

**CHILDREN'S SOCIAL INCLUSION  
POLICIES AND FINANCING  
IN ALBANIA**



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## ▶ EXECUTIVE SUMMARY

The report *Children's Social Inclusion Policies and Financing in Albania*, initiated and supported by UNICEF, is a compilation of the findings and results of research conducted during 2010 by three different institutions as follows:

- i) Albanian Center for Economic Research (ACER), who prepared *Social Inclusion Policies for Children*
- ii) Albanian Socio-Economic Think-Tank (ASET), who prepared *Cost of Social Inclusion Policies*
- iii) Urban Research Institute, financially supported by UNICEF in 2010, who prepared *Local Budget Analysis as a Social Inclusion Mechanism for Children in Critical Need*.

This report aims, in the format in which it is presented, to attract the attention of policy makers, civil servants and public opinion on policies for the social inclusion of children. The analysis focuses on review of public expenditures on children at the central and regional levels. The multidimensional political and socio-economic assessment reported here provides valuable information to draw effective conclusions vis-à-vis review of institutional and financial policies. Lessons learned from the analysis aim to increase the effectiveness of social protection policies versus realization of the rights of the child.

During the last fourteen years, political and socio-economic changes in Albania have increased the risk of child exposure to violence, abuse, abandonment and exclusion, while migration has further weakened the traditional community ties and protection networks. Poverty and unemployment have increased pressure on families, diminishing children's opportunities to be socially included. As a result, some groups of children are excluded or at risk of exclusion, and therefore in need of special social protection.

Realization of the rights of the child has to be a priority for regional and local governments. The obligations that derive from the Convention on the Rights of the Child (CRC), ratified by the Albanian government in 1992<sup>1</sup>, have to be implemented and adopted in all the decisions that deal with the best interests of the child. The decentralization of social services<sup>2</sup> in Albania has brought with it an additional responsibility for local government: to make policies that are child oriented.

Despite increased attention, there is not yet in Albania an inclusive social policy system for children; the existing structures are fragmented,

1 Ratified by Law No. 7531 dated 11.12.1991 "On ratification of the CRC"

2 Law No. 8652, dated 31.07.2000 "On local government", and Law No. 9355, dated 10.03.2005 "On social assistance and care".

and their scope is limited. Coordination mechanisms for child protection are almost inexistent, while identification and referral bodies are unable to provide adequate social services. Technical expertise is limited vis-à-vis the need for specialized social services, while strategic planning of social policy at the regional and local levels is almost non-existent.

The present report, *Children's Social Inclusion Policies and Financing in Albania*, as mentioned above, comprises three parts. The first part, *Social Inclusion Policies for Children*, analyses the core social policies that have an impact on reduction in child exclusion. The child's rights based approach is adopted for inclusion of the right to survival and development, the right to protection, the right to non-discrimination and the right to basic social services.

The second part, *Cost of Social Inclusion Policies*, addresses public expenditures, especially those for implementation of inclusive social policies. The information provided here helps to draw conclusions on the effectiveness of public expenditures vis-à-vis the rights and needs of children. This analysis paves the way for revision of the budgetary allocation for children's social inclusion policies.

The third part, *Local Budget Analysis as a Social Inclusion Mechanism for Children in Critical Need*, deals with real opportunities of decentralized regional and local government budgets to make and implement effective social policies. Public expenditures of local government are broadly analysed, while local government revenues, both conditional and unconditional grants, are assessed vis-à-vis the critical needs of excluded children. This third part of the report helps to guide those institutional reforms that better target the rights of children.

Following ratification of the United Nations Convention on the Rights of the Child (CRC), children's rights in Albania have increasingly become part of an agenda for development of national policies and a legal and institutional framework. These reforms would be meaningless were they not to be reflected at a comprehensive level, aiming at the undertaking of initiatives for minimizing the problems children currently face.

The Social Inclusion Crosscutting Strategy (SICS) is a component of the National Strategy for Development and Integration (NSDI) and stems from the strategies for Social Protection, Employment, Education, Health, Transport, Water Supply, Urban Planning and Justice, all of which either have already been approved or are currently being drafted. It should also be considered alongside the Crosscutting Strategies for Rural Development, those against Organized Crime, Terrorism and Trafficking, and those on Gender Equality and Domestic Violence, Youth, Information and Communication Technology, and Decentralization. SICS pays special attention to the problems of children, especially for categories that are particularly vulnerable and who face the risk of social exclusion.

A framework of the current implementation of SICS is here presented from the viewpoint of children's rights. By monitoring specific indicators from time of approval of the strategy, this report will serve as a tool for further improvement and development of social inclusion policies. Based on the progress made considerations and recommendations are presented that will assist further implementation of SICS within the framework of children's rights.

The narrative and statistical analysis have been conducted from the viewpoint of rights in different fields and their indicators grouped as follows:

#### survival and development

- right to education
- survival and access to health services

#### protection

- in order to live within families or in appropriate structures in cases where such care is missing
- from violence (in the family or community, or both)
- from employment of minors
- of children in conflict with the law or in blood feuds

#### non-discrimination

- of disabled children
- of Roma children

#### access to basic social services

- assessment of access to basic services for children, families and communities
- identification of problems related to access to these services.

# 1. Policies that guarantee the right to survival and development

## 1.1 The right to education

The right to education is a principle sanctioned by the Constitution of the Republic of Albania, which guarantees equality in front of the law and freedom from discrimination based on race, gender, ethnicity and language. All issues related to achievement of this important principle are in compliance with the CRC<sup>3</sup> and with other international acts that Albania has ratified in the framework of provision of a comprehensive quality education. The Albanian state ratified, in December 2008, the Optional Protocol to the CRC on Involvement of Children in Armed Conflict and, in April 2009, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Moreover, a working group has been established and the United Nations Convention on the Rights of Persons with Disabilities is now in the ratification process. The European Charter for Regional or Minority Languages remains to be ratified.

The Social Inclusion Crosscutting Strategy is aimed at providing access to pre-school education for all children. Further measures have been undertaken in this framework aiming at increasing the enrolment rate in basic education, especially for children from rural areas, particularly girls, thus fulfilling a priority in the framework of the UN Millennium Development Goals and European Partnership. The Ministry of Education and Science (MoES) has drafted a special National Strategy on Pre-school Education 2004–2015<sup>4</sup>. This aims at widening the provision of pre-school education through increasing not only school competence but also provision of services for small children of vulnerable groups, particularly (but not limited to) in north-eastern Albania and for Roma. Early childhood development with interventions for children at risk is an important element towards achievement of positive results in education<sup>5</sup>.

For completion of a framework of policies and initiatives undertaken in the field of education development, the National Strategy on Pre-University Education (NSPE) 2009–2013<sup>6</sup> has recently been approved and covers pre-school education, primary and upper secondary education, general upper secondary education and vocational education. This document is in compliance with the main trends of education development in Europe and elsewhere in the world, and is aimed at orienting the development of pre-university education. According to NSPE 2009–2013, enrolment in pre-university education is showing a decline in absolute number of students, a result of a decrease in the number of births. But the strategy shows an increase in the rate of attendance in higher levels of education as a result of favourable policies of government. Some of the education indicators for Albania compared with other countries are reported in Table 1.

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3 Articles 28 and 29

4 Approved in 2006

5 Social Inclusion Crosscutting Strategy 2007–2013, approved by Decision of Council of Ministers on 2 February 2008

6 Approved in July 2009

**Table 1:** Education indicators for Albania compared to regional and EU countries (2007–2008)

Indicator	Albania	Europe	Serbia	Macedonia	Croatia	Slovenia
Average years of schooling	11.9	17.4	13	12	15	16.2
Educational level	Net enrolment rate (%)					
Pre-school	50	75	45	29	45	75
Compulsory basic	92	95	96	93	90	93
Upper secondary	57	85	82	80	84	91
Vocational upper secondary	19	62.7	70	65	70	na

Source: MoES, NSPE 2009–2013 (2009)

**Table 2:** Percentage of children attending pre-school education, by residence and gender

Indicator	2006–2007	2007–2008	2008–2009
Net total	47.5	49.5	50.1
Rural areas	47.9	49.3	49.0
Urban areas	52.1	50.7	51.0
Female	47.6	47.8	47.3
Male	52.3	52.2	52.7

Source: INSTAT

Some measures (Table 3) undertaken by MoES to support disadvantaged children address only a small number of students, and are far from comprehensive.

**Table 3:** MoES measures for providing support to children at risk

<i>1. Special instructions and directions for schools against illiteracy</i>
<i>2. Working groups for identification of the situation and for undertaking measures to fight illiteracy</i>
<i>3. Education of children who have been isolated due to blood feud; instructions on education of children who have dropped out of school due to blood feud</i>
<i>4. Free distribution of books for orphans, paraplegic and tetraplegic children; children of families included in the economic aid scheme pay only 10% of book price</i>
<i>5. Implementation of Second Chance project</i>

There is great concern for children of families with low income and those in remote mountainous areas, as well as for girls living in areas where people have a backward mentality and other social problems. The problems that the above-mentioned categories face, contribute in increasing the school drop-out rate. Statistics show that of the children enrolled in compulsory education, the number of girls dropping out is higher than for boys. Up until now there have been policies and projects drafted and approved by MoES aimed at intervention for finding a solution to the school drop-out problem.

Finally, we should underline that the positive models initiated by MoES—such as the projects *Second Chance* and *Hidden Drop-Out*—have shown potential for success. *Hidden Drop-Out*, implemented at the local and national level and which addresses all deficiencies in teaching practices in classrooms, is an example of positive examples for Albania's education system. Of course, both models are a step ahead of the practice of imposing penalties on children who drop out of school, a practice that was anyway impossible to enforce due to obstacles in collection of penalties<sup>7</sup>.

