



**REPUBLIC OF ALBANIA
PEOPLE'S ADVOCATE**



SPECIAL REPORT

ON SITUATION OF RESPECT FOR THE RIGHTS OF CHILDREN LIVING IN RESIDENTIAL INSTITUTIONS CHILDREN AND BABIES HOMES

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FOREWORD

When dealing with children and, in particular, children lacking parental care, everyone is sensible beyond clichés. We, all together, must do our best to translate such sensibility into real actions to ensure the best conditions possible so that these children can enjoy their childhood to the maximum. We have to work for their best interest, offering immediate and adequate solutions to guarantee these children are brought up in good conditions inside the care facilities. We have to provide all the protection and support they need.

In Albania, and maybe in other countries, there is a gap between theory and practice in terms of rights and their realization. Inappropriate facilities of alternative care institutions where children grow up undermine their development and make such children vulnerable and expose them to situations where their rights are violated.

As an Ombudsman and as father of two children, I believe that any investment in these children, stimulating and fostering their confidence, will prepare them for the future to become independent and useful members of the society tomorrow. However such valuable investments need to be sustainable. I believe that the current efforts to develop a legal framework in line with international standards and conventions on the rights of the child, responsible mechanisms that ensure the effective implementation of supervision, promotion and protection of these rights as well as the special care of the child, are a good start, but not enough, as long as the current treatment standards in the day or residential centres are not those required or expected.

There are yet, findings of flagrant cases of physical and psychological violence against children living in these institutions. Therefore the solution is a well-organized alternative care system. In such system, the state should ensure the infrastructure and the required human, financial and material capacities and resources. Such alternative system should also promote the economic strengthening of vulnerable families and support them with additional social services.

The Ombudsman, as an institution, will continue its efforts to guarantee the protection of rights, freedoms and lawful interests of children from illegal and irregular acts or omissions of public administration bodies, guided by the principles of impartiality, confidentiality, professionalism and independence. We will continue to monitor continuously and constantly all public institutions where children are cared for as residents or on a daily basis. Our aim is not only to assess the level of respect for the rights of children living in such institutions, but also to prevent violations of their rights and to improve continuously their standards of living. We will continue to work for the promotion of children's rights to guarantee their wellbeing and happiness.

**OMBUDSMAN
IGLI TOTOZANI**

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1. INTRODUCTION

This report is prepared by the Ombudsman on the level of respect for the rights of children in public residential care institutions in Albania. It is the output of a three months' work, carried out by a multi-disciplinary, cross-sectorial team of experts. The experts came from the Children Section, Department of National Mechanism for the Prevention of Torture and, also from the General Section of the Ombudsman.

The report has tried to collect and provide provides detailed information on how children are treated, the infrastructure of buildings, the organizational structure of personnel and the education level of staff working in such residential care institutions. The report focused also on the health care and psychosocial support provided to children in such Homes.

The scope of this report is to have a comprehensive view of the situation. Upon the Ombudsman Order No. 93, dated 11.04.2016, the multi-disciplinary team of experts carried out inspection in 9 residential centres, fostering children that are orphans due to death or due to other social causes.

These Homes are located in Tirana, Durrës, Vlora, Shkodra and Korça. They provide both residential and daily care services. Six of these Homes foster orphans of pre-school age, from 0-6 years old. Three centres foster orphans of 6-18 years old and they are located in Tirana, Saranda and Shkodra.

The findings of such inspections reveal that there are cases of physical and psychological violence against institutionalized children, exercised by the staff and the persons who are supposed to be take care of their wellbeing.

Due to such findings, it is recommended that the central and local government bodies in charge should make institutional reforms to improve the situation of children who are under state protection. In this process, it is necessary to involve also civil society organizations and NGOs, which have the necessary experience in the file of children's rights protection.

It is important to note that, the results and recommendations given herein can serve as a basis for drafting and preparing a comprehensive national action plan to prevent and eliminate all forms of violence against children in residential care institutions.

In conclusion, the Ombudsman wants to thank all the children who participated in the interviews with the inspection team. He is also thankful to the management and staff of Children Homes who collaborated in such inspections.

2. METHODOLOGY

The inspection team of the Ombudsman who conducted the inspections was composed of five lawyers, a psychiatrist and a clinical psychologist. The methodology that they used is described below:

- Conduct preliminary talks with Heads of institutions. All the information collected was put in a standard form that was used as a basis for the inspections.
- Monitor all relevant issues defined under CMD No. 659, dated 17.10.2005 “On standards of social care services to children in residential institutions”.
- Conduct confidential and group interviews with children of different age groups to get a general perception on how children are treated.
- Inspect the conditions in which children are living; inspect the common spaces, bedrooms, toilets, showers, hotel facilities, clothing, food, cuisine, lavatory, hygiene, humidity, anti-fire system, outdoor spaces of these institutions etc.
- Check in detail the individual health care plans, including regular medical controls (eye doctor, dentist, various allergies, etc.), immunization, psychomotor development; control of all relevant documentation kept by the staff of the health sector (such as medical records, vaccination records, respective registers etc.)
- Check the psychosocial development files of each child; check the Needs Assessment Reports, the Performance Reports, leisure activities plan, etc.
- Check the procedure of recruitment of staff in these institutions; check the personnel files, the education files of personnel, trainings, etc.

At the end of each inspection, the inspection team organized concluding meetings with Heads of institutions. In such meetings, the findings and issues ascertained during the inspection were discussed. In the end, the team gave detailed recommendations for each Home.

3. LEGAL FRAMEWORK ON CHILD PROTECTION

3.1 NATIONAL AND INTERNATIONAL LEGISLATION

The UN Convention on the Rights of Child has defined in Article 1 that “*a child means every human being below the age of eighteen years*”. Therefore, children make a social group of their own.

Albanian legislation defines the beneficiaries of social assistance and services and the types of services provided to the persons in need. The central and local government units have the duty to know the legislation and social services and standards of social service providers. Knowledge of legislation promotes awareness rising.

Albanian Constitution provides in Article 54 that “*children, the young, pregnant women and new mothers have the right to special protection by the state. Children born out of wedlock have equal rights with those born within marriage. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.*” The Constitution of the Republic of Albania has sanctioned protection of children’s rights in general and those without parental care in particular. It establishes the obligation of the state to provide care and assistance to children without parental care throughout the process of their growth, development and education.¹

Albanian Code of Family defines the institutional obligations of the state towards children lacking parental care and the manner they should be treated. Family Code provides that “children lacking parental care” are those children:

- Whose parents are dead,
- whose parents are declared unknown,
- whose parents are proclaimed as not found,
- who have been abandoned by their parents,
- whose parents have had their parental rights terminated based on a final court decision.

A court decision determines the form of childcare:

- Family with blood relationship, where one of the family members will be the guardian;
- A foreign family
- A person assigned as guardian
- A family assigned as guardian
- An institution of social care

The court takes into consideration the recommendations of the social assistance and social services directorate in the respective municipality and any other information on the child’s development and personality, considering what form

1 Article 59/e

of care would be best for the child. "The request to place under guardianship is presented to the court by the next of kin of the child and by anyone who receives notice on the children remaining without parents, on the birth of a child with unknown parents and on any other circumstance for which the law demands the placement of guardianship and the exercise of this right by the minor himself when he has accomplished 16 years old"².

According to Article 356/1 of the Code of Civil Procedure "Before the court proceeds for appointing a guardian, it must ask also the minor when he has accomplished 10 years of age". The Albanian legislation defines that orphan is a person from 0 to 25 years of age who: (I) is born out of wedlock; (II) has no living parents; (III) has been declared orphans under a court decision; or (IV) is abandoned by parents, whose identity is unknown. This is the first category of children who has no parental care.

Law No. 8153; dated 31 October 1996, "On the Status of Orphans" establishes the criteria of accommodation of children in social care institutions. This status is given to some categories of children as defined in Family Code, and is given in the Social State Services. Today the aim is a more effective protection of children's rights without parental care:

- Extraction from the institutions, i.e. deinstitutionalization;
- Decentralization of social services, i.e. greater role of local government
- Providing integrated services
- Providing these services in community and family
- Cooperation and coordination of central government resources with those of the local government and civil society.

The international legislation intends to promote that family-based care. The latter should prevail to residential care for children, and that alternative care should be a protective measure of temporary nature. Some of the basic international principles and standards on protection and (residential) care of children are introduced in the following key documents of United Nations and Council of Europe:

- *United Nations Convention on the Rights of the Child;*
- *Recommendation No.5 of the Council of Europe on the rights of children living in residential institutions (2005);*
- *UN Guidelines for the Alternative Care of Children;*
- *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, Committee on the Rights of the Children;*
- *COE Committee of Ministers Recommendation on the rights of the children living in residential institutions;*
- *COE Committee of Ministers Recommendation on children's rights and social services friendly to children and families*³
-

2 Articles 351/1 and 352 of the Code of Civil Procedure

3 Council of Europe Rec (2011)12; 16.11.2011

The **United Nations Convention on the Rights of the Child** defines family as the most suitable place for raising a child, and parents are (or rather must *be*) the first defenders of children's rights. Article 7 provides the clear definition of the right of the child to know and be cared by his/her parents. Articles 5 and 18 of this international document define the principle of parental responsibility and the manner the families should be supported to grow up their children⁴. Article 9 provides the right of every child to not be separated from their parents against his/her will unless it is in his/her best interest. This decision is necessary in special cases, such as when parents abuse or neglect the child or when they live separately and when to decide where the child should live. *"State Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Constitution."*⁵ Therefore, any budgetary reduction or limitation cannot justify the violation of civil rights, much more to be cause of discrimination or violation of children's rights.

In any decision-making, priority must be given to the marginalized groups of children. **The European Network of Ombudspersons for Children**, member of which is also the Ombudsman, in his statement *"Against children violence"*⁶ strongly emphasized that *"Violence against children is intolerable; any act of violence against children can be prevented"*.

Article 24/2 of **EU Charter of Fundamental Rights** provides that: *"Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his and her parents, unless that is contrary to his or her interests."*

Any child has the right to respect for his family life. It is provided under Article 8 of the **European Convention on Human Rights**. It is often difficult to assess what is best for a child. European Court of Human Rights has judged a significant number of cases (procedural and essential) of children placement under alternative care⁷. The European Social Charter has also stated that the States shall undertake all the necessary measures for the protection and special assistance for children and youth, who temporarily or permanently have been excluded from parental care⁸.

Meanwhile **Guidelines for the Alternative Care of Children**⁹ adopted by the respective UN Resolution defines the need for the appropriate policies and practices

4 Article 18 of UNCRC "1 States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-bearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. State Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible."

5 Article 4 of the Convention on Children's Rights

6 Approved by the General Assembly of ENOC, 24 September 2015, Hague-The Netherlands

7 For example Case Wallová and Walla against Czech Republic (No. 23848/04, 2006- placing the child in guardianship due to inadequate house conditions)

8 Article 17 (1) c

9 http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf

regarding two main principles: necessity and adequacy. The basis of necessity is the desire to support children, to stay in their families and be provided care. Separation of any child from his/her family shall be considered as last measure, and before taking this decision; it is necessary conducting a rigorous evaluation with the participation of all parties.

Regarding adequacy, Guidelines for the Alternative Care of Children set out various alternative care options. Every child in need for alternative care has specific requirements, for example, regarding the short-term or long-term care or living together with his/her siblings. The care option chosen shall suit the individual needs of the child. The adequacy of care placement shall be reviewed regularly to assess the continuous need of alternative care and realization of a possible reunion with family. They are designed to be widely distributed among all sectors concerned directly or indirectly with issues relating to alternative care, and seek in particular:

- To support efforts to keep children in, or return them to, the care of their family or, failing this to find another appropriate and permanent solution;
- To ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, *under conditions that promote the child's full and harmonious development*;
- To assist and encourage governments to realize better their responsibilities and obligations, bearing in mind the economic, social and cultural conditions in each State; and
- To guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and private sectors, including civil society.

General principles of the **United Nations Guidelines for the Alternative Care of Children** are as follows:

- Support for family setting;
- Placing the child in an institution as a measure of last resort and for a period as short as possible;
- Respect of all children's rights during their stay in the institution;
- Necessary legal protection;
- Need for quality standards;
- Appeal mechanism;
- Deinstitutionalization.
-

The United Nations Special Representative, in a message on violence against children in the Annual Conference of the European Network of Ombudspersons for Children¹⁰, stressed that *"Ombuds offices are mandated to protect children from violence, helping to break the silence around situations of violence, advocating for law and policy reforms to consolidate children safety and protection, undertaking research and above all standing leading institutions that children trust and approach"*. She also

10 Warsaw, 14-16/09/2011 "Respect of children's rights in institutional care;" Message from Marta Santos Pais-ENOC Conference", www.ombudsnet.org

stressed that *“the risk of violence suffered by children in residential care is 6 times higher than for children in other forms of care”*.

The added value of Ombudsmen in protection of children’s rights in residential care institutions¹¹ is

- Combining individual and structural work
- Children’s rights approach
- Watch dog for vulnerable children;
- Independent status
- Awareness raising campaigns
- Monitoring and reporting
- Informing the CRC committee

The Council of Europe Parliamentary Assembly, through its recommendation¹² on “Ending child poverty in Europe” points out the need to greater attention to child poverty and their participation in social services. The Council of Europe Strategy for the Rights of the Child ¹³(2012-1015) assessment report defines that *“Progress has been made during the reporting period in implementing children’s rights standards and bringing the “pieces of the puzzle” together. However, huge challenges remain, which are addressed in the next Council of Europe Strategy for the Rights of the Child.”*

Council of Europe Strategy for the Rights of Child (2016-2021) constitutes the third Council of Europe Strategy for the Rights of Child. Having regard to UN Convention on the Rights of the Child, European Convention on Human Rights, and also other legal standards of Council of Europe, this Strategy has identified five priority areas for 47 Member States, where Albania is part, in order to guarantee the rights of the child:

1. Equal opportunities
2. Participation of all children
3. A life free of violence
4. Child-friendly justice
5. Rights of the child in the digital environment

Nevertheless, the reality is different. There are abused children coming from families with economic issues. Such families find it hard to provide good living conditions and they think that it is better to place the child under state care. The placement of the child shall always serve his/her best interest, and in many cases the child being a subject in protection, is not the real “actor”, so his/her opinion is often not taken into consideration.

