

IN SEARCH OF SHELTER

LEAVING SOCIAL CARE
IN ALBANIA

HOUSING IS A
HUMAN RIGHT

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Cover photo: Industrial school dormitory in Shkodër. This building provides accommodation for adult orphans and students, 2009. © Amnesty International

Back cover photos from top: Interior of dilapidated school dormitory building in Shkodër where adult orphans live, 2009. © Amnesty International

Mjaftonia in the Technological School dormitory in Tirana where adult orphans live, 2009. © Amnesty International

In 2009, Alfredi completed high school in Shkodër and had no secure accommodation for the months to come.

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GLOSSARY:

Orphan: In the Albanian language, the word for orphan (jetim) has a range of meanings. A child is an orphan if both parents have died or one parent has died, especially if the dead parent is the father (often the family's only breadwinner). In addition, in colloquial use all children in state orphanages (Children's Homes) or private institutions providing residential care are generally referred to as orphans (and often refer to themselves as orphans), although the more accurate term is "children deprived temporarily or permanently of parental care". Nowadays the great majority of these children have a living parent or parents, who for various reasons are temporarily or permanently unable or unwilling to care for them. Children whose parents have both died (in Albania sometimes referred to as "biological orphans") are generally adopted.

Further, in Albanian colloquial use and in legal terminology an orphan is not necessarily a child (a person under 18 years), but may also be an adult. Albanian law recognizes orphan status and grants certain rights, including the right to priority with housing, to people with this status up to the age of 25 (and beyond this age, in certain circumstances). Orphan status and the rights deriving from it are not granted to children with a living parent or parents, unless the latter have been deprived of their parental rights by a court, or have abandoned the child.

For the purposes of this report, Amnesty International generally refers, as relevant, to "children in social care", "care leavers" or "young people leaving care". Adults with orphan status are referred to as "registered orphans". However, when quoting from Albanian speech or writing, the word "orphan" is retained in its broad colloquial sense.

Finally, in its report of 2007 Amnesty International used the phrase "adult orphans" to refer to people who were raised in state social care and who, denied the right to adequate housing, have been living, often for many years, in semi-derelict school buildings. Some of these are now raising their own families, and some, but not all, are registered orphans. For the sake of consistency (and brevity), and where the meaning is clear, this term continues to be used in the present report to refer to this group of people, rather than a more exact description ("homeless adults who spent their childhood in social care").

Konvikt: In the context of this report, a secondary school dormitory. It includes both dormitories used by current secondary school students, and dormitory buildings or parts of dormitory buildings, often in great disrepair, turned over to the use of homeless adult orphans.

Homeless: The term "homeless" includes among other categories, those who are living in various forms of inadequate housing. Under Albanian law (Decision of the Council of Ministers no.49, of 29.1.1993), the term includes people living temporarily in buildings that are not part of residential housing stock, such as school dormitories or other school buildings and people living in cellars or premises without adequate sanitary conditions. Additionally, people living in housing that was originally private property but was taken over by the state under communist rule (and which is to be restored to the former owners), are also classed as homeless.

1. INTRODUCTION

The right to adequate housing is a right guaranteed in international law, a right recognized as being “of central importance for the enjoyment of all economic, social and cultural rights”.¹ The denial of this right strikes particularly hard the most vulnerable members of society. Adults who have spent their childhood in institutional care in Albania are one such group.

This report is part of Amnesty International’s Demand Dignity campaign, which aims to end the human rights violations that drive and deepen global poverty.

Poverty is one of the main reasons for the placement of children in institutional care in Albania, and the state does little to help them escape poverty. The state’s failure to adequately protect their rights, and in particular to give young people leaving social care the support they need to make the transition to independent life has consequences that are all too predictable. Many achieve poor grades or drop out of school without acquiring the skills and qualifications that would enable them to live independently. As adults, they are likely to be homeless and to be at risk of extreme poverty and social exclusion.

Care leavers - The poverty trap

A., in his early 20s, was placed in an orphanage in Shkodër in northern Albania, together with two siblings, when he was three years-old, after his parents separated and the children were abandoned. When he completed compulsory primary school, he was sent to the Forestry School, a vocational boarding school. According to his account: “*I wasn’t given any preparation for leaving the orphanage. One day, when I came back from school, they told me I had to leave. They never asked me whether I wanted to go to Forestry School, they just brought me there. It was the orphanage secretary who told me where I was going.*” In June 2009, when Amnesty International met him, he had recently completed his secondary studies and was still living in a school dormitory room, which he shared with his brother and several other young care leavers. He would have liked to continue to university, but said he had not achieved high enough grades. He explained: “*I have found work as a carpenter and today was my first day.... I don’t know if they will pay my social insurance, it’s a small company. I don’t have a contract. They pay me 500 lek a day [appr. €3.60, or €80 a month], it’s not enough to rent accommodation on my own.*”² He feared that in September he would have to leave the dormitory as new students arrived, and that the only available accommodation would be a dilapidated adjacent school building, where a floor has been given over to housing a group of homeless adult orphans, some now well into middle age.

A., who has orphan status, has lived in Shkodër since he was three years-old, but he was registered elsewhere, in his place of birth, with which he has few links and where his chances of employment are remote. Because he was not registered in Shkodër, he was not eligible to apply for work to the Employment Bureau there, nor to apply for social housing; nor could he receive state economic assistance. In order to re-register his place of residence he was required to rent an apartment (which he was in no position to do) and present the signed rent contract. He would like to move to Tirana, where he believes

there are better opportunities. *"I had the chance to work in a hotel in Tirana, and to sleep and eat there, but when I said I was an orphan the owner changed his mind."*

In 2007 Amnesty International published a report, *Albania: 'No place to call home' – adult orphans and the right to housing*.³ This report examined the ways in which the state's failure to adequately protect the human rights of children in state care in Albania tended to exacerbate their marginalization as they grew up. It focused on the situation of adult orphans, some of them already aged 40 years or over, who were still sharing rooms in often semi-derelict school dormitories. It contrasted their right to adequate housing under international law and Albanian law with the deplorable conditions in which they were living, and showed how the denial of this right had an impact on their access to other rights, driving them deeper into poverty and social exclusion.

The report noted that there were over 45,000 registered homeless families in Albania in 2006 and looked at social housing policy: in 2005 the government had adopted a programme foreseeing the construction of 4,000 apartments, for purchase by low-income and vulnerable households, by 2010. The government had in 2007 additionally secured international funding to assist the construction of 1,100 apartments as social rental housing. While welcoming all projects designed to increase access to adequate housing for the poor and disadvantaged, Amnesty International remained concerned that these programmes would benefit only a small minority of those in need. It appealed to the Albanian central and local authorities, and international donors, to ensure that the construction and allocation of social housing was carried out in a responsible and transparent manner. It called for the particular vulnerability of adults who had spent their childhood in institutional care to be adequately reflected in any system used for determining priorities. It urged effective action to ensure the fulfilment of their right to adequate housing.

Amnesty International visited Albania again in 2008 and 2009. In the course of their research, Amnesty International delegates interviewed some 20 young people aged between 15 and 24 years who had been raised in state Children's Homes, and were currently attending (or had completed) secondary school. Amnesty International delegates also had meetings with government officials at central and local level, with the directors of the three state orphanages for children aged six to 15 years, with staff in school dormitories as well as with non-governmental organizations (NGOs) working with orphans and other children deprived of parental care (a total of more than 40 such meetings).⁴

Over two years have passed since Amnesty International's initial report, but the situation of the homeless adult orphans who were the focus of the first report has hardly changed. The government has not yet met its targets for social housing construction and according to official statistics given to the organization in June 2009 no registered orphans have obtained social housing since 2005. In the meantime, young people now leaving state care risk following earlier generations into poverty and marginalization.

As a result of its research, Amnesty International sent a memorandum to the Albanian government in November 2009, *Orphans and other children deprived of parental care – Amnesty International's concerns*.⁵ Amnesty International recalled that: *"Under international and national law children permanently or temporarily deprived of parental care have the right to special protection and assistance provided by the state. Not only are they citizens of the*

state (in this case, Albania), they are also in a very real sense, 'children of the state', towards whom the state has a particular duty of care." The memorandum was based on standards set out in the draft UN Guidelines for the Alternative Care of Children (Guidelines) which were shortly to be adopted by the UN General Assembly.⁶ It was not intended to be an exhaustive survey of issues related to children in, or at risk of, alternative care, but focused primarily on three main areas of concern.

The first was that children continued to be placed in residential institutions because of family poverty. Amnesty International called for increased financial and social support for families at risk of relinquishing their child; the organization also called for a change to the rules governing admission to residential institutions, to ensure that children are never admitted solely because of family poverty, but only when institutionalization is in the best interests of the child.

The second concern was that the level of individual care, supervision and follow-up for children leaving state Children's Homes is inadequate; in particular, children sent to vocational boarding schools do not receive appropriate state protection and assistance up to the age of majority (18 years) as is their due, under international and national law. This neglect is reflected in low educational achievement and a lack of preparation for independent life which in turn damages their future employment prospects and ability to access adequate housing.

Thirdly, Amnesty International drew attention to the lack of comprehensive leaving care legislation and a failure to implement existing legislation (in particular, the rights of registered orphans to priority with housing and employment). This is compounded by a lack of community-based services providing legal, social and other services for young people as they leave care and make the transition to independent living.

Amnesty International noted that the National Strategy for Children (2005-2010) and its associated Action Plan, adopted by the Albanian government in 2005, set out policies that in many respects addressed these concerns; however, the political will to implement these policies had been inadequate.⁷ The Memorandum made a number of recommendations for legislative and practical measures deriving from the Guidelines' standards, and invited the government to respond to these. On 1 February 2010 President Bamir Topi replied with the assurance that Amnesty International's concerns and recommendations were being followed with due attention by the responsible Albanian institutions which were preparing relevant legislative changes. He expressed his support for this process and referred to the drafting of a law protecting children's rights. However, Amnesty International has not yet received a response to its Memorandum from any member of the government.

The present report follows up Amnesty International's report of 2007. It also carries forward the concerns of the Memorandum as they relate to the rights of orphans and other young people leaving state care. In particular, it examines the barriers which prevent them from accessing adequate housing, leaving them with little option other than to join their predecessors in dilapidated school dormitories (*konvikt* in Albanian). These barriers include the lack of comprehensive legislation dealing with care leavers referred to above, and inadequate social services to support them in accessing housing. Government policy foresees the introduction of special programmes to prepare orphans for independent life when they

leave institutions, but as yet no action has been taken to achieve this aim.