7 CTC 2008, *Children in Albania*

## 1.2 The right to survival and access to health services

The mission of the Ministry of Health (MoH) is implementation of the government's health policy programme. It is a duty of the ministry to draft the health policy at a national scale and to determine how it is planned and conducted both nationally and locally. Within this framework the institution is responsible for drafting legislation determining relationships in the field of safeguarding and protecting health and for strict implementation of legislation on health care<sup>8</sup>.

Based on the Constitution of the Republic of Albania citizens enjoy in an equal manner the right to health care from the state and everyone has the right to health insurance pursuant to the procedure provided by law<sup>9</sup>. This document assigns to the state the duty of guaranteeing equality in accessing health care and providing financial protection from health problems. This constitutional engagement is also supported by CRC<sup>10</sup> through the principles of quality and comprehensive health services.

These principles also derive from the general principles of human rights, such as protection of freedom, dignity and safety of each individual, which constitute the basic legal principles on which the provision of health services is based. These principles can be found not only in the law on reproductive health but also in the law on health in general.

A series of laws operating directly or indirectly support and ensure the right of a child to health services. Health sector indicators for children attending consultation clinics show an increase in rural areas in the number of both clinics and visits (Table 4). However, MoH data show that only 70 per cent of villages have outpatient clinics. Meanwhile, reduction in free services has significantly influenced the health of children in poor families.

**Table 4:** Health indicators—Child Consultation Clinics

Child Consultation Clinic	2005	2006	2007	2008
total	1,845	1,891	1,946	2,010
city	134	134	163	147
village	1,711	1,757	1,783	1,863
consultation clinic visits (000)	850	770	805	907
visits in village (000)	552	464	505	492

Source: *INSTAT*, Albania in Figures, 2009

8 [www.msh.gov.al](http://www.msh.gov.al)

9 Constitution of the Republic of Albania, 1998, Article 55

10 Article 24

## 2. Policies that guarantee the right of vulnerable groups to protection and inclusion

Child protection is considered not only a preventive action but also one focusing on provision of services until the moment the child is no longer at risk.

The Albanian government, with the support of international organizations such as the World Bank, etc., adopted the Strategy of Social Services (2005–2010)<sup>11</sup>. The objective of the Strategy of Social Services is the reform of the social care system in order to ensure the rights of the child, equality and opportunities for equal treatment, as well as social services for disadvantaged children.

### 2.1 The right to protection of youngsters and children lacking parental care

Social services for youngsters who do not have parental care are part of the poverty reduction programme and social care programme. The legislation that allows for implementation of these two programmes has been established in compliance with the international acts ratified by the Albanian government including CRC. Although in this country the legal and institutional framework serving the well-being and protection of children is good, it still needs further improvements with regard to focusing on youngsters lacking parental care, especially those leaving this care, in addressing the challenges they face at this stage of life, i.e. from 14–18 years of age and above.

The legal system covering the needs of youngsters in care institutions or who are leaving these institutions, especially those leaving too early, is incomplete

Children lacking parental care have not been given priority in the current social protection system. Not only is coordination between structures lacking, but good planning of the budget for this group is absent.

*Support services after leaving care institutions are poorly developed and have failed in providing the needs of youngsters, especially with regards to employment and housing*

There are no public services for youngsters, and organizations providing such services do not have sufficient resources. The lack of services and coordination result in the needs of youngsters being insufficiently addressed, while a low educational level has a negative impact on employment opportunities. Meanwhile, job offices have failed in provision of services.

*Children who have been in care institutions suffer stigma and discrimination from Albanian society*

Children in care institutions suffer social stigma and discrimination, and thus lose the support of society. There is a lack of information and public awareness regarding problems they face. Indifference of the community and a low level of trust of adults result in them suffering more violence and abuse. Roma children in particular suffer from inequality and exclusion.

11 Strategy of Social Services (2005–2010) was approved by DCM No. 265 of 28.04.2005.

## 2.2 The right to protection from violence in the family and community

Pursuant to Article 19 of CRC, a child has the right to protection from all forms of violence. The Family Code provides for loss or removal of parental responsibility in cases where parents commit criminal acts against their children, or where they use the children as collaborators in a criminal act. It also provides for cases of removal of this right and for taking urgent measures serving the protection of the interests of the child, proof of fulfilment of standards guaranteed by the Article.

The phenomenon of violence against children is widespread but is also hidden at the same time. Public opinion is aware of the phenomenon and Non-Profit Organisations (NPOs) operating in the field of protection of the rights of the child are working on this issue. The existence of this phenomenon is connected with the mentality of the Albanian family, according to which one of the methods used in raising a child is application of physical and psychological punishment. Although the foundations of this mentality are beginning to shake, it still exists.

Domestic violence is a delicate issue, and there are no data on the extent, forms and impacts on children. This is due in part to a mentality that family problems should remain within the confines of the house. The concept that physical violence used on children is a right of the parent is still prevalent and mechanisms addressing this phenomenon do not exist.

Pursuant to the Law *On measures against violence in family relations* the child is a category of person needing special attention. This Law provides inclusion of his or her attacker in rehabilitation programmes. However, problems arise when it comes to implementation because centres that can provide reception for victims in an emergency are absent.

The purpose of the Law *On social aid and services* does not determine the provision of services for treatment of child victims of violence and it does not foresee a referral system for such children. Supporting strategies, such as the National Strategy for Children and the National Action Plan, address the issue of protection of children from domestic violence, violence at school and in the community, their protection from abuse and negligence (social exclusion) and protection from all forms of exploitation, and they foresee a special section for protection of girls, though these plans have yet to be implemented.

The National Strategy on Combating Trafficking in Persons 2008–2010 and the additional document National Strategy on Combating Trafficking in Children and Protection of Child Victims of Trafficking cover the phenomena of trafficking, exploitation and sexual abuse. However, raising awareness of all forms of exploitation and sexual abuse, including emphasis on male minors, and its inclusion in the school curricula is incomplete.

As far as raising awareness and education of children and youngsters in all educational institutions is concerned, the Institute of Curriculum and Training has established groups for drafting a curriculum for basic education that is now under way, together with assessment of the existing curricula. Within the framework of implementation of various modules during free classes in basic education, schools have been advised to cover problems concerning violence against children.

Pursuant to Ministry of Education and Science Regulation No. 8373 dated 26/11/2006, the annual and monthly plans of regional education directorates, education offices and schools foresee the planning and conducting of activities addressing problems of domestic violence, violence at school and in the community.

Issuance of the Law *On protection from domestic violence* has increased significantly the number of cases of violence reported mainly by mothers, cases in which children were witness to the violence and as such feel themselves violated. What is evident with each year that passes is the increase in the number of denunciations. For the first nine months of 2009, State Police structures treated a total of 915 cases of domestic violence, 640 of which included claims for “Issuance of Emergency Protection Order or Protection Order”. The combined structures of local police forces followed up the claims and in almost all cases the victims received the necessary protection.

Between January and April 2009, 370 cases of legal counselling and 395 psycho-social counselling cases were provided, and Tirana District Court issued eight Protection Orders or Emergency Protection Orders, while 33 acts for cases of women or girls were prepared with free legal assistance and psycho-social support provided.

### 2.3 The right to protection of minors from employment

The right of children to protection from abuse and employment is guaranteed by the Constitution of Albania. The National Strategy for Children, the National Action Plan and the National Strategy on Combating Trafficking in Children and the Protection of Children Victims of Trafficking provide protection of children from abuse. Forcing children to work to generate income, to beg or conduct actions that damage their development constitutes a criminal act, though no sanctions are provided against people who illegally employ children. Employment of children is forbidden for as long as they are attending compulsory education<sup>12</sup>.

Despite the legal penalties the phenomenon of child employment in Albania is widespread. Evaluation of the Anti-Forced-Begging Campaign in 2007—part of the BKTF campaign—found that there are some 6,700 employed and homeless children in Albania. Sixty-one per cent of homeless children in the district of Tirana collect a range of items or wash cars. Parents forcing children to beg as a result of extreme poverty of the family constitutes one of the most severe forms of exploitation. Very often children beg for twelve hours a day on the main streets and squares of Tirana and other Albanian cities. They work late into the night, damaging their health and well-being. Furthermore, homeless children are exposed to all forms of violence during the time they are on the streets. These children do not go to school.

### 2.4 The right to protection of children in conflict with the law or in blood feud

The **Constitution of the Republic of Albania** includes important principles regarding freedoms and rights of children. Thus the Constitution provides the following: freedom of a juvenile may be limited for purposes of education or for escorting him or her to a competent

12 Article 60 of Law No. 7952 dated 21.06.1995 *On the Pre-University Education System*

body (Article 27); all are considered innocent for as long as his or her guilt is not proven with a final judicial decision (Article 30); no-one may be subjected to cruel, inhuman or degrading torture, punishment or treatment (Article 25); under the framework of human freedoms and rights children have the right to special protection by the state (Article 54); the freedom, property, and rights recognized in the Constitution and by law may not be infringed without due process (Article 42). Everyone, in order to protect his or her constitutional and legal rights, freedoms and interests or, in the case of an accusation raised against him or her, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law, etc.

**Criminal Code:** Life imprisonment is not applied to minors. For minors who have committed a criminal act, the imprisonment period may not exceed half of the term of punishment provided for by law for the criminal act committed (Article 51). Pursuant to the Criminal Code the court, considering the degree of dangerousness of the criminal act, the concrete circumstances under which it was committed and the previous behaviour of the minor, may exclude him or her from punishment (Article 52). In this case the court may decide to place the minor in an education institution.

