



SOS Children's Villages  
Albania

## Country Rights Situation Analysis of Young People Ageing Out Of Care

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## **EXECUTIVE SUMMARY**

Albania compared to other states, including even the countries of region, has a small number of care leavers. But different from their homologues, Albanian care leavers share the most difficult experiences and suffer discrimination and many disadvantages. This group is marginalized in many directions, through their transition toward adulthood and independence. Many of them have low level of education and remain unemployed for a long period of time. The majority are homeless and highly risked to get involved in delinquent and criminal activities or become object of villains and traffickers, and a good percentage of them manifest emotional and behaviour problems as well as mental health problems. These are the consequences of a lack of focus of their needs and insufficient support with services by the responsible public structures.

During the period October-November 2008, SOS Children's Villages, Albania, undertook the initiative of gathering the information on leaving care issues in Albania. The goal of this study was (a) the evaluation of the social protection system in support of the youngsters leaving care, (b) identification of the legal and institutional problems, related to the offering of these services, and (c) the offering of recommendations for improvement. The evaluation was extended in some cities which had a concentrated number of youngsters leaving care and out of care. The gathered information explores a number of issues such as: legal and institutional frame work of the social protection for the youngsters ageing out of care; it analysis the models of social care for children and the youngsters without parental care, as well as identifies the influence of the existing policies and services in respect of the basic rights, including even the youths' point of view. Social Services for the youngsters without parental care are part of the program for the reduction of poverty and the program for social care. The legislation which makes possible the implementation of the abovementioned programs has been drafted in compliance with the international acts ratified by the Albanian Government as well as the Convention of the Children's Rights. Although, in the function of the well-being and protection of the children there exists a good legal and institutional framework, it still needs improvement with regard to focusing towards the youngsters without parental care and while leaving care, in addressing the challenges they face during this period of life.

The study makes evident that residential in-care experience, plays an important role in life opportunities in out of care. On the other side, the weak covering with supportive services during the transition period of the youths in out of care and later, do not cover the basic needs. This, not only deepens the disadvantages and changes them into extremely vulnerable groups, but also violates a part of their fundamental rights. The lack of information on their number and forms through which they try to face the problems and needs, shows that they are not to the attention of policies and yet do not consist a priority group.

Although, there is a number of stakeholders of local and central governance, that have as the object of their activity youngsters out of care, collaboration among them bear problems of coordination and information sharing. The financial resources in support of the youth for medical services, employment and housing, is insufficient and do not lead to the increase of their independence. The study brings positive experiences of some structures of care for the youngsters leaving care administrated by NGO-s such as: SOS Children's Villages, Maddonnina della Grappa, TAG Center, Home of Hope, Another Vision , etc. Their experience is a valuable contribution in enriching the forms of services with methods that encourage the involvement, autonomy and respect their rights.

This study makes some recommendations related to the development of services that enable the care leavers to become independent, it is recommended the setting up of services after care for the youths; the development of the monitoring programs; extension of the staying period under care until the completion of the high school; setting up of the daily centres (delivery services) for the care leavers (14-18 years old) and the empowerment of the active policies of employment for the category of the youngsters leaving care.

Towards the improvement of the activity of the public stakeholders, it is recommended: drafting of legislation for leaving care and after care and strengthening the obligation of different stakeholders in supporting the needs of the care leavers; setting up of institutional capacities for monitoring the life and follow up of youngsters ageing out of care; their involvement in the National Strategy for Children; inclusion of the positive alternatives of support presented by NGO-s; encouragement of setting up centres for the youth with common participation of the youths with families and care leavers aiming at the increase of social cohesion and reduction of stigma towards care leavers; undertaking of advocacy action for a fair distribution of funds for services to children and youngsters.

The study recommends to SOS Children's Villages, among others, the initiation of new services for youngsters; the strengthening of allies with organizations, governmental stakeholders and donors; the spreading of the model of Youth Communities; training of the staff of the residential institutions in compliance with standards of SOS Children's Villages on leaving care and undertaking of the advocacy initiatives to fight stigma towards the youths and children without parental care.

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## 1. INTRODUCTION

This document displays an evaluation of the social protection system for the children and youth without parental care. The evaluation is performed by a combined group of independent and professional experts of SOS Children's Villages, Albania, during the period October-November 2008, and it is stretched throughout some cities<sup>1</sup>. The evaluation is concentrated on the models and practices of the social services offered to the children and youngsters without parental care in the public and non-public residential institutions during their preparatory phase to leave the institution and to get integrated into the normal life.

The findings and recommendations carried out, display the thoughts and opinions of the experts as conclusions of a detailed analysis of the gathered information during this evaluation as well as previous studies and former analysis performed by other actors. The methodology followed is based on: (1) the examination of the social protection system (institutional and legal framework), (2) detailed analysis of the models of the social care for children and youth out of parental care in the residential institutions (public and non-public<sup>2</sup>), (3) in the observing of the life of the youth in the preparatory phase or final independence.

### 1.1 Description of the analysis team

*Teuta Shkenza*, National Director of SOS Children's Villages followed up and supervised the research process.

Ms. Mirela Muca and Ms. Vilma Kolpeja were chosen as external consultants. They have a background experience in social study researches and training experience for institutional capacity building in social services. They have worked in numerous study researches, for residential services, social reform in South-eastern Europe and the Albanian youngsters' evaluation. Actually, they are leaders of National Albanian Centre for Social Studies.

*Almandina Guma*, in the position of advocacy officer of SOS Children's Villages, coordinated the whole research process and cooperated throughout all the stages and writing of the report.

*Alketa Berzani*, National Youth Care Coordinator, SOS Children's Villages and *Helga Smakaj*, Family Strengthening Project Coordinator Shkoder, have facilitated the links with the stakeholders and have realized the collection and elaboration of the information. *Elsa Osmani*, Family Strengthening Program Manager has contributed with data results from an internal study conducted within SOS Children's Villages Albania, regarding SOS youngster that are out of care.

The working group has cooperated with decision-making institutions at central and local level, as well as with stakeholders and individuals of the institutions providing social services for children and youngsters without parental care.

### 1.2. Analysis process and methodology

#### 1.2.1 Study Goal

SOS Children's Villages Albania, and the group of experts, aims at giving the needed information as well as to help through recommendations, the preparation of a platform (legal and institutional) in order to figure out in a successful way the transferring from care institutions into the independent life of the youngsters leaving care.

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<sup>1</sup>The involved cities: Tirana, Elbasani, Korca, Shkodra, Kukesi.

<sup>2</sup> See annex 1 " List of Stakeholders involved"

The specific objectives aim at: (1) to identify the legal and institutional gaps, which make possible the transference of the youngsters leaving care into independent life, (2) to evaluate some Albanian implemented models of social integration of the children and youngsters out of care, underlying the weak and strong points, (3) to present some basic indicators of the impact of the programs of independence and integration in the normal life of the youngsters without parental care, in the future.

The initial step of the analyses was a desk review which was based in the reviewing of the documentation with regard to policies and legal framework (The Strategy of social services and protection, 2005-2010; National Youth Strategy, on Social Assistance and Services, Law No.8153 “On the status of the orphan” other by-laws, studies of the field), the regulation of the residential institutions and the manuals of SOS Children’s Villages”)

The quantitative information has been obtained by official sources, office of statistics and information at Social State Services (MLSAEO), INSTAT, at Ministry of Education – for the identification of public and non-public (boarding) schools, at which education is provided to the children and youth that come out of the public residential institutions as well as the official web pages of the international institutions<sup>3</sup>.

Data gathering through the interviews with experts of social policies, by MLSAEO, with NGO leaders, and focus groups with professionals of the social services system at central and local level<sup>4</sup>, individual interviews with professional staff of residential institutions and organization of focus groups and visits and the straightforward observations of the youth cases that live an independent or semi-independent life<sup>5</sup>.

*The employed instruments:* Checklists for focus group discussion with youngsters ageing out of care, a questionnaire for the policy-makers (decision-making and executive institutions), questionnaire for the directors of the care institutions, thorough individual questioners with young people out of care.

*Restrictions of the study:* Limitation in time and non-collaboration with some structures in sharing valuable data and information

### 1.3. Stakeholders involved in the consultation process

The research team consulted numerous stakeholders from state agencies, civil society, main organizations that work in the field of the youngsters and children without parental care.

Thorough interviews were done with the main actors and discussion/focus groups were performed with the youth that have come out of care or that are in a preparatory phase, in the public and non-public institutions and other alternative forms<sup>\* (Annex 1)</sup>.