The Strategy calls for increase of informing for the activity of the responsible national institutions for monitoring the compliance with the rights of the child,

11 Same “Role of Ombudsman”

12 Parliamentary Assembly Report Doc. 13458 (2014), Ending child poverty in Europe.

13 www.rm.coe.int, page 31.

respectively Ombudspersons for children and other national institutions of human rights, focused in the rights of the child. Strategy has also defined the expectations for each of the five priority areas, and the performance regarding the implementation of the objectives will be evaluated in regular intervals. The description of expectations of the rights of the child in Albania should follow the same way, by drafting the National Strategy with well-defined tasks for each actor; deadlines and relevant budgets for each priority area. The fact is that even though we are in the half of 2016, we still don't have a new National Strategy for the Rights of the Child.

3.2 SOCIAL SERVICES STANDARDS

The public residential care institutions are organized and function under the standards and procedures established by the Ministry of Social Welfare and Youth, the legislation on social protection and relevant guidelines. Specifically:

- Law No. 9355 dated 10.03.2005 "On social assistance and services", as amended
- Law No. 10347 dated 04.11.2010 "On the Protection of Child's Rights"
- Decision of Council of Ministers No. 658 dated 17.10.2005 "On Standards of Social Services"
- Decision of Council of Ministers No. 659, dated 17.10.2005 "On standards of social care services to children in residential institutions"
- Decision of Council of Ministers No. 839 dated 03.12.2014 "On some amendments and additions to Decision No.425 dated 27.06.2012 "On the criteria, documentation needed for admission of persons in residential, public and non-public, social care institutions".

Law "On social assistance and services" provides "the basic principles on the functioning of the social assistance and services scheme", which are:

- a) Respect for and guaranteeing of the values and personality of the individual;*
- b) Universality;*
- c) Equal opportunities;*
- d) Eligibility to entitlement;*
- e) Partnership;*
- f) Transparency and impartiality;*
- g) Decentralization;*
- h) Independence, social integration and participation in the community life;*
- i) Non-discrimination;*
- j) Subsidiarity".*

The law highlights the importance of respecting the human rights. Every citizen has the right to benefit social services. The standards¹⁴ provide a minimum level of service provision. The standards are general principles that serve to ensure the quality of social services.

14 DCM No.658, dated .17.10.2005 "On Standards of Social Service"

Such standards are important:

Firstly, to guarantee and further develop the rights defined in the Constitution, Albanian legislation and International Conventions ratified by the Albanian government.

Secondly, to measure and help improve the quality of social services provided to beneficiaries.

Thirdly, to facilitate the decentralization processes that imposes greater liabilities for local authorities regarding social services.

Part of social protection for poverty mitigation is also economic assistance for families without income, with insufficient income and for families with more than two children born simultaneously. Pursuant to Law No. 9355, dated 10.03.2005, "On social assistance and services, as amended", persons in need of social care services are admitted in public residential institutions free of charge, if their families do not generate any income. Public social services include the social care services provided to groups in need in residential institutions, day centres or people's homes. These services are funded by the state budget and the independent budget of the local government bodies. In the framework of decentralization, the municipalities shall administer all social services provided to individuals who are inhabitants of that city.

The basic principles of the functioning of the social assistance and services scheme are: *respect for and guaranteeing of the values and personality of the individual, universality, equal opportunities, eligibility to entitlement, partnership, independence, social integration and participation in the community life, non-discrimination and subsidiarity*. According to this law, *social services* mean the whole range of services provided to individuals or groups in need who, with their own resources, are unable to meet their life needs in order to preserve, develop and rehabilitate individual abilities for fulfilling emergency or chronic needs. According to the organization and functioning, social care services are:

- Residential care services;
- Community care services.

Beneficiaries of social service shall be children and youths up to the age of 25. Minor children are direct beneficiaries of social services categorized above. The law reflects the importance of respecting human rights for every citizen to become beneficiary of social services, including in the category of beneficiaries' minors, as direct beneficiary and not indirect. The beneficiaries of economic assistance are: families in need, unemployed orphans under 25 years of age, who are not living in institutions or under foster care, parents with more than two children born simultaneously, who belong to families in need.

Besides the Social Services Standards in Albania, are also drafted **specific standards for certain services** provided to specific groups of beneficiaries, where obviously **children** have a very important place. These are "Social Care Services Standards for Children in Residential Institutions"¹⁵.

¹⁵ Council of Ministers No. 659, dated 17.10.2005 "On standards of social care services to children in residential institutions"

3.3 SOCIAL SERVICES INSPECTION BODIES

The **Inspectorate of Labour and Social Services** can conduct inspection in the child care institutions, based on the following legislation:

- Law No. 10433 dated 16.06.2011 "On Inspection in the Republic of Albania";
- Law No. 9355 dated 10.03.2005 "On social assistance and care" as amended;
- Decision of Council of Ministers No. 512 dated 31.05.2006 "On procedures for carrying out control OF social services";
- Decision of Council of Ministers No. 658 dated 17.10.2005 "On Social Services Standards".

The Social State Services has the responsibility to supervise the implementation of social services and standards which also includes 12 regional offices in all regions of the county. Periodic reviews serve to provide the best practices that exist for the social services beneficiaries. In order to provide this, the inspection reports are reviewed at the central level and are seen as an exchange of experience to improve the development of standards. Therefore, inspection is understood more as assistance to service providers and as a tool for identifying qualitative services, which can serve as a model for other regions. Periodic inspection reports ensure that local government has the necessary information to identify the gaps in social services and to fulfil the obligations arising from the policy of social services. Inspection reports at the national level facilitate planning and dialogue between the public and private sector, which are the main actors in the care system to beneficiaries of social services in the institutions of service providers. Basically, inspections results should lead to improved services in national level and a better distribution according to local needs.

The mission of *Social State Service*¹⁶ is to implement policies, legislation on economic aid, allowance for persons with disabilities and provision of social services to 28 Social Care Institutions, 12 Regional Offices, Central Administration of Social State Services, as well as 61 administrative units of local government.

During 2015, SSS has conducted about 54 monitoring are conducted to the social care centres (not only for children, but also for the elders and persons with disabilities).

Once the case of **violence against children that was exercised by some members of the staff of the Children Home in Shkodra**, the SSS:

- a. Drafted and issued the order of the SSS General Director on the implementation of child protection policies, in line with the standards.
- b. Distributed the Code of Conduct to all employees of the institution.
- c. *Carried out controls in all children care institutions to monitor how children are protected from abuse. Such controls were carried out under the Minister Order No. 177 dated 13.07.2015 "On monitoring and evaluation of children care institution in collaboration with the State Inspectorate of Labour and Social Services,*¹⁷

16 www.sociale.gov.al/al/ministria/institucionet-ne-varësi

17 Report of SSS, 2015, page 10

The State Inspectorate of Labour and Social Services is a specialized body of executive power for the protection and strict implementation of labour legislation in the field of labour relations and social protection. The State Inspectorate of Labour and Social Services is an executive structure, a specialized body of the Ministry of Social Welfare and Youth with the mission of *strict implementation of all the laws and sublegal acts regarding labour relations and social affairs created with decision of Council of Ministers as structure of the Ministry of Welfare.*

The placement of children and the steps to be taken for their institutionalization are based on Law No. 10399, dated 17.03.2011 On some amendments and additions to Law No. 9355, dated 10.03.2005 "On Social Assistance and Services", Decision of Council of Ministers No. 425, dated 27.06.2012 "On defining the criteria, documentation needed for admission of persons in residential, public and non-public, social care institutions" as amended with the Decision of Council of Ministers No. 839 dated 03.12.2014, as well as the Guideline No. 6, dated 21.05.2014 "On the placement procedures of children in residential institutions of social care". Social services for children aim the protection and accommodation in social care institutions of children in need, such as social and biologic orphans until the age of 18.

The right to file the request for placement of the child in social care institutions is upon

- Both parents or one parent when the other is dead;
- The child's guardian;
- The head of the health institution;
- State Police;
- Section of social assistance and care at the local level;
- Children rights units, at regional level;
- Children rights units, at municipality level;
- The earlier, social care services institution, when the child has reached the relevant age;
- Licensed non-profit organizations, providing social care services for children;
- Regional Offices of social services.

3.4 DECENTRALIZATION OF SOCIAL SERVICES

Before the '90s, as in many former communist countries, Albania had institutionalized many services to these vulnerable groups of the population, thus making the beneficiaries as simple receivers and not giving them an interactive role.

The deinstitutionalization process intends to change this situation. In Albania, decentralization is perceived as a better way to provide effective and efficient services to the public, in line with the EU standards. Decentralization intends to bring citizens closer to decision-making bodies to improve the quality of life of the citizens. The transfer of resources is in function of the improvement of the life of people.

However, the implementation of decentralization in practice often are deficient, as the local authorities are unprepared to handle the new responsibilities; they have neither *the required resources* (including qualified staff) to achieve the decentralization processes, *nor the suitable decision-making powers*.

On the other hand, central government bodies, which play an important role in the decentralization processes, may not fulfil their administrative and supervisory duties.

The decentralization of social services requires the local government units to draft efficient and effective child-oriented policies. In this regard, child protection is not considered as merely a preventive action, but as an action focused on the provision of services until the child is no longer endangered.

Ministry of Social Welfare and Youth is the responsible authority for:

- Drafting the policies
- Legislation
- Programming of NE funds for families and persons with disabilities and social services;
- Adoption of service standards,
- Licensing of private judicial persons that provide social services etc.

So we have many functions in the “hands” of central government institutions, leaving little room for a substantial decentralization in its real concept. Meanwhile it is precisely the local government which best recognizes the social need of the community and the actor with the greatest impact to implement effective strategies.

This body is in charge of:

- a) Implementation of policies drafted by the Ministry of Social Welfare and Youth and, also,
- b) Monitoring of performance.

The institutionalization of children is not the final solution to their poverty reduction. Switching from the former MPCSSH (today Ministry of Social Welfare and Youth) under the SSS, of some residential centres at national level is carried out based on the relevant laws¹⁸.

Actually, the Social Service Reform in Albania aims the decentralization of social services; deinstitutionalization of services provided in residential care units and integrated services of social care. Pursuant to Law No. 9355 dated 10.03.2005, “On

¹⁸ Law No.9355, dated 10.03.2005 “On social assistance and services”, as amended, Law No.8744, dated 22.02.2001 “On the transfer of immovable public property to the local government units” and Law No.9464 dated 28.12.2005 “On State Budget of 2006” as well as Decision of Council of Ministers No. 336 dated 31.05.2006 “On the transfer in ownership of some property municipalities, which are under the administration responsibility of the General Directorate of State Social Services, and Decision of Council of Ministers No. 60 dated 1.2.2006 “On the approval of the list of inventory of state property, which are transferred under the administration responsibility to the General Directorate of SSS”.

social assistance and services, as amended"; persons in need of social care services are admitted in public residential institutions free of charge, if their families do not generate any income. Public social services include the social care services provided to groups in need in residential institutions, day centres or people's homes. These services are funded by the state budget and the independent budget of the local government units. In the framework of decentralization, processes under progress such as: licensing of public services providers, transfer of residential institutions in local government units and further shift from residential institutions to family services.

Actually there are 9 (nine) public residential institutions of social care treating orphan children and social orphans.

Categories of children that live, are educated and treated in social care institutions, according to the definitions made in Law No. 9355 "On financial aid and social services", as amended, are:

- Biological orphan children, who have lost both their parents
- Abandoned children from birth/out of wedlock
- Children from families with social problems, poor economic conditions (Parents with mental and physical disabilities and sick, a parent's death, remarriage or emigration of the other parent, with parent/parents imprisoned or families with one parent). The difficult economic situation of the family/parents is a factor, which has significant weight to placing children in institutions.

The main mission of these institutions is to return the child to the biological family or finding a foster or adoptive family. Residential institutions for children are institutions financed from the state budget and donors.

Public service for children without parental care is provided in the following 9 Social Care institutions:

- 6 orphanages for children 0-6 years of age located in Tirana, Durrës, Vlora, Shkodra and Korça (permanent or temporary stay).
- 3 orphanages for children 6-18 years of age located in Tirana, Saranda and Shkodra

4. PROBLEMATIC ISSUES FOUND DURING THE 2016 INSPECTION IN 9 PUBLIC RESIDENTIAL CARE INSTITUTIONS FOR CHILDREN

As a constitutional institution that has as function the protection of rights, freedoms and legal interests of each individual by the actions or omissions of public institutions and third parties acting on its behalf, the Ombudsman has in focus the promotion, protecting and guaranteeing the rights and freedoms of children, not only by handling complaints or requests, reviewing cases by its own initiative and inspections, but also through drafting of reports and studies on the situation of children's rights in our country.

In fulfilment of constitutional and legal duties to protect human rights and fundamental freedom of children, as well as based on Law No. 8454, dated 04.02.1999, "On Ombudsman", as amended, which among other things provides that: *"The Ombudsman or persons authorized by him have the right to enter at any time, without restriction or prior authorization, but informing the head of the institution, to all public administration institutions, nursing homes and especially in orphanages, and at any other place where there is data and finds that there is a possibility of human rights and freedoms violation". "Entrance in all the above-mentioned premises can be made to investigate a complaint, request or a given notice, as well as with the Ombudsman's initiative for inspection or studies purposes. In these cases, the Ombudsman can meet, talk confidentially and without the presence of officials with any person located or held in these premises";*

In compliance with its mission, the Ombudsman institution conducted monitoring visits in 9 public residential institutions of children care¹⁹. The problems identified are reflected as follows:

1. The organizational structure, approved under the Order of the Prime minister for such residential institutions is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children.
 - In most of inspected institutions, it resulted that, although the personal files of staff was generally correct in terms of collection of documents, except for some minor errors, in those institutions, having double dependency, the staff recruitment procedures implemented by the respective municipalities were not transparent.
 - There are vacancies of staff. In particular, psychologists, social worker, GPs, nurses, caregivers, and teachers are in short number.
 - There is a short of supporting staff, too, such as cooks, cleaning ladies, laundry workers. Currently such duties are covered by the social service staff. So in addition to their own workload, the personnel are assigned with other duties, which leave significant gaps in the fulfilment of their functional duty, services and child care.
 - The security guards were private, but did not provide service for 24 hours, due to lack of funds.
2. The orphan Children Homes are dependent on the respective municipalities and the Social State Services (with the exception of "Hana and Rozafa" and Zyber Hallulli Orphan Children Home in Tirana, and Orphan Children Home in Shkodra, which are dependent only on SSS). Such double dependency creates substantial problems in the separation of powers, as well as responsibilities. This means that one request should be addressed to two bodies - Municipality and SSS- for the same object.
3. The efforts made until now for the deinstitutionalization of children are not enough, as it is left only on the hands of social staff. It is also the duty

19 Internal Order of Ombudsman No.93 dated 11.04.2016

of the local government units to work hard to strengthen economically those families having their children in these institutions.