The low earning capacity of many care leavers means that few can afford housing on the open market where rented accommodation is scarce and expensive. This is the case not only for young people leaving state care, but also for many care leavers from private institutions when the initial financial assistance with rent payments which they receive from these institutions is withdrawn.

If the barriers to securing private accommodation are high, access to social housing is even more limited. There is very little social housing available, and the numbers of registered homeless families remain high (over 40,000 in 2008). Government housing policy has favoured social housing programmes under which the state builds (or buys) low-cost housing for purchase by applicants with state-subsidized loans. Having failed to meet its original target of 4,000 such apartments, the government in 2008 introduced a scheme under which some 3,000 applicants are enabled to buy housing (within price limits) on the open market. However, the scheme's main purpose is to secure the restitution of property confiscated from former owners under communist rule. Income levels and other criteria set for eligibility for this scheme exclude the truly poor and vulnerable. Their remaining hope lies in a social rental housing programme, with the 1,100 apartments referred to above still awaiting completion.

Albanian legislation recognizes the vulnerability of orphans and guarantees them priority in securing housing. However legislative provisions are not consistent; they appear to encourage the aspiration to home ownership, whereas current social housing policy puts this out of the reach of most orphans. They are also discriminatory, in that the legal definition of "orphan" (as explained below) excludes young people leaving care whose parent or parents are living and who maintain minimal contact, but who are unable or unwilling to offer shelter or other support to them. Sometimes referred to in Albania as "social orphans", the acute housing needs of these young people are often similar to those who meet the legal criteria for "orphan status". Finally, and crucially, the right to priority with housing has only exceptionally been implemented. According to official statistics, only 29 out of 845 registered orphans have obtained social housing, none of them since 2005.

In conclusion, Amnesty International calls on the Albanian authorities to introduce comprehensive leaving care legislation which will support all care leavers in the transition to independence and during aftercare. This should include provisions to ensure appropriate education and training well before they leave institutional care and for a sufficient period afterwards as well as assistance in gaining employment and effective access to adequate housing. In this way the processes of social exclusion and destitution can be halted and vulnerable young people set on the road to stable, independent life.

The government must also take effective measures to redress its prolonged neglect of its obligations with regard to the rights of earlier generations raised in social care to adequate housing and employment. These people have experienced the most turbulent and difficult years of Albania's transition from communist rule. They are now mature adults, some of whom are struggling to bring up their own children in severely inadequate housing and living conditions.

There is no instant remedy to the scarcity of social housing. However, international law, while recognizing that economic, social and cultural rights generally cannot be fully realized immediately, requires states to use the maximum of available resources, both domestic resources as well as those available through international assistance and cooperation, to move as expeditiously and effectively as possible towards realizing fully these rights, including the right to housing, independently of any increase in available resources.⁸

Recognizing that current social housing projects will meet the needs of only a small minority of Albania's homeless, and pending the establishment of an adequate stock of social housing, Amnesty International argues for consideration of alternative means of securing the right of orphans and other care leavers to adequate housing. As noted, the government has introduced a scheme enabling applicants for the purchase of social housing to obtain this on the open market. In Amnesty International's view, increased state funding for rent subsidies for private accommodation, an option also provided for in law, is a feasible alternative means of making adequate housing available to the poor and disadvantaged, including orphans and other care leavers.

There are also other means of increasing the stock of social housing. Most recently, in early April 2010, the Mayor of Durrës reportedly announced that building permits in Durrës municipality would be issued subject to the condition that a proportion (3 per cent) of the building is assigned to the municipality for use as social housing.⁹ This initiative deserves to be considered also by other municipalities.

Leading politicians of all the main parties have on numerous occasions expressed the intention to make better provision for orphans. On 20 May 2009, the National Orphans' Day and a month before national elections, Ilir Meta, leader of the Socialist Movement for Integration, now Deputy Prime Minister and Foreign Minister, reportedly addressed Albania's orphans in the following words:

*"I wish to assure you that I will do everything possible, since there are no limits to possibilities when there is the will on the part of the state and the government, to improve your life, to create all the opportunities for you to go to school and be educated with dignity, to have the possibility of employment and also housing, which remains the key problem, one which cannot be solved without the state and government taking responsibility for the provision of long-term low interest loans, so that each of you can create his or her own family."*¹⁰

Many orphans, among others, await the fulfilment of this and similar pledges.

2. CHILDREN IN RESIDENTIAL SOCIAL CARE – BACKGROUND ¹¹

Albania remains one of the poorest countries in Europe. Despite economic growth, many people's lives continue to be marked by poverty, unemployment and homelessness.¹² Twenty years after the end of communist rule, Albania continues to suffer from deep political divisions and from strains to the social fabric arising from a rapid change to multi-party democracy and a market economy. Against this background, the family, although also under strain, is the chief support and refuge in most people's lives. For this reason, among others, orphans and other young people raised in institutional care are amongst the most disadvantaged groups: they lack the support and shelter of the family home, the network of family relationships through which children and young people find their place in the wider community and which may later assist them in finding employment and founding their own families.

However, the vulnerability of these young people and the disadvantages they experience, which leave them ill-prepared for the challenges of adult life and hamper their access to housing and employment, are not just due to "accident of fate". They also derive from the state's violation of its obligations under international law and national law. These may include violations of their rights to family life, to "special protection and assistance" provided by the state (as children deprived of parental care), and to education. These rights are enshrined in international law, in particular the UN Convention on the Rights of the Child, ratified by Albania in 1992. Most recently, the UN Guidelines for the Alternative Care of Children (Guidelines), adopted by the UN General Assembly on 18 December 2009, have established international standards for the care of children deprived of parental care.¹³

2.1. PLACEMENT IN RESIDENTIAL CARE AND THE RIGHT TO FAMILY LIFE

Albanian families do not give up their children lightly to institutional care; by far the most widespread form of alternative care for children in Albania is informal care, by grandparents or other relatives. The number of children cared for in residential institutions remains low by regional standards.¹⁴

State orphanages (Children's Homes) care for children up to the age of 15 and are organized by age group (0 -3, 3-6, 6 -15 years). Under this system children are likely to experience several moves by the time they reach the age of 15 years, disrupting their relationships with staff and children, as well as with their own siblings of a different age group. Most state Children's Homes are now the responsibility of local government, but subject to inspections by central government (the State Social Services). In late 2008, according to the State Social Services, there were 241 children in these institutions.

Other children are cared for in private institutions, run by NGOs and religious foundations licensed by the state. In these children are raised in family-style homes, often referred to as "Casa Famiglia", where small groups of children of different ages live together with a carer, siblings are not separated, and where long-term family-type relationships with the carer and with the other children in the group are encouraged.¹⁵ In late 2008 they reportedly numbered 362.¹⁶

What many of these children, whether in state or private institutions, have in common is that poverty, often the consequence of marital breakdown or single parenting, is frequently the main cause of their being placed in care.¹⁷ There is little social and legal counselling available to families, apart from that supplied by certain NGOs, and state economic assistance available to families is inadequate: in 2009 the maximum economic assistance stood at 7,500 lek (€54) a month.¹⁸

Poverty alone should not be a reason for a child to be placed in social care. The Convention on the Rights of the Child asserts as a guiding principle that the family is *“the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children”*. Under this convention, states are required to *“render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities ...”*.¹⁹ In March 2005 the Committee on the Rights of the Child, the committee of independent experts which monitors compliance with the Convention on the Rights of the Child, stated that it *“remain[ed] concerned that children may be ... placed in institutions by parents in difficult economic situations”*, and recommended that Albania take measures to provide appropriate support to enable families to care for their children at home.²⁰ Although it has been the government’s stated policy since 2005 to reduce the number of children placed in care by assisting families to care for their children at home, little has been done to act upon this recommendation. On the contrary, a year later the Albanian government, in a decree setting out the categories of children who may be admitted to residential care institutions, included *“children whose parents do not have sufficient financial resources to maintain the child”*.²¹

In June 2009 a 16 year-old boy who had left a state Children’s Home the previous year and was studying at a vocational boarding school spoke to Amnesty International with great bitterness of the background to his placement in care. According to his account, his mother had been unable to support the family after his father left them. He and his two brothers were therefore placed in Children’s Homes: *“My mother tries to bring us all together three times a year and to create the sense of a family. She gets herself into debt only to give us a little joy. She didn’t want to send us to the orphanage.”*

2.2. PREMATURE CARE-LEAVING – VIOLATION OF THE RIGHT TO “SPECIAL PROTECTION AND ASSISTANCE”

Children in state Children’s Homes leave on completing compulsory education at about the age of 15. Prior to their departure, Albanian law requires that they should be consulted about their future, and should receive counselling about the risks of exploitation, sexual health, alcohol and drug abuse, as well as practical instruction in managing a budget, cleaning and cooking. There is also a requirement that the child should continue to be supported and monitored after leaving care, although no specification as to who is responsible for this or the period for which such support and monitoring should last.²² Some children return to their families or relatives, a few move to NGO care. The rest transfer to vocational boarding schools in cities, where they are accommodated with other young people studying away from home.

However, the choice of school may reflect not so much the child’s educational level, aptitudes and interests, as the availability of places in a dormitory, and the fact that there is little alternative provision for children who are not yet ready for, or not suited to, secondary

education. An orphanage psychologist is reported to have remarked that the majority of children in the orphanage in which she worked were scarcely able to finish compulsory school, *“but we frequently send them to high school in order to prolong their accommodation and meals.”*²³ Her comment indicates the need for greater educational support for children whose development may have been delayed by disruption and trauma.