## 2. COUNTRY BACKGROUND

Albania is going through a relatively long transition period, which in many aspects is considered to be more difficult than in many other South-Eastern European countries. After the 90-ies, Albania went through important political, social and economical changes. Unacceptable phenomena during the communist regime, such as poverty, unemployment, massive migration inside and outside the country, the trafficking of human beings, social problems within the Albanian families (violence, divorce, prostitution etc), have leaded to the creation of social categories at risk, among which the orphans children and those lacking parental care are the main risked vulnerable groups.

**Social Care System** for the children without parental care is presented as a formal and informal system. The formal system of care is supported by a series of laws, rules and institutions which derive from the roots of the old social economical system, but they have evolved according to contemporary models. The formal system of care for children without parental control, is made of: a) adoption services, b) care in “home families”, caring through foster care, d) institutional care of the residential type (homes for children from 0-6 years old as well as from 6-14 years old), daily care in centers for children with social

<sup>3</sup> See “Bibliography” and references

<sup>4</sup> The list of the analyzed documentation as well as the list of the interviewed people will be available in Annex 1

problems (beggars, street children), f) Repatriation services and family reunification, for the underage runaway children from Albania.

<b>Total population (000)</b>	<b>3170</b>
Population of young people (%) (0-17 years)	32.6
Population under poverty line (%) <sup>6</sup>	18.5
Life expectancy <sup>7</sup>	78.6
Education Index <sup>8</sup>	0.887
GDP per capita <sup>9</sup>	5,316
Standard of living (economic aid for family per one month in lek) <sup>10</sup>	7000
Human Development Index <sup>11</sup>	0.801
Gender related development index <sup>12</sup>	0.797
Unemployment rate (%) <sup>13</sup>	13
Public expenditure on health (in % of total public services expenditure)	8.4
Public expenditure on health (in % of GDP <sup>14</sup> )	2
Public expenditure on education in % of total public services expenditure	11
Public expenditure on education (%) in % of GDP	3.5
Type of state	Ex-communist country / Parliamentary Republic

### 3. INFORMATION ON THE CHILD AND YOUTH CARE SYSTEM

Social Services for children and youngsters without parental care are attained through the implementation of the project for the reduction of poverty and the project for social care. The legislation that ensures the implementation of the abovementioned programs is part of the social policy, in compliance with international acts ratified by the Albanian Government as well as the Convention on the Children's Rights.

#### 3.1. Key legislation defining the national child and youth care system

##### 3.1.1 Political and legal framework

- **Constitution of Albania**, approved according to Law No. 8417, dated 21/10/1998 and proclaimed with decree No. 2260, date 28.11.1998, is the fundamental law that ensures the protection of the children's rights in general and particularly those that lack the parental care. The new Constitution of Albania has a special chapter on the economic, social and cultural rights of the citizens as well as another chapter on the social objectives. These chapters sanction the states obligation for the insurance of care during the whole process of growth, development and education, for children who lack parental care (Article 59/e). **International Convention** on the "Children's Rights" ratified from the Albanian Government in February 1992, came into power in March 1992. From this convention derive obligations that are bound with the respect of the rights of children, leaded from the principal of respect of "the best interest of the child". The ratification of the Convention is the first step in the creation of the institutional systems that ensure the protection and application of the rights of children out of parental control

<sup>6</sup> LSMS 2005

<sup>7</sup> <http://www.instat.gov.al/graphics/doc/labelat/Treguesit%20Sociale/Lindje%20e%20vdekje/LDV%202004/ldv13.xls>

<sup>8</sup> [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_ALB.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_ALB.html)

<sup>9</sup> *ibid*

<sup>10</sup> DCM (Decision of Council of Ministers) 787 date 14.12 2005 " For the definition of the criteria and the level of the economic support"

<sup>11</sup> [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_ALB.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_ALB.html)

<sup>12</sup> *ibid*

<sup>13</sup> Bank of Albania "Annual Report 2007"

<sup>14</sup> Ministry of Finance-Budget Directory (data for the year 2008)

- **European Social Charter (revised)** according to DCM<sup>15</sup> 458, date.27.04.1998, which recognizes and protects the right to obtain social services. Although, it needs to be emphasized that citizens know very little of the understanding and profits of the abovementioned.
- **Convention of ILO**<sup>16</sup> No.138 “On minimum ages for employment” ratified in 1998 and convention No. 182 “On the prevention and the acting for elimination of all forms of child labor” ratified in 2001.
- **Hague Convention of the year 1993** on “The Protection of children and cooperation regarding international adoptions” ratified with Law No.8624, date 15.06.2000.
- **Family Code** (Law No.9062, date 8 May 2003) establishes the institutional obligations of the state towards children out of parental care as well as the way they are put into practice.
- **Code of Civil Procedure**, approved by Law No **8116, date 29. 3. 1996**, in Articles 351/1, 352 has foreseen that:” The requirement for the fostering establishment is presented to the court from the relatives of the underage child as well as from whoever receives notification of the child’s parentless remaining, for the birth of a child with unknown parents and for any other circumstance for which the law requires fostering as well as the exercise of this right from the infant himself when he/she has reached the age of 16”. As well as, according to Article 356/1 “the court, before proceeding with the nomination of the foster parent, has to ask the opinion of the infant as well, when he or she has reached the age of 10”.
- **Criminal Code of Albania:** The 1995 Criminal Code stipulates that a person bears criminal responsibilities for offences committed after the age of fourteen (Article 12), while the age responsibility for a criminal contravention is sixteen. The imprisonment sentences for minors may not exceed half of the term of punishment provided for by law for the criminal act committed (article 51). The court may exclude minors from punishment and decide to place the minor to “an educating institution” (article 52). Trafficking of children is also punishable by this Law. Exploitation of children begging is classified as a separate criminal offence (January, 2008)
- **Law No.7650, date 17.12.1992** “On the adoption of Infants from Foreign Citizens and some other changes in the Family Code”. Composition and approval of Law No. 7650 date 17. 12. 1992 has preceded the Adhering of Albania in the Convention of Hague “For the protection of children and collaboration in adoption outside the country”. The law defines the procedures after the declaration that sees the child as abandoned. This law stresses that the child is declared abandoned when the proper parents in a visible way have failed to show interest through a whole year, before the presenting of the request for declaration of abandonment from the court. The court not only declares the child abandoned but also appoints the child housing as well (mainly takes decisions on his/her placement in an institution).
- **Law No. 8153, date 31.10.1996**, “On the status of the orphan” which defines the criteria for being recognized as orphan, and the rights deriving from it. According to this status, beneficiaries are the children and youngsters from 0-25 years old, regardless if they have been treated or not in the private or state institutions of social care. This status is benefited by categories, according to the definition in the Family Code (Law No. 9062, date 08.05.2003), mentioned in point 1.A.6 of this chapter<sup>17</sup>.

The status is given according to the decision of a special commission, created close to SSS<sup>18</sup>, in which it is included a representative of the orphan association. Legislation foresees and regulates the manner of treatment of children in the institutions of social care. According to the provisions of this law as well as normative acts of \*MLSAEO, the children in state or private institutions of social care, can reside up to the age of 14, and in special cases up to the age of 17 (if they have not completed compulsory education).

- **Law No. 9355, date 10.03.2005 “On the Economic Support and Social Services”**, designed above No. 7710 date. 18.05.1993 “On the Economic Support and Social Services”, changed with

<sup>15</sup> DCM – Decision of the Council of Ministers

<sup>16</sup> International Labour Organization

<sup>17</sup> Family Code (2003) brings a new, contemporary terminology. In stead of “orphan” children it is used the tem “Children out of parental care”. This definition enlarges the beneficiary children’s group, including even those children whose parents are alive, but who have been denied the parental care.

<sup>18</sup> State Social Service

\* Ministry of Labour Social Affairs and Equal Opportunities

law No.7886, date.08.12.1994 and law No. 8008, date. 05.10.1995, as well as by-laws (DCM No. 307, DCM No.510) defines the system of economic aid and social care for the Albanian citizens, in which the children out of parental care are included as well. It includes the structure and typology, the way of organizing, financing and the rules of being accepted in the institutions.

The law defines also some important terms for the functioning of the system of social care such as: orphan<sup>19</sup>, persons with disabilities<sup>20</sup>, social services<sup>21</sup>, foster families<sup>22</sup> etc. The law defines as well the categories that benefit according to the kind of aid or the care that is offered. Beneficiaries of the social services are the children as well (where are included children out of parental care), the youth up to the age of 25, persons with disabilities as well as those who are at risk to be apart of the groups in need.

The Law defines (Article 5/2) “beneficiaries of economic aid are orphans above 25 years old or unemployed who are not placed in institutions or in any fostering”.