4. The gatekeeping procedure is too lengthy. The decision to transfer the children after they reach a certain age to another institution more suitable for them is too long, thus causing delays in transfers and difficulties in practice, such as insufficient food allowance.
- The request is sent to the Children Protection Units in the respective Municipality, and also to the SSS Regional Directorate. The decision is taken by the Needs Assessment Commission (NAC) of the Municipality, Regional Government or SSS. Depending on the place of residence of the child (Municipality, Regional government or SSS), it is the same body that takes the decision to transfer the child into another institution.
5. Infrastructure of the majority of the orphanages presents problems.
- Despite that there is an intention to turn them into “family-like settings”; practically there is no specific division by age group. The facilities, bedrooms, showers and toilets are shared by children of different age groups, 6-18 years old, which is not in line with the standard.

Overall finding are as follows:

- water leakage, central heating systems that are out of use, broken fire protection systems (which are not commissioned), and lack of emergency exit stairs in almost all the orphanages, broken electrical installations (in Vlora), not commissioned gas cylinders used for cooking (in Durres).
 - Some orphanages have no motor vehicles to use for the transportation of children in kindergartens, schools, hospitals or leisure centres.
6. The health service is not unified both in terms of human resources (doctors, chief nurses and nurses) as well as medicine reimbursement scheme through health insurance cards that are provided to all children. In most of the orphanages, doctors of health centres, covering the neighbourhood where these institutions are located, provided this service but the costs for the recommended treatments were not with reimbursable receipts, but from a special insufficient fund. Except the vaccination schedule that was applied strictly, medical examination of children’s psychomotor development, dental and eye care were not made according to the standards of periodicity. Some Centres had no nurses in its personnel, which caused problems in the administration of drugs by unskilled persons, such as the caregivers on shift duty.
 7. Psycho-social service offered by the relevant staff was insufficient, as result of insufficient staff based on specialties, workload and lack of specific treatments according to child’s needs, etc. The children files

contained general information where specialized evaluation was needed. In any case, there was a need of multidisciplinary teamwork, which was quite difficult to be applied in practice. In absence of lawyers in institutions, the representation in courts for cases on removal of parental rights or adoption procedures remained in charge of this sector. Moreover, even where there were psychologists, their assessments were not used in courts, even though requested by the last, and the costs for other psychologist assessments were billed to the orphanages.

8. From the review of children's files and especially of individual care plans and assessment reports on needs and development, it was found that the involvement of the children in the so-called activities "of life training", which are necessary to prepare them to live independently after the deinstitutionalization, are not detailed. In these circumstances, the planned involvement of children in collective hygiene maintenance, even for educational purposes, without taking into consideration the minimum age, without regulating/ specifying it in internal acts, without the participation of children in decision-making, without defining it in individual care plans and without specifying that this activity does not affect the necessary time required for children to carry out other primary activities for their development, risks to conflict with international standards on children rights on exploitation for forced work. Lack of these regulations, beside the lack of sustainability in the use of educational punitive measures and negative reinforcement, risks producing the opposite effect to what should be continuous education training for independent living.

9. From the confidential interviews with children and group conversations with them, it was founded that, in some of these centres, the staff exercised psychical and psychological violence against children.

The findings of each institution are given below in details:

5. "LULET E VOGLA" BABIES HOME IN KORÇA²⁰

Orphan Babies Home in Korça fosters children of 0-6 years old. It has an official capacity of 20 children. At the moment of inspection, there were 13 children: 8 boys and 5 girls. The children were orphans due to death or due to other social causes.

According to the age group classification, there were:

<i>Age</i>	<i>No. of children</i>
1 month old	1
5 months old	1
1 year old	1

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2 years old	1
3 years old	3
4 years old	1
5 years old	3
6 years old	2

During 2015, 5 children had left the institution, 4 of which were adopted (two within the country and two outside) and a child was returned to the biological family. During this year, 5 children have entered the institution and 5 other children had left.

This Home had a double dependency, from the Municipality of Korça and the Social State Services. 4 employees²¹ (full time) were paid by the Municipality, as well as the petrol fund was covered by the Municipality. The Regulation of the Centre has been approved on 07.06.2013 and was further completed according to the respective problems. Problem encountered was the large amount of documents that had to be directed to the Municipal Council to recruit an employee or for any special fund for the Centre.

The issue of transferring the child to another Home remained too problematic. The request was initially filed to the Child Protection Unit of the respective Municipality, and also to the Regional Directorate of SSS. Meanwhile, the Needs Assessment Commission (NAC) of the Municipality, Region or SSS, required a long period of time to take the decision.

The body that initiated the procedure of transfer - the Municipality, Region or SSS- was also the one responsible for the decision-making of placing the child in other institution, once the child reached the age of 6. The time that the Needs Assessment Commission required to take the decision was too lengthy. It was even more problematic, when SSS, for example, had to issue the order of placement of a child to the Home as an emergency case.

The institution did not have a motor vehicle. Considering the age group living there, it was indispensable to have one. Eight children were going to kindergarten at 8:30-12:00.

Due to budgetary restrictions, the solution is to get one car for all the three public social care centres in Korça.

Respect for the Rights of Children

From contact with children and the review of documents and interviews with staff, there were no cases of physical and psychological violence.

The children had access to regular meetings with their parents and relatives. The rights of children were posted on wall. Work plans were drafted monthly setting objectives, children's activities and their integration, meetings with parents, medical visits, etc.

21 Based on Order No.76 dated 1.04.2016 of the Chairman of Korça Municipality "On the approval of structure of institutions and enterprises depending on Korça Municipality"; table contains 3 guardians.

The food allowance per child is as follows:

Age groups	Food allowance in ALL
0-3 years old	300 ALL
3-6 years old	310 ALL

Such allowance was considered as sufficient. However problems were faced when the child reached the age of 6 and stayed in the institution until his/her transfer.

Organizational Structure

The total number of staff is 18 employees: 1 Head of centre, 1 manager in charge of social sector, 8 caregivers, 1 manager in charge of administrative sector, 3 supporting staff (cleaning ladies and cooks); 3 caregivers (hired by the Municipality of Korça) and a part-time GP.

The organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 paediatrician
1- 20 children	1 psychologist
1- 5 children	1 teacher
1- 10 children	1 nurse
1- 5 children	1 caregiver

The institution had no psychologist. The social worker tried to cover such duties. She took care of retention of documents. She and the Head of the institution maintained regular contact with family members and these were recorded in the appropriate register. However, we emphasize that it is the duty of local government to make efforts to strengthen the families who have placed their children in these institutions. The best interest of the child is his/her development and return to the biological family and not the transfer to another institution. In this case, the Municipality of Korça has to make efforts to provide employment to these categories of parents to strengthen them and make them able to bring up their children.

This Home had no teacher while, indeed, such person was indispensable as 8 children are of kindergarten age (3-6 years old).

Institution had no security guards and it is considered as necessary.

The institution had no nurse. However, this could be regulated if one of the caregivers performs this function.

From the verification of personnel files, it resulted that the majority of employees have been working there for a relatively long period of time. This fact is to be appreciated. The employees were hired under the Albanian Labour Code. The trainings of staff were provided by SSS. 6 caregivers were going to be trained on management and handling of violence issues. The Head of the Centre had approved the staff training plan for 2016. The draft was prepared by the GP in collaboration with the social worker.

The staff health care sector of this institution is made of a paediatrician doctor that was currently in retirement but covered the health service part-time in this institution. There was no doctor assistant.

All children were equipped with immunization schedule and health insurance cards. The immunization of children in this institution was performed regularly according to the vaccination schedule and the group ages defined in it. Periodic medical controls were conducted regularly, while visits to the optician and dentist should be more frequent. The treatment of children of this institution for chronic diseases, as well as the needs and cases that represent health problems did not occur with reimbursed prescriptions, but the medicines were provided by the institution through a special budgetary fund which was planned at the beginning of each year.

In this institution had no separate room as infirmary, or for making the appointment with the GPs and for keeping the drugs for emergency use. During the inspection in this institution, it was found that the closet of medical records and emergency drugs was kept in the children canteen.

Infrastructure

The bedrooms were in the second floor of the building. Their floors were tiled. It is recommended as healthy for children (3-6 years of age) to have parquet floorings.

In the second floor, there were 8 children of 3-6 years old sleeping in one bedroom. According to the standard, it is recommended that 4-5 children can sleep in one bedroom, however, not more than 6. Therefore, in this case, it is recommended to add the bedrooms for the children.

The living conditions and furniture supplies of bedrooms, kitchen, etc. were in normal parameters.

The fact that the emergency kit was found in the kitchen and the children had not access thereto, is a problem.

The fire protection equipment was placed in the halls and staffs were trained by the fire protection service.

The yard was enough spacious to organize various outdoor activities. The children played there according to a daily plan, accompanied by their teachers.

The complaints box was placed at the entry of the Centre. It was locked and only a multidisciplinary team could open it every first Monday of each month. The rights of children were published on stands.

Food samples were stored in refrigerator.

Education and activities

This institution was continuously supported by the *Hope for the World Foundation* (Shpresë për Botën) and *Terres des Hommes*, which helped, in particular, with the organization of birthday parties, or other leisure activities, such as taking children over 3 years old to the beach in Pogradec.

The inspection team paid careful attention to the scrutiny of individual children files that were found to be completed in line with the standards.

Based on the above mention findings and in conclusion of the monitoring, the Ombudsman's group of experts recommends as follows:

- Taking prompt measures to shorten the time the Needs Assessment Commission (the municipal, regional or SSS commission) needs to issue a decision to transfer the children to another institution, after they reach the age of 6. An effective decision-making in the best interest of the child will serve better to the comprehensive care to guarantee any human rights thereof.
- Taking prompt measures to harmonize the organic structures of each institution financed by the state budget, thus avoiding in this way the demands coming from two directions (municipalities and SSS) for the same issue / objects, i.e. increase the number of employees.
- Taking measures to provide the institution with the motor vehicle. Considering the budgetary limits, it is suggested to that the three public social care centres in Korça share a common motor vehicle.
- Increase the number of staff with a psychologist, teacher, guard and nurse, under the approved standards.
- Meet the standard- not more than minor 6 children sleeping in one bedroom; thus adding more bedrooms for children.
- Municipality of Korça should take measures to provide employment for parents of parents of these children, to strengthen them economically to be able to raise their children or return the children to the biological family.

6. CHILDREN HOME IN VLORA²²

Orphan Children Home in Vlora fosters children of 0-6 years old. It has an official capacity of 30 children. At the moment of inspection, there were only 18 children: 9 boys and 9 girls. Two children had health problems. One child was adopted by a

local family. Three children, who were siblings, were brought there by the Police as an emergency case as they were living on street. The CPU of Vlora Municipality was working to complete their documentation. The file of one child was at the Albanian Adoption Committee waiting for adoption, while they were waiting for the publication of the declaration for the abandonment of another child from the parents. The parents of the other children were interested and saw their children time after time.

Since the head of institution was on sick leave, the group of experts held a preliminary meeting with the person in charge of the social sector and with the sociologist, who were available to cooperate for the purpose of inspection.

The inspection team controlled the conditions in which children are living, the common premises, bedrooms, toilets, kitchen, and also the documentation retained by the staff about the activities organized for such children, the medical records, psycho-social files and their education.

This institution was dependent on Vlora Municipality and SSS

This Home is a public institution and its purpose is to provide care for the children abandoned from their parents or children coming from families with economic and social problems. The scope of providing such services is also provided under Article 4 of the Rules of the Vlora Children Home.

The social worker and the teacher cover the social, educational and pedagogical level of the children.

The supporting services were provided by the cooks, caregiver, cleaning ladies and maintenance.

Respect for the Rights of Children

Children had the possibility to meet their parents and relatives regularly. Any visit was permitted upon the approval of the Head. The meetings with family and relatives were held under a schedule organized by the social worker who kept a respective record thereof. There was a special room for such parent-child meetings, which were held in the presence of the social worker or teacher. The record of parents' interest for their children was filled in by the staff of the institution because many parents were illiterate.

The Centre's Rules were adopted by the Administrative Council of the institution. The placement or transfer of residents from the institution was made upon the request of the parent, legal caregiver (in the absence of parents), institution, Vlora Municipality Assessment Commission and SSS.

In case the request is filed at the Vlora Municipality, the latter takes the decision to accept the child, i.e. to accommodate the child in the institution. Thereafter, the decision is approved by the Municipal Council, so, in the end, it is the Municipal Council that decided for the placement of the children in the institution. Likewise, the transfer/ relocation of the child from the institution are decided when the child:

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- is returned to his family of origin;
- Is adopted and is passed in other programmes or institution, under the dependence of SSS.

Five children had no acceptance order. Two weeks before our inspection three children, siblings among each other- two sisters and one brother- were brought as an emergency case as children living on street; two other children were in the process of getting the acceptance order.

The rights of children were not posted on the walls of the building.

We found that the institution had no motor vehicle. The head of institution used her private car for the transport of children in urgent or emergency cases, or as in the case of 2 children over 7 years old that are taken to “Jani Minga” school.

Organizational Structure

The total number of staff is 20 employees hired by SSS and 8 persons hired by Vlora Municipality. About 70% of the budget is provided by SSS and 30% from Vlora Municipality. The line structure is composed of two departments: administrative department (1 manager, 2 cooks, 1 maintenance worker and 2 cleaning ladies) and social services department (1 manager/ social worker, 1 teacher and 11 caregivers).

In addition, the organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 paediatrician
1- 20 children	1 psychologist
1- 5 children	1 teacher
1- 10 children	1 nurse
1- 5 children	1 caregiver

The caregivers and the teacher had mainly high school diplomas. The personal files of the staff, that were retained by Human Resources Department of Vlora Municipality, consisted in the university or high school diploma, certificates, training qualifications, work book, health insurance booklet and employment contract.

From the verification of personnel files, it resulted that the majority of employees have been working there for a relatively long period of time. They were hired under the Albanian Labour Code by the Municipality of Vlora.

Only two employees were fresh recruits, a nurse and caregiver. The copies of the personnel files are found inside the building, while their originals are retained at Vlora's Town Hall. The head of this institution is graduated in Psychology.