**Criminal Procedure Code** provides that trial for juveniles is held by the respective section established in the district court determined by Decree of the President. Moreover, this Code provides that juvenile defendants shall be provided legal and psychological assistance, at any stage and instance of proceedings, by the presence of parents or other persons requested by the juvenile and accepted by the proceedings authority.

**Law No. 8328 dated 16.04.1998 *On the rights and treatment of prisoners*** as amended in 2008 stipulates that prisoners should be treated with programmes aiming at their integration into social life (Article 9). Juvenile prisoners have a special programme favouring family relations. Article 53 of this Law stipulates that disciplinary measures for juveniles are as follows:

- individual reproach
- remarks made in the presence of other prisoners
- exclusion from special, joint activities
- exclusion from group recreation time in the open
- exclusion from all joint activities
- suspension of leave.

**Law No. 10,039 dated 22.12.2008 *On legal assistance*** stipulates the conditions, type, manner and procedures for provision of legal assistance from the state on protection of fundamental human rights and freedoms and other legitimate interests. This Law stipulates the provision of legal assistance to minors in conflict with the law.

**Law No. 10,024 dated 27.11.2008 *On some amendments and additions to Law No. 8331 dated 21.04.1998 *On the enforcement of criminal decisions****. A probation service was here established for the first time to supervise enforcement of alternative punishments and to assist minors to benefit more from the alternatives. When deciding to suspend punishment by imprisonment and replace it with an alternative the court shall immediately send the decision to the responsible probation service for enforcement of the alternative punishment.

According to the Albanian criminal legislation a person bears criminal responsibility if, at the time he or she commits an offence, they have reached the age of fourteen years, while a person who commits a criminal contravention bears responsibility at the age of sixteen years (Article 12 of the Criminal Code). Criminal responsibility is related to age because it considers the maturity or ability of minors to understand their actions and the consequences deriving from them.

Juvenile pre-detention institutions in Albania are to be found in Lezha, Vlora, Korça and Durrës, as well as in Tirana at, for example, the Jordan Misja facility. There are currently 57 such institutions<sup>13</sup>, but the actual figure changes regularly. Data on juvenile delinquency for 2008 compared to those of previous years show an increase in the phenomenon (Table 5 and Figure 1).

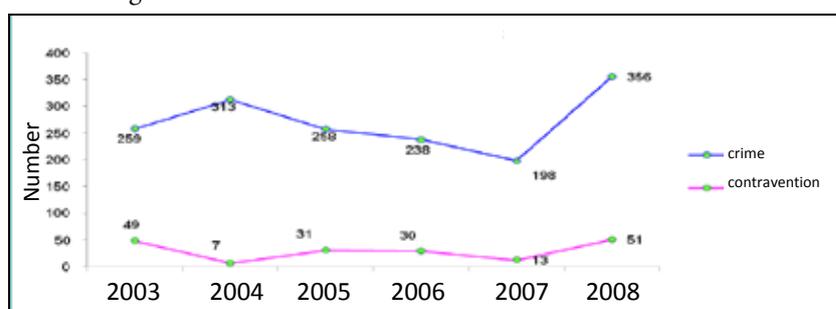
**Table 5:** Number of juvenile delinquents, 2003–2008

Juvenile crime	2003	2004	2005	2006	2007	2008
offences	259	313	258	238	198	356
contraventions	49	7	31	30	13	51
total	308	320	289	268	211	407

Source: Statistical yearbook, Tirana 2009, Publication of Ministry of Justice

**Based on Law 8328 dated 16.04.1998 *On rights and treatment of prisoners*** as amended, pursuant to the General Regulation of Prisons, as well as within the framework of differentiated treatment of vulnerable categories, all juveniles pre-detained and imprisoned for 2008 and the first semester of 2009 served their sentences in special sections for juveniles at Institutions for Enforcement of Judicial Decisions in Criminal Matters (IEVPs). During this period no cases of their placement in cells together with adults was reported. Referring once again to the Statistical Yearbook for 2008, it emerges that out of 407 juveniles convicted in 2008, 68 had no level of education. However, no data were available on the number of educated juveniles convicted by the courts.

**Figure 1:** Juveniles serving a sentence



Source: Statistical year-book, Tirana 2009, Publication of Ministry of Justice

Some positive initiatives have taken place regarding education or attendance for vocational qualification of minors in conflict with the law. On 5 December 2008, the Ministry of Justice and MoES signed a Memorandum of Understanding on education of pre-detained persons and prisoners in IEVP following the syllabi approved by MoES. In the framework of implementation of this memorandum the educational process for the academic year 2008–2009 is now complete in four IEVPs (in Fushë-Kruja, Peqin, Korça and Vaqarr). Ninety-four prisoners were awarded

13 [www.dpbsh.gov.al](http://www.dpbsh.gov.al) accessed 9 December 2009

with certificates after completion of the academic year.

At request of the General Directorate of Prisons, in July 2009 the Ministry of Justice and Ministry of Labour, Social Assistance and Equal Opportunities (MoLSAEO) signed a Memorandum of Understanding for the practical application of the right of pre-detained persons and prisoners at IEVPs to vocational qualification, serving their preparation for work and reintegration into society. The memorandum formalized the vocational qualification courses that previously had been organised informally by various NPOs.

Self justice and blood feud are two very worrisome phenomena and highlight deficiencies in guaranteeing the life of persons, especially children, who are forced to become immobilized and deprived of their basic rights. Since 1991, more than 6,000 families have become immobilized, isolating women and children against every Law of the Canon<sup>14</sup>. Most of these families have illegally emigrated in order to escape death. However, figures show an increase in the number of families in hiding. In 2005, the number of such families was 780, while the following year the number reached 1,430. In Tirana alone, the country's capital, there are 110 immobilized families and 70 families in hiding, including those of members of state police. Children of these families cannot cross the threshold of their house for fear of being killed. Furthermore, these children do not have normal access to health care services and do not attend school<sup>15</sup>.

### **3. Policies that guarantee the right of children to non-discrimination**

The principle of non-discrimination is a human right and, at the same time, the essential element or foundation of the structure of all human rights. It is one of the basic principles of CRC. Every child should enjoy his or her rights under the Convention without discrimination. Of course, the principle of non-discrimination is connected to the principle of equal treatment.

The Albanian Human Rights Committee is now preparing a draft bill against discrimination, while MoLSAEO has completed a process that began at the end of 2008 for preparation of a draft bill on Protection of the Rights of the Child. The principle of non-discrimination, particularly with regard to children, is not reflected in the primary legislation but is treated under the principle of equality in the general principles of Albanian legislation. The National Strategy for Children clearly determines provision of equal opportunities for every child, irrespective of age, gender, ethnicity, disability or birth status, and tries to give a definition of children who are vulnerable to discrimination, such as immobilized children, abandoned children, trafficked children, poor children, Roma children, etc.

In the last ten years, the political and socio-economic changes that have taken place in Albania have contributed towards increasing the vulnerability of children to violence, exploitation, discrimination, abuse and negligence. Many Albanian children still face a great risk of exclusion.

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14 of Lek Dukagjin

15 Referring to the draft National Strategy against Blood Feud prepared by the Committee of Nationwide Reconciliation

Additionally, disabled people, the elderly, women and girls, particularly those from rural areas, are target groups that are most vulnerable to poverty: they have low income and suffer from a lack of well-spread social, health, economic and legal infrastructure. At the same time these people are victims of domestic violence, trafficking, HIV/AIDS, drugs and alcohol abuse, and gender, age and race discrimination, etc.

### 3.1 The right of Roma children to non-discrimination

Albanian legislation does not provide for discrimination against race or other motives. The fundamental document of the state guarantees non-discrimination and equality before the law for people who belong to national minorities. However, there are no statistics for identification of marginalized groups of society.

### 3.2 The right of children with disabilities to non-discrimination

The Constitution of Albania guarantees within the concept of social conditions non-discrimination of disabled children. However, lack of approval of an anti-discriminatory law, both for disabled children and disabled people in general, constitutes a problem. Moreover, an independent appeal mechanism for disabled children for examination of cases of discrimination is currently missing.

Pursuant to the requirements of Article 23 of CRC mentally or physically disabled children should enjoy a full and decent life, in conditions that ensure dignity and promote self-reliance by providing financial resources for the parents in order to ensure that the disabled child has effective access to, and receives, education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities.

Disabled children, completely or partly unable to attend to their needs for a normal individual or social life as a result of their physical or mental disability, have the right of respect for their human dignity without any form of discrimination. In Albania, the issue of disability is treated as a social emergency. Council of Ministers on March 23, 2006 determined the establishment of a Technical Secretariat for the disabled at MoLSAEO, whose objective is monitoring and implementation of the National Strategy for Protection of the Disabled. However, the UN Convention *On the rights of disabled people* has not yet been ratified, while at the same time, a draft bill on the status of mentally, physically and sensory disabled people has not yet been approved. Pursuant to DCM No. 1104 of 30.07.2008, a draft of custody service standards has been prepared and materials have been sent to stakeholders to obtain their opinions<sup>16</sup>.

The Albanian government is committed to development of some general instructions that will guarantee the rights of disabled people at the national scale. This process also includes a level of deinstitutionalization and decentralization of services. The National Strategy, pursuant to Law No. 9355 dated 10.03.2005 *On social aid and services* provides for the following:

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16 Soros, *Annual Monitoring Report of Albania's Progress in the Association and Stabilization Process*

- establishment throughout the territory of operational networks between social entities operating in the same field
- assessment of services based on their social integration and fulfilment of needs
- promotion of self-reliance based on the age of the disabled person
- guarantee of information and knowledge about services
- guarantee of the right to these services
- equal treatment from people and organizations, and the right to appeal.