- **Law on the organization and functioning of local government No. 8652 date 31.07.2000** creates the necessary conditions for the decentralizing of social services. Although, it needs to be underlined that the financial decentralization can not still be executed in every unit of the local government, because the local sources of insurance and financing are limited.
- **Decision of the Council of Ministers No. 307 , date.24. 05. 1994**<sup>23</sup> “For the Services of the Social Care” has been drafted and approved according to law No.7710. according to this decision, the services of social care (for children and youngsters without parental care) that are financed by the states budget include:
  - *Social Services in the residential institutions:* Are ensured for orphan and abandoned children, as well as for children with disabilities. The care services for children are ensured by the central government, local government, NGO-s and private persons. Local authorities offer “non-institutional services”, while central institutions like MLSAEO offer institutional services.
  - **Decision of the Council of Ministers No.510, date. 24.11. 1997**<sup>24</sup> “The criteria for the placement in residential institutions of social care and the necessary documentation for acceptance” define the rules of acceptance in the institutions for the children without parental care.
  - **DCM 658, 659 date 17.10.2005 “For the standards of social care services for children in the residential institutions”**<sup>25</sup>.(11 standards: Adequacy of service, Individual Care Plan, Preparation for independent life, Nutrition, Appearance, Clothing and material needs, physical, emotional and mental health, Education, Entertainment, Appeal, Protection from abuse, Environment and accommodation, Staff and Management.
  - **Law on Social Housing, No. 9382, 2004** includes the legal framework for the social housing programme in local authority. According to this Law, orphans up to 30 years old should benefit housing. Actually, there is no sufficient fund for building of social apartments in accordance with needs.

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<sup>19</sup> With the term “Orphan” is understood child without care up to the age of 25, according to the definition made in the status of the orphan

<sup>20</sup> With the term “Person with disabilities” is understood the individual, who has been deprived by his abilities as a consequence of physical, senses, intellect, psycho-mental damaging, born or gained during life or accidents. Temporary or lifelong diseases, which do not come from causes connected to work.

<sup>21</sup> With the term “Social Services” is understood in the complexness of services offered to the individuals and groups in need , which are not able to face their living needs with the sources they have got, for the cure, development, rehabilitation of their individual possibilities to overcome their emergent or chronic needs.

<sup>22</sup>With the term “Foster family” is understood an alternative family, according to the definition given in Article 266 of law No.9062 date 08.05.2003 “Family Code”.

<sup>23</sup> By drafting the by-laws in pursue of the new law for Aid and Social Services, this decision must be abrogated. But, because these acts have not been drafted yet, then the abovementioned VKM is still in pursue.

<sup>24</sup> Standarts have substituted regulation by which the institutions of social care function

### 3.2. Key legislation on leaving care

In DCM **658, 659 date 17.10.2005** “**For the standards of social care services for children in residential institutions**”: In the 3rd standard it is foreseen drafting of a preparatory plan for children that leave care at home or move in other forms of care, like returning to their families, adoption, fostering, independent or semi-independent life. A team of professionals of the institutions (educators, social workers, care-takers) and the family and the children draft the preparatory plan for the pathway plan according to the evaluated needs of the child.

**Foster care Strategy** – is still in the initial phase. Actually, it has been drafted a document of Foster care for children approved with DCM No.80, date 28.01.2008. Foster care for children is part of the Sectional Strategy of Social Protection and foresees the care in the foster family for children ageing out of parental care. This document extends the alternative services for children in need towards the forms that offer care within a family environment. This document is under the drafting process of the supportive by-laws and relevant guidelines.

### 3.3. Care settings for young people aged 15-24 years old

**Care in the residential institutions.** According to the Law No.8153, date 31.10.1996 “On the status of the orphan” Article 5, the children are kept in public or non-public residential institutions up to the age of 14 years old. In case when the child of this age has not been able to complete the 8<sup>th</sup> grade school he/she is kept up to the age of 17 years old.

**Number of public and nonpublic residential institutions.** – 17. (*Public residential and alternative care center/family home,s runned by NGO-s*)

**Number of Boarding schools/public** – 9

**Number of NGO’s offering services for youngsters (15-18/24 y.o)** – 8 (*SOS Children’s Villages, Another Vision Elbasan, Home of Hope Elbasan, Maddonina Del Grappa Shkoder, Hope Project Shkoder, Pappa Giovanni XXIII, Shkoder, Wilhelm Center, Shkoder; Tag Center, Tirane*)

**Age for leaving care:** In the system administrated from NGO (family type), leaving care starts after the age of 19-21 years old. A part of children at the age of 15 years old leave from the public institutions and are held under the care of the NGO. This is the luckiest part. To another part are given scholarships to continue high school which could be a boarding one, while another part returns to the biological family.

In the system run by NGO’s, the age is higher and the support longer. In the system of SOS Children’s Villages, children pass from SOS homes into the SOS youth Communities at the age of 15 and reside there up to the age of 19. Later they are treated in programs that support the semi-independence up to the age of 24.

Some other NGO-s gets children that come out of public institutions after the age of 15 and offer support for some other years. These are generally children that do not continue the pursuing of high school studies, but in the mean time have to leave the care from public institutions because of the age. Some other NGO-s offer support for the abandoned children mainly referred by religious institutions, local social service, NGO-s that aim supporting the children.

In home-family of Maddoninna della Grappa (an NGO that operates in Shkoder) there are 7 girls of the age 14-18 years old. The children have come into this home at the age of 14, from the public institution of care in this town, and will stay until the age of 18. After this age they will be moved in another home “half protected” and where they will start to live an autonomous life for another two years. Later they will start a totally independent life. This project has recently started (2008)

Exit from the public institution at the age of 15 is closely linked with the completion of the compulsory education. For those who will attend a High School the care “continuous” by sending them to boarding schools and offering them a scholarship. For about 4-5 years this category has “guaranteed” sheltering, education, nutrition, and fulfillment of some basic needs. Later they are subject to destiny which is extremely difficult and sad. They remain in dormitories for many years, without any support from anyone.

The Protected Apartments and the High Autonomy Apartments are structures that pertinently support the children (15-18 years old) and the abandoned youngsters (19-23 years old). They are managed by Another Vision and Home of Hope, local NGO-s which operates in the town of Elbasan.

*Source : Interview with the youngster under care and NGO's staff*

Box: Models of forms of care

### 3.3.1 Care settings for youngsters with disabilities

For children/teenagers with disabilities, staying in care institutions is longer and getting them out of care is accompanied either by family reunification or placing them in centers where half-independence is applied.

In Shkoder, Maddonnina della Grappa, has set up and is financing a home family with 18 female youngsters without parental care and with slight disabilities and A part of them have come from Development Centre of Shkodra, while some others have been referred by NGO-s as well as by Local Social Service.

*Source: Interviews with representatives of Maddonina Del Grappa*

For children/teenagers with disabilities the support does not have time limits. The number of the abandoned and disabled children is relatively lower than the rest. The de-institutionalization reform in the social services for children with disabilities is changing the Development Centres, from residential institutions into Daily Centres and the majority of the children are reunified with their family. For those, whose family reunification is impossible, a part (those with high disability) is sent in elderly hostels while the rest in residential centres or home family for disabled persons. In both cases the care will be ongoing and without time limit.

### 3.4. Preparation services for leaving care

In compliance with national Standards, when the child reaches the age of 14, in care individual plan, there are foreseen steps/actions that have to do with the preparatory phase for the independent life, as well as the life of the child/young person after the full independence. Monitoring and support of the child continues even after the child has left care.

- ✚ In the case when the child reunites with the biological family, with the care-taker or the adopting family, the child is brought closer to the family and parents or the relatives are acquainted with the progress of the child at school, his development and desires.
- ✚ In the case when the child completes the ninth grade education, he/she starts the preparations for high school, in the individual plan of leaving; steps to be taken are foreseen for the further education of the child, the kind of school that he/she will attend according to his/her desire and the propensities. In cooperation with the Ministry of Education or Directory of Education, it is made possible their settling in respective boarding schools.
- ✚ In the pathway plan, there are foreseen as well discussions of the care-takers/social workers/educators that have to do with the future of when they are to live home, every day life themes that have to do with education, professional education, drug risks, alcohol as well as the accomplishment of activities for the gaining of capacities for an independent life which are some of the main aspects (cooking, washing-up, budget management). In some cases the institution secures to the child the possibility to follow up courses of professional education, depending of the personal abilities of the child.

*From the interviews performed with the youth focus groups, it resulted that the work done with the children and youth is not at required optimal levels in the effort to acquaint them with the behaviors that lead to criminal deeds and the ways of exploitation from the villains and criminals. Frequently they become their prey without knowing that they are committing an act punishable by law. The professional courses provided have not been worthy later as well. In spite of the difficulties they come across when they are out of care, their young age of leaving care, insufficient information and low level of awareness leads to the fact that some of them involuntary commit convicted deeds by law.*

Box 1.

