

### **European** Fund for the **Balkans**

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

Policy Study

The policy study <u>"Children in street Situation"</u> is a result of the project "Role-Duties-Responsibilities for an adequate social service to citizen, - RIDE" which is supported by the European Fund for the Balkans, a joint initiative of the Robert Bosch Foundation, the Compagnia di San Paolo, the ERSTE Foundation and the King Baudouin Foundation through "Think and Link-Regional Policy Programme".

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Tirana, December 2013

#### **Abstract**

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. Improving legislation for child protection has been a priority of all the governments after 90's in Albania. This priority has been always supported by movements of children's rights advocators, promoted by international institutions like UNICEF and other NGO networks. Although it should be noted that there are gaps and problems between written legislation and its implementation, legislation guarantees equal rights for individuals in need and other citizens, regardless of the cause, nature and extent of occurrence of need.

This policy research focuses in finding 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. It aims to 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.

### List of abbreviation

BKTF	Together Against Child Trafficking (Bashkë Kundër Trafikut të Fëmijëve)
CRC (UN)	Convention on the Rights of the Child
DCM	Decision of Council of Ministers
EA	Economic Aid
GDP	Gross Domestic Product
IKU	Urban Research Institute
LGU	Local Government Unit
MF	Ministry of Finance
MoE	Ministry of Education

MoI Ministry of Interior

MoLSAEO Ministry of Labor, Social Affairs and Equal

Opportunities

QKSS National Center for Social Services
RED Regional Education Department

SAPCR State Agency for the Protection of Children's

Rights

UNDP United Nations Development Programme
United Nations Educational, Scientific and

Cultural Organization

UNICEF United Nations Children's Fund

WB World Bank

WHO World Health Organization

### I. Introduction

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 MOLSAO² 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 consistently*³. *Child labor is notably affecting Roma*⁴. The process of establishing local child protection units continues, albeit with much reliance on civil society and donors to provide services. Effective progress in implementation depends on strengthening human and financial resources and coordination between central and local level.⁵ There is systematic reliance on civil society organizations to provide child protection services at local level.⁶

This policy paper is designed to assist local responsible actors (local institutions, local government and other responsible actors and citizens) to improve their policies and services for most vulnerable part of society, street children. This policy paper is based on Albanian Legislation, national strategies and plans, studies and field visits, in three regions of Albania: Fier, Vlora and Tirana.

Referring to Human Rights Watch, - street children refer to children for whom the street more than their family has become their real home. It includes children who might not necessarily be homeless or without families, but who live in situations where there is no protection, supervision, or direction from responsible adults.

<sup>&</sup>lt;sup>1</sup> MoI, - Ministers of Interior

<sup>&</sup>lt;sup>2</sup> MOLSAO, - Ministry of Labor, Social Affairs and Equal Opportunities

<sup>&</sup>lt;sup>3</sup> "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.

<sup>&</sup>lt;sup>4</sup> Ibid, page 48.

<sup>&</sup>lt;sup>5</sup> Ibid, page 54.

<sup>&</sup>lt;sup>6</sup> Ibid, page 19.

According to UNICEF there are three types of street children;

- -Street Living Children children who ran away from their families and live alone on the streets.
- -Street Working Children children who spend most of their time on the streets, fending for themselves, but returning home on a regular basis.
- -Children from Street Families children who live on the streets with their families.

The issue of defining street children has always been an open debate, because this group does not form a clear defined category. Research and practice have surfaced an enormous variation in children's experiences and considerable overlap between these three groups: for example some children live on the streets all the time, others only occasionally or seasonally, while others move between home, street and welfare shelters. Some retain strong links with their families and others have broken or lost all contact. 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.

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 could end up on the streets for various reasons and faced with many dangers such as the very poor conditions of living, the lack of a shelter, no access to medical and health services, no access to schooling and education, violence and criminality on the streets, the pressure for drug use and dealing, sexual exploitation and abuse, mutilation or even murder by human organ traffickers, social exclusion and marginalization. If they are abandoned, orphaned or denied by their parents, they would have no choice. Other children may choose to live in the streets because they are mistreated or neglected by their homes. Many other children work on the street or are forced to do so by their families. One could understand that the underlying reason is poverty and family breakdown, with the active role of social, economic, political or environmental factors. The WHO (1993) has put together a list of factors which may contribute to vulnerability of children and lead them into living on the street, such as<sup>7</sup>;

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-family breakdown,
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-armed conflict,

-poverty,

-natural and man-made disasters,

-famine,

-physical and sexual abuse,

-exploitation by adults,

-dislocation through migration,

-urbanization and overcrowding,

-social exclusion, discrimination

-parental denial

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<sup>&</sup>lt;sup>7</sup> World Health Organization (WHO) (1993) "A one-way street? Report on Phase I of the Street Children Project" part 3 of 9, http://www.pangaea.org/street\_children/world/who3.htm

The UN (2001) agrees in what are the leading causes for the street children phenomenon across the world and neglect. These children come from urban families, generally poor or in marital crisis, while more and more the rural areas are contributing to the street children phenomenon. Also, street children could belong to minority ethnic groups from neighboring countries or nomad communities who have settled on the outskirts of towns and/or who have fled from disasters. They can also originate from political or religious minorities excluded from their own country or rejected by formal schools due to the rigidity of the school system (UNESCO).

