



ROLE-DUTIES-RESPONSIBILITIES FOR AN ADEQUATE SOCIAL SERVICE TO CITIZEN, - RIDE

Policy Brief

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An issue of public concern

Children, because of their age, mental and physical immaturity, are the group which is highly exposed to risk, and for this reason they need a special protection and care from their family, society and state institutions. In April 2012, in Albania, the action plan of the national strategy for child protection 2012-2015 was approved, and implementing measures for the Law on the Protection of the Rights of the Child were adopted. The signature of a joint order of the MoI¹ and MOLS AO² in August 2012, aims to increase coordination for effective management of cases of children at risk of abuse. *Internal trafficking in human beings, child begging and informal child labor remain issues of concern and need to be addressed consistently³. Child labor is notably affecting Roma⁴.* The aim is to focus on the gaps between the well written legislation and its implementation in fulfilling the main duty of guaranteeing survival, protection and development of children in street situation and assist local service structures to effectively and efficiently implement the policies and services for the most vulnerable groups of society, especially for children in street situation.

The problem of definition

The issue of defining street children has always been an open debate, because this group does not form a clear defined category. Definitions continue to evolve, with terms such as ‘street-connected children’ and ‘children in street situations’, or defining street children as ‘children for whom the street is a reference point and has a central role in their lives’. The wide variety of children’s circumstances and characteristics, however, continues to present huge definitional challenges.

¹ MoI, - Ministers of Interior

² MOLS AO, - Ministry of Labor, Social Affairs and Equal Opportunities

³ “Albania 2012 Progress Report”; Communication from the Commission to the European Parliament and the Council; Enlargement Strategy and Main Challenges 2012-2013; Brussels, 10.10.2012; page 19.

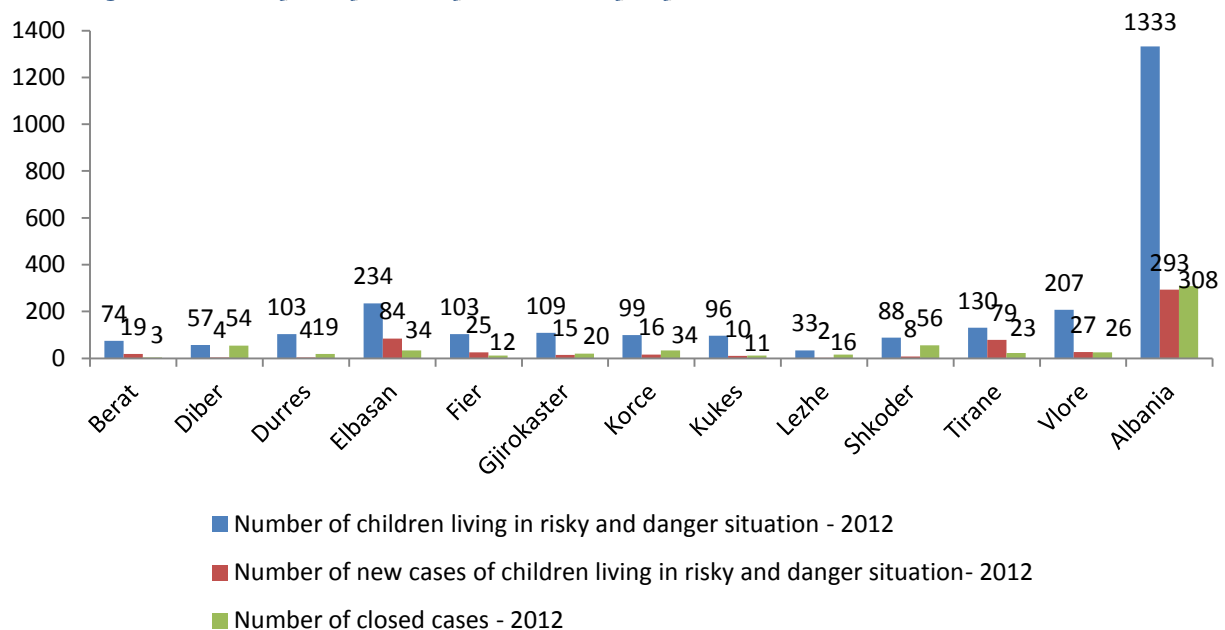
⁴ Ibid, page 48.

In the Albanian legislation and all the actors involved with the case of children in street situation, there is still a lack of consensus about the definition of the child in street situation. The street is just a reference point, but not necessarily the place where the child spends most of the time.

