdown may leave them similarly deprived of effective parental and family support. The criteria set for “orphan status’ exclude them from the rights provided for under the law, including those which the state does implement, such as the right to free transport and state medical care.^{xxii}

As an outcome of the Universal Periodic Review Report of Albania, one of the accepted recommendations (recommendation no.2 from UPR)^{xxiii} from Albania Government was to take measures to extend the age of leaving care from 15 years old to 18 years. Despite the start of the De institutionalization reform in the country, there is yet no clear plan or strategy to ensure that the time in care is 18 years.

Recommendations

- Considering that most of the children in care are 0-6 years old, Albanian government should take measures to avoid placement of children below 3-5 years old in care and provide family based services.
- Leaving care structures and after care services should be developed, autonomous and semi-independent apartments for youngsters who leave care and local authorities should take over this action as their priority
- Extend the age of leaving care, from 15 years to 18 years old. Make necessary changes in the law; develop clear plan and strategy within the ongoing child care reform in the country.
- Assess standards implementation in all the residential care arrangements and ensure that the care providers protect and respect the standards
- Review of standard procedures regarding child placement in residential institutions and improve gate keeping system

Periodic review of treatment and/or placement of children

When children are placed in residential care, there is a lack of continuous work with biological families and it is noticed that there is no review family's need. One of the reason is that given that children placed in residential institutions are far away from the cities where their families of origin are based, maintaining of relationships with families of origin are impeded.

Also, even though families of origin can be empowered economically, they do not take their children back in the family. During the stay of the child in institution, the emotional bond among biological parents and their children are broken and in order to avoid this phenomenon, services, regular visits for strengthening of family ties are needed.^{xxiv}

At the moment, averagely a child changes 2-3 placements during the time in care. There are national standards of care in place but there is a lack of regular reviews of child situation by a multidisciplinary team. There are individual plans developed for every child in public care, but they are formal and not implemented in practice to fully maximize the potential of the child, cover its weaknesses and boost him with life skills. There is no path planned for every child for exiting public care and the package of systemic support he/she will be provided with.

Recommendations

- Carrying of regular and periodic assessments to review the situation of the child placed in care and undertaking of steps on a case by case basis
- The care plan should be developed in strong cooperation with the biological family from the moment of child admission into care.
- 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.

- Take actions to raise the awareness of biological parents to take their children back and strengthen policy and practice of reintegration in the biological families. Accompany the strategy with economic and social assistance and services.
- Improve conditions in existing residential institutions, infrastructure, capacity building of staff, and the quality of services

The main general recommendation to improve the alternative care services in Albania and ensure that the rights of children are fully respected is that the Albanian Government should adopt the UN Guidelines for Alternative Care and take necessary steps to design meaningful strategies and policies under the guidance of UN Guidelines.

Disability, basic health and welfare (arts. 23, 24, 26, 27 (para. 1-3) and 33)

Article 23 Rights of Disabled Children

Children with disabilities are not fully integrated into Albanian society with a large proportion of them hidden away at home with no access to education, appropriate health services, rehabilitation or social inclusion.

Parents and families of children with disabilities lack access to information regarding rehabilitation, access to education, access to health assessment or support services, welfare benefits or social integration.

Not all children with a disability are eligible to a disability pension due to the outdated categorization of disabilities. This may include a child who has one limb missing but under the current categorization is neither a paraplegic or tetraplegic so would not qualify for a disability pension. The Medical Commission on Determining the Ability at Work (KMCAP), bases its decision on the diagnosis and the loss of 'the working ability', regarding the child's disability and does not seek to address the rehabilitation, educational, health or social needs that the child has in an effort to ensure the child's overall needs are met and the child is educated, socialized and integrated within his/her community.

Education and health professionals lack knowledge, information, skills and resources with which to work effectively with children with disabilities and/or their parents or families.

Children with disabilities under the pre-university education acts have equal access to education services as their peers, but due to a lack of qualified staff and appropriate training teachers are unprepared to accept children with disabilities into their classes.

Rehabilitation services for children with disabilities are minimal and only to be found in the capital Tirana, therefore leaving the majority of the children without access to essential services and advice.

Early identification has been identified by the Albanian government as a priority for children^{xxxv} to improve their development and integration into society, but this is lacking due to the lack of qualified and trained staff, their limited understanding of the impact of early identification and intervention and the often misplaced belief that a parent does not need to know the child's diagnosis or impact of his/her condition.

Enabling access for children with disabilities into buildings and structures is part of the urban planning legislation but is not effectively implemented thus children with mobility disabilities are prevented from accessing most public buildings including schools, health centers and leisure centers due to the premises having several floors and numerous stairs with no ramps or elevators

Recommendations:

- The Albanian government needs to ensure that all legislation, strategies and policies regarding children, persons with disabilities, social inclusion, education, and health or poverty reduction strategies include specific actions regarding children with disabilities.
- The Albanian government needs to raise parents, families and duty bearers' awareness on the rights of children with disabilities to access inclusive education within their location and not to be left outside the education system entirely. Education structures and buildings need to be reviewed and reconstructed or amended to enable access to all children not withstanding their physical or mobility impairments.
- The Albanian government should take action to review and revise the legislation on the composition of the Medical Commission on Determining the Ability at Work (KMCA), its roles and responsibilities towards children with disabilities to include not only medical practitioners but other education, health and social work professionals so that the determination of eligibility to a disability pension is not only made on a medical diagnosis but also takes into account education, rehabilitation, leisure and social integration aspects. In addition to the awarding of a disability pension the commission should provide additional information and advice regarding the potential services and information available for the child's particular needs.
- The Albanian government needs to take active steps to increase the number of teachers who are trained and qualified to teach children with special educational needs, so that every school is ready to include any child of mandatory school age into its classes.
- The Albanian government should address the potential for the provision of educational assistants for each child with a disability assessed to need the support of such a trained individual so that the child can be integrated and an active participant in his/her learning alongside his/her peers.
- The Albanian government is required to ensure that each local government unit has a social worker qualified to undertake assessments and early identification of children with delayed development or a disability. Children are currently not identified at birth or as young children as having a disability and the delay in therapy and support has a detrimental impact on their development and integration into society.
- The Albanian government needs to address the lack of knowledge and understanding of health professionals on all forms of disability through primary health services in each district having at least one qualified pediatrician able to assess a child's development, skills and impairment and recommend referral to a specific specialist or rehabilitation services for therapy or advice for the child's family to prevent developmental delay.
- The Albanian government should initiate the development of rehabilitation services for children within mainstream health services in each district with a diverse pool of qualified and trained personnel to provide rehabilitation therapy and advice.
- The Albanian government should initiate a national publicity campaign raising the profile

of children with disabilities and their rights to education, health services and inclusion and equal opportunities alongside their peers.

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- ⁱ Article 39, Law on Child Rights Protection, Date 9. 4. 2010 Official Gazette no. 158
- ⁱⁱ *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 45 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*
- ⁱⁱⁱ This is based on the information coming from Tirana Legal Aid Society which offers free legal services to vulnerable communities.
- ^{iv} *Transnational Protection of children. The Case of Albania and Greece 2000-2006. Terre des homes pg.9*
- ^v *Delap, E. Begging for Change. Research findings and recommendations on forced child begging in Albania/ Greece, India and Senegal. Anti-Slavery International, 2009*
- ^{vi} *Street children Ad hoc Unit Report. Durres Municipality. 2010, unpublished.*
- ^{vii} *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*
- ^{viii} MARIO Project Observation Report: Exploitation of Albanian Children in Street Situation in Kosovo, 2010
<http://marioproject.org/documents/observation-report-exploitation-of-albanian-children-in-street-situation-in-kosovo>
- ^{ix} Hysi, F. *Study Report on the situation of the Roma living and working at the waste collection site in Sharre*, Independent Forum of Albanian Women, March 2011
- ^x MARIO Project Observation Report: Exploitation of Albanian Children in Street Situation in Kosovo, 2010
<http://marioproject.org/documents/observation-report-exploitation-of-albanian-children-in-street-situation-in-kosovo>
- ^{xi} Albanian Trafficking in Person Report, 2010
- ^{xii} *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>
- ^{xiii} At school, approximately one out of three children report often being forcibly pushed/pulled and often being hit on the body with an object. One out of three report hearing their teachers shout at them often in school – (page 9) Violence against Children Report (UNICEF 2006, Tirana, Albania)
- ^{xiv} 74.8% of parents and 68.5% of teachers agree with the notion that children learn to respect parents and teachers from smacking (“Violence Against Children in School”, Save the Children, Tirana 2007)
- ^{xv} MOE issued a Circular Memo to all Regional Education Authorities instructing schools to address and prevent violence in school settings (November 06)
- ^{xvi} Based on Normative Dispositions (by-laws), the children can address the cases of violence to: the teachers in charge of the classroom, Children’s Government, Parents Council and Disciplinary Council.
- ^{xvii} Save the Children and Terre des Hommes Investigation report for Kosovo. 2011
- ^{xviii} *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*
- ^{xix} *Following up the Social Reform, National Conference on Un Guidelines for Alternative Care in Albania, Tirana June 21-22, Working document, Ministry of Labor, Social Affairs and Equal Opportunities, Unicef Albania and SOS Children’s Villages Albania –20 December, 2011*
- ^{xx} *Following up the Social Reform, National Conference on Un Guidelines for Alternative Care in Albania, Tirana June 21-22, Working document, Ministry of Labor, Social Affairs and Equal Opportunities, Unicef Albania and SOS Children’s Villages Albania –20 December, 2011*
- ^{xxi} *Report of working group on Universal Periodic Review Report, Albania- 13th session, point 6 of the agenda - United Nations, General Assembly, Human Rights Council, January 4, 2011*
- ^{xxii} *In search of shelter, leaving social care in Albania- Amnesty International, 2010*
- ^{xxiii} *Report of working group on Universal Periodic Review Report, Albania- 13th session, point 6 of the agenda - United Nations, General Assembly, Human Rights Council, January 4, 2011*
- ^{xxiv} *Following up the Social Reform, National Conference on Un Guidelines for Alternative Care in Albania, Tirana June 21-22, Working document, Ministry of Labor, Social Affairs and Equal Opportunities, Unicef Albania and SOS Children’s Villages Albania –20 December, 2011*
- ^{xxv} [National Strategy for Development and Integration 2007-2013; page 64](#)