Based on all international and national definitions, in this policy research paper *a child in street situation* will be referred to a child who is under 18 years old, has some sort of linkage with the street (mainly lives and/or works on the street even though in seasonal or transitional periods) and includes:

- 1. Children who beg and wash car windows alone or accompanied
- 2. Children involved in informal employment (plastic or metal recyclation)
- 3. Children who sell in crossroads, cafes or fixed places or offer services like parking
- 4. Children involved in sexual exploitation
- 5. Children in conflict with the law (transporting narcotic substances, smuggling or robbery)

### II. General overview on the situation

A strategic approach to welfare, especially for the most vulnerable groups needs to go deeper than normative agreements, such as sensitive rights based policies, capacity building for local government actors etc, which do not always expose the vulnerability needs biases inherent within the system. The place to examine the quality of good governance from a rights based perspective is in the points of contact between children and the state. It is at the regional and local level where vulnerable people often have the most frequent access to the state's response to exclusion, where the factors limiting their welfare and participation in social environment can be most visible and readily addressed.

An effective social care system consists of an integrated and inter-connected system of laws, regulations, policies, procedures, institutions, capacities, and service providers. Much of the primary legislation to support implementation of the reform is in place.

Recently the Central Government intends to decentralize the responsibilities and the social services at local level. This is an important step in the reform of social services but a huge challenge in the social reform as well. In this beginning process of the local government, dealing with social services, there is an evident lack of tradition, experience in offering adequate social service and protection for the community around. There are some communes/municipalities that are aware of the responsibilities to improve the situation of vulnerable groups of children. They need to share some useful experience, how their colleagues, in other countries at local level manage to deal with these situations to create local policy documents, decision making process in municipality/ commune councils, to lobby for fund raising with different donor agencies, allocate funds and organize social services, how they can activate involve the community to play their role and to give their contribution in social services.

Among the worst forms of child exploitation, is begging on streets. In many cases parents by their own force their children to beg on the streets, because of the extreme poverty they live in. Children often stay begging in the street up to 12 hours a day, and sometimes even until late at night, and this is harmful for their physical, mental and emotional development. Street children are more exposed to all forms of violence while they stay on the road. These children do not attend school.<sup>8</sup>

<sup>&</sup>lt;sup>8</sup> Regional Strategy for Children, Fier Region 2012-2015.

This phenomenon is widely spread in Vlora. The forms in which it may appear are as follow:

- Children who beg on the streets: this phenomenon is mostly concentrated in Roma children. Families which exploit children for begging are mostly Roma families which come from Levan, Korça, Elbasan etc. Parents of the children accept the fact that they are using their children for begging, but in absence of other forms of survival, they see begging as a way to live. In Vlora region there is lack of services, lack of daily centers or lack of capacity in residential centers.
- Children who work on the street, or underground market: Children are forced to collect cans in the garbage containers. Employment of children 14-16 years old in tailoring or construction continues to be a problem. They are not declared as employed and meanwhile it is said that they follow school regularly, except of the cases known from the Labor Inspectorate for children who work in fabrics For this category of children there is not a correct statistical information
- Children who sell on the streets: this phenomenon is widely visible in the summer season. During summer parents force their children to sell on the beaches.
- *Children involved in sexual exploitation*: in 2012 there were 2 cases of 2 girls who are 12 years old and who have been sexually exploited. These cases continue to be unsolved.

## III. Problems encountered in the implementation of the legislation for children in street situation

Children in street situation as they live in extreme life conditions they are mostly deprived from:

- -Health services
- -Social protection
- -Education and development
- -Participation

This policy paper will be focused on the role of the local government that has to recognize and act in supporting the provision of services to street children.

### a. Law on health care in Albania with focus on children in street situation

There are some laws that regulate health services in Albania. Among the most important ones there is the Law on Health Care in Albania<sup>9</sup>.

Children living in street situation are children who live without any parental care and often are not equipped with any birth registration document. Although access both to basic services and specialized ones is only done through the health book, the provision of health care is almost impossible for this group of children. The lack of health books discriminates children of Roma

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<sup>&</sup>lt;sup>9</sup> Law No.10107, Dated 30.3.2009, On health care in the Republic of Albania. By analyzing this law we find out that: Article of this law, which speaks about healthcare principles in Albania, says in two of its paragraphs: 'a) the right to health care, a fundamental right of the individual; b) guaranteeing of equal rights to health care, based on nondiscrimination;' while, in its article 3, paragraph 3 it says: "Health care is the set of measures and activities undertaken by healthcare institutions, health workers and citizens, aiming at the improvement of general physical, mental and social wellbeing of the citizens.' The Law explains the ways of financing health care in Albania. Article 8 provides that health care is financed by: a) State Budget; b) compulsory or voluntary health insurance c) private health insurance; d) direct payments.

families but also those of all the other families that do not pay health insurance due to unemployment and poverty. Equipment with health books does not depend on children. It is a responsibility of parents and other adults responsible for children. Adults' difficulties endanger children's status while the government is not able to compensate for this with interventions aimed at achieving the observance of Convention on the Rights of the Child and Constitution principles. Health service provision for this category of children most of the time remains in the good will of health staff.

Currently the only service which is provided for free is vaccination. Health service situation for this group, is even worse in specialized services such as dentist, ophthalmologist, psychologist, etc. services which are provided by paying.