In these schools, children from state orphanages are accommodated in school dormitories, receive free secondary education and meals, a small yearly grant for clothing (10,000 lek, approx. € 72) and a nominal monthly allowance for personal necessities of 200 lek (approx. €1.5.).²⁴

However, they are in effect prematurely leaving care. Under Article 20 of the Convention on the Rights of the Child: *“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”*. Although their existential needs are met, the state does not provide them with this “special protection and assistance” which as minors deprived of parental care is also their right under Albanian law (Articles 54 and 59.1e of the Albanian Constitution).²⁵ One aspect of this lack of “special protection and assistance” is reflected in the fact that they no longer have a guardian, and that no specific state authority or adult is assigned a special duty of care to them individually.²⁶

Further, the level of individual support and educational supervision which they receive is inadequate for these often troubled adolescents, and does not secure their right to an education which develops *“the child’s personality, talents and mental and physical abilities to their fullest potential”*, as required under the Convention on the Rights of the Child.²⁷ Their neglect is also evident in the absence of policies and procedures to prepare them for, and facilitate their transition to, independent life. As a consequence of this neglect, orphans and other young people deprived of parental care who are sent to vocational boarding schools often gain low grades or fail to complete their courses and risk drifting into crime or falling victim to sexual exploitation. As described below, on completing – or abandoning – education, many are homeless and can find shelter only in semi-abandoned school buildings. An orphanage director told Amnesty International: *“It’s true that some of these young people drop out of secondary school ...for when they go to the konvikt they face life alone and without care and some prefer street life when they encounter difficulties. Our work is lost when these children leave the Children’s Home.”* A girl living in a *konvikt* commented: *“[We orphans in konvikts] need advice, a kind word and more care.”*

There is little of this kind of support. Instead these young people are liable to encounter a generalized prejudice against “orphans”. This is reflected sometimes even in official attitudes. Amnesty International observed on several occasions that officials characterized young people from social care institutions as “problematic”. One such official remarked that they tended to come into conflict with the law, and “appear on the police radar”. What this perception lacked is recognition of the degree to which they are in other respects “off the radar” of the state. This was acknowledged to Amnesty International by an official from the State Social Services: *“We can’t judge these children if they end up badly. They come out of the state institutions where they have some kind of care, and then they are thrown onto the street without any guardian. I have never heard anyone speak about their housing or the*

education of these young people. It's clear that there's a lack of will on the part of the relevant authorities; they are not a priority."

In recognition of the need to provide greater support and protection to young people leaving state Children's Homes than is available in the *konvikt*, the religious foundation Hope for the World (based in the USA) in 2000 opened the TAG centre in Tirana. This provides accommodation, care and supervision to up to 16 secondary school students (10 in June 2009), male and female; the centre plans to increase its capacity in September 2010. In 2003, the Madonnina del Grappa, an Italian religious foundation, aware of the particular vulnerability of young girls leaving institutional care, established a "Casa Famiglia" or small-group home, which in June 2009 cared for six girls transferred from the state Children's Home in Shkodër. These two centres have only limited capacity, however, and like all such institutions depend on donor funding.

Children cared for in private institutions transfer, on completing compulsory education, to Youth Communities or Protected Apartments. Here they live in small groups and continue to receive personal and educational supervision, aiming to prepare them for independent life. They generally remain in these apartments until they have completed their secondary or higher education. These young people are offered support during their transition to independence and during aftercare, in some cases up to the age of 25 years. This support usually consists of initial financial assistance in paying for accommodation rented in the private sector, assistance in finding employment or further training, as well as counselling.

This report focuses primarily on the barriers to the access of adequate housing faced by young people who have grown up in state care. However, as will be seen below, there is evidence that young people raised in private institutions may also encounter great difficulty in securing an income that covers rent in private accommodation and other living expenses.

3. THE RIGHT TO ADEQUATE HOUSING AND THE REALITY FOR ALBANIA'S CARE LEAVERS

3.1 INTERNATIONAL LAW, REGIONAL STANDARDS AND ALBANIAN LAW

"... the right to live somewhere in security, peace and dignity ..." ²⁸ The UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 4

Albania is bound by provisions of international human rights law which require states to respect, protect and fulfil the right to adequate housing, and to ensure that disadvantaged groups have full and sustainable access to adequate housing resources. States are also under an obligation to prioritize the most disadvantaged and vulnerable groups in governmental policies and programmes and when allocating resources. In particular, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Albania in 1991, stipulates under Article 11.1:

*"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and **housing**, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."* [Emphasis added.]²⁹

In its General Comment 4 on Article 11.1, the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which interprets the ICESCR, has emphasized that individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status; it further stipulates that: "**Disadvantaged groups must be accorded full and sustainable access to adequate housing resources**" and that: "States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration".³⁰ [Emphasis added.]

The right to adequate housing is also recognized in the Revised European Social Charter, which emphasizes that the right of access to housing is a key component of the right to protection against poverty and social exclusion (Article 30), as well as an independent right. Article 31 states:

"With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: to promote access to housing of an adequate standard; to prevent and reduce homelessness with a view to its gradual elimination; to make the price of housing accessible to those without adequate resources".

Albania ratified the Revised European Social Charter in 2002, but does not consider itself bound by Articles 30 and 31.

The Albanian Constitution requires the state to fulfil the housing needs of its citizens, "*within its constitutional powers and the means at its disposal, and by supplementing private*

initiative and responsibility” and to provide “*care and assistance for the aged, orphans and the disabled*” (Article 59). Albanian law, as will be seen below, guarantees the right to priority with housing to registered orphans. In practice, however, successive governments in the past two decades have almost entirely ignored their obligations under international and national law to secure adequate housing for these often vulnerable and disadvantaged young people when they leave social care.

3.2 THE KONVIKT – THE SHELTER OF LAST RESORT

In 2007 Amnesty International described the situation of young people raised in state institutions who, on completing secondary education in vocational boarding schools, were effectively homeless. The central and local authorities responsible for housing failed to secure them appropriate accommodation. Instead, as new students arrived to take up places in the school dormitories (*konvikt*), they were moved to dilapidated, semi-derelict sections of the *konvikt* or other similarly run-down buildings. Amnesty International summarized their living conditions as follows:

*“The buildings ...are generally in a ruinous state of disrepair. The rooms, often marked by damp patches, contain little furniture apart from worn beds and broken cupboards. They do not offer privacy – several people occupy a room. The communal corridors with their peeling, begrimed walls are dank and cold in winter, while the communal shower and toilet areas, squalid at all times, give off a pervasive stench in the summer and may be considered to be a health hazard, particularly for children.”*³¹

Since 2007 little has changed; new “recruits” have joined, and continue to join, older generations of care-leavers in these squalid conditions. In June 2009 the Director General of Tirana *konvikts* explained to Amnesty International: “*The students who have finished studying, but remain in the konvikt, will receive their grant until 15 September [2009]. After that they can't continue to take meals in the canteen or receive the grant. If they don't leave the konvikt of their own accord, we don't throw them out. The local authorities should find lodging for them.*”

There are now reportedly some 220 adult orphans, aged between 19 and 45 years, living in *konvikts* or other former school buildings. The conditions that these offer do not begin to meet the standards for “adequate housing” as set out by the CESR: a) legal security of tenure; b) availability of services, materials, facilities and infrastructure; c) affordability; d) habitability; e) accessibility; f) location and g) cultural adequacy.³²

Above all, they do not meet the standards set for habitability defined by the Committee: “*Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors*”.³³

There is little incentive for the occupants themselves to improve these conditions, for they do not have a minimum degree of security of tenure, and indeed in some cases have been threatened with eviction or moved to other similar premises. Nonetheless, for people living in poverty, often with an insecure and irregular income, the fact that they are accommodated rent-free, however poorly, is a powerful reason to stay put, if at all possible. Their presence is also a reminder, however faint, to the authorities of obligations that remain to be fulfilled.

E. was abandoned as a baby and placed in Vlora Infants' Home. She grew up in orphanages and attended the Commercial high school in Vlora, in southern Albania. When she completed secondary education in 1995, she was employed by the school as a cleaner. The municipality did not provide her with any housing, but the school permitted her to stay in the former school infirmary. When Amnesty International visited her in June 2009 she was living in this small building, divided into two damp, leaking rooms, together with her husband, who does casual labour, and their two daughters. The ownership of the building is in dispute, and has been claimed by former owners. E. anxiously awaits the outcome of these proceedings. *"I receive 17,500 lek (€126) as a cleaner; my husband is unemployed. I applied for housing and have been going to the municipality regularly. They feed me hopes, I am cheered for a moment and then everything is forgotten again. And then I begin knocking on doors all over again ... The last social housing apartments were allocated and ... once again I didn't benefit. They've told me that I should apply for the privatization of this building ... The problem is that it's not clear whether this is private property or not and so I don't know what to do ... The state said we should have children and create a family; well, I did, and now where am I meant to keep this family?"*

Nearby, five other adult orphans are living in another derelict building, the school's former *konvikt*. The ownership of this property is also under dispute.

As a consequence of state inaction, school premises designated for the use of high-school students have acquired a secondary, and incompatible, function as improvised accommodation for homeless adult orphans. One of the many adverse consequences of this situation is that students from state orphanages are liable to be regarded by vocational boarding schools as potential long-term burdens. A *konvikt* director told Amnesty International: *"I no longer take girls from the orphanage, because they come here as students and then they stay on. Let them go to the Casa Famiglia!"* An official at the Ministry of Education confirmed to Amnesty International that certain schools were for similar reasons reluctant to enrol students from social care institutions. Yet there is also compassion for their predicament: on several occasions Amnesty International was informed by *konvikt* administrators that food left over from student canteen meals was passed on to these former students: *"Sometimes they [orphans] have nothing to eat; here at least they get a plate of food."*

Until recently, the Ministry of Education was responsible for *konvikts*, and at least in principle, the educational authorities could demand of the municipal authorities to fulfil their obligations to find accommodation for care leavers who had completed their education. Since 2008 however, these buildings have been gradually transferred to municipal authorities.³⁴ Now, therefore, it is the municipality which is in a position to require the *konvikt* to provide this accommodation (even it seems, to care leavers who are neither students at the school nor former students). A *konvikt* director told Amnesty International: *"Only a few months ago we were transferred to the jurisdiction of the municipality completely. If I exclude an orphan [for bad behaviour], the municipality is left with the problem. When I excluded x [an orphan who was not a student], municipal officials came to me and asked me to give her a free place because they didn't want the girl in the street."*

One thing is clear: the *konvikt* is not an adequate solution to the housing needs of orphans

and other care leavers. In providing this degraded and insecure form of accommodation the state is not fulfilling, but evading, its legal obligations. It is a “solution” which discourages the acquisition of life skills, financial independence and social inclusion. In towns such as Tirana, Shkodër, Vlora and Korça, these “orphan ghettos” offer care leavers a potential refuge, but one which leads to social exclusion and marginalization. A., who recently graduated from vocational school, remarked: *“Now that I have finished school I should normally leave the konvikt, but perhaps I will move to the first floor of the konvikt with the older orphans. Or perhaps I’ll do something else ...”* He understands the consequences of such a move: *“If I were in the situation of the orphans on the first floor, I would never have children in those conditions. Without work and without income, that’s not a life.”*

4. BARRIERS IN ACCESS TO ADEQUATE HOUSING

4.1 LEAVING CARE AND AFTERCARE – INTERNATIONAL STANDARDS AND REALITY

By the time young Albanians complete secondary education, they have reached the age of 18 years or more and are legally adults. Most, however, will continue to enjoy the practical and emotional support of their families well beyond this age; many will continue to live with their parents for some years. Young people deprived of parental care also often require support and shelter well after 18 years, as is acknowledged in the UN Guidelines for the Alternative Care of Children. Guideline 27 asserts that the Guidelines' principles are also valid with regard to young people "who need continuing care or support for a transitional period after reaching the age of majority under applicable law." The Guidelines emphasize that children should be systematically prepared for independent life and leaving care well in advance, and whenever possible should receive individual assistance from a "specialized person" during the transition to independence.³⁵

The reality for children leaving state care in Albania is very different. In 2005 experts of the Social Services Department of the Ministry of Labour, Social Affairs and Equal Opportunities (Ministry of Labour) summarized the situation of care leavers in the following terms:

"The children are unprepared to live independently after the age of 18;

They are not provided with accommodation and employment when they finish schooling.