E.D, after the divorce of the parents has lived for 9 years in Zyber Hallulli orphanage. At the age of 16 years old, he started the professional high school in the branch of construction. Although, he is 18 years old, he is still in the first year of the high school, because his progress at school is not satisfactory. He lives with eleven other boys in the high school dormitories Tourism-Hotel High School. He is a pupil with behavior issues; time and again he has been punished from the academic staff of the school for breaking the rules. He has also been a contingent to the police for theft and beating. In collaboration with other friends, he has been involved in different violent situations, but has never been punished because of being under 18 y.o

*Source: Interview with a care taker in a boarding school of Tirana*

### 3. 5. After care services

While the children and youth that live in family, are enabled to become independent after the age of 25 years old, a part of the teenagers/young people under care need to be independent and self sufficient immediately after they reach the age of fifteen years old (public system) or nineteen years (structures led by the NGOs), regardless of the fact whether they are ready from the development point of view or not. There are no offered after care services, except in cases of NGO-s which operate in this field.

#### **Services for the young people who have benefited the orphan's status.**

**Scholarship.** The youth that follow high school benefit scholarship from the state through the Ministry of Education. The scholarship and treatment for clothing during the high school years and university is defined by the Decision of the Council of Ministers.

- ✚ Young people who undergo military service are entitled to supplementary quote by the state which defined by Decision of the Council of Ministers.
- ✚ Young people without parental care, who attend school and live in dormitories, during summer time are treated with supplementary payment (The level of payment is defined with Decision of the Council of Ministers)

**The school's books.** The children that follow the high school benefit all the books (educational texts) and school items free of charge.

**Accommodation.** Children and youth that follow the high school and the university, benefit accommodation in the school dormitories they are in or in another dormitory of another school. The accommodation of persons who have been granted orphan status is done with priority by the state, according to the criteria defined in law no. 8030 date 15.11.1995, "For the state contribution of the unsheltered families".

**Economic Aid.** All the orphan young people, after the age of 18 years old, who have completed high school or the university, and who have been granted orphan status, benefit economic aid (at the amount of 25 euro per month), until they have been employed<sup>26</sup>.

**Medical, dental health and medicaments,** for the orphans who are not in job relations, they are secured free of charge by the state.

**Public transportation.** Children and young people, (with orphan status) travel free of charge with public transportation when they are not in job relations.

**Employment,** of the orphans legally should be done with priority from Employment Office.

## 4. PROFILE OF YOUNG PEOPLE AGEING OUT OF CARE

### 4.1 Data for the children under care

Although Albania is a poor country, it has relatively a small number of children ageing out of care, compared to other countries of the region.

It is difficult to give an information regarding the number and profile of the teenagers/young people (15 – 24 years old) who are beneficiaries of ex-beneficiaries of social services, because of the fragmenting the services in the hands of some actors (public institutions, boarding high schools, NGO-s and families) and lack of the data.

- **Data for transferring in other structures:** There can not be given a figure on the number of children who leave/move from institutions (public and private), but in 2007 the requests from public care institutions for transferring of teenagers (15 years old) in youth

<sup>26</sup> This happens even after the age of 15 years old in case they have not taken shelter or have not created family.

structures managed by NGO-s was 11 (7 girls and 4 boys). This was that category who could not attend a high school education.

- **Number of children under care:** Actually 558 children are under care of public and non-public residential institutions.
  - 110 biological orphans – 448 social orphans
  - During the meetings, there were identified 103 teenagers and young people of group-age 16 – 27 years old. The number is even bigger as there are not included teenagers/young people with disabilities who are out of parental care. Although, this category is more protected, they remain under the care of institutions, throughout their life.

#### 4.2 Data on the young people ageing out of care.

Beneficiaries with orphan status	Number	Group-age
Issues	900	(above 18 )
Economic Aid (3000 lek per month/app. 25 euro)	356	(18 -25 years old)
Unemployment / Unemployed	217	( above 25 years old)
With shelter	29	-

Data – State Social Service, 2007

#### 4.2.1 Data from the interviewed young people ageing out of care

Out of 47 interviewed teenagers/young people with residential care history and family tape:

- 62 % belong to group-ages 15-18 years old and 38 % group-ages 19-24 years old
- 57 % are girls, 33 % boys
- 68 % have completed only compulsory education, 26% attend high school or have already completed it, well 6% attend the university
- 13 % biological orphans, 87 % social orphans
- 10% Roma/Gipsy minorities
- 20 % come from rural areas
- None have been diagnosed with HIV/AIDS

### 5. OVERVIEW OF CHILD RIGHTS VIOLATION FACED BY YOUNG PEOPLE

The information described above indicates that the teenagers/young people leaving care have multiple disadvantages to start an independent life in comparison with their peers who live in families. The evidences and experiences described above indicate that the kind of care and support during care, play an important role in the after care results. Teenagers and young people with care history from public residential institutions, manifest even the worst forms of results after leaving care: have low level of education, are unemployed and manifest risky behaviors; are unsheltered and this situation continues even when they are adults.

#### I. History of A (actually in a boarding school):

*I am 20 years old. Now I live in a dormitory. They say they are getting me out, but I don't have any place where to go. To join my father is very difficult and hopeless.*

*I have been qualified for dress maker but I have not still started any job. Actually I am in a relationship and my boyfriend secures support, even the financial one. Our life differs from that of the other young people. Nobody offers any help; I even feel to be excluded from the society as they say "how pity she comes from the orphanage".*

*Even here we are treated and seen differently from the other girls who live in the dormitories to attend school.*

*Once I went to the civil state offices to receive a certificate they told me pay the taxes if I want to take a certificate...but where am I supposed to get the money...shouldn't I be excluded from taxes?!0*

*Boys engage themselves in doing bad things, stealing or drug-dealing.*

## II. Main reasons of the rights' violation

1. The residential form of care with a big number of children, and a frequent change of care from one institution to another, negatively affects in the psycho-social development and their education. They have problems of development, are rebels and in many cases undisciplined. These features make difficult their integration into a normal life, making friends and friendship, well-going in schools and work.
2. Discharge from institutions at young age (15 years old) and the denial of support and further monitoring regardless of the fact that there has been *a plan of development* built for the future where many actors should be included.
3. The non-coordination between the public structures and the structures of care as well as the weakness and “the act of not caring a straw” from the public structures in the fulfillment of the numerous needs that they have, from where the most important are sheltering and employment. Sheltering and employment does not “threaten” only the categories that derive from residential care but also those of the home family type.
4. The prejudice culture and lack of support. The difficulties of this category are gained as well from the stigma that the society has got for the grown up children category in the care institutions. Part of the society considers them as “badly molded” and that nothing will change them; as people with vices and weak moral. Others are indifferent and not conscious in relation with them

### 5.1 NON DISCRIMINATION

#### Stigmatization

All the interviewed youngsters reported suffering in their daily life from social stigma and prejudices. Teenagers and the youths with care history are at high risk to suffer the stigma not only from their peers and the entire society, but also that of public structures. They are prejudiced, looked down upon and not rare neglected with intention from the employment and sheltering structures.

*“The leading staffs of the dormitories do not like us. They threaten us everyday with the fear of expelling, because the stay in the dormitories is not according to the rules. Neither we want to stay, but we do not have where to go. They help us with food and we are allowed to eat, after meals of the boarder”.* (Focus group, boarding school, Tirana)

The youths that were interviewed stated that not rare they are the object of offence, discrimination at work or of an excessive “attention”. These experiences give them stress and not rare they are obliged to quit job.

*“My employer was always nervous with me. He insulted and answered harshly with no important reason at all. I did not have any support even from my workmate. They looked at me differently and did not give me any company. They do not have good opinion for us. I could not face this situation although I need so much to work. I feel tired and I can't endure to be insulted, offended or compassionated. I quit the job before doing anything foolish (to beat someone)”.* (26 y.o Girl, Shkoder)

*“I feel bad because other emphasize the fact that I grew in an institution. I am not allowed to be part of their group”* (SOS boy, 19 y.o)

The forms of discrimination are sometimes negative and positive, but are not preferred by the youths because this puts them in the centre of attention *‘The teacher has an affirmative action towards me, because I am from SOS, but I do not like this as I want to be like all the others’* – a 17 year old SOS girl

#### CAUSES FOR RIGHTS VIOLATIONS

- i. Cultural and social prejudices and perceptions as people belonging to a certain group, generally poor without a family, coming from “institutions” not able to be integrated, poorly educated and with behavioural problems
- ii. Attitudes of mercy pity and/or disdain.
- iii. Lack of information and public awareness regarding issues youngsters in care and leaving care face.

### **Exclusion from social integration**

The youngsters are faced with low level of social integration in society. These forms start early in their life, during their stay in care and after care.