### b. Social Protection and Social Aid for children in street situation

Law 9355 is one of the basic laws that guarantees economic assistance and social services for child protection. It helps us understand why so many children who live in street situation have almost never benefited from its implementation. This law does not focus on specific groups of children and respective types of support as it considers all children in need of economic assistance and social services as one unique group. It would be appropriate for specific services offered to children, especially to those who have survived extreme situations of abuse and exploitation, to be addressed in a specific way as related to the organization and provision of economic assistance and social services, both at national and regional or municipality level. The scheme of the law places almost all the burden of social services provision on municipalities and communes and requires them to establish specific offices for this (Article 30). However, from 2005 to date, with the exception of the largest municipalities, almost none of the municipalities and communes in Albania have any specific office for the provision of social services; they only have one or several persons who, among other things, also cover the obligations arising from this law's implementation. In the Regional Council of Fier Region in the framework of implementation of the Article 30 of the Law 9355, in 2008 was established and started to function the Department of Social Welfare Services. In 2006, one year after the Law started to be implemented, in Fier Municipality the office for Economic Aid turned into the office of social services. In all other Municipalities and Communes this function is covered by the Social Administrator, who among other functions is responsible also for this function. The same situation is also in Vlora region. Except the main Municipalities (Vlora, Saranda and Delvine municipality), this function is covered by the Social Administrator.

Another problem identified in a meeting with the Head of Novosela Commune (Vlora region), was the integration of people who are part of the Economic Aid (EA) scheme in community works. He stated that "I think it would be great if welfare recipients had to work to receive their check. There are always community service works that need doing, they should have to work a certain number of hours picking up litter or garden works instead of just getting a free ride. It would build their self esteem, since they would actually be giving back instead of just completely depending on the system and their children will get the education that everything is earned in life, instead of getting into the street and beg"

The State Social Service institution in Fier region and in Vlora region do not recently collect data form children in street situation. Collecting data for this category has been a practice of this institution years ago and it used to specify this data into children that live in families with a house or without a house. The responsibility is usually delegated from one institution to another one. The State Social Service responds that this institution is in charge of Economic Aid (EA) or people with special needs and it doesn't collect data for children in street situation.

According to Article 29 of the Law, local government plays a decisive role in the definition of the type and level of services to be provided in its territory<sup>10</sup>.

In most of the cases, children living in street situation practice the profession of beggars and, in less frequent cases, that of retailers. The phenomenon is widely spread in the urban areas. 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. In May of 2013 there was a change of the Article 124/b of the Penal Code and according to this article "constraint, exploitation of minors to work, to provide income, to beg or perform actions that affect his mental/physical development, or his education is punishable by two to five years of imprisonment".

### Basic education for children in street situation

Albania has approved the Law on Pre-University Education nr 69/2012, dt.21.06.2012 and the National Strategy on Pre-University Education 2009-2013. These are two important documents for the development of education in Albania. The two documents state the aim to increase the participation in compulsory education especially of children coming from poor families, and for this they foresee preparatory classes for children in need, including Roma children.

The Ministry of Education progress reports state that during the years 2003-2004, the MoE distributed free schoolbooks for children in need and for Roma children. According to DCM nr. 212, date 16.03.2011 "For publishing, printing, distribution and sale of pre-university education system textbooks", 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 MoE. For this all the school directorates have to deliver a list with the names of Roma children in the Regional Education Directorate. Children from Egyptian community and other communities are excluded from the reimbursement scheme, and it is a problem because these communities have same needs as Roma community.

Another issue is the reimbursement of textbooks in high school. According to observations on the field and interviews done with 3 organizations (one umbrella organization and two others working on education of Roma children), there is no legal act that provides the possibility of free textbooks to Roma children in high school. They also don't have the possibility to get the partial reimbursement for the textbooks in high school. The possibility of free textbooks and the legal act for this provision is only for compulsory education.<sup>11</sup>

The problem that derives from that is that DCM for the distribution of free schoolbooks for Roma children and DCM for the reimbursement of books for children coming from families with limited revenues have not been fully and successfully implemented. Roma children do not take their books for free because some of them do not even go to school since they have not been registered in the National Registry Office, and children of poor families do not have money to firstly buy the books and, as a consequence, there can be no reimbursement for them. To emphasize the importance of this problem, during the same day the Head of Shushica commune in Vlora region said that the

<sup>&</sup>lt;sup>10</sup> The responsibility of the municipal or communal Council (local government) in relation to economic assistance and social service provision is:

To draft the plan for the development of social care services based on local resources, needs and priorities;

b. To approve and support the development of care services on the basis of local priority needs' assessment;

To take decisions on individuals, families and the types of services to be provided on the basis of an assessment of the needs of individuals and families made by the Social Administrator and the financial possibilities for the provision of these services

<sup>&</sup>lt;sup>11</sup> Danjela Shkalla, Coordinator at "BKTF" coalition (September 2013)

distribution of free textbooks had not begun in the schools of the commune, and at the same day one of the specialists of RED Vlora asserted that this phase had successfully been accomplished in all the schools of Vlora region.

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. prejudgment 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;

Based in this situation we identify as a need 3 issues:

### 1. Inclusion of Roma children in education

- Provide access to Roma children in education by removing the standard registration procedures for this category
- Local Government should be the one which identifies children in the age of preschool education, their problems and makes it possible for them to have the needed documentation.
- Effective reactivation and implementation of Directive Nr.6 of MoE, dated 29.03.2006 "For enrollment in school of Roma children who do not have a birth certificate", which suggest the opening of a special register for children who are not registered at all

### 2. Continuity of educational process of Roma children

- Reporting of hidden abandonment and non-attendance of school hours by setting into function monitoring structures
- Realization of a study from MoE in order to asses financial costs of food inclusion in schools
- Setting into practice "cash" conditional transfers, as a positive practice to stimulate children to attend school and parents to provide them this opportunity
- Provide scholarships for this category of children in high school

### 3. Providing free textbooks

- Review of Directive Nr.32 of Ministry of Finance and Ministry of Education, dated 04.082011, "For the procedures of using state budget funds for publishing, printing, distribution and sale of pre-university textbooks", by expanding the target group and simplifying the procedures. Implementation of the Directive in an effective and functional way.