Treatment of disabled children in the country is provided in the following areas:

- public social residential and daily services
- private social services
- community-based social services
- treatment through disability support pensions.

Institutions providing such treatment are located in Tirana, Shkodra, Lezha, Berat, Korça, Vlora and Durrës. The entire social service for disabled people until 2002 was determined in two classical forms: residential service in institutions and development centres, and a government programme on economic support for people through disability support pensions and, in other cases, through custody payments. The deinstitutionalization process aims at placement of beneficiaries of residential services into alternatives such as foster-family services, semi-independent life, protected flats, etc. In Shkodra, for example, there are six foster families with workshops and other reintegrating activities in which 54 children are being cared for.

Rights of disabled children, based on DCM No. 872 of 18.06.2008 *On the degree of benefit of disabled people*, are provided for in the Law *On social aid and services* that stipulates the treatment of children who receive disability support pensions. The goal of this approach is to ensure that these children have access to and receive education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

The legal framework guarantees the provision of health care services, social services, education, recreation, vocational qualification and employment opportunities for all disabled children to an extent equal with that of other children. However, it does not specifically reflect measures for protection of disabled children in family environments or in the community, thus treating this category under the general framework of the term disabled children or disabled people. Therefore, specific by-laws should be approved in order to guarantee protection of disabled children from domestic violence and violence in the community, as well as raise awareness on the appearance of this form of violence.

## 4. Policies that guarantee the right of children to access to basic services

### 4.1 Assessment of access to basic services for children, families and communities

Pursuant to Article 54 of the Constitution of Albania *children, the young, pregnant women and new mothers have the right to special protection by the state. Children born out of wedlock have equal rights with those born within marriage. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health or endanger their life or normal development.* However, there is still no comprehensive and comparative study for assessment of measures or a legal framework serving implementation of the CRC.

Work should be also done for assessment of the initiative of civil society for conducting a comparative study between CRC and the Albanian legislation up until 2007. The present study included a comprehensive analysis aiming at creation of instruments necessary for evidencing strengths and weaknesses of the Albanian legislation regarding reflection of standards set by CRC. Through undertaking specific analysis and making recommendations, the study serves as a basis for working on improvement of the Albanian legislation by respective state institutions and for reinforcing lobbying from the ombudsman bodies and national and international organizations operating in Albania in the field of protection of children's rights.

### 4.2 Access to compulsory education

Access to pre-university education is at a very low level compared to OECD countries. Currently, average school attendance in Albania is 11.9 years (see Table 1; OECD countries, 14 years), reflected in the low degree of high school attendance<sup>17</sup>. In the framework of facilitation of access to pre-school education, especially in rural areas where the level of attendance is low, efforts have been made in recent years for improvement of infrastructure and widening of contemporary concepts and practices that are applied in some pilot kindergartens. Basic education is compulsory by law. It lasts nine years and constitutes the basis of pre-university education. Data show that there was a decrease in the number of students awarded primary school certificate after completion of compulsory education for the year 2007–2008 compared to the previous year (Table 6).

**Table 6:** Students completing primary education and awarded certificate

School year	Total	Female
2006–07	55,785	27,242
2007–08	54,034	26,429

Source: INSTAT<sup>18</sup>

17 MoES (July 2009), *National Strategy on Pre-University Education 2009–2013*

18 [www.instat.gov.al](http://www.instat.gov.al)

Although the number of boys enrolled in elementary education (Table 7) is higher than the number of girls, there are fewer boys than girls enrolled in upper secondary education. This is related to the economic needs of the families that force boys to go to work. Additionally, for this reason, these data provide an indicator of the school drop-out rate by boys.

**Table 7:** Number of students attending compulsory basic education, by gender<sup>19</sup>

Years	Total	Female	Male
2006–07	447,302	215,689	231,613
2008–09	457,886	220,206	237,680

The current legislation on children from national minorities provides for the creation of opportunities for learning their mother tongue, history and culture within the framework of teaching plans and syllabi. According to MoES, although there are 5,000–5,500 students in pre-university education benefiting from scholarships, information on the number of scholarships awarded to Roma people is absent as there is no legal standard or DCM for them.

Another problem concerns pre-university education of mentally disabled children and children with hearing and speaking disorders. The legal framework guarantees provision of education for these categories up to the primary system. As a result it is necessary to review all by-laws that provide for comprehensive education on an equal basis, both for disabled children and for those without disability, as well as approve a comprehensive education curriculum. The same problems exist for children with hearing difficulties as a result of non-standardization of sign language by the Albanian state. Therefore, deficiencies exist in their education as well. The legal framework in the field of education stipulates provision of special aid for encouragement of education of disabled children<sup>20</sup>. Moreover, the legal framework provides for integrated education for disabled children, but failure to put this right in practice continues to be an issue. Access to educational facilities is still a problem for children with physical disabilities, making their inclusion into education impossible. The greater part of these children stay at home, where they receive no education for long periods of time. This phenomenon is present particularly in rural areas. Nevertheless, urban areas should not be ignored (particularly suburbs of big cities).

### 4.3 Access to social services

Today, children have a right to social protection and social insurance. However, the constitution does not provide adequate treatment of the rights of children in the field of social protection and social insurance and, moreover, there is no specific legislation in Albania covering the protection of children. The Law *On social aid and services* provides for state social aid and services, to which disadvantaged individuals and groups are entitled. Social protection for mitigating the consequences of poverty includes economic aid for families without income, those with insufficient income and families who have more than two children born at the same time.

19      ibid.

20      Directive No. 2472 dated 06.12.2006 *On the determination of criteria, documentation and extent of disability support payment*, offering twice the disability support payment (currently this payment is 8,700 ALL per month) in cases when the child attends pre-university education and three times the payment when the child attends university

### *Level of benefit*

Economic aid is provided in the form of monthly instalments in ALL or as monthly benefits in kind for the categories described above. The amount of the full monthly economic aid from the funds of the central budget is determined according to family composition and is comprised as follows: an amount of 2,600 ALL per month for the head of the family, 2,600 ALL per month for family members at employment age, an amount of 600 ALL per month for every other family member under the dependency of the householder, an amount of 700 ALL per month for every other family member under employment age (up to 18 years of age).

Pursuant to the Law *On social aid and services* as amended, people who need social care services are admitted into public residential institutions free of charge if their families do not have any income. Public social services include social care services provided in residential institutions, on a daily basis or at home for disadvantaged groups. These services are financed by the central budget and independent budgets of local government bodies. Private social services include social care services that are offered in residential centres, in day centres or at home and that are privately financed.

Within the framework of the decentralization process, municipalities and communes shall administer all social services for individuals who live in that city, town or commune. The presence of public institutions of social care located in the biggest urban areas throughout the country is structured as follows:

- In 2007, there were eight public services<sup>21</sup>, five of which were public residential services and three day services, providing service for disabled people, and attended by 325 people, 154 of whom were women. Moreover, there were 15 private residential centres with 660 people, 377 of whom were women. In 2008, there was an increase in the number of services provided for disabled people. Concretely, there were seven public residential centres, four public day centres, treating 381 people, 168 of whom were women. Meanwhile, fourteen private residential and day centres were attended by 1,210 people, 709 of whom were women.
- In 2007, there were eight public care centres<sup>22</sup> for the elderly, four of which were public residential institutions and four day institutions, treating 456 people. Additionally, there were eight private day residential centres, which received 285 people, 108 of whom were women. In 2008, there were twelve public residential and daily centres, four of which were residential and eight day centres, treating 698 old people, 163 of whom were women. There were ten private centres, three of which were residential and seven day centres, receiving 1,045 people, 565 of whom were women.
- In 2007, there were 16 public child care centres, thirteen of which were residential and three day centres, receiving 393 children. There were 41 private centres, 16 of which were residential and 25 day centres, receiving 2,296 children. For 2008, the number of public centres was eleven, nine of which were residential and two day centres, receiving 400 children. The number of private centres was 50, 16 of which were residential and 34 day centres, receiving 7,661 children.

The current legislation of the social protection scheme does not include all categories of children identified at risk of social exclusion in the Social Inclusion Crosscutting Strategy 2008–

21 MoLSAEO, Statistics for 2007 and 2008 (for regions Tirana, Durrës, Korça, Elbasan, Shkodra, Vlora, Lezha)  
22 *ibid.* (for regions Tirana, Durrës, Korça, Elbasan, Shkodra, Vlora, Fier)

2013, which undertakes a preliminary assessment of the current situation and problems with the scheme based on these categories of children. However, total reform of the social protection scheme will be problematic because of lack of assessment of the current poverty condition in the country and an incomplete analysis of social exclusion<sup>23</sup>.

Social care for disadvantaged children is also problematic in cases where parents decide to place children under institutional custody due to economic conditions where the role of social service structures does not consist in providing assistance for families so that they do not abandon their children: rather it is limited to assessment of the respective documentation<sup>24</sup>. It is worth mentioning that government has reflected awareness raising for deinstitutionalization of children in need and the application of alternatives to social services (child custody) in the National Action Plan for 2005–2010 and in the Sectoral Strategy 2007–2013 of MoLSAEO. Upon initiative of this ministry, and with support of UNICEF, the Strategy on Custody of Disadvantaged Children has been approved. Among other things, it provides for piloting of this service in Tirana and Shkodra, with 80 cases for 2009–2010 continuing with gradual extension at the national scale.