*'We always eat separate from the rest of the boarders and this is not fair....why should we be separate like this....( 20 year old girl, Dormitory in Tirana)  
Even here when we make noise or quarrel with our mates, it is always said 'Look those coming from SOS, they behave like this...but what to do, we are used to them.*

### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Care institutions which are out of the urban areas that can obstruct the social community integration. Social and psychological isolation into “*their island/ settings they live*”
- ii. The discriminated policies and practices followed by some settings where the youths live, such as boarding schools.
- iii. Poor practices in place during care to promote and encourage social integration of children.
- iv. Social and stigmatised perceptions and prejudice

### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Receiving of health services free of charge only for those who are insured, influences and economically burdens the uninsured poor part of the youths in order to pay every received service.
- ii. Lack of alternatives of free of charge dental services, for the poor social category.
- iii. Lack of health structures for admonition and support of the youths in the field of reproductive health (HIV, AIDS, STD).
- iv. Lack of implementation of the law “On status of orphan” for the benefit of free of charge health services.
- v. According to the Strategy of protection from HIV, AIDS (2005 -2010), the majority of the orphaned girls have the tendency to abandon school and as a consequence they have fewer possibilities to get information on the reproductive health issues and are at risk later in life.

## **5.2 THE RIGHT TO EDUCATION IN COMPLIANCE WITH THEIR POTENTIAL AND DESIRE**

Children in care manifest problems of learning. As a result the majority has a low level of education and can not do more than the compulsory education. Around 60% of the interviewed persons had completed or wanted to complete only the compulsory education. Compared to their age-companions they have a lower level of education. The children with residential care history are even at a higher risk.

*"The children in our institutions have learning difficulties and the tests carried out clearly show this. The majority could hardly finish the compulsory school, but we frequently sent them to the high school with the aim to extend their accommodation and food” – affirms the psychologist of Zyber Halluli, Home Care for children aged 6-15 years old , Tirana.*

For those who study hard and have good results, they can further attend the high school, but the choice of profile is conditioned by choosing a boarding school in order to secure shelter for some other years and not according to the profile/branch they like to attend.

Abolition of the right to attend school when the biological age is older than the school age: Some of the children come to the institution with a biological age older than the school age. In this case the registration in the high school being 16+years old is almost impossible. Most of these children are repeaters or for different reasons have dropped out the school. These categories can not get enrolled in high school. Even if this happens, it is done based on friendship relations. Those who suffer more from this phenomenon are the children of Roma ethnicity.

### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Low level of learning combined with the weak activity in school, lack of effective communication between the school and the caregivers as well as insufficient support from the caregivers/social workers and teachers in school, brings to low results in education and impossibility to further pursue high school education.

- ii. This deficiency is not properly addressed neither by schools nor by the care structures with the purpose of overcoming the problem. The lack of qualification of the staff for the orientation of educative needs, combined with some other discriminating factors in some cases as well.
- iii. The lack of or failure to address in schools the special needs of children with slight mental tardiness.
- iv. Leaving care at a young age (15 years old) without further support and housing.
- v. Lack of raising motivation among youngsters about the importance of education and their future performance.
- vi. The registration in high school for the children in care becomes difficult as well from the actual legislation on public education. The Ministry of Public Education has undertaken an initiative for the correction of this handicap, through the implementation of a school program called “The Second Chance”. This program targets the children that work or those who have blood feud problems. There is no information whether the children that are in care and those who are above the school age will be included or not.
- vii. Overtaking of “parental responsibilities” and becoming “adult” at an early age, because of perceiving the future as hopeless and without support from others  
*“I want to stop studying. I have to work and provide economical assistance to my younger sisters. I promised to my mom (who’s dead) that I will look after my sisters to the moment they get married (Girl, 16 y.o, Maddonina del Grappa Center)*

### 5.3 THE RIGHT FOR EMPLOYMENT

During the interviews with the youngsters with residential care history, around 2/3 of them declared that they were unemployed, meanwhile those that actually had a job, complained that it was not a formal and stable one and the generated income was insufficient to afford their living.

Unemployment is at the same levels for both sexes. For those who work the actual employment is in factory as workers in waiting or pastry service or cleaning workers.

90% of youngsters reported that have been attending vocational courses but that didn’t fit their interests later and were not planned to also fit labour market requests.

The youngsters are not very well prepared and they do not know where to get orientated in the labour market and there is a lack of the counselling services regarding their career.

*“I do not know how to write a CV...there are no jobs to be found anyway...we try with newspapers , but it is very difficult – (a 17 year old boy, SOS Children’s Villages)*

### CAUSES FOR RIGHTS VIOLATION

- i. The low level of education that the majority of them inherit negatively influences the possibilities of finding a job.
- ii. All the interviewed persons that were not attending school (those who had dropt out or completed it) declared that they had been at the Employment Office (local authority structure), but no support had been given to them so far.
- iii. Low capacities of Employment of Office to fulfil youngster’s requests for employment.
- iv. The lack of information on the multidimensional nature of the needs and problems of care leavers and the non-placement as a priority group in employment
- v. The actual programs of the active employment policies have not yet supported this group. None of the interviewed was a beneficiary of the active employment programs (employment fully or partially subsided by the state, support for self-employment and business incubators).
- vi. The non-execution of the law “On the status of the orphan” where employment for these young people is a priority.
- vii. Also, there is high level of unemployment for the whole Albanian young population

### 5.4 THE RIGHT OF HOUSING

Many of the care leavers find it very difficult to afford their housing when they become independent. A good part of them do not have the possibility to go back to the family and the lack of any other housing alternative from state structures as well as the impossibility to pay the rent on their own make the majority of them unsheltered. The majority of them live in boarding schools. Most of them created their own family and keep living forever in the boarding schools.

The living conditions in the dormitories are difficult and especially unsuitable for the group age 14-18 years old. The environments where they live are overpopulated and in bad hygiene-sanitary conditions.

In 2005 the government adopted a programme for the construction of 4,000 apartments for low-income and vulnerable households throughout the country by 2010. So far the progress in implementing this programme has been slow. Few if any orphans have benefited. A number of municipalities have additional social housing programmes. (*Amnesty International Report, 2007*)

*“At least, the government should give us a place where to live, let it be a barrack as do not ask for more, we could not stay throughout our life in the dormitory – (Focus group with girls 20-26 y.o in the dormitory Shkoder)*

*“The list of the needy people asking for shelters is so long. Everyone is a priority... (Vice Mayor, Municipality of Shkodra)*

#### **CAUSES FOR RIGHTS VIOLATION**

- i. The lack of a serious governmental engagement in addressing sheltering prioritizing care leavers.
- ii. Non-treatment with priority by Housing Structure (Local Authority Structure).
- iii. Poor cooperation with youngsters and local orphan’s representatives to ensure further informing, completing of procedures and applications for housing in time.
- iv. The failure to execute the law “On the status of the orphan” for those who are granted this status, where housing is a priority.
- v. Lack of legislation and poor practices for the social support of children and youngsters without parental care, especially social orphans.
- vi. Lack of decisions for the review and benefit of financial heritages for youngsters that aged out of care from residential institutions, still under parental custody, but whose parents are not fulfilling their parental responsibilities.
- vii. Initiatives of the local government regarding social housing programs that have not been developed, nor have they left their early stages regarding the social apartments for categories in need.

#### **5.5 SOCIAL PROTECTION**

For the youngsters with residential care history the process of leaving care is the most inappropriately placed and very badly covered with services that support the preparation for moving to an independent life. At the age of 18 years old they are entitled to Economic assistance (program that supports the poor families) at the amount of 2,600 or 3,000 lek per month (app.25 euro), when they are unemployed and they do not go to school. This amount is very small and is not enough to cover the basic needs of living.

#### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Lack of serious engagement in addressing life needs for the care leavers and the non-coordination between stakeholders in local levels, responsible for their well-being.
- ii. Designing of plans for leaving and after care which are carried out from the staff of the care institutions are not supported by other links, that should offer further care like for example the Housing Structure, Employment office, the social worker of the dormitory, the family doctor etc.
- iii. There is no leaving care act and the law “On the status of the orphan” addresses the needs of a small part of the youth with care history. Also, the execution of this law almost fails to be realized regarding employment and housing.
- iv. Low level of economic assistance and the lack of its evaluation on minimum need bases.
- v. Non-effective budgeting for the needs of youngsters leaving care (also considered as justification for the lack of change to the status-quo of laws and further policies).