Eight employees were paid by the budget of Vlora Municipality, respectively: 1 cook, 1 cleaning lady, 1 sociologist and 5 caregivers.

The work was organised in three shifts. Each shift had two caregivers on the 2nd floor and two caregivers on the 3rd floor of the building.

The institution had no psychologist, although we were told and confirmed that the respective request was sent to the Ministry of Social Welfare and Youth. Likewise, this institution has no security guard.

The personnel of this institution lacked a GP and assistant GP; however the emergency cases of this institution were covered by the Paediatric Hospital and Vlora Regional Hospital. The duty of assistant GP was covered by a caregiver who was graduated in nursery. Given such conditions, it is found that the health services of this institution are deficient. In addition, the children had no medical cards, no relevant health documentation, such as medical record, registries, immunization schedule, etc.

Two of the children had health problems: one had psychomotor issues and the other initial epilepsy. The latter was 7 years old and we were told that the scan of the head was made in a private hospital as the regional hospital did not provide such service.

Furthermore, the periodical checks were regularly held, such as psycho-motor development, eye-checks. To the contrary, the dental service was missing.

On the day of inspection, all the staff was organizing a training about violence against children, while it was found that the Municipality had never provided such trainings for the staff.

Infrastructure

The building had three floors.

In the first floor was the office of the Head, the finance office, social office, the canteen, kitchen, the meeting with the parents' room, laundry room, storing room and the cleaning solvents compartment. There was also a food storing are inside the kitchen.

In the 2nd floor, there were the staff room, TV room, 2 bedrooms for boys and one bedroom for girls (4 persons); the picture classroom, drawing classroom, leisure room and toilet.

In the 3rd floor, there were the babies' room, 2 bedrooms for older children, the playroom for babies; parents' room, 2 playrooms, nursery and toilet.

Only two rooms had parquet flooring while the others were tiled. It is necessary to make more investments.

The electrical installations were problematic; the cables were out of the walls and they can harm the life of residents.

The food allowance per child is as follows:

Age groups	Food allowance in ALL
0-3 years old	300 ALL
3-6 years old	310 ALL
Over 6 years old	330 ALL

Such allowance was considered as sufficient.

The timetable of daily meals is as follows:

- Breakfast at 7.30-8.00;
- Mid-morning snack around 10.00-10.30;
- Lunch at 12.00-12.30;
- Afternoon snack around 16.00-16.30;
- Dinner at 19.00-19.30.

The weekly meal plan was prepared by the staff of the centre and it was posted on the wall. There were two menus; one for children 0-2 years old and one for children 3-6 years old.

Food samples were stored in refrigerator.

The living conditions and furniture supplies of bedrooms, kitchen, etc. were in normal parameters. The provision of clothing, or item 602 was covered by Vlora Municipality.

Heating and cooling of premises was made with air conditioners.

It was needed to install some sun tents on the windows of the 2nd and 3rd floor for the summer season.

The fire protection equipment (fire extinguisher kit) were place in every floor, but the staff was not trained by the fire protection services in case of emergency

The complaints box was placed at the entry of the Centre. It was locked and only a multidisciplinary team of Vlora SSS could open it every month.

The lack of the car restricted the transfer and the entertainment of children. In addition, the outdoor yard needs restoration to provide better entertaining conditions for the children

Education and activities

The Head of institution, in cooperation with the specialist, drafted educational plans of development and the work plans per each sector. The social worker and the Head kept regular contact with the families, who were kept in a special record. Wednesday was the children- parents meeting day, however it was flexible.

The local government has to duty to make its best efforts to strengthen economically the families who have placed their children placed orphanages due to poverty. The best interests of the child are his/her growing up and return to his/her biological family and not the transfer from one institution to the other. Thus the Municipalities, in this case Vlora Municipality, have to provide employment for the parents of these children, in order to strengthen them economically to be able to bring up their children.

RECOMMENDATIONS

It is recommended to take the following measures:

1. Provide a car for the transportation of children;
2. Fill the staff vacancies with a psychologist, GP and security guard.
3. Build the emergency exit stairs, thus meeting the standard rules on fire protection; training on fire protection.
4. Training of staff on development issues and care for children;
5. Take measures to avoid any case of false writing, by the staff on the records that the families have been interested for their children.
6. Take prompt measures to make the new electrical installation as the electrical grid is depreciated and may harm the life of children.

7. “HANA DHE ROZAFI” BABIES HOME IN TIRANA

The Orphan Babies Home in Tirana fosters orphan babies of 0-6 years old. It has an official capacity of 50 children. At the moment of inspection there were 24 children (0-6 years old). Some of them were abandoned at maternity hospital, while others were orphans placed in the institution under the emergency acceptance order. 13 children were 0-1 years old and 11 children were 1-6 years old. According to the age group classification, there were:

<i>Age</i>	<i>No. of children</i>
6-8 months	3
12 months	5
13-18 months	5
18-24 months	4
2-3 years old	2
3-4 years old	4
6 years old	1

This institution is dependent on SSS.

Respect for the Rights of Children

The children had access to regular meetings with their parents and relatives. The family visits were organized under a schedule prepared by the social worker and kept in the respective record. The parent-child meeting was held in a special room in the presence of the social worker or the teacher.

The institutions functioned under the Internal Rules on the Organization and Functioning of Social Care Residential Institutions for children of 0-6 years old, approved under the Decision of the General Director of SSS on 31.12.2015

The rights of children were posted on the wall.

The building had no CCTV, similar to the other public residential centres for children.

The files of 6 children were at the Albanian Adoption Committee waiting for adoption.

The institution had recruited a GP working part time and her salary was financed by "Bethany" social services. The Assistant GP was not foreseen in the organizational structure. The dentistry service was provided by a private dentist paid by "Bethany".

Only 9 children had the health insurance card while the others were under the process of completing the respective documentation.

The immunization schedule and the drugs record were available and kept regularly by the GP. The GP worked part-time; however it was considered as necessary that she worked fulltime. The GP made all the visits and the periodical checks of children, but as she worked only for this Home, there was no family doctor; drug prescriptions issued from her were not reimbursed. The drugs were bought with the specific budget fund of this institution which was forecasted at the beginning of the year.

Following the control of the medical records and files, it was found that the vaccination of children was done regularly as per the vaccination schedule and the respective age groups.

Currently, there were two children with health issues. One child had the Down syndrome. Jonathan Centre gave a helping hand with the physiotherapy of this child. Another child of 8 months was diagnosed with toxoplasmosis. This child needed a very costly surgical intervention and the content of the mother was required, too.

Organizational Structure

The total number of staff is 38 employees, divided in two departments. The administrative department hires 9 employees (department manager, storekeeper, 2 cooks, 1 driver; 1 maintenance dhe 3 cleaning ladies) and social department hires 29 employees (department manager-psychologist, 1 teacher, 1 main caregiver, 23 caregivers and 3 social workers).

The organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per children number. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 paediatrician
1- 20 children	1 psychologist
1- 5 children	1 teacher
1- 10 children	1 nurse
1- 5 children	1 caregiver

The institution has no psychologist. The respective request to hire a psychologist and a GP was filed to the SSS two years ago.

The institution has no nurse, despite the fact that some caregivers were graduated in nursery, their job description was not specified in the position of nurse, and they had no license to exercise the profession. It was really urgent to have nurses especially in case the children needed medications.

This institution had a security guard.

The salaries of some of the staff were covered by the Bethany foundation

The continuity of staff, not only provides security in working with children, but also their experience is a valuable asset for the new staff. It is necessary to have continuous training on different aspects related with the protection of the rights of children. Such trainings would be necessary not for new staff, but also for those having more experience in working for this institution.

Only copies of the personnel files, employment contracts (with indefinite duration) of each employee are retained in the building. The original files of staff recruitment documents are kept by SSS. The vacancies are announced by SSS, too. The inspection found out that the copies of some employment contracts were missing in the staff personal files.

This institution had hired a GP part time and her salary was financed by the Bethany social services, while the Assistant GP was missing on the staff structure.

Infrastructure

The food allowance per child is as follows:

Age groups	Food allowance in ALL
0-3 years old	300 ALL
3-6 years old	310 ALL
Over 6 years old	330 ALL

Such allowance was considered as sufficient. Food samples were stored in refrigerator.

The work was organized in three shifts with the following timing 6.30-14.30; 14.30-22.30; 22.30-6.30.

Solar panels and central heating were used for the heating and cooling of premises in both buildings.

The institution was supplied with furniture and other items due to the good management and lots of donations. In general the conditions were optimal for growing the children.

Due to the very good geographical position, in Sauk village in Tirana, this institution is considered as really pleasing and attractive. It had also a green yard and playground.

Education and activities

Two of the children of this institution were sent to a private run kindergarten “Topolino” to socialize/ integrate with other children outside the institution to a private kindergarten. Topolino was close to the institution. There were negotiating to send three more children during the following school year. In addition, once a week the children were sent to the Puppet Theatre shows.

Every day, children participate in the education curriculum suitable to their age group. Such curriculums are detailed at the beginning of each month. In addition the game and music therapies were provided.

The lack of a motor vehicle restrained the movement and entertainment of children. Also the outdoor yard needs restoration. More investments are required to make it fit the children to play. In this way “Hana dhe Rozafa” Orphan Babies Home in Tirana, intended for the care children 0-6 years of age, can meet the standards of social care provided in residential institutions.

RECOMMENDATIONS

It is recommended to take the following measures:

1. Fill the staff vacancies by hiring a psychologist, a full time GP and nurse²³.
2. Collect the missing documents in the personnel files.
3. Take measures to do the thermos insulation of the Rosafa Building.

8. “ZYBER HALLULLI” CHILDREN HOME IN TIRANA ²⁴

Orphan Children Home in Tirana fosters children of 6-18 years old. It has an official capacity of 48 children. At the moment of inspection, there were 45 children: 24 girls and 21 boys. *This institution was dependent on Social State Services.*

The Declaration of Scope was posted on the wall according to the standard. The institution had also the internal regulation, guidelines of conduct for the personnel. The objective of 2016 was the deinstitutionalization of the institution²⁵, therefore the implementation of the plan for the transformation of the residential services to a home like and community environment has commenced. The building was organized in the form of 4 apartments (family homes), divided per age groups of 6-10 years old, 11-14 years old, 14-16 years old and 16-18 years old. Despite the purpose to arrange the premises in a way to look like home, it was indispensable to amend the infrastructure- reconstruct the building.

In apartment 1 lived 11 children of 6-9 years old. A staff of 4 persons worked in shifts. The interior was divided in 4 bedrooms- 2 for boys and 2 for girls. This apartment had the only cloth drying rack in the entire building.

In apartment 2 lived 12 children of 9-12 years old.

In apartment 1 lived 10 children of 11-14 years old. This apartment was furniture with a computer cabinet; however it had a lot of dampness on the hall walls and had not hot water.

In apartment 4 lived 9 children of 14-16 years old. It had a lot of dampness spots on the walls.

Respect for the Rights of Children

Regarding the right to meet the parents, children had access to meet their parents and relatives regularly. Any visit was documented and notes were kept in the respective record. There was a special room for such parent-child meetings.

²³ CMD No. 659, dated 17.10.2005 “On standards of social care services to children in residential institutions”.

²⁴ Three visits are made to this institution, respectively on 11.02.2016; 25.04.2016 and 13.06.2016

²⁵ Minister Order No 55, dated 02.03.2015 “on approval of the plan for the deinstitutionalization of the Zyber Hallulli Orphan Children Home”

The time of meeting the parents were flexible. Although the meeting timetable was set, something unexpected may come up to make parents come late or at other days.

The institutions functioned under the Internal Rules on the Organization and Functioning of Social Care Residential Institutions for children of 6-18 years old, approved under the Decision of the General Director of SSS on 31.12.2015. However it should have well-specified the weekend work of children.

The rights of children were posted on the wall.

For those children whose mother was in prison, the institution cooperated to realize at least a meeting once in a month at the Ali Demi prison in Tirana.

During 2015, 3 adoptions were made.

The institution has no nurse. In case here are sick children, the medications are given by the caregiver servicing in the shift (under the GP prescription).

A full-time GP was hired; however the staff lacked an Assistant GP.

The children accommodated therein are of a vast age groups, from 6-18 years old; therefore it is necessary to have a more abundant daily food allowance, as the nutritional needs of a six year old vary from that of an 18 years old.

The fact that a 16 year old child has no health insurance card and did not go to school was referred as a problematic case.

Another problem referred was the difficulty to contact with or get information on some parents. For such cases we suggested that they can ask for the assistance of Ombudsman to help them in finding any solution or resolve any unresolved issue or irregularity that they could face with the contacts or correspondence with other public administration bodies, in particular the local ones.

Dentistry service was provided by the dentist of the school "Osman Myderizi", the school where the children of this Home go. However the dentist did only some local medications and tooth extraction.

3 of the children living in this Home were diagnosed with mental health problems by the Mental Health Community Centre no. 1, in Tirana.

The vaccination of the children was made regularly following the vaccination schedule and the specific age groups. The medical records and the medical periodical checks of the children were not unified. All the children of the Home were in the process of getting the health insurance card.

In addition, the procedure to find an employment has started for 8 youths.

We were referred a case when the Court has ruled taking the services of another psychologist for the process of placing a child under the supervision of legal guardian. However, the Home had no funds to pay such service and it already has a psychologist in its staff.

The complaints box was opened every month at the presence of the commission, composed of the social worker and the representative of Tirana SSS Regional Directorate.

Organizational Structure

The total number of staff is 36 employees, respectively: the Head of institution, social department manager (with 23 persons in its staff); administrative department (12 persons in its staff). The social department had two psychologists and one GP and two nurses are hired, working part time, based on CMD no. 231, dated 20.01.2016 "On defining the number of staff working temporary contract for 2016 within the local government units".

Based on the above organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 paediatrician
1- 20 children	1 psychologist
1- 5 children	1 teacher
1-10 children	1 teacher with professional degree
1- 10 children	1 nurse
1- 5 children	1 GP

However, the standard requirement for the recruitment of professional teachers, a full time GP and nurse were unmet.

Following the training of staff provided by the Ministry of Social Welfare and Youth to all the staffs of public residential institutions, only 3 employees did not took the test, and they have redone the training.

The results of the assessment on the level of knowledge and skills of the staffs working in public residential social care institutions in 2015 were sent to the General Directorate of Social Policies, Social Care and Integrated Services Directorate of MSWY. In general, the training of staff was provided by the SSS, upon the consent of the Heads of Homes.