- Develop a package which beside the textbooks should include also other necessary tools and school supplies
- Set out clearly and detail specific duties and responsibilities for the stakeholders that participate in the process of delivering free textbooks and school supplies
- Establish a monitoring structure to monitor the distribution of textbooks

### d. Case management of children in street situation

Article 39 of the Law No. 10347, dated 4.11.2010 "On the Protection of the Rights of the Child", presents Child Protection Unit (CPU) as the structure which offers services for children in street situation, exploited children, trafficked children and abused children. CPU is part of the Social Service and Economic Aid Department structure in Municipality/Commune level. It offers social protection services for children and families living permanently or temporarily within the territory where it implements its liabilities. Establishment and functioning of CPUs across the country is important not only because it corresponds to the demands of the Law, but now it is seen as a structure that provides social services and coordinates the efforts to prevent and protect children from abuse, violence, neglect, exploitation and trafficking.

Based on interviews we made with local institutions which face cases of children in street situation, the procedure followed from the identification of a child in street situation is as follows. When someone is faced with a case of a child in street situation calls the operating system of a police station (number 129) and in very rare cases people who are aware of the system inform the CPU. Even though the police patrols reaches the call, the problem remains unresolved for the child due to the lack of infrastructure to accommodate the child in a daily or residential center. According to a common internal order between the Ministry of Interior and Ministry of Labor, Social Affairs and Equal Chances (23 August 2012), in case of identifying a child in street situation, the police inspector and State Social Service fills a charge sheet and the child is sent in a temporary residential institution in Vlora, Durrës or Shkodra.

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

Until 2012 in overall country there were established 146 CPUs in Municipality and Commune level<sup>12</sup>. The total number (of cases) of children identified living in risky and danger situation, for year 2012, was 1333. The detailed information for each region is the following table (nr 1):

No	Region	Number of children living in risky and danger situation, - year 2012
1	Berat	74
2	Diber	57
3	Durres	103
4	Elbasan	234
5	Fier	103

<sup>&</sup>lt;sup>12</sup>Berat-17, Diber-15, Durres-13, Elbasan-32, Fier-11, Gjirokaster-1, Korçe-3, Kukes-11, Lezhe-10, Shkoder-5, Tirana-15, Vlora-13;

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6	Gjirokaster	109
7	Korce	99
8	Kukes	96
9	Lezhe	33
10	Shkoder	88
11	Tirane	130
12	Vlore	207
	Total	1333

<u>Table 1:</u> Number of Children living in risky and danger situation, - year 2012 <u>Source:</u> State Agency for the Protection of Children's Rights (June 2013), MOLSAO

Only in 2012 there were opened 293 new files of children living in risky and danger situation:

No	Region	Number of new cases of children living in risky and danger situation, - identified during the year 2012
1	Berat	19
2	Diber	4
3	Durres	4
4	Elbasan	84
5	Fier	25
6	Gjirokaster	15
7	Korce	16
8	Kukes	10
9	Lezhe	2
10	Shkoder	8
11	Tirane	79
12	Vlore	27
	Total	293

<u>Table 2:</u> Number of new cases of children living in risky and danger situation, - identified during the year 2012;

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

During the same year (2012) the number of closed cases, or children leaving street was 308 children. The detailed data for all the regions is presented in table nr. 3. The highest number of children leaving street is in Diber region (54) and the lowest is in Berat (3). One of the problems identified with the cases of children leaving street is that there is no monitoring structure to supervise the continuation of these cases, if they turn back to street or if these are permanent successful cases.

No	Region	Number of closed
	_	cases - 2012

1	Berat	3
2	Dibër	54
3	Durrës	19
4	Elbasan	34
5	Fier	12
6	Gjirokastër	20
7	Korçë	34
8	Kukës	11
9	Lezhë	16
10	Shkodër	56
11	Tiranë	23
12	Vlorë	26
	Total	308

<u>Table 3:</u> Number of children leaving street, - identified during the year 2012; <u>Source:</u> State Agency for the Protection of Children's Rights (June 2013), MOLSAO;

The upper mentioned data is information provided from the State Agency for the Protection of Children's Rights (SAPCR) in MOLSAO, so this is official data collected from the responsible public institution.

Meantime in June 2013 ARSIS Association for the Social Support of Youth conducted the study "Analysis of children in street situation at national level". The study aimed at understanding the magnitude of the phenomena of children in street situation in Albania. In accordance to this study in the first phase<sup>13</sup> they counted children in street situation in 8 Regions of Albania<sup>14</sup> and in the second phase<sup>15</sup> they counted children in street situation in all the regions of the country (12 regions)<sup>16</sup>. The results for the number of children in street situation gathered from the first phase of the study are as follows:

No	Region	Number of
		children in
		street situation -
		August 2013

<sup>&</sup>lt;sup>13</sup> Two weeks of counting the children in street situation in August 2013

<sup>&</sup>lt;sup>14</sup> Tirana (Kavaja and Tirana Districts), Durres (City of Durres, the areas of Golem beach and Lalzi Bay), Vlora (Cities of Saranda and Vlora, areas of Borsh, Dhermi, Drimadhes, Ksamil, Himara), Diber (Towns of Peshkopi, Burrel, Bulqize, Milot and areas of Klos), Elbasan (City of Elbasan and the towns of Peqin, Cerrik, area of Paper), Fier (City of Fier, area of Divjaka beach, Seman beach), Shkoder (City of Shkodra and Lezha, areas of Tale, Shengjin, Velipoje, border-pass of Murriqan); Korca (Town of Pogradec).