#### 4.4 Access to health care services

The right of children to health and survival is guaranteed to the maximum extent by public health care services in all the levels of health care. The Albanian health care system defines children as belonging to the age group 0–14 years (paediatric age). Health care services for those older than 14 years are classified as adult services. MoH is the main health care provider in Albania, and provides this service through a wide network of hospitals, policlinics and primary health care centres. The private health care sector is still in its first steps but covers the greatest part of the pharmaceutical services, dentistry and some diagnostic clinics, which are located mainly in Tirana. Public health care services and promotion of health education are provided under the framework of primary health care and are supported and supervised by the Institute of Public Health (IPH). Services for children in primary health care exist in rural areas and villages, where outpatient clinics are staffed with upper secondary education qualified personnel such as midwives and nurses. Outpatient clinics provide basic health care services to villagers regarding prevention and treatment of disease. The package of these services includes health care for both mother and child. This service includes regular follow up of women during pregnancy, normal birth at the maternity hospital, post-natal care, vaccination, provision of immediate first-aid and referral, home visits, promotion and health care education.

Upon a directive of MoH, health care preventive services for children in children's consultation clinics, health centres (HCs) and outpatient clinics include obligatory check-ups for the baby. The number of these visits for the first year is thirteen, with further check-ups every three months up to the age of 24 months, and a check-up every six months up to the age of six years. These child services do not provide multidisciplinary teams such as inclusion of social workers.

After reaching the age of six years, children should be followed up by the school doctor. This service is not well distributed and regulated in all territories of the country. It operates under a joint regulation signed by the ministers of health and of education. Within the framework of a project for collaboration with the government of Spain, *On the reform of mother and child services for 2009*, the MoH began work for reorganization of this service.

23 Progress Report on Stabilization and Association Agreement between Albania and EU, 2008, p. 38

24 MoLSAEO, Directive No. 2470 dated 6.12.2006, Section 2

## 4.5 Human capacity building to address domestic violence

A vertical training system has been institutionalized to provide training to teachers. Order No. 22 dated 18.08.2009 provides the use of funds for training education staff in the pre-university system. This vertical training system gives the opportunity to all teachers and educational staff to be trained including in areas covering violence. MoH in collaboration with UNFPA, through the National Centre for Social Studies (NCSS), is preparing to start a training programme for 1,800 health employees (general practitioners, specialized nurses) on the issues of domestic violence.

The School of Magistrates in collaboration with UNDP, in the framework of the Domestic Violence programme, has trained a total of 84 judges and prosecutors while 79 judges and prosecutors have been trained under the Gender Equality programme. In 2008, the Police Training Department at the General Directorate of State Police conducted a series of trainings on “The role of police in cases of domestic violence” in which 690 police officers were trained. The training of police officers continued into 2009.

The General Directorate of the Bailiff Service, with financial support of the OSCE presence in Albania, undertook training of judicial bailiffs on Law No. 9669 dated 18.12.2006 *On measures against domestic violence*, with focus on their work for enforcement of emergency protection orders, thus guaranteeing their fulfilment in accordance with Article 23/6, and also taking all the necessary steps.

The Section of Forensic Medicine at the Institute of Legal Medicine has, within the framework of the programme on domestic violence, trained a total of fourteen forensic experts. All Police Directorates in the districts have prepared and distributed a manual for the Department of Crime Investigation and the Department of Public Order and Safety *On the standard procedures that the state police officer should implement in taking measures for the prevention of violence, protection and care for the victims of this violence* and work has been undertaken in this area by all specialists and state police employees. In the framework of improvement of the information system on rights of victims of domestic violence and their procedural safeguarding from the justice system, leaflets have been prepared with information on procedural rights and facilities have been created which can be accessed by the public.

## 4.6 Identification of problems related to access to basic social services

### 4.6.1 Economic Aid

The Law *On social aid and services* is aimed at determining such support for individuals and groups in need who cannot attend to their basic needs and achieve development of skills, professional opportunities and integrity due to disability or limited economic, physical, psychological and social opportunities. Thus, the law is also aimed at reducing poverty and social exclusion for individuals and families, and at creating opportunities for their integration through provision of a system of interventions and services for improvement of their living conditions.

The basic principles serving as the foundation for the social aid and services scheme in Albania are respect and guarantee of values and personality of the individual, universality, equality of chances, right to benefit, partnership, independence, social integration and participation in community life, non-discrimination and the principle of subsidiary.

Based on this law, social services imply the sum of services provided to disadvantaged individuals and groups, whose resources are insufficient for them to afford their needs for preservation, development and rehabilitation of individual possibilities, for overcoming their immediate or chronic needs. Social services are divided into two types: social care services, and socio-medical care services. The former include residential social care services and community social care services. The beneficiaries of social care services are children, people until the age of 25 years, the elderly, disabled, disadvantaged women and girls, and all others who are at risk of being included in the category of disadvantaged groups.

Minors are direct beneficiaries of the social care services categorized above. The law reflects the importance of respecting human rights for each citizen who is a beneficiary of social services, including minors as direct and indirect beneficiaries. Social services oriented towards all disadvantaged groups, such as children, women, disabled people, disadvantaged youths, the elderly etc., are aimed at fulfilment of their needs to the best extent possible.

The Economic Aid (EA) programme is based on the testing of income and offers minimal guarantees and payments in cash for poor families and families with insufficient income. Beneficiaries of economic aid include disadvantaged families, orphans under the age of 25 years, unemployed who have not been placed in institutions or in custody and parents with more than two children born at the same time.

The Law *On social aid and services*, as is also the case with the Constitution, does not give special treatment to children as direct beneficiaries of economic aid. Such aid is allocated to the family and then from the family it is passed to minors.

## **1. Macroeconomic and budgetary situation of Albania in 2009**

In addition to technological progress and structural reforms of the Albanian economy, growth has been sustained over the last three years through implementation of a range of macroeconomic reform policies, constantly guided by a philosophy of stimulating growth through incentives for aggregate supply. Well planned and coordinated macroeconomic policies and the deepening of structural economic reforms, in combination with other economic factors such as technological progress, capital accumulation and economic restructuring will continue to sustain the current economic trend through at least the mid-term future.

In addition, authorities responsible for the design and implementation of macroeconomic policies are closely following these trends. They are prepared to inject new incentives, at optimum amounts and time intervals, in order to relieve to the maximum extent possible the negative effects from developments in the foreign markets. The fiscal policies implemented during the year 2009 turned out to be appropriate and effective in the newly created conditions.

The year 2009 saw increased public investment, mainly in road infrastructure. The first half of 2009, in particular, was characterized by high rates of public investment disbursement. In the short-term future, these investments will keep aggregate demand at high levels. The result will be increased rates in production, employment, consumption and income, with the main concern being the timely conclusion of contracts. On the other side, since infrastructure investments in Albania have a high return rate, a fiscal policy that favours infrastructure investment is quite effective even in view of long-term developments.

In addition, in parallel with fiscal policies promoting economic growth in the short term, another positive step is the use of foreign funding to cover considerable shares of public investment projects. This measure has freed local resources and made them available for local businesses to loan. As a result, over the period 2007–2008, the local economy has continued to make steady progress while the deficit remained at a near constant level. The 2009 budget makes considerable provisions for contingencies. These resources can be allocated for different purposes should the negative effects of the economic crisis cause more strain than is foreseen.

Estimates of mid-term macroeconomic indicators and other complex elements comprising the macroeconomic framework are based on analytical financial programming techniques, as well as on econometric models designed and used for projecting economic variables and other relationships of specific nature. The various modules of the methodology have been calibrated by using the “input–output” model of the Ministry of Finance (MoF). For this purpose, several possible scenarios of the country’s macroeconomic development have been

produced. The results from these scenarios have been subjected to detailed comparative analysis in order to come up with the most viable macroeconomic scenario, which is presented in this section. The baseline scenario for the current macroeconomic framework is based on the current line of macroeconomic policies, the current logic of economic-structural reforms of the government, as well as the behaviour and natural and rational interaction of economic actors within the system of internal and external macroeconomic trends, most probable in the mid-term future and beyond.

These projections utilized a broad set of macroeconomic statistical data from institutions such as INSTAT, Bank of Albania, MoF, International Monetary Fund (IMF), Eurostat, European Central Bank, etc. These statistics come mainly in the form of time series with annual, quarterly and monthly frequency. The current scenario has been built on time series going as far back as the year 1996. Having followed all the methodological stages of forecasting and testing comparative, static and dynamic analysis and having conducted all the consistency tests, the generated baseline scenario is expected to present the most probable macroeconomic situation, with the maximum possible consistency given the circumstances of a fully fledged and integral economy.

The core objectives of the coordinated monetary and fiscal policies of the country comprise achievement and preservation of macroeconomic stability, an inflation rate of about three per cent, low deficit levels and reduction in public debt in line with the Maastricht criteria, concurrent with the reduction of the current account deficit. These objectives serve also as the borders of the macroeconomic framework within which all projections for the other macroeconomic variables should fall. Table 8 reports estimates and projections of the main macroeconomic indicators for 2006–2009.

**Table 8.** Main macroeconomic indicators

Indicator	2006	2007	2008	2009
Population (million inhabitants)	3.15	3.16	3.17	3.18
Nominal GDP (billion ALL)	882.2	971.2	1,085.7	1,176.3
Real GDP growth (in %)	5.4	6	8	5.8
Nominal GDP per inhabitant (000 ALL)	280.1	307.2	342.7	369.4
Nominal GDP per inhabitant (USD)	2,855.6	3,396.7	4,085	3,827.7
GDP deflator	2.7	3.9	3.5	2.4
Average annual inflation (%)	2.4	2.9	3.4	2.3
Exchange rate (ALL/Euro)	123	123.9	122.8	130
Total investment (% of GDP)	39	38.6	40.2	38.7
Public investment rate	6.8	6.5	9.5	9.8
Trade balance (% of GDP)	-23.6	-26.7	-26.7	-25
Current account balance (% of GDP)	-6.6	-10.6	-14.9	-14.6
Balance of payments (million Euro)	206.5	148.6	191.9	-240

## 2. Public budget expenditures for children

Public expenditures are ultimately aimed at improving the living standards for the entire population, without discriminating among the various layers of society. For this reason, in order to arrive at estimates of the share of public spending benefiting children, one must conduct calculations and make inferences based on overall figures.