*They are the most vulnerable to sexual abuse, early pregnancy and involvement in trafficking networks and prostitution."*³⁶

To remedy this situation, the National Strategy for Children Action Plan foresaw "the creation and reinforcement of capacity at contact points dealing with the problems of children and young people in every municipality and region", and with specific reference to children in care, "special programmes to prepare children for independent living, when they leave institutions". However, these goals are far from being achieved, as can be seen from the following statements made by three young people interviewed in June 2009 by Amnesty International:

"When I finished school last year no one came to explain to me where I was to go or what was going to happen. No one came".

"I don't know what will happen to me in September. I'm waiting to hear where the state will send me. They told me they would move me, but I don't know where."

"I don't know where my parents are. I prefer to believe they died. ...My health is bad and I often have black-outs. If I get ill, I have no relative to look after me... I am completely alone. I don't know what the future holds for me."

The term was over and they had completed their secondary education. They were still living in the *konvikt* of the Hotelliery-Tourism vocational school in Tirana. They had been told they

should leave by September 2009, when their student grant and right to canteen meals would be withdrawn. Yet neither they nor the competent authorities had made any definite provision for the future. The director of the *konvikt* informed Amnesty International that he had requested the Ministry of Labour, the State Social Services and the Director of Tirana School Dormitories to find a solution to these young people's accommodation, but had as yet received no answer. Official inertia persisted: at the beginning of April 2010 they were still living in the *konvikt* and no alternative appeared to be in sight.

In view of the lack of provision and support for these young people as they make the transition to independence it is not surprising that they often dread the approach of the time when they are supposed to leave their *konvikt* accommodation and when their right to student meals and a grant is withdrawn. A student is reported to have explained: *"During secondary school I failed exams on purpose for one year so that I could extend my stay in the konvikt as well as the grant for another year. I didn't have anywhere to go or any means to live on. I didn't solve anything major but I prolonged for another year the hope that I could find a job."*³⁷

4.2. INADEQUATE LEGAL PROVISION FOR YOUNG PEOPLE LEAVING SOCIAL CARE

The lack of provision and support for care leavers described above is in part due to inadequate legislation, but it is also due to a failure to implement existing legal provisions and to the very limited provision of social services.

There is no comprehensive legislation dealing with leaving care in Albania. However, the law "On Orphan Status" adopted in 1996, guarantees significant rights to those who meet the criteria for this status: persons up to the age of 25 years, whether or not they have been raised in state or private residential care, who: a) are born out of wedlock; b) have no living parent; c) whose parents (or parent, if one has died) have been deprived by a final court decision of their parental rights; or d) have been abandoned by their parents whose identities are not known. The law sets out the procedure for obtaining official recognition of this status, and the rights deriving from it.³⁸ These include the right to priority with housing, and state-subsidized mortgages. In addition, local labour offices, part of the National Employment Service, are required to give priority to the employment of orphans, who are also to be accorded priority in state-assisted emigration programmes. These rights, and others specified in the law, are valid up to the age of 25 years, and after, if the orphan has not been "granted housing by the state and [is] in difficult living conditions."³⁹

In practice, the provisions relating to housing and employment, which identify very accurately the most vital needs of orphans at this stage in their lives, are not implemented (in the case of housing) or in so far as they are implemented (in the case of employment) appear to be largely ineffective.

In any case, the provisions of the law "On Orphan Status" exclude many care leavers who do not meet its criteria because they have a living parent or parents and have not been formally abandoned. However, they may be similarly situated to registered orphans in that they were raised in social care, while parental illness, disability, emigration or family breakdown may leave them similarly deprived of effective parental and family support. The criteria set for "orphan status" exclude them from the rights provided for under the law, including those

which the state does implement, such as the right (for the unemployed) to free transport and state medical care.⁴⁰ This distinction is arbitrary and discriminatory, in violation of international law.

Amnesty International calls for the introduction of comprehensive legislation for all care leavers, which should include clear procedures for their systematic preparation for independent life, including the designation of a specialised person who will facilitate the young person's transition to independence and assist them, as necessary, in accessing housing, employment and other social and legal services. Pending the adoption of such legislation, Amnesty International urges the effective implementation of existing provisions.

4.3 INADEQUATE SOCIAL, LEGAL AND OTHER SERVICES FOR CARE LEAVERS

"An absence of structures and social services designed for their support and integration beyond the age of 14 years has left them [care leavers] invisible, neglected, discriminated, and struggling for survival."⁴¹

Young people leaving care from the konvikt lack the family network that supports other young people at this age, and there is no legal guardian, social worker or other mentor assigned to them individually to facilitate their transition to independence. A konvikt director told Amnesty International: *"For work, training and housing these young people should go to the municipality where they are registered and not the school authorities. They've finished school. It's the municipal social workers who deal with these matters. These young people are adults now and responsible for themselves."*

However, state social services are at present limited; they can rarely offer practical support other than the distribution of economic assistance. In June 2009 this amounted to between 2,600 and 3,000 leks (between €19 and €22) a month – a sum insufficient to cover even the most basic necessities, and utterly inadequate support for young people who do not have the safety-net of the family home (by comparison, the statutory minimum wage was 17,800 lek (€128)).⁴² Care leavers have consequently few resources to turn to other than the limited support of Orphans' Associations, their peers, the experience of older generations of orphans, and the assistance of a number of international governmental organizations (IGOs), NGOs and religious foundations, which offer some vocational training or employment, medication, food or clothing.

Even obtaining official recognition of orphan status, for those who are eligible, may present obstacles. All applications must be accompanied by documentation, and obtaining such documentation may entail expense; further expenses are likely to be involved in making telephone calls, and – in some cases - travel to the applicant's registered place of residence or to Tirana. However, expense apart, even relatively straightforward procedures can constitute serious obstacles to young people who are not assisted in navigating them for the first time and who lack the necessary life skills and experience. In 2008 Amnesty International provided funding for six months for a social worker to assist care leavers and adult orphans who wished to apply for social housing. In the course of her work, she encountered a number of young people who were eligible for orphan status but had not yet obtained it for lack of assistance. Her work and discussions with young people leaving care pointed to the acute need for state provision of social workers who can give relevant

individual support across all issues which relate to leaving care and aftercare. While representatives of Orphans' Associations can provide some assistance to care leavers in accessing their rights, their work cannot replace the lack of such state provision.

Care leavers are liable to encounter a number of other problems which restrict their access to their rights. One of these arises if they wish to change their registered place of residence, which may be that of their birthplace or the parental place of residence. Access to numerous rights are linked to the municipality or commune of residence, including access to economic assistance and other social services, local health care and the right to apply for housing and state employment. However, in some cases their links with their registered place of residence may be very weak. They are likely to have spent the greater part of their lives in Children's Homes or other residential care in Tirana, Shkodër, Saranda or Elbasan, and often also their secondary school years in these or other cities. These are the places which may represent the only stability and continuity in their lives, where, if anywhere, they have formed genuine attachments with their peers and carers. In addition, their employment opportunities in these cities, however poor, may be considerably better than in their registered place of residence. However, the procedure for re-registering residence is not simple: the documentation that must accompany an application includes proof of ownership of the apartment in which the applicant is living, or (if renting) documentation provided by the proprietor of the rented apartment proving that he/she is the owner of the property in question and is renting it to the applicant, together with the signed rental contract. For homeless young care leavers these conditions are daunting.

Care leavers are also likely to need assistance in filing applications for social housing and securing relevant documentation. Few are well informed about the criteria for the selection of applicants (described below), and as a result they risk applying for housing programmes for which they are not eligible. Indeed, the likelihood of obtaining social housing often seems to them so remote that they are not motivated to file applications. The director of Tirana Legal Advice Services (TLAS), a non-governmental organization providing free legal advice, told Amnesty International: "... sometimes they are not even aware that they have to be on the [housing] lists. They need to understand how important it is for them to be on these lists."

4.4 THE ORPHAN'S RIGHT TO HOUSING UNDER NATIONAL LAW; INCONSISTENT LEGISLATION

The Albanian Constitution requires the state to fulfil the housing needs of its citizens, "*within its constitutional powers and the means at its disposal, and by supplementing private initiative and responsibility*" and to provide "*care and assistance for the aged, orphans and the disabled*" (Article 59). As regards orphans, as noted earlier, the law "On Orphan Status" of 1996 guarantees registered orphans the right to priority with housing; it also stipulates that they should benefit from long-term state loans for the purchase of housing (Article 17). This right is valid, even after the age of 25 years, "*if they [orphans] have not been granted housing by the state and are in difficult living conditions*". As explained below, social housing legislation introduced in 2004 includes registered orphans among vulnerable groups to be given priority with housing. However, it restricts the right to those under 30 years of age, and thus is inconsistent with, and more restrictive than, the law "On Orphan Status".

Another serious inconsistency is that while the latter law defines the orphan's right to housing in terms of the *purchase* of housing, with a state-subsidized loan, the law on social

housing introduces income criteria for eligibility for low-cost housing purchasing programmes which are generally beyond the means of the most vulnerable groups, including orphans. It instead proposes a programme of social rental housing for such groups. Social rental housing, of an adequate standard, is an acceptable method of meeting the housing needs of the poor and vulnerable; it is common in Europe and in many other parts of the world. However, Albanian popular opinion strongly favours home ownership; this factor, supported by provisions of the law “On Orphan Status” referring to the right to long-term state loans for housing, and the lack of rental social housing, have encouraged registered orphans to aspire to home ownership even if they do not have the required income for eligibility.