#### **5.6 PROTECTION FROM ABUSE AND OTHER FORMS OF EXPLOITATION**

The teenagers and the youngsters with care history are at high risk of being prey of the traffickers or to be exploited from the employers, and it is not rare that they pay them less and do not pay for their insurance at the social insurance office. The girls are as well potential victims of raping crime and trafficking and involvement in prostitution. Although, there are caretakers in the boarding schools, during the week-end or summer holidays the girls reported fear regarding their protection. Some years ago there had happened raping cases or even kidnapping with the aim of trafficking. In 2006 a TV channel in “Missing people” show announced that 11 cases of orphaned girls (with care history), disappeared during the last 10 years. One of them results disappeared together with her child 18 months old.

*“Social State Service does not have data on the number of the orphans above 14 years old (with care history) who live in dormitories, how many of them are victims of trafficking for prostitution, and how many have committed the crime of stealing, etc. No one knows anything about their situation –says the Executive Director of the Institute for the Integration of the Orphans<sup>27</sup>*

*“(Ironically asking question to the interviewer)...Let me ask you a question...if you don’t have money, employment and nobody, what will you do in order to survive...you will try in every way, wouldn’t you?!” (20 y.o orphan girl, Shkoder)*

#### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Lack of structures for youngsters to systematically support them with professional services and address their needs. Lack of services especially for 14-18 years old youngsters that are still during a critical development period ( adolescent transition)
- ii. The indifference of the care structures and the community towards the problems and risks which care leavers are faced with.
- iii. Low level of trust from the youngster’s side regarding the role of state in addressing their problems, especially the local police departments.
- iv. Low capacities of the local government to address the needs and problems of the youngsters
- v. High level of unemployment and poor level of education of youngsters ageing out of care.
- vi. The insufficiency of the state’s battling towards the traffickers of human beings.

#### **Juvenile justice**

During the interviews the youngsters with institutional care history, reported even cases of being involved in delinquent actions like quarrels/beating or stealing in the market. The boys get involved more in stealing or drug trafficking.

*“They quarrel a lot – says the director of dormitory Shkoder, where 9 orphaned girls are sheltered – They beat and shout at each other. Sometimes I had to call the police to calm them down and to frighten them so as not to repeat it again. They tease the boarders and “kick” the quietest in order to profit from them food, money or clothing.*

#### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Lack of employment and poor practices in place to address their educative needs.
- ii. Suffering from the “institutionalization” residential care and consequently from marginalization/exclusion from the society
- iii. Lack of professional support and observation addressing behaviours at risk.
- iv. Non-effective legal system on first degree crimes, committed by minors (14-18 y.o) and inexistence of the courts for the minors.

#### **Information on the harmful substances**

Interviewed youngsters have got information on the bad substances and behaviours gained at school and during the time of care as well. Nevertheless the difficulties and circumstances that they face after leaving care push a part of them towards becoming drug, smoking and alcohol addicts.

There are no exact statistics on how many of them are drug users, but those at higher risk are girls considered to be prostituting as a mean of life. The cigarette is vastly used by both genders while for boys; alcohol use is added as well.

*“In this dormitory, the orphans with a history of care live in the first floor. They smoke and drink a lot – affirms a dormitory custodian in Tirana”*

#### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Marginalization/exclusion from society and further lack of youth club centres to address the need for information about youngsters issues.
- ii. The lack of professional support and observation for youngsters..
- iii. The lack of programs and informative counselling and therapeutic structures for the youngsters.

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<sup>27</sup> Adults orphans and the right for housing; Amnesty International Report, 2007

## 5.7 THE RIGHT FOR SUPPORT

When teenagers without parental care reach the age of leave from the care institutions (public or administered by an NGO), in most cases, they are considered as grown-ups that do not need any more support from the system of care. But while their peers that live in families, continue to get care and help from parents for a long period of time over this age, especially public institutions of care “quit” on them very early and do not support or observe them any more after the age of 15.

In hard times of life when they are in need of support more than ever, they feel abandoned from that system of care. Many of them fail classes on purpose so that they can postpone the exit from institution or graduation from high school

*“During high school I have failed on purpose for one year so that I could extend the stay in the dormitory as well as the scholarship for the following year. I didn’t have where to go or what to live with. I didn’t solve anything big but I extended another year the hope that I could find a job” – says the girl from the dormitory, Tirana).*

### CAUSES FOR RIGHTS VIOLATIONS

- i. Leaving care at an early age, 15 years old, when they are not prepared yet from the psychological and developing point of view in order to be independent.
- ii. The lack of leaving care legal act that appoints structures and supportive services for youngsters out of care.
- iii. The lack of supportive services and after care options for youngsters..
- iv. Application of “*must go out*” procedure from care settings/institutions without ensuring further link with stakeholders and without knowing where to address youngsters.
- v. The lack of youth communities and clubs.

## 5.8 THE RIGHT FOR HEALTH CARE

Being unemployed or with non-formal employment, they are not insured to benefit from the free of charge health services in the public system of the primary health, the specialized (consultations with the specialist doctors) and hospital service. In many cases they do not go to see the doctor, to do the analyses, or to buy the medicine because of lack of income.

The dental service in Albania is private and a very expensive treatment which can not be afforded by the individuals with low income, a part of whom are the youngsters out of care

*It has been hard, but I have collected some money for hard times....may be I get sick ...who is going to help me....(A 26 year old girl, Dormitory in Shkoder)*

Most of the interviewed youngsters reported that they do not benefit health services, support, information and advice for the reproductive health.

## 5.9 THE BEST INTEREST OF THE CHILD

In most cases, the solution given from the structures of public services are not based on the respect and the best interest of the child. The care in big residential centres and leave of children at the age of 15 does not respect the best interest of the child but subdues their destiny to a model with negative effect in their further life. The children are exposed to many risks at an early age, where they are more unprepared and they are in a higher need of support.

### CAUSES FOR RIGHTS VIOLATION

- i. The insufficiency of alternative forms of care and the domination of the residential form of care.
- ii. The application of preparation to leave care from public structure for a short period of time ( 1 year ) and leave of care at an early age (14-15 y.o).
- iii. Insufficient financial sources for the alternative forms of care for the children and youngsters

## 5.10 THE RIGHT TO LIFE AND DEVELOPMENT

Teenagers and youths with residential care history live in poverty, are homeless, and suffer unemployment. The majority of them will continue their life in poverty and social exclusion.

### CAUSES FOR RIGHTS VIOLATIONS

- i. The lack of serious engagement in addressing the most vital needs for care leavers

- ii. The lack of information on the multi-dimensional nature of their needs and the ordering as priority group in service covering.
- iii. The non-coordination among stakeholders at local level, responsible for their well-being.

### **The right to live**

There are no data on the number of suicides, number of deaths as result of illegal emigration or life length for this category. Nevertheless the marginalized life in many directions and for a long time increases the risk of premature deaths.

### **CAUSES FOR RIGHTS VIOLATIONS**

- i. The lack of employment, of housing, the use of narcotics, illegal migration, living in poverty for a long period of time, the lack of family affection and low self-esteem

### **The right to develop**

Teenagers /the youth with care history from public institution bare the consequences of the (compromised development) that derive from the form of care. They manifest problems of behaviour, problems of learning and q weak mental health.

## **5.11 RIGHT TO PARTICIPATION**

As reported during the interviews with professional staff in public and non-public residential settings, youngster take part in designing the plan for leaving care, but the participation of the children coming from residential care is lower and in some cases the decisions are not taken in compliance with their desires with regards to education many of them are obliged to attend professional high schools in branches they do not like to go.

*“I have 20 years that I live in a care institution. At the beginning I was at an orphanage and later here in the dormitory. There was no option, rather than to join my father, but I could not live with him. Everything was difficult and hopeless, that is why I came back here again” (Girl, Boarding School of Tourism, Tirana)*

*“I followed a vocational course that I didn’t want to. I wanted to be a psychologist” (21 y.o boy, Boarding school Tirana).*

### **CAUSES FOR RIGHTS VIOLATIONS**

- i. Insufficiency of supportive services for the youngsters out of care obliges a part of caregivers to make obligatory choices.
- ii. Cultural mentality where the children are not seen as active stakeholders but perceived as mini-adults.

## **5.12 THE RIGHT TO ENTERTAINMENT**

In public care setting/boarding schools for 15-24 year olds , the youth report that they do not have entertainment possibilities during their leisure time.