<sup>&</sup>lt;sup>15</sup> Two weeks of counting the children in street situation in October 2013

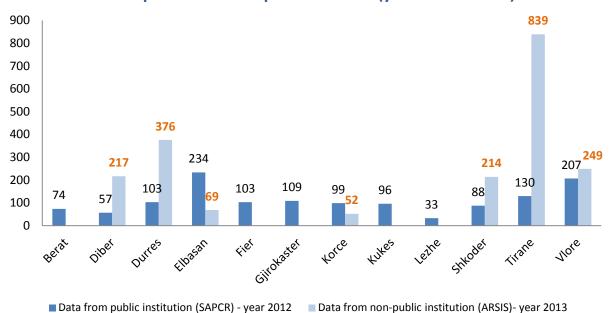
<sup>&</sup>lt;sup>16</sup> Tirana (Tirana district, Kavaja district, Rrogozhina, areas of Kamza and Vora); Durres (Durres district, Kruja district, Fushkruja, the areas of Shijak, Manez and Sukth); Vlora (Saranda district, Delvina and Vlora, areas of Ksamil, Vrion, Himara); Diber (Peshkopi, Burrel, Bulqize, Klos and area of Suc, Shupenze); Elbasan (Elbasan district, Gramsh, Librazhd, Peqin Belsh, Perrenjas Cerrik, Paper); Fier (Fier district, Lushnje, Ballsh, Patos, Rroskovec, Seman); Shkoder (Shkodra district; Malesi e madhe, Puke, Fusharez, Tale, border-pass of Murriqan); Korca (Korca district; Pogradec, Devoll, Kolonje, Bilisht, Leskovik, Maliq); Kukes (Kukes district, Bajram Curri, Kruma); Lezha (Lezha district, Mirdita, Kurbin; Gjirokaster (Gjirokastra district; Tepelena, Permet, Kelcyra, Memaliaj); Berat (Berat district, Kucova, Skrapar)

1	Dibër	217
2	Tiranë	636
3	Durrës (Golem, Gjiri i Lalzit)	376
4	Kavajë	203
5	Elbasan	69
6	Pogradec	52
7	Vlorë (Dijvakë)	88
8	Sarandë	161
9	Shkodër	214
	Total	2016

<u>Table 4:</u> Number of children in street situation – identified in August 2013 <u>Source:</u> ARSIS Association for the Social Support of Youth "Analysis of children in street situation at national level – First Phase";

If we compare official data provided from SAPCR and data provided from the field study of ARSIS, we can state that even though data differs with one year (2012 and 2013), the difference between data is deep. In 2012 the data from the public institution claim that the number of children living in risky and danger situation in the 12 regions of Albania is <u>1333</u>. According to the field study of a non-public institution (ARSIS) the number of children in street situation in 8 regions of Albania for 2013 is <u>2016</u>. We can see that the difference is significant if we keep in mind that the study is done for only 8 regions and data for 4 other regions are missing. In graph nr. 1 we can see the differences in the number of children in street situation in regional level for both sources (public and non-public institution):

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



Graph 1: Number of children in street situation – comparison data from public and non-public institutions

**Source:** SAPCR (2012) and ARSIS (2013)

From the graph we can say that the differences are significant in all the analyzed regions. The situation becomes more critical if we take into consideration the fact that in the regions where children are counted from field observations, not all the districts/the parts of the regions are observed<sup>17</sup>. 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 (Durres 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, Durres 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.

In the second phase of counting the number of children in street situation increased compared to the first phase. The data for the second phase are shown in table nr. 5:

<sup>&</sup>lt;sup>17</sup> Tirana (Kavaja and Tirana Districts), Durres (City of Durres, the areas of Golem beach and Lalzi Bay), Vlora (Cities of Saranda and Vlora, areas of Borsh, Dhermi, Drimadhes, Ksamil, Himara), Diber (Towns of Peshkopi, Burrel, Bulgize, Milot and areas of Klos), Elbasan (City of Elbasan and the towns of Peqin, Cerrik, area of Paper), Fier (City of Fier, area of Divjaka beach, Seman beach), Shkoder (City of Shkodra and Lezha, areas of Tale, Shengjin, Velipoje, border-pass of Murriqan); Korca (Town of Pogradec);

No	Region	Number of children in street situation - October 2013
1	Tirana	509
2	Dibër, Kukës, Rrëshen and Rubik	165
3	Gjirokaster, Berat	480
4	Korce, Elbasan	265
5	Durres, Kavaja	367
6	Shkoder, Lezha	514
7	Vlora, Saranda, Fier	227
	Total	2527

<u>Table 5:</u> Number of children in street situation – identified in October 2013 <u>Source:</u> ARSIS Association for the Social Support of Youth "Analysis of children in street situation at national level – Second Phase";

The number of children in street situation in the second phase of counting has risen from 2016 to 2527 children. During the second phase (October 2013) of counting there were observed some new trends in some areas compared with the first stage, such as Gjirokastra, Kavaja and Shkodra.

- -Roma community movements from one town to another (seasonal workers)
- -new patterns of work in some areas (working along the national segments)
- -new community settlements (In Shkodra was created a new settlement with families coming from other cities with the same problem as revenge)

We can't make a comparison for the differences in regional level for the 2 periods and with the data collected from the public institution, because the data in the second phase are grouped in 2 or 3 regions.