The findings revealed the problem that the original files of the staff were retained by SSS, while the Home retained only copies of the files.

Under the staff structure, the driver is hired both as a driver and maintenance. The car was managed to buy through donations

Infrastructure

In the framework of deinstitutionalization and to provide friendly services closer to the family-like setting, the building was divided into 4 family-home spaces.

Despite the optimal conditions and furniture and clothing of children, we consider it is necessary to improve the infrastructure of the building to adopt it better to resemble like homes inside the institution.

Food samples were stored in refrigerator.

Solar panels and central heating were used for the heating and cooling of premises in both buildings.

The institution was supplied with furniture and other items due to the good management and lots of donations. In general the conditions were optimal for growing the children. The finding revealed that the daily food allowance was a problem, which we believe should be different for children 6 years old and juveniles of 16-18 years old.

Education and activities

36 children attended the 9-year school "Osman Myderizi". 1 child attended a private school as his scores were really good. 3 children are enrolled to attend the technological vocational high school in Tirana.

The Home organized, under a detailed plan, socio-cultural activities for the resident children. A lot of activities were organized in leisure time with the support of state budget and donations. Football and swimming courses were organized in groups of 5-6 children. They were integrated with other children from outside the Home.

It should be emphasized the very good cooperation with the ATLAS organization, which helped with the preparation of children documentation under the primary and secondary laws.

The inspection time held the next visit, in the framework of this inspection, on 16.06.2016. The object of inspection was to verify the treatment of children in this Home. This object was informed to the social department manager, as the Head was missing during the preliminary meeting. She confirmed that at the moment of inspection, 29 children form 6-18 years old lived therein. 13 children were at their biological families on permit, which could vary from some days to weeks. The life of children inside the institution was reorganized and dhe children were replaced.

Since no relevant changes had taken place in this Home, from the last inspection visit, the inspection team focused more on taking confidential interviews of children alone and then in small groups, and one interview with all the children living there. The interviews dealt with questions regarding the way how they were treated by the staff of the Home.

In these conversations with children of various age groups, no case of psychological or physical violence was found. It was revealed that against children committing any breach of discipline, the "time-out" technique was used, i.e. sending children to the bedroom, or suspending them from the activities and sending them to the other room to reflect for a time exceeding 30 minutes, or prohibiting children to participate in specific leisure activities. Children admitted that such measures were not applied in most of cases, as they made excuses and asked to be pardoned and promised not to do it again. The caregivers or the personnel were kind and tolerant.

From the interviews, it was revealed that the older children, from 12 years or older, were appointed, for a week, based on a weekly schedule, as persons in charge of the process of setting the tables after meals, washing the dishes, cleaning the floors of the dining room. During this duty they were assisted by 9 year or older children. We asked the children to show us where was posted the schedule, but to their surprise such schedules were not posted anymore where they used to be. However, as they said, it was not a problem for them, as they all knew the day of duty. We asked the children if the personnel were involved in this process but they said it never happened. In case a child was sick and it was impossible for him to serve the shift, he was substituted with understanding by others.

We asked the children whether they participated in any cleaning or maintenance work, for example cleaning the toilets, garden, washing their clothes, ironing, etc. However, they said that they did nothing but tidying up their rooms. It was the personnel dealing with the works.

Everything they said was also confirmed during the talks with the manager of social department and the head of institution.

From the control of children's files, in particular their individual care plans and Needs Assessment Reports and development report, no evidence was found of their involvement in any activity which is intended to prepare them for the life. Such activities are necessary to prepare children to be able to conduct an independent life after de-institutionalization.

In such circumstances, the fact that the children were included on purpose in cleaning works or common hygiene maintenance, for educational purposes, but without taking into consideration their minimal age, without documenting it in any internal act, without involving children in decision making process, without foreseeing them in the individual care plans, and without specifying that such activities do not interfere in the time children have to make other activities that are crucial for their development, risks to be contrary to the international standards on the rights of child and their protection from forced labour.

The fact that the Institution had no rules and that corrective and educational measures were unsustainable, risks producing negative effects. They risk having adversary impact to what is required to prepare such children to conduct an independent life.

Article 32 of the UN Convention on the Rights of Child provides that “*States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.*”

In addition, Law No.10 347, dates 4.11.2010 “*On protection of the rights of child*”, in article 22, *Protection from economic exploitation*, clause 1, provides that

1. *The child shall be protected from any form economic exploitation and from performing any form of work, which:*
 - a) *is unsafe;*
 - b) *hinders the child’s education;*
 - c) *harms the child’s health;*
 - c) *damages the child’s physical, mental, spiritual, moral and social development;*
 - d) *is a forced labour.***

Albanian law forbids forced labour of children. The ILO Conventions and recommendations define “child labour” and specify what is acceptable or unacceptable for them.

According to ILO “participation of children in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children’s development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life”.

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

In addition, the same convention and recommendation refers to child labour as the work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by:
 - depriving them of the opportunity to attend school;
 - obliging them to leave school prematurely; or
 - requiring them to attempt to combine school attendance with excessively long and heavy work.

Based on the above, the educational practices through participation shall not be contrary to the Albanian legislation and international standards on the rights of children and protection from forced labour. Therefore, it is necessary to take prompt measure to make a clear and definite regulation of the practice of involving children in maintenance or cleaning works. It is recommended that in the preparation of individual care plans, it should be considered the specific needs of the child, the age, level of development, etc., with the purpose to prepare such children for their independent life after deinstitutionalization. During this decision-making process, it is important to involve the child, to make an assessment of potential impact that such activities can have upon him, to assess the time he child needs to carry out other primary activities, to assess the system of reward that is used to stimulate inclusion. In any case, such inclusion shall not substitute the work of personnel, but the staff should lead by example while carrying out such activities.

In this way, Zyber Hallulli Orphan Children Home in in Tirana, fostering children 6-18 years of age, can meet the standards of social care provided in residential institutions.

RECOMMENDATIONS

It is recommended to take the following measures:

1. *Provide friendly care services that are closer to a family-like setting; to improve the infrastructure of the building and make a more reasonable separation of interior spaces.*
2. *Fill the staff vacancies.*
3. *Provide children with health insurance cards as soon as possible.*
4. *Take immediate measure to make an unambiguous regulation of the practice of involving children in maintenance or cleaning works. It is recommended that in the preparation of individual care plans, the specific needs of the child, the age, level of development, etc. should be considered to prepare such children for their independent life after deinstitutionalization. During this decision-making process, it is important to involve the child, to make an assessment of potential impact that such activities can have upon him, to assess the time he child needs to carry out other primary activities, to assess the system of reward that is used to stimulate inclusion. In any case, such inclusion shall not substitute the work of personnel, but the staff should lead by example while carrying out such activities.*

9. CHILDREN HOME IN SARANDA

Orphan Children Home in Saranda fosters children of 6-18 years old. At the moment of inspection, there were 33 residential children: 15 girls and 18 boys. 7 children were orphans due to death, while the others came from vulnerable families. According to the age group classification, there were:

**ON SITUATION OF RESPECT FOR THE RIGHTS OF CHILDREN LIVING IN RESIDENTIAL INSTITUTIONS
CHILDREN AND BABIES HOMES**

<i>Age</i>	<i>No. of children</i>
17 years old	2
16 years old	2
15 years old	2
14 years old	4
13 years old	4
12 years old	6
11 years old	3
10 years old	2
9 years old	4
8 years old	3
7 years old	1

On the other hand, there were 11 children who were treated daily. They came mainly from families with economic problems. In the latter case, it is the local government that decides on their daily treatment in such institution.

This institution is dependent on Saranda Municipality and is financed by the state budget.

During the inspection visit, the team controlled the living conditions of children, the common spaces, bedrooms, bathrooms, kitchen, and also checked the documents kept by the staff about the activities carried out for these children, the medical records, psycho-social records, education and schooling.

In the interviews with children of different age groups, the inspection team paid particular attention to the collection of information on how children are treated by the staff.

The head of the institution confirmed that there were donations, too, in particular from the "Hope for the World Foundation", or others.

Respect for the Rights of Children

The institution had hired a part time GP and an Assistant GP. The GP was also a family doctor for the Health Centre no. 2 in Saranda.

30 children had health insurance card, but 3 were still under process. In case, any child needed a medication, no refundable prescriptions were applied. However the drugs were bought with the specific budget fund of this institution which was forecasted at the beginning of the year. The vaccination of the children was made regularly following the vaccination schedule and the specific age groups.

Dentistry service was provided by the dentistry service of Saranda Policlinic, which covered partially all interventions (local medications and tooth extraction). The issues that required a therapeutically treatment were treated by private dentists with the financial support of donations.

Medical checks were made regularly for all children; special attention was paid to the eye doctor and dentist visits.

**ON SITUATION OF RESPECT FOR THE RIGHTS OF CHILDREN LIVING IN RESIDENTIAL INSTITUTIONS
CHILDREN AND BABIES HOMES**

In is necessary to study and make a better regulation the accommodation of orphan children after they leave the Children homes. It is necessary that the state intervenes and not leave it to the different organizations. The children returned to their biological families and who are left to conduct an independent life may face huger problems that need to be observed.

The daily food allowance for residential children was 330 ALL, and for children staying daily was 220 ALL.

Due to the increase of food prices, such allowance established in 2012 needs to be reviewed. In addition, due to the increase of age of stay in the residential care institutions from 16 to 18 years old, such allowance was not enough. Notwithstanding it is widely accepted that such allowances are not sufficient, the Government has done nothing in this regard. The allowance they get as petty cash is ALL 1,000 per month. It is required that such amount is raised to ALL 15,000 per month, i.e. 30 days x ALL 50.

Organizational Structure

The total number of staff is 22 employees, respectively: 1 Head of institution, 1 psychologists, 1 social worker, 6 teachers (all graduated) and 6 caregivers, 1 Manager of administrative department (who is also accountant), 1 security guard and maintenance, 2 cooks and 3 cleaning ladies.

For the age groups living in this residential institution, it is really indispensable the presence of an n Assistant GP. The request to add such profile in the personnel is submitted to the SSS.

Based on the above organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 psychologist
1- 5 children	1teacher with professional degree
1- 10 children	1 nurse
1- 5 children	1 GP

None of the standard requirements is met.

At the beginning of each year the Management of institution drafted the training plan, however, the staff needed more training organized by SSS.

Infrastructure

Oil boilers were used for the central heating of the building.

The Municipality of Saranda had made available some space for the children in the public beach, but it would have been better if the Borsh Holiday Home was used for such purpose. The holiday home in Borsh is under the dependency of Ministry of Social Welfare and Youth and it should be used by these children and all other children living in residential institutions in Albania

The complaints box was locked the key was kept by the person in charge of the social department at the Municipality of Saranda. It was opened at the presence of the Commission. In addition, the rights of the children were posted on the wall. The last monitoring held by the SSS in this institution dates back from October 2015.

Procurements were made by a multidisciplinary group of the Home, under the social service standards. The project for the reconstruction of the building was under process of approval by the Turkish Cooperation and Coordination Agency. However, this process needs to be monitored.

When children reach a certain age they are transferred from the Babies Home to the Children. This process however needs to be supported financially. Every child need to be supported with its own financial fund.

Some of the premises of the Home were used as a daily kindergarten by the Municipality of Saranda. However, such spaces were really indispensable for the Centre to use for juveniles 16-18 years old. The study rooms that such rooms used to be before were displaced in the third floor, to the girls' bedroom. Due to the lack of space, girls have to sleep 4 girls in one bedroom. It is necessary to reconstruct the premises of this Centre to meet Standard no. 11, under which "The home shall provide adequate, hospitable, home-like setting, thus providing high quality to children, staff, parents or other interested persons, in accordance with its purpose and function."

Education and activities

20 children went to primary school (class 1-5). 22 children attended class 5.

The holiday home in Borsh, which is under the dependency of Ministry of Social Welfare and Youth, is recommended to be used by these children during summer time as it is in the best interest of these children.

Hope for the World Foundation supported the Children Home in Saranda in the organization of different activities and birthday parties.

In this way, Orphan Children Home in Saranda, fostering children of 6-18 years old, can meet the standards of social care provided in residential institutions.

RECOMMENDATIONS

It is recommended to take the following measures:

- 1- *The process of transferring children from one centre to the other, within the SSS, needs to be supported financially. Every child need to be supported with its own financial fund.*
- 2- *The Municipality of Saranda shall take measure to support the families whose children live in residential institutions, to strengthen them economically, so that they are ready when their children return to the biological families.*
- 3- *The SSS shall take measure to provide more training to the staff.*
- 4- *Conclude as soon as possible the full reconstruction of the building as the current situation of the apartments to posterior part of the building is completely depreciated due to dampness.*
- 5- *Review the daily food allowance and increase it due to the increase of prices since 2012 and considering also the increase of age of stay in residential care institutions 16 to 18 years old.*
- 6- *Increase the petty cash allowance they get per child from ALL 1,000 per month to at least ALL 15,000 per month, i.e. 30 days x ALL 50.*
- 7- *The children have to use the holiday home in Borsh, during summer time, as it is in the best interest of these children.*
- 8- *The Municipality of Saranda shall take measure to return the premises occupied by the daily kindergarten to the Home as they are needed to accommodate the juveniles of 16-18 years old into family homes.*
- 9- *Fill the staff vacancies with an Assistant GP.*

10. CHILDREN HOME IN DURRËS ²⁶

Orphan Children Home in Durrës fosters children of 0-6 years old. This centre provided both residential and daily care services.

It has an official capacity of 20 children, and it had three family-homes. 2 family homes are located in Shkozet, Durrës, and 1 family home is located in Durrës.

At the moment of inspection, there were 19 children living in the Centre, 5 of which are in adoption process. There was no orphan due to death, but children abandoned or coming from vulnerable families.

As a Daily Care Centre, it had the capacity to look after 25 children, while currently it looked after 27 children. According to the age group, there were:

<i>Age</i>	<i>No. of children</i>
6 years old	5
5 years old	11
4 years old	10

During the inspection visit, the team controlled the living conditions of children, the common spaces, bedrooms, bathrooms, kitchen, and also checked the documents kept by the staff about the activities carried out for these children, the medical records, psycho-social records, education and schooling. In the interviews with children of different age groups, the inspection team paid particular attention to the collection of information on how children are treated by the staff.