In this connection, public expenditures benefiting children are summarised below.

**Expenditures on pre-university education** comprise expenditures on pre-school education, nine-year education, general secondary education and vocational secondary education (exclusive of the item-line personnel expenditures), which are to the benefit of the entire child population. Table 9 reports such expenditures for 2006–2009 and projections for 2010.

**Table 9:** Expenses on pre-university education

Year	Other current expenses (000 ALL)	Investment expenses (000 ALL)	Total (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	<i>d = b + c</i>
2006	446,486	2,353,304	2,799,790
2007	1,115,556	2,791,562	3,907,118
2008	1,524,500	4,792,454	6,316,954
2009	1,998,600	3,778,994	5,777,594
2010	2,860,000	5,518,194	8,378,194

**Expenditures in the health sector** are destined to serve the entire population. Assuming that these expenditures evenly benefit the entire population groups, the children's share should be the same percentage as the proportion of children in the overall population. Table 10 reports such expenditures for 2006–2009 and projections for 2010.

**Table 10:** Health sector expenses

Year	Other current expenses (000 ALL)	Investment expenses (000 ALL)	Total (000 ALL)	% of children in total population	Budget for children (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	<i>d = b + c</i>	<i>e</i>	<i>f = d * e</i>
2006	6,978,129	2,269,998	9,248,127	33.67	3,113,844
2007	10,555,288	2,451,293	13,006,581	32.88	4,276,564
2008	11,578,000	3,178,008	14,756,008	32.07	4,732,252
2009	6,866,112	919,628	7,785,740	33.25	2,588,985
2010	8,082,400	1,485,128	9,567,528	32.44	3,104,094

**Allocations from MoLSAEO to fund social policies** include the EA Fund and the Fund for Disabled People. For 2009 and 2010, government added to the MoLSAEO budget a special fund to compensate families in need for the increase in electricity prices. These families are basically the same as those who benefit from EA. Allocations to the EA Fund for 2006–2009 and projections for 2010 are reported in Table 11.

**Table 11:** MoLSAEO allocations for social policies

Year	Economic Aid (000 ALL)	No. of beneficiary families	No. of people in these families	No. of children in these families	Budget for children (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	$d = c * 4.2$	$e = c * 2.2$	$f = (b / d) * e$
2006	2,800,000	115,000	483,000	253,000	1,466,667
2007	2,600,000	110,000	462,000	242,000	1,361,905
2008	3,300,000	93,000	390,600	204,600	1,728,571
2009	4,534,250	93,000	390,600	204,600	2,375,083
2010	5,200,000	98,000	411,600	215,600	2,723,810

To estimate the children's share of the disability fund, the assumption is made that the number of disabled children is proportionate to the number of disabled people in the entire population. Disability allocations for 2006–2009 and 2010 projections are reported in Table 12.

**Table 12:** MoLSAEO allocations for social policies—children's share

Year	Aid for disabled people (000 ALL)	No. of beneficiaries	% of children in total population	No. of children benefiting from disability payments	Budget for children (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	$e = c * d$	$f = b * d$
2006	6,000,000	62,000	33.67	20,875	2,020,200
2007	7,000,000	64,000	32.88	21,043	2,301,600
2008	8,600,000	124,000	32.07	39,767	2,758,020
2009	10,273,000	128,876	33.25	42,851	3,415,773
2010	11,100,000	131,600	32.44	42,691	3,600,840

For public expenditures, the item-line **personnel expenditures**, representing expenditures for salaries and securities, goes entirely to the benefit of households in the country. Assuming that the relationship of households to those who receive government salaries is 1:1.5, and that the households comprise on average 4.2 members, it is possible to estimate the share of this item-line going to the benefit of children. Allocations for personnel expenses in 2006–2009 and 2010 projections are reported in Table 13.

**Table 13:** MoLSAEO allocations for social policies—staff payments

Year	Staff payments (000 ALL)	No. of budgetary employees	No. of households	No. of members in these households	No. of children in these households	Budget for children (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	$d = c / 1.5$	$e = d * 4.2$	$f = d * 2.2$	$g = (b / e) * f$
2006	56,597,028	107,835	71,890	301,938	158,158	29,646,062
2007	58,970,250	102,209	68,139	286,185	149,907	30,889,179
2008	69,546,550	104,716	69,811	293,205	153,583	36,429,145
2009	59,546,122	90,000	60,000	252,000	132,000	31,190,826
2010	64,625,405	90,000	60,000	252,000	132,000	33,851,403

From the above estimates, the children's share of the total central budget can be calculated. Firstly the estimates of the totals spent on children for 2006–2009 and 2010 projections are reported in Table 14.

**Table 14:** Central budget allocations for children from 2006–2009 and estimates for 2010

Year	Estimates of central budget share for children (000 ALL)				
	Pre-university education	Health sector	Social protection policies	Personnel expenses	Total
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f = b+c+d+e</i>
2006	2,799,790	3,113,844	3,486,867	29,646,062	39,046,563
2007	3,907,118	4,276,564	3,663,505	30,889,179	42,736,365
2008	6,316,954	4,732,252	4,486,591	36,429,145	51,964,942
2009	5,777,594	2,588,985	5,790,856	31,190,826	45,348,261
2010	8,378,194	3,104,094	6,324,650	33,851,403	51,658,340

These totals can then be compared with the total central budget. Children's share of the total budget in 2006–2009 and 2010 projections are reported in Table 15.

**Table 15:** Ratio of children's budget to total budget in 2006–2009, and projections for 2010

Year	Total budget (000 ALL)	Budget for children (000 ALL)	Children's share (%) of total budget
<i>a</i>	<i>c</i>	<i>b</i>	<i>d = (b / c)</i>
2006	183,400,198	39,046,563	21.29
2007	196,171,594	42,736,365	21.79
2008	239,200,429	51,964,942	21.72
2009	375,718,000	45,348,261	12.07
2010	410,720,452	51,658,340	12.58

Children's share from local budgets (budgets of local government units, LGUs) is calculated in the same manner, as laid out below.

**LGU allocations for pre-university education** benefiting children in 2006–2009 are reported in Table 16.

**Table 16:** Local government allocations for pre-university education

Year	Other current expenditures (000 ALL)	Investment expenditures (000 ALL)	Total	No. of children in schools (aged 6–18)
<i>a</i>	<i>b</i>	<i>c</i>	<i>d = b+c</i>	<i>e</i>
2006	1,164	382	1,546	679,753
2007	1,233	195	1,428	644,127
2008	1,926	3,825	5,751	627,509
2009	970	195	1,165	630,000

**LGU allocations for public health** benefiting children for 2006–2009 are reported in Table 17.

**Table 17:** Allocations from local government budgets for child health care

Year	Other current expenditures (000 ALL)	Investment expenditures (000 ALL)	Total (000 ALL)	% of children in total population	Total budget for children (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	$d = b+c$	<i>e</i>	$f = d * e$
2006	4	14	18	33.67	5.99
2007	2	6	8	32.88	2.56
2008	2	4	6	32.07	2.02
2009	1	4	5	35.25	1.66

LGU allocations in the item-line **Personnel expenses** benefiting children over the years 2006–2009 are reported in Table 18.

**Table 18:** Local government budget for children under the budget item-line personnel expenditures

Year	Personnel expenditures (000 ALL)	No. of employees in LGUs	No. of households	No. of members in these households	No. of children in these households	Budget for children (000 ALL)
<i>a</i>	<i>b</i>	<i>c</i>	$d = c / 1.5$	$e = d * 4.2$	$f = d * 2.2$	$g = (b / e) * f$
2006	6,889	15,600	10,400	65,520	22,880	2,406
2007	7,478	15,700	10,467	65,940	23,027	2,611
2008	8,677	17,000	11,333	71,400	24,933	3,030
2009	9,850	17,850	11,900	74,970	26,180	3,440

LGUs, too, have a budget line for economic aid to poor families. However, such allocations are minimal. In addition, it is difficult to gather information on the number of beneficiary households or individuals, or both, making it practically impossible to estimate the share going to children.

Children's share of LGU allocations over the years 2006–2009 is reported in Table 19.