Children in street situation in the lens of public and non-public institutions

The total number (of cases) of children identified living in risky and danger situation, for year 2012, was 1333. During the same year there were opened 293 new files and closed 308 files of children living in risky and danger situation.

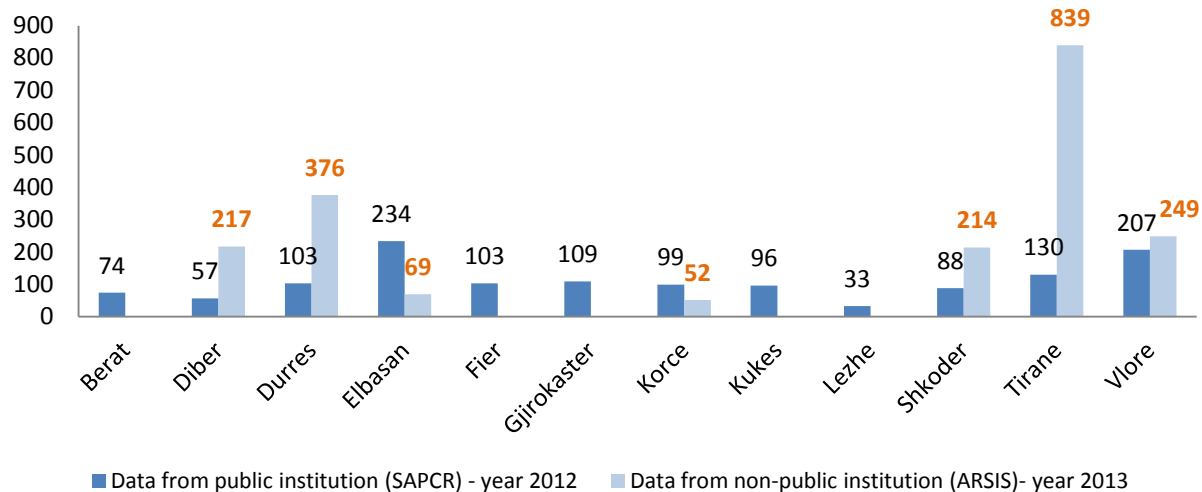
Graph 1: Number of total files, new files and closed files for children in street situation in 2012



Source: State Agency for the Protection of Children’s Rights (June 2013), MOLSAO;

Comparing data provided from SAPCR (public institution) and data provided from the field study of ARSIS (non public institution) the difference between data is deep (keeping in mind that data differs with one year and that the study from ARSIS is done for only 8 regions of the country).

Graph 2: Number of children in street situation - comparison of data from public and non-public sources (year 2012&2013)



Source: SAPCR (2012) and ARSIS (2013)

The period when the counting of children in street situation was done, was August 2013 and it corresponds to the period of holidays and to the period of religious month, so the regions/areas analyzed in this part are the regions which are mostly religious in Albania (Diber, Shkoder, Elbasan), are coastal areas (Durrës and Vlora) or border areas (Korce) and the capital city of Albania (Tirana). The probability for migration of families which live in the street is high in these areas. In Tirane region the number of children in street situation is more than 6 times higher, in Diber, Durrës and Shkoder regions it is more than 3 times higher, in Korce region it is 2 times higher according to the comparison of data between public and non-public institution.

Lack of services for children in street situation – out of the system focus (health care, social protection and education)

Children living in street situation are children who live without any parental care and often are not equipped with any birth registration document. The lack of health books discriminates children of Roma families but also those of all the other families that do not pay health insurance due to unemployment and poverty. Currently the only service which is provided for free is vaccination. Health service situation for this group, is even worse in specialized services. Health service provision for this category of children most of the time remains in the good will of health staff.

These children are out of the focus of the State Social Service also. This institution in Fier region and in Vlora region does not recently collect data for children in street situation. It used to be a practice of this institution to collect data for this category of children, but it no longer is. Law 9355 is one of the basic laws that guarantees economic assistance and social services for child protection, but this law does not focus on specific groups like children in street situation and this explains why children living in street have never benefited from its implementation. Until the change of the penal code, neither the penal code nor other laws in Albania didn't prohibit begging as a phenomenon, including child begging.