In terms of the procedure for obtaining housing, the 1996 law “On Orphan Status” stipulates that at the end of the year before the orphan completes education, institutions which are responsible for the care of orphans, including schools, are to send to the Ministry of Labour and to local Social Services authorities exact statistics so that arrangements can be made to secure his/her housing (Article 4). This institutional responsibility for initiating arrangements for housing orphans has been modified under the terms of a government decision of 2002 which shifts the onus to the orphan who may file an application for housing with the local authorities when he or she reaches the age of 18 years; central government, through the National Housing Agency, is then required to arrange for the necessary funding.⁴³

The above provisions have in any case been largely ignored; in the 12 years between the enactment of the law “On Orphan Status” in 1996 and 2008, only 29 out of 845 registered orphans obtained housing under its provisions (none of them since 2005).⁴⁴

4.5 LACK OF ACCURATE DATA CONCERNING THE HOUSING NEEDS OF PEOPLE WHO HAVE LEFT SOCIAL CARE

The state’s disregard of its obligation to give registered orphans priority with housing is reflected in the fact that there appear to be no accurate national data relating to their housing needs or status, or indeed the housing needs and status of people raised in social care more generally. Setting aside the 29 registered orphans who have obtained housing, it is not known, for instance, how many of the remaining (816) registered orphans have applied for social housing nor what their present housing status is. According to official statistics, in 2007 there were 226 adult orphans living in *konvikts*, while Tirana municipality’s statistics show that in March 2010 185 registered orphans had applied for housing. These figures are clearly no basis for assessing the current housing needs of homeless registered orphans and other care leavers with similar housing needs. However, according to the Director of Housing Policy at the Ministry of Public Works, Transport and Telecommunications, a national survey of the situation and needs of the homeless, including an assessment of their income level, was due to be carried out in 2009, to be used as the basis for a national housing strategy.⁴⁵ It is to be hoped that this data will be disaggregated in such a way as to reveal the housing needs of orphans and other care leavers, as well as other vulnerable groups.

4.6 BARRIERS IN ACCESS TO HOUSING ON THE OPEN MARKET

“... I want to leave the konvikt, we all do, but I don’t know where to go. The best would be to rent an apartment together with several others, but it’s difficult ... My job is not secure; if I lose it, how will I pay the rent?” (A 24-year-old man)

For orphans and other care leavers to live in security and dignity, they need secure and legal employment which will enable them to pay for their housing, whether in the social or the private sector. Formal employment also provides social insurance and access to public health services. However, such work is scarce and youth unemployment levels are high.⁴⁶ People raised in social care institutions frequently complain of popular prejudice against them, which may also hinder them in finding work. Indeed, a member of staff at the Madonnina del Grappa foundation in Shkodër told Amnesty International: *“The girls here suffer from a very great stigma when they go out to look for work and live like other people ... We have to take the girls by the hand and look for work for them together.”*

Nonetheless, the low qualifications and skills of many care leavers probably constitute the chief obstacle to their finding work that provides a living income. The experience of the TAG centre, which closely supervises the studies of the students in its care, appears to indicate that higher qualifications, as might be expected, significantly improve the chances of obtaining gainful employment. In June 2009 the director of the TAG centre informed Amnesty International that when these students complete their education (some 25 per cent reportedly continue to higher education), they are generally able to find employment and earn enough to support themselves independently within a few months of leaving care.

This is not the case of most care leavers. A study carried out in October – November 2008 found that of 47 young people aged between 15 and 24 years with a residential care history (state and private) 68 per cent had completed only compulsory education, 26 per cent were attending or had completed secondary school; 6 per cent attended university. About two-thirds of this group declared that they were unemployed; those who had work complained that it was in the informal sector, and insecure, and did not provide an income to cover their living expenses.⁴⁷ These findings confirm Amnesty International’s observations from interviews with care leavers: that for many the only work available for which they are qualified is insecure and poorly paid, often below the minimum monthly statutory wage of 17,800 lek (€128).

In general, therefore, care leavers in Albania find they cannot afford to rent accommodation (much less buy it) on the open market. Rented accommodation is scarce: according to the National “Social Inclusion Strategy, 2007-2013”, only five per cent of all housing in Albania is for rent.⁴⁸ Rents are correspondingly high.⁴⁹ Without additional financial support, most care leavers simply do not have sufficient income, even if sharing an apartment, to cover rent and other living expenses.

This applies not only to care leavers raised in state residential care. A study carried out in 2008 of 14 care leavers from the NGO SOS Villages, Tirana found that only 50 per cent of the surveyed group (who had left care the previous year) were employed. Over half of these were earning less than 17,800 lek (€128) a month, while over half were paying rents of between 15,000 (€109) and 22,000 lek (€160) a month. All were receiving some financial support from SOS Villages to cover their rent.⁵⁰

The study concluded: *“These young people present a low level of employment (only 50 per cent), and are employed in low-paid work (bar-tender, assistant in video-shops or internet centres), without health insurance. ... This group, lacking the necessary professional qualifications, will always have difficulty in achieving integration in the labour market. There*

*is a need for a greater focus on their education to enable them to achieve economic independence. Housing is one the most worrying problems for this group, which threatens their physical security and prevents them from coping with life independently. They all live in rented accommodation. Regardless of their employment and despite sharing the rent with other occupants, the financial support of the SOS organization is necessary for them to be able to rent an apartment with normal living conditions (number of occupants per room, access to drinking water, electricity, telephone line). The SOS organization has special programmes to support young people in securing accommodation. **But above all, the state must assume its responsibilities in devising and implementing social policies to support this category of young people with social housing.**"⁵¹ [Emphasis added]*

5. GOVERNMENT HOUSING POLICY AND SOCIAL HOUSING LEGISLATION

5.1 THE FIRST DECADE OF TRANSITION (1991 TO 2001)

The failure of successive Albanian governments to implement the right of registered orphans (and other low-income and disadvantaged groups) to priority in access to housing is explained by policies which have generally ignored these legal obligations in favour of other priorities. Like all post-communist countries, Albania in 1991 was faced with complex legal and practical issues arising from the transformation of a system based on state ownership of property to one in which private property and the market dominated. From 1993 the state housing stock, much of it very dilapidated, was rapidly privatized and sold on favourable terms (or given free of charge in the case of smaller properties) to existing occupants. Secondly, legislation was introduced providing for land registration and for the restitution or compensation to owners of property nationalized or confiscated after 1945 under communist rule. These reforms, however, have proceeded very slowly, having given rise to numerous property disputes and prolonged litigation.

Meanwhile, the lifting of the restrictions on freedom of movement imposed under communist rule led to a mass exodus of people from the countryside to the larger towns, in search of employment. High demand and a limited supply of urban housing encouraged a rapid rise in house prices and in rents. The severe shortage of social or low-cost housing in urban areas in its turn resulted in the growth of informal settlements on the outskirts of towns. In 1993, with the aid of a World Bank loan, the government embarked on a programme to complete unfinished public housing, creating nearly 8,600 housing units.⁵² These were sold on favourable terms, mainly on long-term loans, to certain categories of homeless households, determined largely by political factors, including: former political prisoners, people who had lost their homes after these were returned to their former owners, and later, to families who had lost their homes as a result of the collapse of “pyramid” investment schemes in 1997.

In 2002 a study of the housing sector in Albania noted an increasing number of homeless families on government waiting lists. At the time, according to the study, the government had obligations towards 46,000 homeless families registered between 1992 and 1998, who were classified in six major categories, none of which was related to income or to social criteria.⁵³ The study observed:

“Social housing does not seem to be high on the Government’s agenda. Bearing in mind that there is a vast number of people in persistent poverty and deprivation it would be appropriate if the Government took responsibility for providing sheltered homes, social rented accommodation and affordable housing for them.”⁵⁴

5.2 SOCIAL HOUSING LEGISLATION AND BARRIERS IN ACCESS TO SOCIAL HOUSING

The first moves to address through legislation the social housing needs of homeless low-income families came with the adoption in 2001 of a National Housing Strategy Action Plan. Three years later, a law “On Social Programmes for Housing Inhabitants of Urban Areas” was adopted (Law No.9232 of 13.05.2004).

The two main social housing programmes envisaged in this law are rental housing, and low-cost housing built or bought by the state National Housing Agency which is then purchased by low-income families who benefit from long-term government-subsidized loans.⁵⁵ Under the law's provisions, these programmes are funded by the state budget, municipal budgets and contributions from donors. The main authorities responsible for implementing the law are the Ministry of Public Works, Transport and Telecommunications, together with the Ministries of Finance and Labour, and municipalities. Municipal authorities are required to elaborate a 10-year housing programme for the area they administer and secure necessary funding; they are also responsible for the construction, administration and maintenance of social rental housing.

In practice, since the introduction of this law very little social housing has been created and the competition for what exists is fierce. The multiple obstacles which stand in the way of care leavers and other vulnerable groups in need of social housing are illustrated by the comments of a municipal Social Services official and an NGO social worker in Shkodër (which echo similar observations made to Amnesty International in other Albanian cities):

"There hasn't been housing built in Shkodër for a good while now, and the municipality hasn't funds to build housing. A further problem is the lack of state land on which to build ... When the municipality was going to allocate about 40 apartments, about 4,000 registered homeless families applied. Somehow, in the end the apartments weren't allocated, because it was impossible to make a selection from so many families for such a small number of apartments."

"We've seen that in Shkodër the families on the waiting list for social housing are generally families with a good income, for the families truly in need are not able to fulfil the selection criteria."

"We tried to get the adult orphans included in the first category of homeless, but we didn't succeed. Not all of the orphans have applied for social housing, because not all the young people who move from the orphanage to the konvikt have the right to orphan status."⁵⁶

5.3 ELIGIBILITY FOR SOCIAL HOUSING

Under the law "On Social Programmes for Housing Inhabitants of Urban Areas", to be eligible for social housing families and individuals should not be property owners, or should have a living space less than the standards specified for families of their socio-economic category, or be left homeless as a result of natural disasters. There are also income criteria: the rental housing programme targets those who do not have an adequate income, while the low-cost housing programme is intended for those whose income falls within certain limits defined in the law.

Within these criteria certain groups are to be given priority with social housing (Article 5 of the law): families or individuals who did not benefit from the privatization of public housing in 1993, families headed by a widow or divorcee, one-parent families, families with many children, families who have moved residence because of work, young couples, the elderly, people with disabilities, war and work invalids - and registered orphans, up to the age of 30 years.⁵⁷

5.4 BARRIERS IN ACCESS TO THE LOW-COST SOCIAL HOUSING PROGRAMME

“Orphans were one of the priority categories for the 80 apartments which were allocated last year. When allocating them we applied the law, on the basis of the points system. The orphans were disqualified right from the start because their monthly incomes were insufficient to cover the monthly credit payments.”⁵⁸

Under the law “On Orphan Status” registered orphans are entitled to state-subsidized loans for the purchase of housing. In practice, as has been seen, orphans have only exceptionally obtained housing in this way. Since the introduction of the law “On Social Programmes for Housing Inhabitants of Urban Areas” in 2004 the situation has further changed. Its provisions do not concord with the law “On Orphan Status” in so far as it sets an age limit (30 years) on the right of registered orphans to priority with social housing. It also introduces income criteria for eligibility for the low-cost social housing programme, which most orphans and other members of vulnerable and disadvantaged groups, are not able to meet. Recently, the terms for eligibility have been further weighted in such a way as to promote the restitution of property to former owners.