*“There is no TV set here, neither possibility for sport activities. So what can we deal with here when there is nothing to do”. – 19 year old boy, Dormitory Tirana*

### **CAUSES FOR RIGHTS VIOLATIONS**

- ii. The lack of environment and services and recreational activities that will positively orient their behaviour.
- iii. Low level of state investments for the orientation of the youth towards healthy behaviours and passing of leisure time

## 6. DUTY BEARERS, THEIR MAIN RESPONSIBILITIES AND CONSTRAINTS

Duty Bearers	Main responsibilities of duty bearers	Constraints and obstacles to fulfil responsibilities
National government		
<b>1. Ministry of Labour, Social Affairs and Equal Opportunities</b>	<p>The responsibility for policy drafting, legislation, program for the funding of economical assistance and the social services, norms and standards of services, as well as the control of their pursue in all structural levels central or local in the public and private centre. MLSIEO collaborates with State Social Service and other institutions of executive level for the implementation of social policies as well as their monitoring.</p> <p>MLSIEO is the responsible institution for the headship, monitoring, drafting of activity regulations in public institutions, the qualification of professional personnel as well as supervision of the implementation of the terms of contract that binds governmental or non-governmental agencies with regard to the administration of the institutions of the social care.</p>	<p>MLSAEO coordinates with other ministries and institution of central and local level for further implementation. This collaboration results not to be always successful</p>
<b>State Social Service</b> (Created by DCM No.52, date. 08.01.1996 <sup>28</sup> changed by DCM No.153. Date 25.04.2002)	<p>The SSS (Social State Service) is responsible for the implementation of the policies coming from MLSAEO in the field of assistance and the services of social care:</p> <ul style="list-style-type: none"> <li>• Programs and controls the use of the funds of the state's budget</li> <li>• Drafts standards of services and proposes the approval of new ones.</li> <li>• Defines the documentation necessary for the applicants and the beneficiaries of social services.</li> <li>• Gathers and analyses information on the use and beneficiaries of social services.</li> <li>• Analyses the need for social services as well as the excluded social groups.</li> </ul> <p>The SSS is administered and directed from the Council of Administration, which is the higher decision-making organ. SSS is supported from the regional and local branches all over the country, while performing its dues.</p>	<p>The process of de-institutionalization that has commenced needs time to finish. As a consequence a part of the problems that are related to the institutionalization of children will continue to act.</p> <p>The lack leaving care act for youngsters</p> <p>Low capacity of professional staff working with or providing services to youngsters. This happening even in cases when the local governments have got under their administration residential institutions.</p> <p>Different gate keeping mechanism (development of standards, licensing and inspection) have all been introduced since 2005, based on the Social Service Strategy and the Law "On social Assistance and Services" but are not yet to be fully implemented. Their development has been supported through the World Bank Social Service Delivery Project (SSDP). UNICEF has been working in</p>

<sup>28</sup> By drafting the by-laws in pursue of the new law "On the Social Assistance and Services", this decision must be abrogated. Because there acts have not been drafted yet then the abovementioned VKM is still in pursue.

		<p>the residential care facilities for children to ensure the implementation of the newly developed residential care standards.</p> <p>Kroiss/UNICEF (unpublished report) notes that staff in residential care needs further education, professional qualification and training, including in-service training at least twice a year. Staffs working with children with disabilities need additional specialized training and qualifications.</p>
<p><b>Ombudsman Office</b> created in the year 2000</p>	<p>It is an independent institution which supervises the way of implementation of the rights of the children in Albania. Sub-section of the rights of children, which is recently established, contributes directly in the evaluation and measuring of the effectiveness of the social policies of the development and protection of children out of parental care.</p>	<p>Actually there are limited financial and human capacities addressing youngsters' issues, especially care leavers.</p>
<p><b>Albanian Adoption Committee (AAC).</b> Functions on pursue of law No.7650, dt.17.12.1992 "For adoptions" NCA is a collegial organ with representatives from in line Ministries, Faculty of Law and one representative of the Orphan's Association, which make up the <b>Board of the Committee</b> The law of adoptions is supported on the principles of the Hague Convention "For the protection of children and cooperation the adoptions over the borders".</p>	<p>The competences of the AAC:</p> <ul style="list-style-type: none"> <li>• The acceptance of the submitted requests from Albanian or foreign families that wish to adopt in Albania and the assistance offered with the purpose of completing their file.</li> <li>• The drafting of lists of infants that can be adopted in or outside the country.</li> <li>• The collaboration with the public and private authorities in the country and abroad to insure the protection of the children.</li> <li>• The choice and introduction with the by-laws and the respective procedures of the private foreign organisms with which collaboration will be set in order to realise the adoptions.</li> </ul> <p>According to the legislation in power the adoption is irrevocable.</p>	<p>More attention by the care administration with the notice of abandonment of the child from the family.</p> <p>It is not rare that the best interest of the child principle is violated from the institutions misusing the term "visible interest of family members". Many of children can not be adopted (to live in a home like environment) as a result of the mother; father or some relative "gets interested only five minutes a year".</p>
<p><b>Local power</b></p>		
<p><b>Municipality</b></p>	<p>According to the law "On the organization and functioning of local power" the offering and implementation of social services on the community's good behalf is part of the mission of the local power. The Council of the Municipality and Commune is responsible for:</p> <ul style="list-style-type: none"> <li>• The delivery of the economic assistance to the families and individuals in need (including orphans as well according to the status).</li> <li>• The drafting of the development plans of community social services based on the sources,</li> </ul>	<p>There are limited financial sources in service offering.</p> <p>They have got insufficient human capacities and lack of professional staffs who deal with issues of children.</p> <p>They are still unable to coordinate with local stakeholders /service providers that address</p>

	<p>needs and local priorities.</p> <ul style="list-style-type: none"> <li>• The decision making for persons (orphans) families, kinds of social services that will be offered based on: the evaluations of the needs of the individuals as well as the financial possibilities for the offering of these services.</li> <li>• The authorization of the unit in the local power for the contact with the offers of licensed private services in cases when these services are not offered from the public social services.</li> <li>• The approval of the programs of collaboration with NGO-s and the representative of the civil society in compliance with the national and regional plans of assistance and social services</li> </ul>	<p>problems of children and youngsters ageing out of care.</p> <p>As part of decentralization process a delegation of functions for the provisions of social services has taken place through the establishment of new structures responsible for planning and delivery of social services at the regional level.</p> <p>At the municipal level, however, social services remain largely financed by the central government despite increased municipal responsibility for social service delivery.</p> <p>Undeveloped statistics and as a result lack of relevant information on youngsters issues</p>
<p><b>The Council of the Circle (CC)</b> The Dues of the Council of the Circle and stated by DCM No 563, date 12.08.2005</p>	<ul style="list-style-type: none"> <li>• The CC, sets the evaluating commissions of need sand planning of social services.</li> <li>• Collaborates with the MLSAEO for the priority groups in need</li> <li>• Collaborates with Municipalities and communes for an efficient offering of social assistance services.</li> </ul>	<p>This council is still not structured yet with sectors of social protection and specialists.</p>
<p><b>Civil Society (local NGOs, community-based organizations, etc.)</b> <b>Private Legal persons as well as NGO-s</b> can offer social services. The legal relations are regulated through MLSIEC No. 1321 date 3.12.2003. The drafting of this manual is achieved on pursue of Article 102, point 4 of the Constitution as well as Article 34 of Law No. 8788 date 07.05.2001 “For the Non Profit Organizations” as well as points 4/c and 10, of DCM No.307, date 24.05.1994, “ For Social Care Services”. According to this manual the private legal persons natives or foreigners, including or not NGO-s as well, can offer social care services after being granted permission</p>	<p>The services for children without parental care, for which a special permit is needed are:</p> <ul style="list-style-type: none"> <li>• Institutions of residential care for children with social problems</li> <li>• Development centres for children with limited abilities</li> <li>• Daily centres of social care for children with social problems</li> <li>• Psychosocial counselling centres</li> <li>• Home care services</li> <li>• Rehabilitation centres</li> </ul> <p>The applying organs must fulfil clearly set criteria in the legislation, which are drafted taking into consideration the international conventions ratified by the Albanian Parliament. The activities organised directed and administered in compliance with the terms of contract that binds the applying organ and the approving organ (MLSAEO). The activities monitored and evaluated in compliance with the legislation in power, which in a provision foreseen in the contract.</p>	<p>They do not find support from the relevant public structures connected with sheltering problems and employment of youth out of care.</p> <p>They are not supported with funds or assets/ building from governmental authorities, on/with which new services could be built.</p> <p>They face financial difficulties in front of the on growing problems that they have to deal with.</p>

of activity by the MLSAEO, according to a decision of a special commission.		
<b>Family (biological and extended)</b>	Has got the main role of parenting and care towards the children.	There are economical and social problems. The state is not able to address or soften with aim of prevention of abandonment/sending of children in the institutions of care.
<b>UNICEF</b>	A program of social business (YAPS) initiated by UNICEF has accomplished the employment of many young persons with a history of care and limited abilities. UNICEF is providing financing and professional support to SDPS in order to better fulfil mentioned above tasks, through “Strengthening the Child Protection System in the context of Social Service Reform” project. Government of Albania and UNICEF sign the Agreement of Country Programmer of Cooperation 2006-2010.	No recent action with regards to children and youngsters ageing out of care.
<b>Line Ministries</b>	The Ministries in line are responsible for the drafting and implementation of the main strategies in the respective fields as far as concerns matters of youth and children.	Actually the youngsters without parental care are not high priority categories in the agendas of these stakeholders.  The child protection system in Albania is fragmented among a number of line Ministries and departments.