According to DCM nr. 212, date 16.03.2011 it is stated that textbooks for Roma children and for some other categories in need, in compulsory education are 100% reimbursed from the budget of Ministry of Education. Education of children in street situation faces various problems:

- i. There is a legal framework guaranteeing education for all children, but mechanisms to control its implementation are missing.
- ii. Local government units have no power and no abilities to enforce the law. Their structures are not able to identify school-age children. They do not follow children's enrollment and inclusion. When families are not registered, the situation becomes even more problematic because there is almost no possibility of intervention.
- iii. When children in street situation enroll in school thanks to the support of associations and to their services, they encounter other difficulties with school attendance due to:
 - a. prejudice and discrimination shown by other children, their parents and by the teachers;
 - b. teachers showing no interest in including them in activities and ignoring them, paying no attention and not enabling them any participation;
 - c. psychologist service in schools being merely formal and not offering any concrete service to children in street situation;
 - d. Children not actively following up school and passing at the end of the year. This kind of action harms the child and somehow formalizes this informality;

Recommendations:

- A better collaboration within the responsible structures and institutions. Effective and efficient coordination of local social services structures and actors. Coordination between central and local governmental structures needs strengthening⁵;
- The establishment of an accurate database to get an overview of the current situation of children in street situation all over the country and for each city of the country.
- The need to offer local specialized services to this category of children in immediate and professional way;
- Guarantee of the fundamental rights of human being by supporting the basic needs for children in street situation and their families;
- The absence of social protection services makes intervention difficult for the Police officer to operate and intervene when cases are identified;
- The need to develop professional capacities of local social services staff, in fulfills and guarantees the service needed for the protection of children in street situation.
- Lack of local funds and resources from local responsible social protection institutions (governmental or non – governmental) for building up professional and contemporaneous social protection program in response of needs identified through the year;
- Implementation of policies in national and local level that are in guarantee of social child protection, needs to be strengthened⁶;
- To network the capacities and resources of these main local actors in service of children;
- Build up and trained time after the local staff, about social rights; how to translate social issues into social program;
- The absence of an indicator which can affect in formal and informal employment;
- Poor effectiveness of the policies which aim to avoid the problem of children's employment;

⁵ "Albania 2012 Progress Report"; Communication from the Commission to the European Parliament and the Council; Enlargement Strategy and Main Challenges 2012-2013; Brussels, 10.10.2012; page 19.

⁶ "Albania 2012 Progress Report"; Communication from the Commission to the European Parliament and the Council; Enlargement Strategy and Main Challenges 2012-2013; Brussels, 10.10.2012; page 22.

- Private and not licensed structures not declaring children's employment;
- Insufficient implementation of social policies by organizations covering problems for children who drop out of school, or begging on the streets;
- Existence of insufficient psycho-social services to cover all the needs of juveniles and their families at regional level;
- The reasons which lead up to these kinds of problems should be analyzed and through an action plan the duties of each institution should be defined, in order to reduce the phenomenon in quantitative (dimensions) and qualitative (reasons) perspective;
- Most of the time the studies for children in street situation do not include all the regions of Albania. In accordance with this these studies should provide generalizations from findings of children in street situation;
- The need for an action plan with the inclusion of public and non public institutions in order to mitigate the phenomenon;
- Information for children in street situation should include data from factual counting (field observations) and data from public institutions;
- The need to increase the Economic Aid (EA) as it helps to reduce the phenomenon of begging and problems;
- The phenomenon of children in street situation is evident and problematic, so it is necessary to establish residential institutions, which can provide services, shelter and food for this category;
- The need for an improvement of the legislation for residential institutions. There is a DCM⁷ which specifies the criteria for a child to enter in residential institutions, but there is a lack of legislation to specify the procedure to exit a child from these institutions, for different causes;
- The need to establish emergency centers and host centers, based on the model established in Tirana from ARSIS, which provides shelter and transportation of children;
- The need to strengthen partnership and cooperation between public and non-public sectors, in order to strengthen the competences of each. NGO's can be the catalysts, but the state has the obligation to support and provide continuation of these initiatives;
- The best way to track the number of children in street situation is through the identification and referring of the cases in an official way from each institution. This is emphasized also in the annex/appendix "For the identification and referral of cases" in the working protocol of the CPU's;
- Legislative actions for the families/parents who exploit their children;
- Integration of people who are part of the Economic Aid (EA) scheme in community work in change of getting their check;
- The need to establish a monitoring structure which must supervise the continuation of these cases, if they turn back to street or if these are permanent successful cases;

⁷DCM nr. 425, dt. 27.06.2012 "On the implementation of the necessary criteria and documentation for admission of people in residential, public and private social care"

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European Social Charter

Family Code in the Republic of Albania

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