In 2005 the government pledged to build 4,000 apartments for low-income and vulnerable households by 2010. However, by late 2009 the government had reportedly built only 1,000 new apartments (and bought 55 others) for purchase by low-income families. A great deal of private construction has in the meantime taken place in the larger cities and on the coastal plains, but the demand for social housing has remained high, with registered homeless families still numbering at least 40,000 in 2008.⁵⁹ With such a demand, and so little housing available, the selection of applicants to purchase this housing has given rise to sharp controversy, and consequent delays (most notoriously, in Durrës, where 48 apartments completed in 2007 were not allocated until late February 2010 due to municipal infighting).⁶⁰ There have also been allegations of corruption related to the selection of applicants, and of poor building standards, as in Elbasan.

Having failed to meet its target, the government in 2009 introduced a scheme, within the low-cost housing programme, designed to enable some 3,000 applicants for low-cost housing to purchase housing on the open market. However, this scheme, which is to last until 2012, is targeted to benefit primarily one group among those supposed to have priority with social housing: families who did not benefit by the privatization of public housing in 1993, specifically families occupying housing confiscated from their owners under communist rule. The aim is to give an incentive to these families (who will benefit by interest-free loans, the interest subsidized by the government) to acquire their own homes and thus to release the properties they are occupying to their former owners, said to number 3,167.⁶¹ Additionally, the points system for the selection of applicants for the low-cost housing programme favours these families: Tirana municipality, for instance, has allocated them the maximum number of points (20), whereas orphans and certain other vulnerable groups are assigned 10 points.⁶² Although the government has announced that an additional 3,000 families in need (who are not occupying former private property) will also be enabled to purchase housing on the open market, they will have access to mortgages on less favourable terms (a 3 per cent fixed rate of interest).

It is understandable that the long overdue regularization of land and property ownership,

including the restitution of property, is one of the government's priorities; it is also one of the requirements for EU membership.⁶³ On 28 April 2009 Albania formally applied for membership of the EU. However, the scheme described above unduly favours one group, among the groups accorded priority with housing under the law "On Social Programmes for Housing Inhabitants of Urban Areas", at the expense of others.

While there may be some orphans occupying former private property (Amnesty International is aware of such cases), the minimum income criteria for eligibility for this scheme, taking into account the requirement to make a 40 per cent down payment on the price of the property, are outside the range of low-income families. In all cases, the minimum monthly income for eligibility is above the statutory minimum wage of 17,800 leks (€128). In the case of Tirana municipality, which publishes statistics on housing applications, it is clear that these income criteria are outside the range of most applicants: of 4,497 applicants (3,818 of them for low-cost housing purchase) registered between December 2005 and September 2009, well over a half (2,690) had monthly incomes of under 30,000 lek (approx. €220), and were thus ineligible for even a one-bedroom apartment (minimum income required: 34,356 lek).⁶⁴ In January 2010, Tirana Municipal Council published a list of 55 individuals and families selected to receive subsidized loans to purchase property on the open market: with four exceptions, their declared monthly incomes ranged between 35,000 lek (€253) and 103,000 lek (€744).⁶⁵

Amnesty International concludes that with regard to the low-cost housing programme, the priority which vulnerable groups, including registered orphans, are legally supposed to enjoy, is largely a fiction. The reality is that the income criteria for access to this programme, and the priority given to occupants of former private property in terms of interest-free mortgages and the weighting of the points system, all tell against them. Registered orphans are thus in the paradoxical situation of being classed among the groups to have priority with social housing, and of having a legal right to long-term government-subsidized loans for the purchase of housing, while effectively being excluded from the low-cost housing programme.

In Amnesty International's view, the state should either honour its current obligations under national law to registered orphans and guarantee them long-term low interest loans on terms they can meet, or if this is not feasible, it should not maintain this tantalising legal fiction. Either way, there should be legal clarity, and consistent implementation of the state's legal obligation, under international law, to ensure adequate housing for the disadvantaged, including not only registered orphans but also other care leavers with similarly acute housing needs.

6. VIABLE ALTERNATIVE FORMS OF SOCIAL HOUSING

6.1 SOCIAL RENTAL HOUSING – A PILOT PROJECT

Social rental housing, though common in much of Europe, is a new phenomenon in post-communist Albania, introduced under the law “On Social Programmes for Housing Inhabitants of Urban Areas”. It is this programme which truly targets poor families. According to government sources, to be eligible for these apartments families must have a minimum income of 3,000 lek per person per month; rent should not exceed 25 per cent of the family income, and after paying the rent, the family’s disposable income must be no lower than the maximum monthly state “economic assistance”, which in late 2009 stood at 7,500 lek (€55) per family.⁶⁶

However, so far no social rental housing has been completed, although a pilot project under way, with some delay, aims to build a total of 1,100 apartments in eight municipalities. This project is jointly funded by a subsidized loan from the Council of Europe Development Bank (CEB), and by municipalities, with central government assistance as necessary. Municipalities will be the legal owners of the properties, and will manage them, but may not sell them within the next 10 years. As one of the eight municipalities to take part in this project, Tirana -where no low-cost social housing has been built in recent years - is currently building social rental housing, with the assistance of CEB funds, consisting of 393 apartments on the outskirts of the city at Shkozë. The ground floor is to be occupied by shops, a kindergarden, and other services, which according to municipal sources will provide employment for some of the occupants of the apartments.

Amnesty International welcomes this initiative, which as a pilot project gives grounds for hope that it may later be expanded to meet the needs of many more low-income families. However, municipal authorities should ensure that applicants are fully informed about the income criteria for eligibility for social housing. For lack of this information, many people who might otherwise have applied for social rental housing have applied unsuccessfully for the low-cost housing programme. The general preference for home ownership is illustrated by the record of applications for social housing in Tirana municipality: between December 2005 and March 2010, 4,221 applied for low-cost housing, and only 708 for social rental housing.⁶⁷

In Amnesty International’s experience, although some registered orphans have filed applications for social rental housing, most share the general preference for home ownership and regard social rental housing with some distrust. They have expressed fears that municipalities may subsequently raise rents beyond their means, and then evict them. They have also expressed concerns about security of tenure, in view of the fact that municipalities may sell apartments assigned as social rental housing after 10 years. These concerns require a clear response.

A further potential source of social rental housing is to be found in disused public buildings, which have passed into municipal ownership, and which may legally be transferred to the stock of rental housing, as provided for under the law on “On Social Programmes for the

Housing of Inhabitants of Urban Zones”.⁶⁸ As one young woman in Tirana suggested: “The state should give orphans housing as soon as they leave the *konvikt*, otherwise we pile up here [in the *konvikt*] and the numbers rise. There are lots of buildings which are uninhabited and could be renovated for us orphans; it’s better something simple which doesn’t require a lot of funds than building something new.”

Similarly, in Shkodër a municipal official responsible for social services told Amnesty International: “My idea was that the municipality should take over an abandoned building, renovate it and use it for social housing for this group [orphans].”

Other suggestions put forward by adult orphans themselves have included the privatization in their favour of the public buildings (*konvikts*) which they currently inhabit. There are precedents for this: for example, in June 2009 the government decreed the privatization of a former textile factory and the former premises of the (Communist) Party School in Tirana in favour of the occupants, former political prisoners and other people who suffered political persecution under communist rule.

The example of Durrës municipality points to a further means of increasing social housing stock: that municipal authorities, when granting residential building permits, should make these conditional on the allocation of a proportion of the building for social housing.

6.2 RENT SUBSIDIES FOR PRIVATE ACCOMMODATION

In the meantime, pending the construction, renovation or purchase of an adequate stock of social rental housing, the law on “On Social Programmes for the Housing of Inhabitants of Urban Zones” offers a practical solution to housing the most vulnerable people, and one which with appropriate funding could be acted upon without delay. It does not entail large scale public investment in the planning, construction, purchase or management of social housing. Under this programme, municipalities subsidize the rents of apartments rented on the open market. The law provides for rent subsidies of up to 50 per cent, and in the case of registered orphans up to 75 per cent.⁶⁹

While such an arrangement would provide at least a medium-term solution for adult orphans with families, it is perhaps particularly appropriate for young people leaving care. It would enable them to move out of the *konvikt* on completing secondary education; it would also ensure that the state takes over from NGOs responsibility for rent subsidies that some young people from private residential institutions will continue to need. Such an arrangement would encourage young care leavers to share accommodation and rent, alleviating the social isolation to which they are often exposed, and would enable those who have grown up together, but are not related as family, to maintain their relationships while they consolidate their independence, and eventually found their own families. (Current social housing projects are primarily intended for families and offer few studio-apartments for single people.)

Unfortunately, this option is little used, perhaps because rent subsidies would constitute an extra burden on restricted municipal budgets.⁷⁰ However, under the law “On Social Programmes for the Housing of Inhabitants of Urban Zones” social housing programmes are to be funded also by the state budget and, as necessary, by donors. Central and local government should therefore both make a greater commitment to securing the necessary funds to finance rent subsidies for the most vulnerable members of society.

While subsidized rents for accommodation available on the open market appear to be the most immediately realizable solution to the pressing housing needs of low-income families, there is clearly no single all-purpose solution. It is for the Albanian central and municipal authorities, in consultation with other stakeholders, including orphans and other care leavers, as well as other vulnerable groups, to find the most appropriate means of fulfilling the right to affordable and adequate housing.

7. CONCLUSIONS AND RECOMMENDATIONS

“People need more than a crust of bread, they need to live in dignity ... An orphan can find dignity only if he or she has housing.” (Secondary school student living in a konvikt)

International law makes the state responsible for providing “special protection and assistance” to children deprived of parental care. International standards, as set out in the UN Guidelines on Alternative Care for Children, also require states to provide individual assistance to such children in their transition to independence and to give them the educational and vocational means to become financially independent. In practice, in Albania the failure to fully meet these standards means that as they reach adulthood many cannot, without state assistance, obtain adequate housing. Employment and housing are both scarce, and many do not have the qualifications and skills to obtain employment providing a salary that enables them to afford adequate housing on the open market, as well as other living expenses. These disadvantages are common not only to young people raised in state orphanages and sent to vocational boarding schools, but also to a significant number of young people raised in private institutions.