## 6.2 Main strategies for the youngsters without parental care

**National Plan for Children:** is a strategy that defines the main directions of development of policies for the period 2005-2010.

**Fields:** social protection, health care, education, development and participation. The responsible public institutions of this plan are: MPCSSHB, MASH, MSP, MTKRS, MD and MB.

- Actually, National Action Plan (2005-2010) does not include any action for the care leavers

**Social Protection Strategy:** aims at reforming the payment system and social services. The fields covered are: reduction of poverty, improvement of transfers in cash for the poor families (including the orphans and the youths out of care), decentralization and de-institutionalization of the services of care for children, extension of community-based services, piloting of foster care and consolidation of the services of home family type, increase of the number of public operators administrated by NGO-s in the care field.

**The Youths’ Strategy is Under-sectional Strategy that** defines the policies regarding health and social protection, economic strengthening of the youths, enhancing of representation and participation as well as the encouraging of European principles. The responsible public institutions are; Ministry of Youth, Culture and Sports, Ministry of Education, MLSAEO, Ministry of Internal Affairs, Ministry of Justice.

## 6.3 Cooperation initiatives among stake holders

There are cooperation initiatives in between: MLSAEO with Ministry of Education for offering scholarships and accommodation of the youths in dormitories even after the completion of school.

UNICEF and MLSAEO in support of the project of delivery of social services and the support of the strategy for the children out of parental care.

UNFPA, MLSAEO and SSS, related to the setting up of local capacities in the administration of community social services.

MLSAEO and local Government related to the decentralization and de-institutionalization of care services, setting up of new community services

MLSAEO, SSS and NGO-s in licensing, monitoring of the standards, offering of financial support.

#### **6.4 Formal and informal networks for the youth**

Actually, there do not exist formal or informal networks for the youth ageing out of care. There is a tendency to maintain informal contacts among youth that are ageing out of care

#### **6.5. Conferences and seminars held for the youngsters without parental care**

1. Amnesty International in cooperation with organizations that work in the field of the youth, on 2008, organized a workshop addressing issues of orphans, with participation of youngsters as listeners.

### **7. COMMENTS AND RECOMMENDATIONS**

#### **7.1 Main issues**

Albanian care leavers share some of the most difficult experiences and suffer discrimination and multiple disadvantages. The major parts of the care leavers have got a low educational level (8-th grade education or one or two years of high school). They are unemployed for a long period and live in extreme poverty. They lack housing and the major part abusively find shelter in the dormitories of public schools, which puts them into high risk to be involved into delinquent activities and criminal deeds or to become target of malefactors and traffickers. A high percentage suffers emotional problems of behavior and have got mental and health problems as well.

The reasons of multiple disadvantages refer to a whole series of factors where the most Important are:

1. The model of care and insufficiency of social services.
2. Leave from care at an early age and lack of supportive services.
3. The non-coordination of activities of the structures of care at a local and national level.
4. The non-treatment as priority in the main policies and strategies.
5. Stigma from society – they are labeled as bad elements, lazy and irreparable.

#### **7.2 Necessary services for youngsters leaving care**

- Supportive programs for 14-18 years old and continuous monitoring for youngsters.
- Setting up of after care services, structures and programs for care leavers.
- Development of professional vocational courses in compliance with the potentials, the desires of the children and requests of the labor market.
- The extension of time in care up to the finalizing of high school graduation or finalizing of university studies, where possible. Education gives them more possibilities to be successful in life. The up to-date experiences of SOS and other NGO-s are significant.
- The setting up of daily centers (service deliverers) for youngsters that have left care (14-18 years old).

- The regular and systematic training and necessary psychological assistance enterprising for the development of youngsters (building of self-esteem, psychological and emotional development, etc)
- Increase of information and stimulation of education and the offer of educational support, especially assistance for children that present developing problems, which need to be trained in special centers.

### 7.3 Recommendations for the stakeholders

#### Recommendations for SOS Children's Villages

- Building of new SOS Youth Communities to support youngsters ageing out of public institutions care.
- Building of communitarian services (youth clubs, centers, and psycho-social centers) for professional support of care leavers.
- Strengthening of the relations with organizations, governmental actors and donors.
- Creation of possibilities to disseminate the model of the SOS Youth Communities.
- To create and to be the promoter for setting up a NGO network that work in the field of services
- Strengthening of the SOS after care model.
- Training of the staff of residential institutions for compliance with qualitative standards of SOS (Q4C)
- Undertaking advocacy initiatives to fight the stigma towards the young people and children without parental care.

#### Recommendations for other stakeholders

- Policy and legal improvement which increase the obligation of the different stakeholders at local level and their support for in education in compliance with the needs of care leavers, the choice of a durable housing and the possibility of a formal employment with sufficient income. Actually these obligations are in paper. – Responsibility of MLSAEO, Social State Service, Ministry of Education. Development of a Leaving care act and other by-laws regulations that authorize different governmental actors to act according care leavers needs.
- Special inclusion of youngsters in need/without parental care in the National Strategy for the Children - responsibility of MLSAEO, Social State Services
- Development of the forms of support and other relevant structures from the government who support care leavers during the transition from care into independent life. The forms presented by the NGO-s are a positive example – responsibility of MLSAEO, Social State Service, local authority
- Setting up of institutional capacities for systematical monitoring and follow up of young people ageing out of care– responsibility of MLSAEO, local authority and Social State Services.
- Implementation of qualitative standards for the children throughout the process of care. – responsibility of MLSAEO, Social State Services.
- Setting up of capacities of the staff who work with children without parental care in public institutions responsibility of MLSAEO, Social State Services.
- Setting up of clubs/centers for the youngsters with common participation from the youth with families and care livers. This will enhance the social cohesion among them, will reduce the stigma towards care livers and will increase opportunities for them to be involved in the social life in an entire manner responsibility of Social State Service, Local Authority and NGO-s.
- Representation of care leavers should be structured and monitored in public statistics- responsibility of MLSAEO, Social State Services, Ministry of Education, Ministry of Justice, Local Authority.
- Completion of the duties of the municipality for the distribution of economic aid and social housing for the beneficiaries granted with the status of orphans– responsibility of local authority
- Monitoring capacity building for the granting of the orphan status – consideration with priorities for employment and housing in compliance with it - responsibility of local authority
- Undertaking of advocacy actions to enhance implementation of existing laws and undertaking of new initiatives for improvement of practices in place – responsibility of NGO-s.

- Preparation of other by laws regulations in accordance with the ratified conventions (European Social Charter) that enable implementation in place.

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## ANNEX 2. TERMS OF DEFINITIONS

**Children/youth without parental care** in this evaluation, are those at the age of 0-14 years old and youth at the age of 14-18 years old, who do not live with their parents for the following reasons: death of both parents; withdrawal from parenthood or abandonment; temporary or permanent disability of parents for caring (disease, imprisonment); voluntary placement (temporary) of children in residential institutions; placement in institutions of care from administrative structures (social services), removal of the right to parenthood (from the court); leave of unaccompanied children from Albania or trafficking. In this study there are not included children out of the parental care, children that do not leave with parents for schooling reasons and that live away from their homes (boarding schools or dormitories), suffer imprisonment in the appropriate institutions.

- **Neglected children** are those who suffer damages of development as a result deprivation of nutrition, clothing, heat, education, surveillance, security, affective connection with the grown ups, or medical care because of negligence, poverty or abuse.
- **Disabled Children** (mental and physical) are those with mental functioning problems, mental retardation, psychosocial and physical disorders.
- **Residential institutions of the social care** are structures which take care of the children who are out of the parental care. In those institutions, life is not organized on family base, the children live in groups and a paid personnel takes care of them. These structures may be community based, and shelter children who are out of the parental care from the community around, institutions with a great number of children or national residential institutions which take care of the children that come from more than one community (municipality or commune).
- **Informal care** is the placement of children from their parents under the care of the relatives or friends or those offering care spontaneously towards the children without parents from the relatives and friends. Guardians may be grandparents or relatives bound by blood, a close friend of the family.
- **Foster Care** is the formalized official version of care within the same family, where the caretakers are the relatives (with family or blood bindings) or others. Formal foster care comes as a result of the decisions of court of administrative structures (with authorities in giving such a decision) and includes long or short caring time frames, which are appointed by the court or administrative structures as well.