**Table 19:** Local government budget for children for 2006–2009

Year	Estimates of budget for children (000 ALL)			
	Pre-university education	Health sector	Personnel costs	Total
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	$e = b + d + c$
2006	1,546	5.99	2,406	3,958
2007	1,428	2.56	2,611	4,042
2008	5,751	2.02	3,030	8,783
2009	1,165	1.66	3,440	4,606

**Table 20:** Local budget for children as a proportion of total LGU budget

Years	Budget for children (000 ALL)	Total budget (000 ALL)	Children's budget as % of total budget
<i>a</i>	<i>b</i>	<i>c</i>	$d = (c / b)$
2006	183,422,904	39,050,521	21.29
2007	196,193,867	42,740,407	21.78
2008	239,222,723	51,973,726	21.73
2009	375,748,000	45,352,865	12.07

**Table 21:** Total public spending (central and local budgets) for children from 2006–2009

Year	Total (000 ALL)	Share for children (000 ALL)	% of total
<i>a</i>	<i>b</i>	<i>c</i>	<i>d = (c / b)</i>
2006	183,422,904	39,050,521	21.29
2007	196,193,867	42,740,407	21.78
2008	239,222,723	51,973,726	21.73
2009	375,748,000	45,352,865	12.07

**Table 22:** Ratio of children allocation to GDP

Year	Nominal GDP (000 ALL)	Budget for children (000 ALL)	Children budget as % of GDP
<i>a</i>	<i>b</i>	<i>c</i>	<i>d = (c / b)</i>
2006	882,200,000	39,050,521	4.34
2007	971,200,000	42,740,407	4.37
2008	1,085,674,000	51,973,726	4.79
2009	1,176,349,000	45,352,865	3.86

## 3. Funding social policies—progress over the years

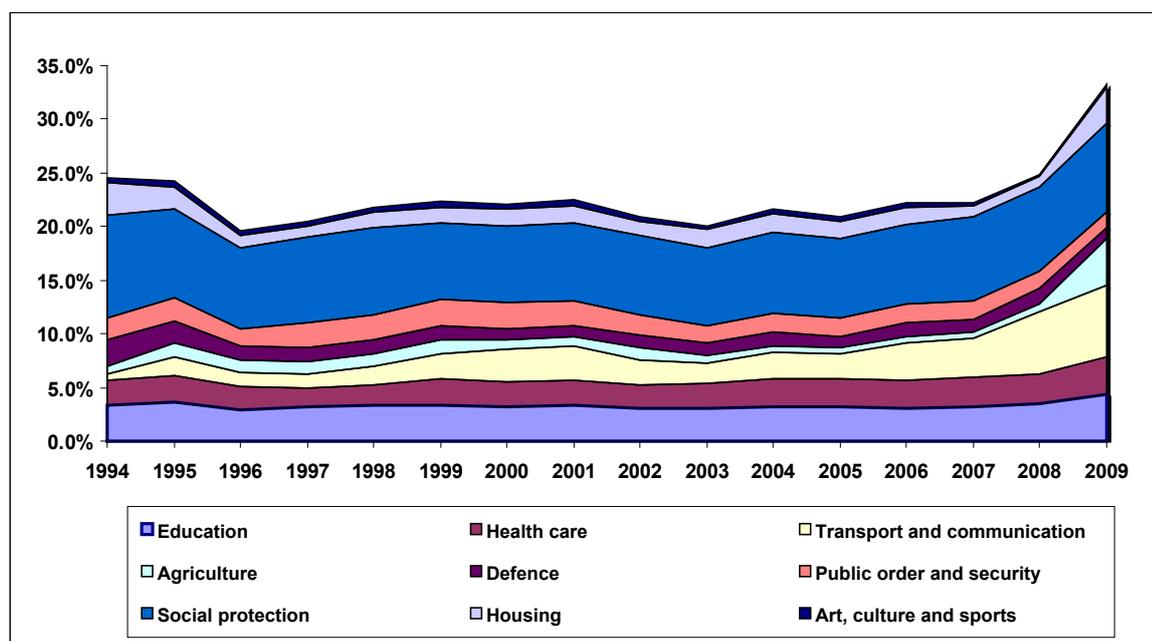
### 3.1 Education expenditures

Education is one of the priority sectors in almost all developed and developing countries. The main rationale behind increased public spending on education is to provide basic education for all children below 15 years of age, and to create conditions for quality secondary and tertiary education for all students possessed with the capacities and desire to acquire knowledge. The history of development of all Western countries demonstrates that education investment is crucial in determining growth rates. It contributes to increased labour productivity, technological development and effective utilization of opportunities created by market expansion. This is the explanation behind Western countries maintaining their education spending at relatively high levels.

### 3.2 Social protection expenditures

Spending on social protection for low income families and people on unemployment benefits typically represents the re-allocation function of the government budget. Figure 2 shows that such spending forms a significant part of budget spending, larger than education and health spending taken together over the period 1994–2009. In 1994, these funds accounted for 9.6 per cent of GDP, since when a decline in such spending in relation to GDP is evident, i.e. 8.0 per cent in 1997, to 7.2 per cent in 2000, with a gradual increase since then back to 8.2 per cent in 2009.

**Figure 2:** Public expenditures as percentage of GDP, 1994–2009



Despite the fluctuations reported above, spending on social protection and unemployment remained the larger share of the government budget dedicated to social programmes.

## 4. Social protection policies and strategies in Albania and relevant funding

The Constitution of the Republic of Albania (1998), states that the country is committed to achieving certain social objectives in relation to employment, health, education, pensions and social care. The Constitution stipulates that the attainment of these social objectives should be regulated by separate laws. The reforms carried out and still under implementation are supported by donors that include the World Bank, Council of Europe, International Labor Organization (ILO), UNDP, etc. In particular, the World Bank has been very active in this direction. It has provided both financial and expert support to government to design and implement reform policies.

In recognition of the necessary changes to be made in the country's public administration as part of Albania's progress towards European integration processes, the Albanian government established in November 2005 an Integrated Planning System (IPS), with two component parts: a Strategic Planning Process (National Strategy for Development and Integration, NSDI) and a Mid-Term Budget Framework (MTBF). Under IPS a set of operating principles and support structures have been established with a view to ensuring efficiency and harmonization of government planning and monitoring. These efforts are sustained by a government sub-committee (Strategic Planning Committee), which meets several times a year, to discuss and provide solutions to budget formulation issues.

#### 4.1 Budgeting of social policies

Following approval of Law No. 9936, dated 26.06.2008 *On the management of the budget system in the Republic of Albania*, substantial efforts have been made to use these documents as effective tools in the budget formulation and implementation process. The law has changed both budget formulation and budget implementation approaches. Consequently, there are now greater opportunities for monitoring the actual implementation of budget policies, through chasing the results and products of budget lines.

In this context, the budgeting of social policies has been subjected to a thorough evaluation based on the MTBF for 2008–2010, 2009–2011 and 2010–2012, as well as on the governmental budgets for 2008 and 2009 and the projections for 2010 for the ministries primarily responsible for implementing government policies on children, such as MoLSAEO and MoES.

## 1. Decentralization

### 1.1 Concepts and definitions

Decentralization is the process of bringing [decision-making](#) governance closer to the people or citizen, or both. It includes devolution of administration or governance and provision of services and functions that include local infrastructure installation and maintenance, public administration, policy decision making, budgeting, social welfare, finance and taxation. Decentralization and local governance are increasingly recognized as basic components of democratic governance, since they provide an enabling environment in which decision making and service delivery can be brought closer to the people, especially to the poor.

At the local level government decentralization extends the form of [delegated decision-making](#) authority even further with the idea of encouraging citizens to participate, especially in the budgeting process, relatively distant from the central authority. A decentralized form of decision making possesses fewer tiers in its organizational structure, a wider span of control and a bottom-to-top flow of decision making and flow of ideas.

Benefits of decentralization can be summarized as follows:

- Local authorities tend to act more in line with local preferences and conditions than do central authorities, and their response to local needs is more expeditious. Decentralization provides opportunities to marginalized sectors of the community, e.g. women in some countries, the poor, minorities, etc., to participate at the local level, enabling a more sensitive approach to policy formulation and implementation.
- Decentralization tends to enhance transparency and accountability, and the amount of money wrongfully diverted away from development often declines. Human Development Report 2003<sup>25</sup> reported that decentralization of government spending was accompanied by reduced corruption among bureaucrats and reduced rent-seeking by private parties, leaving more money for spending on basic services for poor people.
- Decentralization increases effectiveness in service delivery through reducing absenteeism among government employees, e.g. in local schools and health clinics, because elected officials receive complaints from their constituents and can improve staff discipline.
- Decentralization makes development projects more sustainable and cost effective because local people are more likely to be involved in their design, execution and monitoring.
- Decentralization encourages communities to find solutions to their everyday problems, yielding innovative ideas, which are more attuned to local conditions.
- Decentralization provides opportunities for more people to participate in decisions that affect their lives.

25 UNDP, Human Development Report 2003, *Millennium Development Goals: A compact among nations to end human poverty*

To summarize, because of a greater degree of accountability, responsiveness and participation, effective decentralization can make a big difference by making the provision of local social and economic services more efficient, equitable, sustainable and cost effective. Through community participation in decision making, planning, implementation and monitoring, and backed by appropriate institutions and resources, it can go a long way in improving the quality of life, particularly of the poorer and marginalized sectors of the population, thereby alleviating poverty.

## 1.2 Categories of decentralization and local governance

Decentralization—the transfer of authority and responsibility for public functions from central government to subordinate or quasi-independent government organizations or the private sector, or both—is both complex and multifaceted. It embraces a variety of concepts. Different types of decentralization show different characteristics, policy implications and conditions for success.

For an effective consolidation of local government, decentralization can be classified as: i) political, aiming to give citizens and their elected representatives more power in the process of public decision making, ii) administrative, calling for redistribution of authority, responsibility and ability to ensure public services through different levels of government, and iii) fiscal, whereby local government units (LGUs) have adequate revenues in order to realize their decentralized functions, either own or transferred from central government, and the authority to take decisions on spending.

### 1.2.1 Political decentralisation

Political decentralization aims to give citizens or their elected representatives more power in public decision making. It is often associated with pluralistic politics and representative government, but it can also support democratization by giving citizens, or their representatives, more influence in the formulation and implementation of policies. Advocates of political decentralization assume that decisions made with greater participation will be better informed and more relevant to diverse interests in society than those made only by national political authorities. The concept implies that the selection of representatives from a local electoral constituency allows citizens to know better these representatives and allows elected officials to know better the needs and desires of their constituents. Political decentralization often requires constitutional or statutory reforms, creation of local political units, and encouragement of effective public interest groups.