The grim conditions of the *konvikt* are an abnegation of the state's legal obligations, as is the expectation that private care institutions can continue indefinitely to assume the financial responsibility for providing assistance to young people leaving their care. Social housing policy and legislation should be consistent and genuinely respond to the housing needs of the most vulnerable. They should take into account the varying needs of different groups. In the case of people who were raised in social care institutions, these include adult orphans, some of them with families and children, who may have spent many years in *konvikts*, living in deep poverty and social exclusion. The fact that some have reached the age of 30 years or more without having access to adequate housing is due to the state's failure to implement their rights, and their age should not exclude them from priority with social housing – on the contrary.

However, there are also care leavers who should be assured access to adequate housing immediately on completing their education, or when the financial assistance with rent payments provided by private care institutions is no longer available to them. The needs of those who are not eligible for orphan status should also be recognized and met. Amnesty International considers that the various social housing programmes envisaged under Albanian law are capable of responding to the needs of these different groups, as well as other vulnerable groups, provided there is the political will and an appropriate investment of human and financial resources. However, these programmes should genuinely respond to such needs; scarce resources should not be deployed to advance the cause of property restitution by offering more favourable conditions to one group of applicants at the expense of others.

In Albania responsibility for funding social housing lies with both central and municipal authorities. The processes of decentralization which have been under way in recent years have laid increasing responsibilities on municipalities, and consequently increasing demands on often limited municipal budgets. In order for the Albanian state to fulfil its obligation under international and national law to guarantee adequate housing for its most vulnerable citizens, among them orphans and other care leavers, there must be close collaboration,

regardless of political affiliations, between central government and municipal authorities. Where municipal resources are insufficient, central government must allocate increased financial resources, and as necessary, seek international assistance to ensure that this legal obligation is implemented. The CEB-assisted project for the construction of social rental apartments is an example of such assistance. If successful, it is to be hoped that it will open the way to further assisted social housing projects.

RECOMMENDATIONS

WITH REGARD TO THE RIGHT TO ADEQUATE HOUSING

Amnesty International urges the Albanian government:

- to review Law no.8153 of 31.10.1996 “On Orphan Status”, Law no.9232 of 13.05.2004 “On Social Programmes for Housing Inhabitants of Urban Areas” and supporting legislation to ensure clarity and consistency as well as the inclusion of all care leavers who are at risk of becoming homeless among vulnerable groups with the right to priority with housing;
- to review current housing policy so as to ensure that it is equitable and that funding for social housing programmes is directed towards those programmes which target the poorest and most vulnerable groups;
- to collect data on the housing needs of orphans and other care leavers and to ensure that they are granted their right to priority with housing, in accordance with international human rights treaties to which Albania is party;
- in particular to ensure that homeless adults with children, or with chronic health problems or disabilities, currently living in *konvikts* are given access to adequate, affordable housing without further delay, regardless of their age, or orphan status;
- to take measures for the progressive fulfilment of the right to adequate housing of all disadvantaged groups, by allocating funding to the maximum of available resources and seeking international cooperation and assistance where necessary, in accordance with the requirements of Article 2.1 of the ICESCR;
- to support, by funding, training and monitoring, the capacity of municipal councils to implement social housing programmes, in accordance with government decentralization policy;
- to take measures to ensure that municipal councils allocate social housing according to procedures which are transparent, fair and expeditious;
- to declare that Albania considers itself bound by Articles 16 (the right of the family to social, legal and economic protection), 30 (the right to protection against poverty and social exclusion) and 31 (the right to housing) of the Revised European Social Charter.

Amnesty International calls on municipal councils

- to take all necessary steps to effectively implement social housing programmes with a view to securing adequate housing for all disadvantaged and vulnerable groups, while ensuring that the rights of registered orphans, one of the vulnerable groups to be prioritized according to Law no.9232 of 13.05.2004 “On Social Programmes for Housing Inhabitants of Urban Areas” are duly respected;
- Pending the establishment of an adequate stock of social housing, to take measures to ensure that adult registered orphans, and other care leavers with similar housing needs, are given priority in access to affordable alternative accommodation of an adequate standard, including by means of subsidized rent payments for private accommodation, as provided under Law no.9232 of 13.05.2004;
- to designate social workers to assist care leavers in applying for social housing, by informing them fully of various social housing programmes available, the criteria for eligibility, and where necessary by assisting them with completing applications and obtaining relevant documentation;
- to ensure that representatives of orphans’ associations are included on municipal housing commissions, in line with the Decision of the Council of Ministers no.53 of 28.01.2005;
- to ensure that social housing is built to a good standard, bearing in mind the criteria for “adequate housing” set out by the CESCR in its General Comment 4 on Article 11.1 of the ICESCR;
- to ensure that the allocation of social housing is transparent, fair and expeditious.

Amnesty International calls on the European Union and other bilateral and multilateral donors:

- to assist the Albanian central and local authorities in fulfilling their obligations to ensure adequate housing for the disadvantaged and vulnerable by promoting social housing programmes through financial and technical assistance. Amnesty International also calls on international donors who grant such assistance to monitor the allocation of social housing, to ensure that it targets the poor and vulnerable, and gives due recognition to the particular vulnerability of orphans and other care leavers with similarly acute housing needs.

WITH REGARD TO THE RIGHTS OF CHILDREN DEPRIVED OF PARENTAL CARE TO SPECIAL PROTECTION

Amnesty International calls on the Albanian authorities at central and local level

- to implement policies set out in the National Strategy for Children 2005-2010, and its associated Action Plan which aim to ensure: support for families to enable them to bring up their children and prevent abandonment of children; the promotion of alternatives to residential care, including day care, foster care and adoption, with the objective of securing a

family or family-type environment for the child;

- to make necessary legislative amendments concerning the criteria for admitting children to residential care, so that a child is not admitted to residential care unless other alternatives, including support for the family to enable it to raise the child, are not in the child's best interests;
- to fulfil the rights of orphans and other children deprived of parental care to "special protection and assistance" provided by the state throughout their childhood (that is, up to age of 18), and in the case of children leaving state Children's Homes to ensure they have legally designated guardians and appropriate educational and emotional support and supervision, preferably in small-group settings. Measures should be taken to ensure that they gain the education and practical skills necessary for independent living;
- to provide adequate funding and training at municipal level so as to ensure that government policies providing for the decentralization of social services and the de-institutionalization of child care effectively guarantee the child's best interests, in compliance with Article 3.1 of the Convention on the Rights of the Child;
- to take the lead in combating prejudice against orphans and other children in care by addressing the root causes of the disadvantages they suffer.

WITH REGARD TO LEAVING CARE

Amnesty International calls on the Albanian authorities at central and local level

- to carry out a review of existing policies, legislation and practice in relation to leaving care and aftercare, in close consultation with all stakeholders, and a careful survey of best practices in Albania and elsewhere;
- to adopt, on the basis of such a review, comprehensive legislation for orphans and other care leavers, to include:
 - clear procedures for their systematic preparation for independent life, including the designation of a specialised person who will facilitate the young person's transition to independence and assist them, as necessary, in accessing housing, employment and other social, legal and health services;
 - provisions guaranteeing them priority with regard to employment and adequate housing, together with procedural mechanisms to ensure these provisions are implemented;
 - provision for continued support, systematic monitoring and follow-up of young people as, and after, they leave care; this should allow for systematic data collection on outcomes, to inform policy-making;

- to implement special programmes, devised in consultation with care leavers, which will prepare children and young people for independent life including the further development of vocational guidance and courses which correspond to the young person's abilities and interests and to the demands of the labour market;
- pending the introduction of comprehensive legislation for orphans and other care leavers, to implement provisions in existing law giving registered orphans priority with housing and employment;
- to create and reinforce, by central funding and training, community-based services for care leavers, including designated social workers with specific responsibilities for facilitating the young person's access to housing and employment;
- to establish conditions for the effective implementation of policy and legislation related to leaving care and aftercare, by ensuring coordination at central and local level, including mechanisms which also integrate NGO services into a unified referral and care system.

ENDNOTES

¹ The UN Committee on Economic, Social and Cultural Rights, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para.1.

² The statutory minimum monthly wage at the time was 17,800 lek (appr. €128).

³ Amnesty International, *Albania: 'No place to call home' – Adult orphans and the right to housing* (Index: EUR 11/005/2007).

⁴ The interviews and meetings took place in Tirana, Shkodër, Vlora, Saranda and Korça. Except where otherwise specified, the interviews referred to in the text below took place in June 2009.

⁵ *Memorandum to the Albanian Government: Orphans and other children deprived of parental care – Amnesty International's concerns* (Index: EUR 11/002/2010).

⁶ Resolution A/RES/64/142, *Guidelines for the Alternative Care of Children*, adopted by the UN General Assembly on 18 December 2009.

⁷ National Strategy for Children (2005-2010) Decision of the Council of Ministers (DCM) No.368 of 31.5.2005; National Strategy for Children Action Plan, DCM No.487 of 30.6.2005.

⁸ See Article 2.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment no.3, *The Nature of States' Parties Obligations*, UN Doc.E/1991/23.

⁹ *Metropol* (Albanian daily newspaper), 7 April 2010.

¹⁰ *Panorama* (Albanian daily newspaper), 21 May 2009.

¹¹ See also *Memorandum to the Albanian Government: Orphans and other children deprived of parental care – Amnesty International's concerns* (Index: EUR 11/002/2010).

¹² According to official statistics, registered unemployment was 12.7 per cent in 2009, though these figures did not include all unemployed. In August 2008 the Ministry of Labour stated that about 16 per cent of the population lived on less than 2USD a day. According to the National Institute of Statistics (INSTAT), 12 per cent of the population lived in poverty in 2008. The global financial crisis has increased these levels, though no accurate figures exist as yet, to Amnesty International's knowledge. A World Bank report issued in 2009, *The Crisis Hits Home, Stress-testing households in Europe and Central Asia*, indicated the figure could be as high as 15 per cent.

¹³ See Resolution A/RES/64/142.

¹⁴ The rate of children in care in 2004 per 100,000 population aged 0 – 17 years was 62.4 for Albania. Comparative regional figures: Macedonia – 175.5; Croatia – 403.9 and Bulgaria – 795.9. Source: Innocenti Social Monitor 2006.

¹⁵ They include SOS Children's Villages Albania, Tjeter Vizion, Home of Hope, TAG centre, Madonnina del Grappa.