Based on field observations done in some of the CPUs of Fier region it is stated that in the CPU of Qender commune there is no child in street situation. This situation changes from time to time and it depends from the situation of some Roma families in the region. It results that all the children of this commune are registered in school and immune. In one of the schools of this commune this year 50 children of the Roma community were registered and started school.<sup>18</sup>

The same situation is also in Levan and Fratar commune. The number of children in street situation in these communes is 0. CPU has not detected any case and there were no reporting from the citizens for children in street situation.

In Lushnje commune the number of children in street situation is 17. They are from the age group of 4-15 years old. Some of these children have abandoned school (11 children) and some of them follow school not regularly. Their families are part of the Economic Aid scheme.

In Lushnje municipality there were identified 2 cases of children in street situation. The CPU specialist of this municipality says that there are more cases of children in street situation, but they beg in other cities, and for this reason their identification is very difficult. The Education Office (EO) of Lushnje Municipality has a special program for abandoned children, children that beg and

<sup>&</sup>lt;sup>18</sup> Rrapi Vogli, CPU Qender

children of Egyptian community. The program is named "Second Chance" and it is implemented in two of the schools. They have established a class in each of the schools were they have registered all the children in street situation, that beg and are illiterate. The children are from different age groups and are taught until the fifth grade to read and write.

From observations in Vlora region, only Vlora Municipality has faced with 4 cases of children in street situation. All other institutions (State Social Service, Policy, Child Rights Unit) have not faced any case of children in street situation in 2013. Within the period of 3 years (from 2000), the CPU in Vlora Municipality has managed 8 cases from which 4 have been solved and 4 are being managed. From these cases 2 of them have taken services from health centers. All of the 8<sup>th</sup> cases have been identified and brought to the police station. After some hours the children have been released due to lack of services and s pace. Health centers in Vlora Region do not have an intervention plan when faced with children in street situation. They provide free health services when a child from street situation is brought to the health centers, and they immediately inform the CPU, Policy and State Social Service.

### The debate of service provision between public (state) and non-public institutions (NGO's).

There has been a continuous debate for the provision of services for families in street situation and especially for the children of these families. The state institutions are the ones which form the consolidated system for all the citizens and are in service of all the population to ensure them the realization of all their rights as human beings. On the other hand there are NGO's which have always been supportive structures to state institutions and have always been service provider structures. The problem of service provision from NGO's is that they usually operate locally (in specified areas/regions/districts/municipalities/communes), are restricted in funds and their sustainability depends on them.

Another problem identified from the experience of many NGO's working in these field, is that these families see NGO's and services provided from them as supportive, helpful and reliable. The problem is that NGO's due to the fact of dependence on external and non-continues sources, cannot be as sustainable as state institutions. One of the solutions could be collaboration between state institutions and NGO's in order to combine the sustainability and continuation of state institutions with the experience and capacity of NGO's in specified topics.

The financial support of the NGO's from the state could be one of the choices, in order to ensure continuation. The development of long-term projects in the fields of physical and mental health care, education and development of legal mechanisms for children in street situation, firstly in the most critical areas (pilot) and then in overall country, could be a possible solution for effective and sustainable services.

Another solution could be contracting between the state and NGOs pursuant to which the NGO gets the right (and the obligation) to perform activities (tasks and services) which traditionally fall within the competence of the state. The assignor – a central or a local authority – provides financial support to the assignee - an NGO - as a subsidy or as a consideration under the contract. As an alternative, the state can provide premises, in-kind assistance or other support in its capacity of a contracting party. This solution has been successful in countries where the state administration has become aware of three factors. Firstly, that providing funding to the NGOs is not a unilateral charity action in support of the non-governmental sector but rather a payment in return for a job or a service and the approach applied to that relationship should be business oriented. Secondly, partnership with NGOs in providing social services is beneficial to both sides and to society. And thirdly, partnership offers adequate and diverse forms both for the realization and for the control of the spending of state support by the NGOs, taking into account the public interest. The state must

efficiently apply a set of rules aiming at the prevention of abuse and of improper distribution of assets.<sup>19</sup>

## Based on the observations what we recommend for a well-functioning of the system for the children in street situation is:

- 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 strengthening<sup>20</sup>;
- 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 strengthened<sup>21</sup>;
- 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;
- 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;

<sup>20</sup> "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.

<sup>&</sup>lt;sup>19</sup> Radost Toftisova (2001), "Cooperation in the Area of Social Services Delivery and Mechanisms of State Financing of NGOs (Sample Models)", *The International Journal of Not-Profit Law*, Volume 3(4)

<sup>&</sup>lt;sup>21</sup> "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.

- 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 DCM<sup>22</sup> 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;

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<sup>&</sup>lt;sup>22</sup>DCM 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"