One of the homes in Shknozë functions only as a Daily Community Centre and has no resident children, as the building is under reconstruction. The reconstruction is financially supported by donors, such as Vodafone Albania, Megatek, Alfa Bank, etc. It was planned that the Home at square no. 14 in Shknozë could function as a Daily Community Centre, while the other two homes, with a capacity 7+2, could accommodate children as per their age group.

Currently, the Shknozë Home fosters 9 children, 3 of which are visited from their families, while the families of the other 6 children are not interested at all for them. The children are of different ages from 1 to 9 months. There are 5 children of 1 year old; 3 children of 2 years old.

The Durres Home fosters 10 children, 8 of which are visited from their families, while the families of the other 2 children are not interested at all for them. The children are of different: 3 children of 1 year old; 4 children of 2 years old; 1 child of 3 years old; 2 children of 4 years old.

This institution is dependent on Durres Municipality, which appoints the staff, and SSS of the Ministry of Social Welfare and Youth, which grants funds from the state budget and donations.

The standards of this Centre were monitored by the Social State Services, State Inspectorate of Labour and Social Services, and also by the Municipality of Durres.

The complaints box was out of use as it was never used by the former Head of the Centre, or by the representative of the social services department at the Durres Municipality

Respect for the Rights of Children

During the inspection, some problems were identified. In the Durres Home, the 10 children of different ages were monitored from 8:00 am to 16:00 pm by only one caregiver. Thus, these children risked to be exposed to physical and psychological violence exercised by the employees of this institution. Cases of violence against children were reported even before in this family home.

The inspection found out that a lot of children were on the first floor of the house, while four other children were in the bedrooms of the second floor crying. It was impossible that only one caregiver could care for all the children. She was feeding the other children on the first floor of the house.

The food allowance per child living in the residence is as follows:

Age groups	Food allowance in ALL
0-3 years old	290 ALL
3-6 years old	310 ALL

The children were regularly meeting with their relatives, in the presence of the personnel of the centre. Every meeting was kept in the meetings book.

Organizational Structure

The total number of staff is 27 employees, respectively: 1 Head of institution, 1 accountant, 1 manager of social department, 1 officer of social department, 17 caregivers (2 graduated and 15 with high school diplomas; 1 caregiver serves also as nurse), 2 cooks, 1 storekeeper, 1 maintenance, and 1 cleaning lady, 1 part-time GP, who appeared to the centre every day for 2 hours. In addition, there were 2 social workers dealing with the psiko-social problems of the children.

Based on the above organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such centres. Such guidelines clearly define the specialties and standard number of employees per number of children. According to the standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 paediatrician
1- 20 children	1 psychologist
1- 5 children	1 teacher
1- 10 children	1 nurse
1- 5 children	1 caregiver

None of the standard requirements is met.

The Municipality of Durres has organized training for the managers of the homes. The trainings have covered protection in case of civil emergencies. The social worker has been trained how to deal with cases of physical and sexual harassment.

It was noticed that the entire staff is not trained.

At the beginning of each year, the Head of Institution drafted a training plan. However, more training should be provided to the staff by the SSS.

The health care department had hired a part time GP. She was a neuro-paediatrician of Durres Regional Hospital, but the institution had no Assistant GP.

The organizational structure of this institution did not foresee any security guard, but such duty was covered by the staff of the home.

Infrastructure

Air conditioners were used for the heating of the building.

Regarding the measure against perils in case of civil emergencies, it was found that the Municipality of Durres had organized training for such purpose. The social worker had been trained how to deal with cases of physical and sexual harassment. However, the inspection found some problems regarding the fire protection measures and measures in case of explosion. The personnel were untrained in this regard. The fire extinguishers were not commissioned. The same applies even to the gas tanks that were used for cooking.

The rights of the children were posted on the premises of the institution, and there was a complaint box, however it was unlocked and it was never used by the former Head of the Centre, or by the representative of the social services department at the Durres Municipality.

All children had immunization records and health insurance cards.

The vaccination of the children was made regularly following the vaccination schedule and the specific age groups.

In this institution, there were 3 children that were treated for allergic rhinitis. However the drugs required for their medication was not refundable. No refundable prescriptions were applied. However the drugs were bought with the specific budget fund of this institution which was forecasted at the beginning of the year.

Medical checks were done periodically. The psychomotor development of the children was checked too and records were retained.

The building requires a total reconstruction as it is currently depreciated and it does not provide good conditions to resident children. There is a lot of dampness. It does not provide the adequate conditions for healthy living.

The second floor of the residential centre, located in Square no. 14 in Shkozet, Durres is amended with the support of Embassies, while Vodafone has assumed to help with the supply of interior furniture. However, a total reconstruction of the building is required to turn it to a family-like setting.

The staff lacked training. The fire extinguishers were not commissioned. The same applied even to the gas tanks that were used for cooking. In the three buildings, the yard was unfenced thus allowing the fire engine to pass. However smoke alarms and sensors were missing in the kitchen. The adequate signals have

to be used to guide exit in case of evacuation.

In this way, Orphan Children Home in Durres, fostering children 0-6 years of age, can meet the standards of social care provided in residential institutions.

RECOMMENDATIONS

It is recommended to take the following actions:

1. *When children reach a certain age they are transferred from the Babies to the Children Home. This process however needs to be supported financially. Every child need to be supported with its own financial fund.*
2. *Take measures to train the staff on fire protection and protection in case of explosion, commissioning the fire extinguishers and the gas tanks that were used for cooking. Install smoke alarms and sensors, and place adequate signals to guide exit in case of evacuation.*
3. *Take measure to hire an Assistant GP.*
4. *Ministry of Social Welfare and Youth shall take immediate measures to increase the personnel of the Durres Home with caregivers, as the 10 children of different ages were monitored from 8:00 am to 16:00 pm by only one caregiver. Thus, these children risked to be exposed to physical and psychological violence.*
5. *Guarantee the right to complaint by providing a complaint box that is locked.*
6. *Take measures to make the full reconstruction of the building.*

11. BABIES HOME IN SHKODRA²⁷

Orphan Babies Home in Shkodra fosters children of 0-6 years old. It functions both as residential and daily care centre. It had the capacity to foster 35 children.

Currently, there were 8 residential children and 20 children who come daily. The residential children come from vulnerable families and their families' visited them often. The children coming daily came from families with economic problems. It is the local government that decides on the frequentation of these children on a daily basis. 10 mothers of these children were taking psychological assistance.

This institution is dependent on Shkodra Municipality, which appoints the staff, and SSS. SSS that is under the dependency of the Ministry of Social Welfare and Youth grants funds from the state budget.

The Head of this Centre confirmed that there is an agreement between the Centre, Municipality and Hope for the World Foundation to support financially in the organization of various activities.

The personnel of this institution were composed of 14 employees.

The standards of this Centre were monitored by the Social State Services, State Inspectorate of Labour and Social Services, and also by the Municipality of Shkodra.

Respect for the Rights of Children

Based on the confidential conversation with the children of different age groups living in this institution, we got the idea that the staff had no tendency to exercise physical or psychological violence against these children. In general we perceived that children were close to the staff who cared for them and showed affection.

The children were visited and met regularly with their families. However, SSS had demanded that children are not sent to their families without the consent of the Child Protection Unit. The Municipality of Shkodra had prepared a declaration template with which the parent of the child could take the child home, upon the consent of the Head of institution.

Organizational Structure

The total number of staff is 14 employees, respectively: 1 Head of institution, 1 accountant, 1 manager of social department, 8 caregivers (4 graduated and 4 with high school diplomas; 1 caregiver served also as nurse), 1 storekeeper, 1 maintenance, and 1 cleaning lady, 1 part-time GP, who appeared to the centre every day for 2 hours. It was found that, this institution had no teacher. In addition, there was 1 social worker dealing with the psiko-social problems of the children, but it was necessary to hire a psychologist. Such request is filed at the SSS and Shkodra Municipality, but such position is still vacant.

Based on the above organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
For 1- 10 children	1 social worker
For 1- 20 children	1 paediatrician
For 1- 20 children	1 psychologist
For 1- 5 children	1 teacher
For 1- 10 children	1 nurse
For 1- 5 children	1 caregiver

Based on the above, the standard of having a full time paediatrician, 1 psychologist, 1 teacher and 1 nurse was not met.

The institution had hired a part time GP, but it had no Assistant GP. The GP was also a family doctor at the Health Centre no. 3 in Shkodra.

All children had immunization records and health insurance cards.

The vaccination of the children was made regularly following the vaccination schedule and the specific age groups.

Medical checks were done periodically. The psychomotor development of the children was checked too and records were retained.

In this institution, there were 3 children that were treated for allergic rhinitis and iron deficiency anaemia. However the drugs required for their medication was not refundable. No refundable prescriptions were applied, but the drugs were bought with the specific budget fund of this institution which was forecasted at the beginning of the year.

Infrastructure

This home was a two floor old building having visible dampness in all the spaces. The outdoor area had a playground and a park, suitable for leisure activities.

The rights of children were posted on the interior wall.

In the first floor, there was a well furniture bedroom for the youngest children and it had air conditioner. There was the laundry room with a washing machine and a tumble dryer. There was the kitchen and it was clean. The premises were painted and new electrical installations were made a year ago.

The weekly meal plan was posted on the wall. Food samples were stored in refrigerator, however they were not locked.

The health insurance cards of the cooks were updated.

The food allowance per residential child was ALL 3,100 per month, and it was sufficient. The food allowance for daily children was ALL 1,600, comprising two meals (breakfast and lunch).

In the second floor, there was the Daily Centre and the parent meeting room. There was a bedroom for the daily children, equipped with a toilet, but it had no shower. The ceiling of the second floor had a lot of dampness.

The building was heated with air conditioner.

Regarding the measure against perils in case of civil emergencies, it was found that the Municipality of Shkodra had organized training for such purpose. The social worker had been trained how to deal with cases of physical and sexual harassment. However, it was found that the entire personnel were not trained. It was found

that SSS and Municipality of Shkodra has to organize trainings for the caregivers to prepare them with the contemporary practices of working with children.

The institution had 2 fire extinguishers and the staff was trained how to react in case of emergency.

The living conditions and furniture supplies of bedrooms, kitchen, etc. were in normal parameters. However, it was really indispensable that the bedrooms were provided with sheets and blankets, chairs for the youngest children as they were depreciated. It was found that the supply with pampers e cleaning solvents was covered by the state budget. However, such budget was insufficient and it is recommended to increase such amount.

There was no security guard, but such duty was covered by the maintenance.

This institution had no motor vehicle for the transportation of children.

Education and activities

Based on the control of the psycho-social sector documentations, it was found that this centre organized various daily activities inside and outside the centre. The monthly activities plans were well-defined. The centre had a multidisciplinary group that assessed the children needs. In addition, Hope for the World Foundation organized a lot of activities, such as birthday parties or accompanying the children to the playgrounds once a month.

The complaints box was locked and placed at the Centre. It could be opened only by regional SSS, under the procedure at the presence of the Commission.

The Ombudsman considers that it is really important to create suitable condition to grow up and develop these children, based on the principle of the best interests of the child. We have to guarantee that they are brought up with dignity and in the best way possible, enjoying fully their basic rights.

In the framework of decentralization of social services to provide better condition for the growth, education and development of these children, it is necessary that both the Municipality and Social State Service intervene in concert.

In this way, this public residential institution that provides social care for children can meet the standards of social care provided in residential institutions, according to clause 3, Article 63 of Albanian Constitution, which provides that *“Ombudsman has the right to make recommendations and to propose measures when he finds violations of human rights and freedoms by the public administration.”*

RECOMMENDATIONS

It is recommended to take the following measures:

1. *Fill the staff vacancies with a full-time paediatrician, 1 psychologist, 1 teacher and 1 nurse, according to the standards²⁸.*
2. *Fill the staff vacancies with a full time nurse.*
3. *Fill the staff vacancies with a security guard. In other centres such service was covered by a private company, but this centre had no funds.*
4. *Provide alternative care for such children, such as the foster families, under the legislation into force²⁹.*
5. *Provide continuous training to the staff, mainly of issues related to the protection and prevention of all forms of physical or psychological violence against children.*
6. *Provide special funds to purchase a car as the babies need it for transportation.*
7. *Forecast in the budget of the upcoming years an additional fund for the restoration of interior spaces and the roof of the building.*

12. CHILDREN HOME IN SHKODRA FOSTERING CHILDREN OF PRE-SCHOOL AGE³⁰

Orphan Children Home in Shkodra fosters children of pre-school age, from 3 to 6 years old. It has an official capacity of 30 children. At the moment of inspection, there were 19 children. 8 children were over 6 years old. The children were not divided in age groups as most of them were siblings. All the children had acceptance files issued by SSS, while 3 children were in the process of being adopted.

The personnel were composed of 18 employees.

This institution was financially supported by the state budget, SSS and other donations, mainly coming from Hope for the World Foundation. The latter has an agreement with this centre.

This is the only residential institution for children in Shkodra and it is directly dependent on SSS.

The standards of this Centre were monitored by the Social State Services periodically.

Respect for the Rights of Children

Children were interviewed and they were asked on how the caregivers treated them. From these talks with children of different age groups living in this institution, it was noticed that the children had the tendency not to "spy" on the caregivers.

They confessed that they were punished by the caregiver when they made any mistake. The caregiver reprimanded them by placing children facing the wall or standing on one leg.

28 DCM No. 659, dated 17.10.2005 "On standards of social care services to children in residential institutions".

29 Decision No. 89, dated 26.1.2012 "On the Criteria, Documentation and Procedure of Foster Care Service"

30 Inspection of 18.04.2016

The inspection team ascertained that children were under a general psychological pressure. Children confessed that they were violated physically by pulling the hair or the ear. The children gave the name of Edvana Sula as the caregiver who was violent. She was the caregiver who was fired, however such events were referring to the period of time she was part of the staff.

Regarding the right to meet their parents, children had access to meet their parents and relatives regularly. In addition, the Home provided accommodation for their mothers, when needed.

Organizational Structure

The total number of staff is 18 employees, respectively:

- 1 Head of institution,
- 14 employees in the social service department: 1 manager of department, 5 teachers (all graduated in early childhood development or teacher for pre-schools) and 8 caregivers (6 with high school diplomas and 2 graduated); however the position of a caregiver was vacant
- 3 employees in the administrative department: 1 manager of department and 2 cooks.