¹⁶ Both state and private residential care is subject to state regulation and inspection.

¹⁷ Elsa Osmani, *Largimi i te rinjve nga kujdesi social dhe pavaresia* (Young people leaving social care and independence), Master's Diploma Thesis, Tirana, September 2008, p.10, according to which in 2006 some 60 per cent of children in care came from poor families or families with social problems. Orphanage directors with whom Amnesty International delegates spoke in 2009 confirmed that poverty continued to be one of the main causes for the placement of children in social care.

¹⁸ In November 2009 it was reported that in 2010 economic assistance would include quarterly food parcels for families in extreme poverty. See Albania (Albania daily newspaper), 27 November 2009.

¹⁹ Convention on the Rights of the Child, Article 18 (2).

²⁰ See the Committee's concluding observations on the initial report submitted by Albania on its implementation of the Convention on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Albania*, U.N. Doc. CRC/C/15/Add.249 (2005), 31 March 2005, paras. 44 and 45 (a) and (b).

²¹ DCM no. 209 of 12.04. 2006. The National Strategy for Children (2005 – 2010), and its associated Action Plan make deinstitutionalization a key objective, to be achieved by increasing support to families to enable them to care for their children when this is in the child's best interests, and by promoting adoption, foster care and residential care in "Casa Famiglia".

²² DCM No. 659 of 17.10. 2005 "On the standards of social care services for children in residential institutions".

²³ Cited in *Country Rights Situation Analysis of Young People Ageing Out of Care in Albania* (draft) Jan 2009, a study by the National Albanian Centre for Social Studies and SOS Children's Villages, Albania, January 2009, p.16.

²⁴ DCM No.1211, of 27.8. 2008.

²⁵ The right of minors deprived of parental care to special protection and assistance provided by the state is also guaranteed under Article 17 of the Revised European Social Charter.

²⁶ Article 8 of Directive 1934, dated 18 October 2007, issued by the Ministry of Labour, Social Affairs and Equal Opportunities, "Concerning procedures for placing people in public and private residential institutions of social care" provides for transfer of guardianship, but is not implemented.

²⁷ Article 29.1(a) of the Convention on the Rights of the Child.

²⁸ CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para. 7.

²⁹ The right to adequate housing is also recognized in the Convention on the Rights of the Child (Article 27.3).

³⁰ CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, paras.6, 8 (e) and 11.

³¹ *Albania: 'No place to call home' – adult orphans and the right to housing* (Index: EUR 11/005/2007).

³² CESR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para.8 (a to g).

³³ Ibid., para.8 (d).

³⁴ Under DCM No.502 of 16 April 2008, all konvikts (property) and their administration were transferred from central administration (the Ministry of Education) to the municipality.

³⁵ See Guidelines 130 to 135.

³⁶ From The Strategy of the Social Services 2005 to 2010 :
mpcs.gov.al/images/stories/files/strategjia-sherbimeve-sociale.doc

³⁷ Girl from dormitory, Tirana, cited in *Country Rights Situation Analysis of Young People Ageing out of Care in Albania*, (Draft) study by the National Albanian Centre for Social Studies, and SOS Children's Villages Albania, Tirana, January 2009, p.19.

³⁸ To obtain official recognition of orphan status, the applicant must present documentation to a Commission of the State Social Services confirming that he/she fulfils the above criteria.

³⁹ See Law no. 8153 of 31 October 1996, amended by Law no.9233, dated 13 May 2004.

⁴⁰ The National Strategy for Children (2005 to 2010) includes in its objectives the revision of the law "On Orphan Status", although, regrettably, this task is not included in the associated Action Plan

⁴¹ *Assessment of the Child Care Services and the Institutions for Children without Parental Care* (Research report sponsored by UNICEF, Albania), October 2005 by National Albanian Centre for Social Studies. (Compulsory schooling has since been extended by a year, and is usually completed at 15 years of age.)

⁴² See *Country Sheet Albania 2009*, produced by the Country of Return Information Project, funded by the European Commission, which states that: "The social security system does not cover the existence minimum of social vulnerable groups ... The average benefit is equal to less than 15% of the poverty line ...". <http://www.cri-project.eu/cs/cs-albania-en.pdf>

⁴³ DCM No.316 of 4.07 2002.

⁴⁴ Figures issued by the State Social Services at the Ministry of Labour, Social Affairs and Equal Opportunities, Tirana, 2008. (According to a report in the Albanian newspaper *Gazeta Shqiptare* of 4 March 2010, there are now 940 registered orphans.)

⁴⁵ This interview took place in December 2008.

⁴⁶ On the basis of the 2005 Living Standard Measurement Survey (LSMS) youth unemployment was estimated to be as high as 31.9 per cent , according to a study of the International Labour Office, Albania: *Decent Work Country Programme Document 2008 – 2010*.

http://www.ilo.org/public/english/region/eurpro/budapest/download/dwcp/dwcp_albania.pdf, page 2

⁴⁷ *Country Rights Situation Analysis of Young People Ageing out of Care in Albania*, (Draft) study by the National Albanian Centre for Social Studies, and SOS Children's Villages

Albania, Tirana, January 2009, p.14.

⁴⁸ Albanian Government, Social Inclusion Strategy, 2007-2013 - 2 draft, p.20.

⁴⁹ In November 2008 minimum rents for two-bedroom apartments on the outskirts of Tirana were €200 (twice this price in central Tirana), and €120 on the outskirts of Shkoder (results of research carried out by telephone and internet by Vluchtelingenwerk Vlaanderen and cited in *Country Return Sheet Albania 2009*).

⁵⁰ Elsa Osmani, *Largimi i te rinjve nga kujdesi social dhe pavaresia* (Young people leaving social care and independence), Master's Diploma Thesis, Tirana, September 2008, pp.36-38.

⁵¹ *Ibid.*, pp.52, 53. Amnesty International's translation.

⁵² *Albania: Housing with Social Purpose Project* (FIP 14145), March 2006 (draft), p.5.

⁵³ A study commissioned by the UN Economic Commission for Europe at the request of the Albanian government, *Country Profiles on the Housing Sector, Albania, 2002*, p.77.

⁵⁴ *Ibid.*, p.68.

⁵⁵ A third option involves the sale of sites, together with the necessary infrastructure and building permits, to families who wish to build their own homes.

⁵⁶ To apply for social housing it is not necessary to have orphan status, but those with orphan status are among the groups which have the right to priority in accessing social housing.

⁵⁷ Applications for social housing are made to Housing Departments at municipal level. The applicant first must specify the housing programme requested, and provide information about the family, including employment, family income, present housing situation, the "status" (disabled, invalid or orphan) of any member of the family. If, on the basis of this information, municipal housing officials assess that the applicant is eligible, he or she is next required to document the information provided in the first phase. If the documentation is in order, the applications are passed to a municipal housing commission which selects applicants on the basis of a point system. Under DCM no.53 of 28 January 2005, municipal housing commissions are to include representatives of registered NGOs who defend the interests of the groups named in Article 5 of Law no. 9232 of 13 May 2004.

⁵⁸ The deputy mayor of Korca, interviewed in December 2008.

⁵⁹ According to the Director of the National Housing Agency, cited in the Albanian newspaper *Shqip*, 14 July 2008.

⁶⁰ *Shekulli* (Albanian newspaper), 23 October 2009.

⁶¹ See Directive no. 6257 of 02. 09.2008 issued by the Ministry of Public Works and Ministry of Finance, amended by Directive no.2348 of 17 April 2009. Under this scheme, over the period 2009 to 2011, long-term interest-free mortgages (the interest to be subsidized by the government) are to be made available from the National Commercial Bank to these families. Depending on the size of the family and the location of the property, price limits are set on the cost of the property which they may purchase, and the family income must fall within certain lower and upper limits. The mortgage covers 60 per cent of the

purchase price (80 per cent if security can be offered on another more valuable property, for example, on a relative's home.

⁶² Decision of Tirana Municipal Council no.51 of 19.12.2008.

⁶³ On 5 February 2009 at an EU-sponsored seminar in Tirana dealing with issues related to ownership in the Albanian legal system (property registration, restitution and compensation, and legalization), the Head of the European Commission's Delegation to Albania, Ambassador Helmuth Lohan, noted that "...Clear property titles and legal security are essential prerequisites for a prosperous development of the country, the attraction of foreign direct investment, social peace as well as for the country's European integration process."
http://ec.europa.eu/enlargement/press_corner/whatsnew/albania_en.htm?Page=3

⁶⁴ <http://www.tirana.gov.al/?cid=1,161,2967>.

⁶⁵ Decision of Tirana Municipal Council, no. 23 of 26.10.2009. A further 90 families were reportedly selected to benefit by this scheme in January 2010.

⁶⁶ See mpptt.gov.al

⁶⁷ See <http://www.tirana.gov.al/?cid=1,161,3324>.

⁶⁸ Article 3 (c), Law 9232 of 13 May 2004. Tirana municipality, for example, plans to use buildings or land which have become municipal property to create a further 250 social apartments, see <http://www.tirana.gov.al/?cid=1,161,1774>.

⁶⁹ Under the points system applied by Tirana municipality, for instance, orphans figure in the categories of applicants for subsidized rents which are assigned the maximum points (15). See Decision of Tirana Municipal Council no.51, of 19.12.2008

⁷⁰ Since 2007 Tirana municipality has funded 140 rent subsidies; these have been primarily reserved for families whose homes were pulled down due to public works. The present rate for rent subsidies in Tirana varies between 6,000 (€43) and 12,500 lek (€90) a month.



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IN SEARCH OF SHELTER

LEAVING SOCIAL CARE IN ALBANIA

Orphans and other children deprived of parental care who grow up in state residential institutions in Albania risk poverty and marginalization when they reach adulthood. Without the support and assistance of a family, they face many difficulties in obtaining secure housing or employment. They may end up living for years in dilapidated shared accommodation, with no security of tenure and in conditions that are an affront to human dignity.



In spite of official policies to address these and other concerns, these young people are still waiting for the pledges of better education, employment opportunities, and housing, to be fulfilled.



This report examines the obstacles which continue to bar their access to housing. There is inadequate support from social services for care leavers in their transition to independence. They have great difficulty gaining secure employment to pay for private rented accommodation, and social housing is scarce, even for the most vulnerable.

Above all, there is a lack of will on the part of the state to fulfil its obligations, under national and international law, to uphold the right of young people leaving care to priority with housing. Amnesty International calls on the Albanian authorities and their international partners to ensure that these individuals' right to adequate housing is realized.

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**HOUSING IS A
HUMAN RIGHT**
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