### ANNEX 1, - International and National legislation for children in street situation

### 1. International Legislation for children in street situation

- European Convention on Human Rights Ratified by the Albanian Government on 4<sup>th</sup> of November 1995 (Law No. 8137 dated 31.07.1996, Official Journal no. 20, August 1996). In the 4<sup>th</sup> article, Convention prohibits forced and compulsory work.
- International Covenant on Civil and Political Rights Adopted by the United Nations General Assembly on 16<sup>th</sup> of December 1966 and ratified by the Albanian Government with the Law 7510, dated 08.08.1991. Article 24 states that 'Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State
- International Covenant on Economic, Social and Cultural Rights Adopted by the United Nations General Assembly on 16<sup>th</sup> of December 1966 and ratified by the Albanian Government on August 1991. This Convention establishes the obligation of states parties to take special measures of protection on behalf of all children and young people. Children and young people should be protected from economic and social exploitation. On Article 10, States are required to set age limits below which child labor is prohibited.
- European Social Charter Ratified by the Albanian Government with Law No. 8960, dated
   24.10.2002. The European Social Charter sets in particular the following obligations to States parties:
  - to ensure that the minimum age of admission to employment shall be 15 years old;
  - to ensure that children who are still subject to compulsory education shall not be employed;
  - to ensure a limited duration of the working hours for people under 16 years old;
  - to ensure that employed persons of under 18 years old shall be entitled to a minimum of three weeks of annual holiday with pay;
  - to ensure that persons under 18 years old shall not be employed in night work;
  - to ensure that persons under 18 years old employed in occupations prescribed by law shall be subject to regular medical control;
  - United Nations Convention on the Rights of the Child, CRC Adopted by the United Nations General Assembly on 20<sup>th</sup> of November 1989 and ratified by the Albanian Government on 1992. State parties of this convention recognize the right to basic, compulsory and free education for every child as well as child protection from all forms of exploitation.
  - ILO Convention No. 138 on the minimum age for admission to employment and work Ratified by the Albanian Government in 1999. States that ratify this convention must ensure the abolition of child labor and raise progressively the minimum age for admission to employment or work to a consistent level with the physical and mental development of young people.

- *ILO Convention No. 182 on the worst forms of child labor:* Ratified by the Albanian Government on 23<sup>rd</sup> of April 2001. This convention defines the worst forms of child labor and the states that ratify this convention must take measures to stop all the worst forms of child labour

### 2. National Legislation for children in street situation

- Constitution of the Republic of Albania The fundamental law of the Albanian legislation. Article 54 of the Constitution provides special protection to children by the state. It provides the rights to be protected from violence, maltreatment, exploitation and from any work which might damage the health of the child or normal development.
- Labor Code It addresses employment issues through special dispositions The Labor Code does not include any special provision related to minors' forced work. Article 98 of the Labor Code established the age of 16 years old as the minimum age for admission to employment. This provision is in conformity with ILO Convention No. 138. It also allows the work for children 14-16 years old, if they are engaged in easy jobs during the holidays from school. The Labor Code excludes family from its application scope. Family jobs that are carried out by family members: spouses and children are included in its Article 5/c, but the Code does not foresee any regulations related to family job or any provisions to ensure protection for children who work. As related to home-based job, Article 15 of the Labor Code provides that the employee working at his/her home enjoys the same rights as the employee working at the enterprise. However, special protection to children working at home is not mentioned in this article.
- Family Code Approved by the Albanian Parliament and entered into force on December 21<sup>st</sup> of 2003 and started to be implemented on January 2004. It does not include any special treatment of the child issues, despite the efforts of the civil society for a better approach and protection by the Code of children's rights within the family. It includes some new concepts like the "Parental Responsibility". It defines that parental responsibility includes all rights and obligations aimed at assuring the emotional, social and material wellbeing of the child, taking care of him/her, assuring him/her nurture, education, legal representation and administration of his/her wealth.
- Penal Code Extends the crime against children over a number of chapters and articles, which leave gaps and these gaps are an obstacle to an appropriate protection of the child.
   On January 2008 the Code was amended in several articles in order to extend its action as related to child protection from abuse and exploitation, including article 124, , which aimed at introducing in the Code the penal act of child abuse<sup>23</sup>.
- Law on Economic Assistance and Social Services<sup>24</sup> is one of the most important laws on the wellbeing and social protection of children and families in difficult situation, including those living in street situation or other extreme situations. The law aims at defining social

<sup>24</sup> Law no. 9355,dated 10.03.2005

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<sup>&</sup>lt;sup>23</sup> Law no. 9859,dated 21.01.2008 "On some changes and amendments of the Penal Code of the Republic of Albania". The new paragraph (b) of the Article says that "Physical or psychological abuse of a child by a person compelled by law to guard over him, is punishable by three months up to two years of imprisonment."

- assistance and services for individuals and groups in need who are not able to assure their basic life needs.
- Children's Rights Protection Law<sup>25</sup> on its article 5 defines the nondiscrimination principle as follows: The protection of children's rights is made by guaranteeing equality and no kind of distinction on the basis of race, color, gender, language, religion, political or any other opinion, national, ethnic or social origin, wealth, disability, family origin or any other condition of the child or his/her parents/legal representatives as well as elimination of all forms of discrimination or punishment of children due to the position, activity, expressed opinions or beliefs of their parents/legal representatives or family members

<sup>&</sup>lt;sup>25</sup> Law no. 10 347,dated 4.11.2010

### ANNEX 2, - CASES

### Case 1:

Vlora - Davide is a 15 year old boy whose father has passed away several years ago. His mother married another man and she left him with relatives. By looking at him, you could see that his development is not normal for his age. His height and weight give the impression that he is a 10 year old boy. It has been 5 years since he abbandoned school, completing his academic program until the fourth grade. He was very friendly with older people.

The boy left the house of his relatives in a village near the city of Fier for unknown reasons. He came to Vlora and one day he asked for help to a firefighter. He was looking for food because it had been several days since he ate for the last time. The firefighter gave him some money to buy food but he felt sorry for this unfed and badly clothed child so he decided to take him home in a village called Lapardha in the commune of Kotë in the district of Vlora. Davide stayed in the firefighter's house for 6 months but one day he fell ill and he was hospitalized. His diagnosis was a condition between anemia and thalassemia that needed to be put under control with continuous medication. When the child was hospitalized the firefighter explained to the doctors how he found the boy and

how he helped him. Doctors notified the police who immediately released a protection order for this child who was considered found.

Today, on the 6<sup>th</sup> of December 2012 this child is healthy and he is ready to leave the hospital. But where is Davide going to go?

According to the law, residential institutions offer their services only for children of age 0-6 years old and 6-14 years old.

