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Panel Presentation:

Protecting children through birth and other registration/legal procedures – a cooperative responsibility of government, legal services and families

Ms. Holta Kotherja, Legal Clinic for Minors

First, I would like to thank the organizers of this conference for the opportunity of expressing and sharing with you several concerns, opinions and experiences related to the protection of children through the cooperation of government and non-governmental actors for the respect of children's rights.

I would like to be frank in this simple discussion, which does not bring in many novelties, and I would like to directly identify the situation of children's rights in Albania, in order to understand the ground on which we are working and why we had to establish the work models in cooperation with government structures in the framework of implementing projects, one of which with funds from CAAHT/USAID.

The situation of Albanian children, compared with their peers in other countries, could be summarized as below:

- Many Albanian children live in extreme poverty or acceptable poverty (based on the minimum standard of living defined by the Albanian Government), which does not provide for children's welfare;
- A lot of Albanian children are exposed to any street life phenomenon, due to poverty, but not only poverty;
- A lot of Albanian children are at risk of not undergoing education;
- A lot of Albanian children suffer from domestic violence, while families should be their shields against violence;
- A lot of Albanian children live with parents who do not provide any parenthood; sometimes they even have to behave as parents of their parents, and of younger siblings;
- Albanian children are at risk of not being considered as human beings, but as things: things to be sold and bought, valuable and invaluable things, things to be exported, things without owners or names;
- Today's children are in danger of being punished as criminals, while many a victim lies within many of them;
- A lot of Albanian children live in geographical, educational, cultural, gender, informational, health and governmental isolation; with the latter I also mean the symbolic absence of the government in the rural areas,
- A lot of Albanian children are at risk of being children without childhood.

I did not intend to make a pathetic introduction, and, in fact, it is not so. It only reflects our reality. What I would underline through this exposition is the need of children to be protected, which cannot be ensured unless they have a name, unless they are provided with education and employment opportunities. This would enable them to earn lawful living

means. But this can only be possible through protection from the state, and this protection, dear participants, can only come if government actors, the civil society and the families are involved in joint actions.

But, regarding the registration of children's birth, particularly of those children that were born before the development of the Law on Civil Registry, the civil society/legal services (such as the Legal Clinic for Minors) have contributed to representing and performing the relevant procedures and the completion of the required documentation so that children can have something that seems simple but which gets complicated due to internal migration, changes in parents' cohabitation, emigration to other countries, changes in the names of their parents or registration in neighboring Greece.

In addition to the above-mentioned issues, which should be sorted out before or during court proceedings, administrative procedures are slow or inaccessible, particularly in the cases of births abroad. In this framework, we would like to draw the government's attention to the new problem of stamping birth documentation at Albanian consulate offices in various countries, while Albanian citizens are informed about this only when they in Albania, where they start the registration procedures. It is almost impossible to observe this obligation, at a time when Albanian citizens undergo free movement restrictions, due to the visa regime. This is an obstacle to respecting children's right to lawful registration. An unregistered child is nobody: anything could happen to him or her. Such children cannot benefit from other rights such as the right to cash economic assistance for their families, health plan rights, education rights, etc. We all know how difficult it is to enroll at school a child that does not have an ID, although thanks to associations' efforts and school principals' understanding this has been enabled to a certain degree.

Based on the above, I would like to make an appeal to raise parents' and households' awareness. According to the Albanian legislation, the family is protected by the state. The interpretation of this protection is not and should not be only empirical. The Albanian state must take the necessary measures for strengthening and supporting vulnerable households, rehabilitating them and increasing their responsibility for children's up-bringing. The state should not limit its support to the cash assistance it avails to poor households, which, nevertheless, is inadequate. We risk having more social orphans than biological orphans, therefore running the risk of depriving children of living growing in their families.

It is indispensable to develop pure long-term programs, which, in cooperation with the civil society—which has already established good practices and successful intervention models—can make efforts towards a joint approach among the government, the civil society, the families and the children.

With regard to the protection of children in contact with the police or children who are involved in legal procedures, I would like to humbly bring to your attention the experience of the Legal Clinic for Minors, as a very good model of cooperation between the anti-trafficking police, the judicial police, the prosecutor's office and the judiciary with regard to respecting children's rights, in line with the Convention on Children's Rights, the Palermo Protocol, and the Albanian criminal legislation.

The Clinic's contribution has consisted of providing legal and psychological aid in all the cases identified and requested by the police, the prosecutor's office and the judiciary, in line with relevant legal obligations and provisions in the cooperation agreements with the above-mentioned institutions.

It is, however, time we consolidated good practices in a juvenile legal protection system, with relevant obligations for coordination among the police, the prosecutor's office, the judiciary and social services for the protection of children in need, children at risk, and child victims.

We now know who and where they are: we already walk by them on sidewalks. None of the state segments knows who has to undertake actions for removing them from the streets institutionally. The Child Protection System/Referral System should be established in a legal, appropriate and accessible way. This should be a priority for the new government. With the already established capacities, and with the support of the international factors, the civil society can, and should, contribute to this important process, which will make rights tangible.

I think that in the past years we have gained a lot of experience, and we have not adapted to the reality to survive; we have not given up, but we have decided to work towards changing the reality by establishing institutional action and intervention models.