This institution has no psychologist, notwithstanding several request have been made to add this position in the organizational structure. The caregiver's dhe teachers worked for 40 hours a week and had one day off. The driver covered also the duties of maintenance. The staff worked on three shifts. During the night shift, two caregivers were on duty, one per each group. The organizational structure did not foresee any person in charge of laundry and cleaning.

Based on the above organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
For 1- 10 children	1 social worker
For 1- 20 children	1 paediatrician
For 1- 20 children	1 psychologist
For 1- 5 children	1 teacher
For 1- 10 children	1 nurse
For 1- 5 children	1 caregiver

It is evident that none of the standard requirements is met.

From the verification of personnel files, it resulted that the majority of employees have been working there for a relatively long period of time. This fact

is to be appreciated. The employees were hired under the Albanian Labour Code and a specific procedure established by SSS.

All the employees had individual employment contracts, renewed in 2013. The files retained also other additional documents, such as criminal record, medical report, training certificates, etc.

The institution had hired a GP working part time, but it had no Assistant GP/nurse. The GP was also a family doctor at the Shkodra Regional Hospital.

The health insurance cards of the children were provided by the family GP of Square "Tre Heronjtë". She issued also reimbursable prescriptions for any drug recommended by the paediatrician of the Home. All the periodical medical check, the visits to the eye doctor and to the dentist were made regularly following the standard schedule. Such visits and checks were kept in the records and medical files, retained by the paediatrician of the Home.

Infrastructure

The building had 2 floors. Dampness on the interior spaces was the crucial problem of the building.

The yard was adequate for the organization of outdoor activities. It had also a playground, which was financed by FI Bank. The children followed a daily plan for the outdoor activities, under the supervision of the teacher.

The complaint box was available in the hall of the first floor. It was easy to reach by any child. It was locked with a key and it was opened every month by the SSS representatives. The rights of children were posted on stands.

In the first floor, to the right, there was the room of younger children. There was the kitchen with a canteen. It had 2 ovens and 2 refrigerators. Food samples were stored in refrigerator; however, they were not locked.

The health insurance cards of the cooks were updated.

The food allowance per child living in the residence is 310 ALL and such allowance is considered as sufficient.

In the first floor, there was also a playroom, which, a year before, was used by the children who came on a daily basis.

The laundry room, which was in the first floor, had 2 washing machines. It had also a tumble dryer that was out of use. The staff confessed that such appliances were insufficient to cover the flux of washing the clothes. They said they had one other tumble dryer and 2 washing machines that were broken.

In the second floor, there were the bedrooms of boys and girls. There slept, respectively 6 boys and 3 girls.

The building used air conditioner and no problem was faced with heating during winter.

The toilets and showers were mainly clear and neat, but they were shared between girls and boys.

As the personnel said, the children had access to the shower twice a week, during winter, and more often, during summer.

Another canteen was situated in the second floor, too.

The living conditions and furniture supplies of bedrooms, kitchen, etc. were in normal parameters.

The meeting with the parents' room was well-arranged and suitable for this function.

We noticed that this Home had no emergency exit to use in case of fire. The personnel were not trained in case of fire emergency, although they confirmed they knew how to use fire protection equipment in case of necessity. The fire extinguishers were in the halls of both floors, however they were not commissioned.

Education and activities

Hope for the World Foundation supported this Home with the organization of different activities and birthday parties.

The private school "Pjetër Meshkalla" supported this Home with activities that they organized every week for the children of the Home.

The inspection team ascertained that there was a lot of work done in terms of integrating the children to the community or for their return to the families.

The team controlled the personal files of the children and found that they were kept according to the standards.

The complaints box was locked and placed at the Centre. It could be opened only by regional SSS, under the procedure at the presence of the Commission.

The Needs Assessment and Progress Report were drafted twice per year.

The Ombudsman considers that it is really important to create suitable condition to grow up and develop these children, based on the principle of the best interests of the child. We have to guarantee that they are brought up with dignity and in the best way possible, enjoying fully their basic rights.

In this way, this public residential institution that provides social care for children can meet the standards of social care provided in residential institutions,

according to clause 3, Article 63 of Albanian Constitution, which provides that *“Ombudsman has the right to make recommendations and to propose measures when he finds violations of human rights and freedoms by the public administration.”*

RECOMMENDATIONS

It is recommended to take the following measures:

1. *Take prompt measures to eliminate any form of psychological pressure exercised on children of the Orphanage in Shkoder; taking disciplinary/administrative measures against the staff of the institution as their actions or omissions are responsible for the psychological violence against children.*
2. *Fill the staff vacancies with a lawyer for the three Orphanages in the city of Shkodra.*
3. *Fill the staff vacancies, in particular, with a psychologist, a paediatrician and a full time nurse according to the standards³¹.*
4. *Fill the staff vacancies with a cleaning lady and laundry worker, because the existing staff is obliged to cover also their duty.*
5. *Provide continuous training to the staff mainly on the protection and prevention of any form of violence, physical or psychic against children.*
6. *Consider with priority alternative care services, such as foster families, under the legislation into force³².*
7. *Build the emergency stairs and train the staff to learn how to use fire extinguishers.*
8. *Improve the conditions of toilets; separate showers for girls and boys; improve the general living conditions of children in this orphanage in Shkodra.*

13. CHILDREN HOME IN SHKODRA FOSTERING CHILDREN OF SCHOOL AGE³³

Orphan Children Home in Shkodra fosters children of 6-18 years old. It has an official capacity of 70 children. During the inspection of 19.04.2016, we were informed that it currently fostered 35 children. One child was orphan due to death, while the others have the interest of, at least, one parent. These children came from different cities of the country and 10 of them have other siblings living in this same institution.

During the inspection visit, the team inspected the conditions in which these children live, the collective spaces, services offered, and the documentation kept by the staff of the institution regarding the activities carried out for these children, medical records, psycho-social cases, their education and education standards, detailed in CMD No. 659, dated 17.10.2005 *“On standards of social care services to children in residential institutions”*.

31 DCM No. 659, dated 17.10.2005 *“On standards of social care services to children in residential institutions”*.

32 Decision No. 89, dated 26.1.2012 *“On the Criteria, Documentation and Procedure of Foster Care Service”*

33 Inspection of 19.04.2016 and 25.04.2016

This institution has double dependency: from Shkodra Municipality, which appoints the staff and from the Social State Services, which, an institution under the Ministry of Social Welfare and Youth, grants funds from the state budget. The Director of the centre confirmed that there is an agreement between the Centre, the Municipality and the Hope for the World Foundation, to provide donations to assist with the organization of various activities.

The total number of staff of this Home is 24 employees.

Monitoring of the standards in this centre is carried out by the Social State Services, the State Inspectorate of Labour and Social Services, as well as inspection by the Municipality of Shkodra.

Respect for the Rights of Children

The Ombudsman as an institution that protects the rights and legitimate interests of the citizens when they are violated by acts or omissions of the public administration and given the Albanian legislation and international acts for the protection of children's rights, such as Articles 19 and 20 of the United Nations Convention on the Rights of the Child³⁴, Articles 5 and 10 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual

34 In Articles 19 and 20 of the UN Convention on the Rights of the Child, dated 20 November 1989, is stated that: "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. States Parties shall in accordance with their national laws ensure alternative care for such a child. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

harassment³⁵, Article 54³⁶ of the Constitution of the Republic of Albania as well as legal and sublegal acts, during the monitoring of the Centre we focused especially in the collection of data regarding the treatment of children of different age groups from the staff of this institution.

In the interviews, the children confessed that they were maltreated by the caregivers. They confessed that the caregiver reprimanded them by placing children facing the wall or standing on one leg. They admitted that there were cases of physical and psychological violence exercised by the teachers and by the two sons of the psychologist of this Home.

The inspection team found that there was children were intimidated due to a general psychological violence. The team reported these testimonials to the Ombudsman, who carried out an independent administrative investigation on 25.04.2016.

Such independent administrative investigation was carried out in compliance with the legal and procedural framework on interviewing the children. The assistant commissioners of Ombudsman carried out such interviews with the consent of the child. They were held in the presence of lawyers and psychiatrist. In addition the psychologist of the 9-year school "Xheladin Fishta", in Shkodra, assisted in the interviews.

The interview room of this Home was arranged to create normal conditions for conducting such interviews. Nevertheless, the team noticed that the children were hesitating and frightened. We were informed that, after the inspection carried out by the assistant commissioners of the Ombudsman on 19 April 2016, the teachers and the Head of institution had exercised pressure on the children. The children were reprimanded for having given details to the inspection team.

35 The Convention was adopted and opens for signature in 2007 in the 28th Conference of European Ministers of Justice in Lanzarote, Spain. The Convention entered into force on 1 July 2010. Albania has ratified the Convention on 14 April 2009 and entered into force on 1 July 2010. Article 5 of this Convention states: 1. *Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.* 2. *Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.* 3. *Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.* Article 10, paragraph 1 of this Convention states that: *Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.*

36 Article 54 of the Constitution of the Republic of Albania defines that "children, the young, pregnant women and new mothers have the right to special protection by the state. Children born out of wedlock have equal rights with those born within marriage. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development."

The same finding was revealed even during the interview of pupil Xh.N, during the interview conducted at the office of the Head of the 9-year school "Xheladin Fishta", in the presence of the psychologist of this school.

The minor, F.T, born on 17.07.2000, in his declaration, said that "Yes, I knew that the teacher Rafaela Canaj exercised physical violence against the 9 years old S.G. This incident happened in January 2016, when the child had undergone the circumcision procedure and was still in pain. S.G met me in the corridor and told me that the teacher Rafaela has shot him with a chair leg on the wound (the genital organ) and he was bleeding. He had haemorrhage. Such incident took place in one of the classrooms, in the presence of other minors.

The next day, I went to the Head office and confessed to the Head, Gëzim Mahmutaj. He said that it was for his best.

At the beginning of 2015, when Albana Llazani was the Head, another child of this Home, Sh.H, a current resident of Saranda Children home, has left the Home and when she appeared the next day, she said to me crying that the older son of the Head had beaten her.

In addition to such incidents, I have seen that the teachers ask the 10-12 years old children to clean the hallways, toilets. They ask such things to both boys and girls.

I want to add that the psychologist takes with here very often her 14 years old son, named B, who treats very bad the other children and punches them

One day, when I came back from Tirana, after visiting my family, my 13 years old friend, D, J told me that he saw B, the son of Albana, during an excursion to Razëm, harassing the minor Xh.K, 12-13 years old".

D.J, born on 27.10.2002, in his declaration of 25.04.2016, among others confessed that: "Yes, I know from 2 years, now. It was summer, when one day, F.T., who is my mate, showed me a video on his mobile phone In this video the teacher Rafaela was beating A.Q, a 13 years old child, in the classroom, with a stick and he was crying and shouting. As D.J said, F.T might have lost his mobile phone.

It was by the end of January 2016, when S.G said to F.T that Rafaela had beaten him to his wound (genitals), after he was circumcised and he was bleeding. I was with my own eyes that he was bleeding through his legs.

I have seen that teacher Albana brings her two children. Her younger son, B, came with us to the excursions in Velipoja and Razem. We went to Razem on 1 June 2015. It was there that I saw Bekim abuse of the 12 years old Xh. K. They were both half undressed. This incident happened at an old house. I saw them as I went after them".

In his declaration of 25.04.2016, A. Q, born on 19.03.2002, among others confessed that: "... when I was 8-9 years old, one day, I was sick and I couldn't do my home works. Teacher Rafaela took me out of the class. She took me to another classroom and she was hiding a stick. She grabbed my hand and took me to the showers. She locked the door and hit me with the stick. After she hit me all over my body, she asked me compassionately not to cry".

During the administrative investigation of 28 April 2016, the declaration of F. G, the mother of minor S.T, was taken. She explained that in January or February 2016, she took her son, S.G to a surgeon to circumcise him, so she kept him to her house in Tirana for some days. She said that her son had pain in his genitals and had asked for help by the teachers, but they did not help him. The teacher had told him to simply pour cold water to his genitals. In addition, she confessed that her son, S.G, complained time after time for being beaten by other children of the Home.

Based on the above, it was concluded that:

Firstly, the two sons of the former Head Albana Llazani, had permission to enter the Home. They participated in organized excursions, such as those in Razëm and Velipoja. Being out of her control, they had exercised physical violence against other children. In some cases, the son B. LL had sexually harassed a girl younger than himself.

Second, the teachers of the Home flagrantly forced the children of 10-12 years old to wash the floors of the hallways and bathrooms. Such actin violates clause 3, article 54 of Albanian Constitution.

Thirdly, the teachers had exercised physical violence against children; such was the case of, such as Rafaela Canaj who had beaten with the chair the child S. A., etc.

Fourthly, the personnel of Children Home in Shkodra manifested certain discriminatory behaviours and attitudes towards Roma or Egyptian children. Such attitudes were confessed by the declarations of minor F.T.

By a general analysis of the case, it appears that the personnel of Children Home in Shkodra, the former Head Albana Llazani, who at the moment of investigation was the psychologist of the home, teacher Rafaela Canaj, etc., in their duty as public officials, had carried out unlawful actions and omissions. They failed to meet their duties and have harmed the legal interest of the minors living in the Home. We found that there is a direct casual correlation between the unlawful actions and omissions and the failure to meet the duties, which have caused the harm of legal interest of the children and also harming the children health and morals, as in the cases of sexual harassment.

To conduct a comprehensive investigation, the Ombudsman, with its letter no. K1 / I51-4, of 06.05.2016, recommended the Shkodra District Prosecution Office *to initiate a prosecution procedure against Albana Llazani, Rafaela Canaj, etc. employees of Children Home in Shkodra, on grounds of "Abuse of power", a crime provided under article 248 of Criminal Code"*.

Infrastructure

The institutions functioned under the Internal Rules of 2014 approved by the Municipality and SSS, a copy of which was checked by the inspection team.

This Home had double dependency: from the Ministry of Social Welfare and Youth, and the Municipality of Shkodra. Indeed, the Municipality appointed the managing staff, while SSS and MSWY granted funds on the respective budget of this Home.

The funds came also from various donors. The most known was Hope for the World Foundation, which helped also with basic materials and items, and also with the organization of leisure activities.

The management of the Home coordinated the supplies plan with the donors in order to meet the daily needs of the Home.

This Home was serviced 24 hours per day by a security guard. This service was considered as necessary.

Oil boiler was used for the central heating of the building. Through some donations the Home had managed to buy air conditioner for the studying room and solar panels for hot water.