Davide is 15 years old.

- What will happen to this child? – Will he live on the street again?

Information gained during June 2013, - Davide has again escaped from his relatives, and is located in Vlora city. He is living on the streets and action is taken by local policy. Observatory expert in Vlora has made a phone call to the policy commissariat for denouncing the case of this child. The answer was that, - If we take him, he will end up in the cells, because we do not have any other shelter to send him.

### Case 2:

Vlora city - One of the cases is about a Roma family, which lives in one of the Fieri's communes, Levan. The couple (mother and father) is not judicially married. The mother is called Dafina Rakipi and is from Elbasan and the father is called Shpetim Muharremi and is from Levan commune. They have 2 kids, a boy (Anxhelo Muharremi) 2 years old and a girl (Natalia Rakipi) 6 years old. The father has exploited his children and his wife in begging on the streets of Kosovo. Four years before they have returned from Kosovo and the parents divorced (they don't further live as a family, as they were never married). The mother together with her son lives with her parents in Elbasan. The father remarried and is living together with his daughter and his new wife. Dafina Rakipi, the biological mother of the kids, wants to take her daughter back, because she has received information that her daughter is being exploited in begging and is being maltreated from her father and her stepmother. In the summer period, Muharremi family, together with the daughter are begging on Vlora's streets and sleep in the park near the University of Vlora.

The CPU of Vlora Municipality together with CRU and the Observatory of Children's Rights of Vlora, are observing and meeting Roma families which live in the Skela area in Vlora. Once the upper mentioned family realized that their case was a sensitive case which was being discussed from local authorities, moved from the place they were living. The CPU specialist, who is working over this case, says that the chances to find this family are very low. The police can do nothing more than take all the Roma families in the station, keep them for some hours and release them again, as there is no institution which can keep them for a long time. Another problem is that they are big in number, approximately 10-12 families with a minimum number of 4 children and maximum 8 children, aged 2 months until 10 years old, who are begging on the streets of Vlora and sleeping at night in the park.

### Case 3:

### The case of an Egyptian family in Vlora

An Egyptian family which came from Elbasan, now lives in Vlora in a building which is in very bad conditions. The family has 5 children and they are all boys. The youngest is 6 months old in the period in which we contacted them. The father had more than one year that had died and the youngest child was unregistered. The oldest boys of the family worked in one of the car washes of the city and the other one collected cans in the garbage. The other two children were exploited by their mother in begging. Their mother accepted this in front of the public institutions (CPU, policy) and she said that the children need to work and to beg so that we can survive. The CPU of Vlora did its best to take the children off the street, but due to the absence of services these children continue to live and work in the streets of Vlora.

### ANNEX 3 - Accommodating and placement of a child in social care institutions26

In the State General Directory of Social Services, a parent A who has a child B, 7 years old makes present the request for the child's system to the social care institutions. This case is a resident of the city of Tirana. Basically the Municipality of Tirana does not provide social care services for children in need. In these conditions the General Directory of Social Services has the duty to assess the request for application submitted by the parent A.

The Social Worker of the standards inspection sector of social care for children from the General Directory of the State Social Services contacts with parents and in accordance with "the establishment criteria and documentation necessary for admission of a person in public and private residential institutions for social care" after evaluating the request of the parent A (mother), who has a child born out of marriage and cannot take care of her child, gives information on the documents that must be submitted to the General Directory of the State Social Services. In this Directory is set up the Commission for Needs Assessment, which has in its are structures social workers, doctors, psychologists, lawyers, etc..

Documentation that should be submitted from parent A are as follows:

- Birth Certificate
- Family Certificate
- 2 photos
- Mother notarized statement certifying abandonment.
- Health book and a copy of immunization card
- Health documentation of the mother
- School Documentation
- Proof of the family economic-social status issued by the local power
- Analysis of HIV/AIDS etc.

The above mentioned documents are for all the cases and all the cases have to fulfill the criteria in order to take institution care.

The Commission for Needs Assessment in order to provide services at the State Social Service care institutions, estimates the documentation submitted every month.

The Commission has its inner regulation of operation which is based on the Albanian legislation.

Standards Inspection Sector for Child Social Care has its data-base for all public and private social care services provided to the children in the Republic of Albania.

The Commission's main priority is the placement of the child in the most appropriate service respecting the type of the best service according to the hierarchy (custody, fost-care, family homes, residential service, etc.) residence, age, gender etc.

For child B the Commission decided his placement to "SOS" Village Tirana. The Social worker of State Social Service contacted with "SOS" Village by referring the case and all documentation. "SOS" Village has the Multidisciplinary valuation team, which continuously develops the care plan for the child.

The multidisciplinary team assesses the situation of the child, his family, the community where he lives, etc.

Based on this report they design the care plan for the child, where an important part of this plan is the child. It is explained to the child in a very simple and understandable way the steps that have to be followed and in conclusion his decision is primarily taken into consideration.

Child B together with his mother visit "SOS" Village environment, meet the SOS mother and brothers and sisters with whom he will live, and the school he will frequent.

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<sup>&</sup>lt;sup>26</sup> Denada Dibra, He ad of Social Policies in the Ministry of Social Labors and Equal Opportunities

If the child B accepts to stay, the multidisciplinary team reports to the Commission for Needs Assessment that the child accepted to stay in "SOS" village

The Commission for Needs Assessment approves the decision for the placement of the child in the "SOS"Village.

In the framework of the Directive 1934 Prot.Dated 18.10.2007 "On the procedures of resettlement of persons in public and private residential social care institutions", SOS village presents its request to the court in order to get the custody of the child.

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