The daily food allowance was 330 ALL, and monthly allowance of 1000 ALL, however it was reported to be insufficient, as the age of minors goes up to 18 years old.

The inspection team controlled the kitchen and found it neat and clean.

Food samples were stored in refrigerator, but not locked.

This Home was regularly checked by the Fire Protection Department. The latter recommended that the emergency exit stairs are reconstructed. However, the Head stated that they have no funds to meet such recommendation. The fire extinguishers were commissioned and they were placed in the corridors of each floor. The personnel had done no training on how to use such appliances, but they said that they knew how to use them is necessary.

Children were well supplied with various items. The clothes were bought once a year with the state budget funds and with the support of private donors.

Organizational Structure

The total number of staff is 24 employees, but at the moment of inspection there were only 23, as the position of a caregiver was vacant.

The social worker, manager of social department of this centre, was hired under the Decision no. 369, dated 24.11.2015 of the Mayor of Shkodra. Such recruitment is made in compliance with the standards and procedures for social services.

The organizational structure is composed of: 1 Head of institution, 1 social worker who was also manager of social department, 1 psychologist, 5 teachers, all

**ON SITUATION OF RESPECT FOR THE RIGHTS OF CHILDREN LIVING IN RESIDENTIAL INSTITUTIONS
CHILDREN AND BABIES HOMES**

graduated; 9 caregivers with high school education; 1 manager of administrative department and accountant; 2 cooks; 3 cleaning ladies, and 1 maintenance.

Based on the above organizational structure, approved under the Order of the Prime minister for this residential institution is not in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes. Such guidelines clearly define the specialties and standard number of employees per number of children. According to standard rules, the organizational structure should be composed of:

No. of children	No. of professional staff
1- 10 children	1 social worker
1- 20 children	1 paediatrician
1- 20 children	1 psychologist
1- 5 children	1 teacher
1-10 children	1 teacher with professional degree
1- 10 children	1 nurse
1- 5 children	1 GP

None of the standard requirements is met.

From the verification of personnel files, it resulted that the majority of employees have been working there for a relatively long period of time, over 10-15 years. The personnel were hired under the Albanian Labour Code. However, the procedure of recruiting (publication of vacancies, candidates and testing) of teachers, psychologist, etc. was not published on the information stands available at the Municipality or on the website of the Municipality. Such actions are an indication of the lack of transparency in the process of recruiting of staff. On the other hand, the shortage of staff creates more workload on the existing staff. Besides their own duties they have to carry out other tasks, too.

The health insurance cards of employees and on-the-job-training certificates were missing in the personnel files.

The official working at the Child Protection Unit, in the Municipality of Shkodra, was graduated in literature and linguistics and she was attending the social work at the faculty of social sciences. However, she has been working in this position for a long period of time and she has done a lot of training on the rights of children.

The institution had hired a part time GP, but it had no Assistant GP. The GP was also a family doctor at the Naim Gjylbegu Health Centre. A caregiver covered the duty of the Assistant GP, too.

The children of this Home had no health insurance card, but they were under process. No refundable prescriptions were applied. However the drugs were bought with the specific budget fund of this institution which was forecasted at the beginning of the year

The vaccination of the children was made regularly following the vaccination schedule and the specific age groups.

2 of the children living in this Home were diagnosed with epilepsy issues and 1 child with Autism; while 8 children had limited intellectual capabilities. They attended the school "3 Dhjetor", which is specialised for mentally retarded children.

Education and activities

This Home implemented various month activities under the monthly plans. Such plans were drafted at the beginning of each year by the psychologist. It was planned to set up a team of handball for girls. The team would involve 10 girls and physical education teacher, who were supposed to come 3 times a week.

Some of the children were attending the football classes, while some other were going to foreign language courses (Italian language), music and drama. "Ajax" school organized computer classes for these children

The complaints box was locked and placed at the Centre. It could be opened only by regional SSS, under the procedure at the presence of the Commission.

The record of meetings with the parents and relatives was kept and signed regularly. Such meetings were mainly held during weekends. The record was signed only the parent who met the child, and by the teacher at the office of the psychologist. The parents who lived far were supported financially to pay the transport ticket.

The Ombudsman considers that it is really important to create suitable condition to grow up and develop these children, based on the principle of the best interests of the child. We have to guarantee that they are brought up with dignity and in the best way possible, enjoying fully their basic rights.

In the framework of decentralization of social services to provide better condition for the growth, education and development of these children, it is necessary that both the Municipality and Social State Services intervene in concert.

In this way, this public residential institution that provides social care for children can meet the standards of social care provided in residential institutions, according to clause 3, Article 63 of Albanian Constitution, which provides that *"Ombudsman has the right to make recommendations and to propose measures when he finds violations of human rights and freedoms by the public administration."*

RECOMMENDATIONS

It is recommended to take the following measures:

1. *Take prompt measures to shut down this institution, until its final closure;*
2. *Take immediate measure to eliminate any form of physical and psychological*

violence against children, and take measure that the staff never neglects to perform its obligations toward children.

3. *Take measure to prevent any form of maltreatment of children, including abuse and forced labour.*
4. *Take administrative measures against the personnel of this Home for their actions and omissions towards the cases of violence against children.*
5. *Improve further the living conditions for the wellbeing and growing up of children in this home.*
6. *SSS should review the social policies to support orphan children due to social problems, i.e. children who have their biological parents. Such policies should cover supporting of vulnerable families to make them able to grow their children in the family setting and not in residential institutions.*
7. *Treat with priority other alternative services, such as the foster families, under the legislation into force³⁷.*
8. *Take immediate measures to add in the organizational structure the position of a GP and of a full time nurse³⁸.*
9. *Take immediate measures to hire a psychologist and a social worker, according to the standards³⁹.*

14. CHILD PROTECTION UNITS

The experience accumulated through these years with the Child Protection units has revealed that a single person in charge of such Units cannot handle the workload, nor meet the obligations of the Law on the Rights of Children. It is noted that the number of CPUs should be increased. They should hire an appropriate number of staff with social work background. In addition, the job description of the CPU staff should be better detailed.

Effective policies are needed to prevent all forms of violence against children, to protect children in different contexts, including children living in residential institutions or families.

The law should detail unambiguously the responsibilities of various bodies, both at local and central level concerning the referral mechanisms and response mechanism in case of risky situations.

The level of professionalism of persons working in child care services, education, public order and health should be increased.

Despite the instructing of four ministers on the procedures for the protection

³⁷ Decision No. 89, Dated 26.1.2012“On the Criteria, Documentation and Procedure of Foster Care Service”

³⁸ CMD No. 659, dated 17.10.2005 “On standards of social care services to children in residential institutions”.

³⁹ CMD No. 659, dated 17.10.2005 “On standards of social care services to children in residential institutions”.

of child and standards of CPU services, it is found that the capacities of such structures at local level are limited.

It is in the best interest of the child to set up specialized and integrated structures to deal with special forms of abuse, such as sexual harassment. In such cases, the cooperation among social workers, psychologists, lawyers, police officers, public attorneys and judges, is needed.

The *Law on protection of the rights of child* provides for the setting up of Child Rights Units (CRU) and CPUs as the structures in charge for the coordination and provision of child protection services and management of cases, in collaboration with a series of stakeholders of different sectors operating at local level.

Although the Child Rights Units were intended to provide awareness rising, prevention and management of urgent cases, this Units have hires only one person in the local governments units. In this case, even the temporary absence of this person would cause gaps in these services.

Such Units have not the required financial support by the local budget to handle the cases. In addition, they cannot manage the cases of emergency involving children at high risk. Thus, the CPUs cannot manage to deal with complex need of vulnerable children.

15. CONCLUSIONS

Following a deep analysis of the situation of children living in residential institutions, the Ombudsman reached in the conclusion that institutionalised children, still, are a lot in number, and that there is yet much work to be done to prevent their institutionalization.

Considering the institutional structure of this sector and their hierarchical order, it seems that the series of state bodies that monitor the residential care institutions form per se a labyrinth.

The Ombudsman will continue to handle every single complaint coming from children, youth or families. It has the objective to ensure that local government bodies provide them effective and efficient services.

In addition, in a global perspective, it is worth mentioning the duties of every Ombudsman office in the world have, such as: promotion of the rights of children, considering with priority the best interest of the child in any decision-making.

The services to and care for children shall not focus only on their well-being and growing, but also shall focus on their preparation for the future. It is impossible to talk about guaranteeing of the rights of children, if we do not address issues like poverty as a key factor in the phenomenon of child abandonment and negligence.

Thus, we can say that poverty has an impact on the child's life, development, growth and integration into the society.

The deinstitutionalization reform that is under process is really crucial, but it has to involve all public institutions. The process of deinstitutionalization requires that sectoral policies are compliant with one another, such as the policies on fight against poverty, risks of social marginalization, the rights of children and supporting vulnerable families.

The decentralization of social services in Albania shall introduce some new tasks for the local government units. In this new context, the local units have to draft effective child-oriented policies.

Until now, the private sector has done a lot of effort in terms of providing alternative care to children, such as family home, daily centres, community services, etc., while the Government has failed in this direction.

The law provides for the duty of local government units, specifically the administrators, to identify the potential foster families, and to assist with the process of filing the request to the Court. They have to make a preliminary compatibility assessment between the foster family and the child.

It is widely accepted that when a child passes quality time in his family setting, with parents and relatives, in particular when the latter are aware of the responsibilities they have, the child grows up with self-confidence and has the believe that he is loved and special. It is in this way that a child learns how to have respect for himself and the others. This is the only way how a child can be prepared with valuable skills for his independent adult life and he will be able to find his own place in society.

2020 European Strategy for Enlargement points out the importance of transformation of these institutions into daily care facilities for children, thus avoiding the institutionalization of children, and supporting their parents by making them able to work. This will make possible the return of children to their family setting.

The cases of violence exercised by the caregivers against children living in Children Home for children of 3-6 years old in Shkodra, Babies Home in Durres and Children Home for children 6-18 years old in Shkodra, was an alert that orphan children that are living in residential institutions are suffering from violence. This indicator reveals that such violence may not be casual, but it is more frequent. The caregivers who are supposed to care for the wellbeing and education of these orphan children are the ones who are abusing with them. Such violence cases indicate the emergent need to have effective and continuous monitoring of complaints to identify any case of violence, negligence, force labour, exploitation or humiliating treatment of children.

The general test done to all the staffs of social care institutions in the country cannot of course eradicate violence in such institutions, because the phenomenon of violence is both spread and hidden. Violence against children is related with the Albanian mentality, which has perceived punishment as a form of education. Although there are attempt to eradicate such mentality, it is still present.

World Health Organization defines “*child abuse*” and “*child maltreatment*” as “*all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power*”.⁴⁰

Institutionalization of children is not the last resort to reduce their poverty. Any society, whose children are well-fed, protected, educated, healthy and developed, is a society that protects the present and invests in the future. Such double exclusion of costs, turns into a double advantage to the whole society. The Government has the duty to guarantee families the access to use alternative forms of social support.

To conduct the analysis and assess the situation of the rights of children and draft policies thereupon, the collection of data is a crucial process. In addition, the improvement of legal framework and capacity building in internal and external auditing, is a precondition for a dynamic interaction among various levels of governance.

All professionals or staff in continuous contact with the children, such as teachers, caregivers, general practitioners, etc., need to be trained with the latest techniques to identify, refer, and report.

In principle, siblings are placed together in residential institutions; they are not separated from each other when placed under alternative care, unless there is an evident risk of abuse or other grounds in the best interests of children. In any case, the institutions shall make all possible efforts that brothers and sisters can be in contact with one-another, unless it is contrary to their interests or will.

While CPUs are structures of the local government, until now, such bodies are not supported financially by the state budget. They have no staff. Such deficiencies have impacted in the lack of effectiveness in their work. The intermediate level of child protection system- Child Right Units- functioning at regional level, are suspended due to lack of funds. Such actions are contrary to the strategy for the improvement and strengthening of the rights of children.

Therefore, the social services reform shall treat with priority and pay attention to the strengthening of child protection bodies at local level, drafting deinstitutionalization plans and strengthening the foster care services.

Considering the main issues evidenced in the findings of inspections carried out in the residential care institution, it is recommended to take the following measures:

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1. It is herein recommended to take adequate measures to amend the organizational structures of the residential care institutions, in compliance with the Standards and Procedures for public and not-public residential institutions, which serve as guidelines for the functioning and work assessment of such homes.

It is also recommended to take prompt measure to hire the missing staff under the defined standards, following transparent procedures. It is also important to note the need for continuous training of staff in the fight against maltreatment and violence against children.

2. It is herein recommended that, in long-terms objectives, such homes have to be shut-down and not function anymore as residential care institutions. They have to be transformed into daily care centres. Until the realization of this recommendation, it is necessary that all residential care institutions are passed under the direct dependency of local government, in the framework of decentralization of such services. This means that the Ministry of Social Welfare and Youth has to take the necessary steps to raft the required primary and secondary laws to make such transfer feasible.
3. It is herein recommended to take prompt measures to improve the living conditions of all residential care institutions, while paying attention to the dampness, shared spaces, showers, toilets, emergency exit stairs, central heating/cooling systems, fire extinguishers, etc. it is also recommended to provide additional funds to buy cars for each residential care institution, in order to facilitate the transport of children to kindergarten, hospital or other outdoor activities.
4. It is herein recommended that the local government units- Municipalities- take adequate measures to deinstitutionalize all children by strengthening economically the vulnerable families. It is also recommended that the state budget funds provided for each resident child are reallocated to support such families. It is recommended to facilitated foster care services by avoiding bureaucratic procedures and review the state budget funds allocated for the foster families by increasing the financial support for them.
5. It is herein recommended to take measures to ensure timely transfer of children from one residential care institution to another, when they reach a certain age, in order to avoid any delay in this process.
6. It is herein recommended to take adequate measures to guarantee harmonized health services, and effectiveness of drug reimbursement scheme. It is also recommended that the medical checks of children are done regularly and periodically following the respective schedules.
7. It is herein recommended to take prompt measures to eliminate any form of physical and psychological violence against children by the personnel

of residential care institutions. It is also recommended to take the necessary steps to avoid any form of forced labour for resident children.

8. It is herein recommended to take adequate measures to establish CPUs in all the municipalities of the country; strengthen the existing CPUs; avoiding overlapping of powers and duties with other staff, such as the one in charge of gender issues or social administration of municipalities.

Finally, we are concluding this report with the following question: Does Albania have a clear national plan for the deinstitutionalization of the child care system?