### 1.2.2 Administrative decentralisation

Administrative decentralization seeks to redistribute authority, responsibility and financial resources for providing public services among different levels of governance. It is the transfer of responsibility for the planning, financing and management of public functions from central or regional government and their agencies to local governments, semi-autonomous public authorities or corporations, or area-wide, regional or functional authorities.

**Deconcentration** is the weakest form of decentralization and is used most frequently in unitary states. It redistributes decision-making authority and financial and management responsibilities among different levels of the national government. It can merely shift responsibilities from central government officials in the capital city to those working in regions, provinces or districts, or it can create strong field administration or local administrative capacity under the supervision of central government ministries.

**Delegation** is a more extensive form of decentralization than is deconcentration. Through it central governments transfer responsibility for decision making and administration of public functions to semi-autonomous organizations not wholly controlled by central government, but ultimately accountable to it. Governments delegate responsibilities when they create public enterprises or corporations, housing authorities, transportation authorities, special service districts, semi-autonomous school districts, regional development corporations or special project implementation units. Usually these organizations have a great deal of discretion in decision making. They may be exempted from constraints on regular civil service personnel and may be able to charge users directly for services.

**Devolution** is an administrative type of decentralization. When governments devolve functions, they transfer authority for decision making, finance, and management to quasi-autonomous units of local government with corporate status. Devolution usually transfers responsibilities for services to local governments that elect their own elected functionaries and councils, raise their own revenues and have independent authority to make investment decisions. In a devolved system, local governments have clear and legally recognized geographical boundaries over which they exercise authority and within which they perform public functions.

### 1.2.3 Fiscal decentralisation

Dispersal of financial responsibility is a core component of decentralization. If local governments and private organizations are to carry out decentralized functions effectively, they must have an adequate level of revenues, either raised locally or transferred from central government, as well as authority to make decisions about expenditures. Fiscal decentralization can take many forms, including the following:

- self-financing or cost recovery through user charges
- co-financing or co-production arrangements through which the users participate in providing services and infrastructure through monetary or labour contributions
- expansion of local revenues through property or sales taxes, or indirect charges
- intergovernmental transfers that shift general revenues from taxes collected by central government to local governments for general or specific uses
- authorization of municipal borrowing and mobilization of either national or local government resources through loan guarantees.

In many developing countries local governments or administrative units possess the legal authority to impose taxes, but the tax base is so weak and the dependency on central government subsidies so ingrained that no attempt is made to exercise that authority.

### 1.3 Albania and the process of decentralization

In Albania, the decentralization process is, and will continue to be, considered as an instrument and clear evidence of the will of society and important actors in the political and administrative life, especially of government, to undertake the following: i) build a democratic system, ii) ensure good and effective governance for citizens, iii) exercise power and deliver services at a level close to citizens, iv) attract and ensure citizen participation in decision making, and v) contribute in an active way in the process of integration through cross-border, inter-communal and interregional cooperation.

This decentralization process is based on the principal European documents on local and regional democracy, the European Charter of Local Self-Government of the Council of Europe, framework conventions for cross-border cooperation, the Constitution of the Republic of Albania and the entire legal framework for local government.

Although Albania still lacks completion of a design of political, administrative and fiscal decentralization that would be able to satisfactorily improve service delivery, governance and accountability, it has to be acknowledged that considerable progress has been made in establishing the basic institutions and legal framework, as well as in implementing policies towards decentralization. Since 2000, important institutional arrangements have been put in place, regulations have been adopted and initial policy reforms have been implemented on several fronts.

The decentralization process, as with other similar important processes that affect overall levels of governance, should be in line with strategic documents, such as NSDI, and the priorities emphasized in them. More particularly, the overall decentralization process should follow strategic directions, including the following:

- ***Rapid transfer of state properties to local government.*** The full transfer of property to local government is still under process and not yet complete due to difficulties in dispositions of the law and the legalization process still not being complete across the country.
- ***Improvement of relations for shared competences.*** In relation to the fulfilment of duties in the area of education and health, a special regulation in accordance with the dispositions of the Charter and the organic law on local government must define with clarity the responsibilities of each actor and the method of coordination between them by clarifying the position of every local governing unit.
- ***Improvement of the administrative-territorial division.*** It is very important at this stage to use effective instruments that enhance inter-community cooperation, creating synergies and complementation among municipalities and communes in providing public services.

### 1.4 Territorial division of Albania

Although Albania is a small country, its territory is formally divided into 373 first-tier local self-government units (65 municipalities and 308 communes). As with many other European countries in transition, such fragmentation raises concerns that go beyond economic efficiency

arguments (e.g. economies of scale and externality spill-over) to include considerations of a political and an administrative nature. In addition the country is divided into twelve regions. The surface area, population size and population density of the different regions, and the country as a whole, are reported in Table 23.

In due course there are arguments in favour and against such fragmentation. On the one hand, it means that the decision makers are closer to the voters. This increases democratic representation, and, depending on the design of the decentralization of powers and incentives, may increase fiduciary and political accountability. On the other hand, excessive fragmentation tends to leave the smaller communities short of own financial resources, and the administrative and technical capacities necessary to implement policies effectively and operate public services efficiently—an argument that runs against decentralization.

**Table 23.** Regional population distribution in Albania

Region	Population size	Area (km <sup>2</sup> )	Inhabitants/m <sup>2</sup>
Berat	266,401	1,665.4	159.96
Dibër	225,800	2,373.1	95.14
Durrës	352,673	704.7	500.45
Elbasan	437,087	3,251.2	134.43
Fier	480,589	1,739.5	276.27
Gjirokastrë	168,879	2,902.2	58.18
Korçë	357,915	3,503.2	102.16
Lezhë	209,584	1,514.4	138.39
Kukës	140,437	2,479.1	56.64
Shkodër	337,194	3,184.2	105.89
Tiranë	829,885	1,645.9	504.21
Vlorë	341,100	2,719.5	125.42
Total	4,147,544	27,682.4	148.82

*Source Instat 2005*

### 1.4.1 Overall assessment of regional division

There are opinions both for and against territorial division and these are summarized below in terms of functionality and funds allocated. In summary the main function of regions is to coordinate planning and development among several areas so that municipalities and communes can benefit from economies of scale and enhanced efficiency in service provision.

To regional councils the law on local government assigned exclusive functions of planning and coordinating actions of regional interest, and of delivering public services that could be delegated to them by central government, or to the constituent municipalities or communes. A region has the right to prepare and to implement programmes of regional development. Under this framework, with the assistance of international experts, strategies for regional development in all regions are prepared and approved. The main objectives of these strategies are focused on the preparation of a framework for stable development and improvement in the quality of life of the

communities, as well as poverty reduction, education enhancement, health system improvement, SME development and provision of a prosperous environment and good governance.

In essence the region is created to realize the use of resources in those sectors where efficiency can be achieved by economy of scale. The crucial function for the region as a second tier of local government is the preparation and implementation of policies and regional programmes, supervision of these programmes across sectors and their harmonization with state policies at the regional level.

In practice, however, the concept of local regional government has been and is yet perceived as an empty box, since the functions of regional councils are still poorly defined, councils can count on no fiscal autonomy and central government and first-level local governments are reluctant to delegate functions to the councils. In fact, as regional council members are not directly elected by all of the citizens in a region, they tend to lack accountability, and both prefects and local mayors (who are, respectively, appointed by central government and elected directly by municipalities and communes) have questioned the legitimacy of regional authorities on this basis. Mayors, in particular those of larger municipalities, are unwilling to accept regional guidance, or intermediation in their dialogue with the central authorities, since they are usually capable of gathering a large enough audience of their own.

## 2. Functions of local government

### 2.1 Analysis and observations

The law (Law No. 8652/2000) broadly assigned responsibilities among government levels by associating responsibilities with area of benefit: that is, local governments are to provide services that benefit the local jurisdiction, while central government is to provide services of national benefit (such as monetary policy, national defence, aggregate planning and development, foreign affairs and trade, and justice and security).

Basically, the local government law assigns generic responsibilities to local governments, at both the first level (municipalities and communes) and the second level (the regions) according to three categories of public functions: exclusive, shared, and delegated functions.

- *Exclusive functions* are functions of local government that are fully under its discretion regarding the decision-making process and responsibility, and are financed through local revenues (taxes, tariffs, etc.). At the same time, the main beneficiary is the community that receives the local public services.
- *Shared functions* are those functions in which major externalities (where the area of benefit is likely to extend beyond the concerned jurisdiction) or economies of scale, or both, may occur in the local provision of services. In this case, the specific competences in shared functions are supposed to be assigned selectively, according to the local authorities' capacity and interest. It is understood that, depending on the function, some specific competences are to be performed by local governments (e.g. specific local regulations, financing, delivery of services and maintenance, operation and expansion of facilities),

while others are to be performed by the state (e.g. national policy formulation, setting of standards and general regulations, financing, monitoring, control and evaluation of policy outcomes).

- *Delegated functions* are functions transferred to the authority of the prefectures. The organic law on local government broadly defines such functions as pre-school and pre-tertiary education, emergency and primary health care, public health protection, social assistance and budget execution, and also instructed (supposedly temporarily) inclusion of fire fighting and rescue police. Because of economies of scale and externalities, university education and research centres are considered state functions.

Responsibilities for hospitals and specialized clinics, and the rest of the health sector (including the combat against HIV and contagious disease), remain *state de-concentrated functions* with poverty alleviation, public order, civil protection and environmental protection as *core shared functions*, but without any clear assignment of specific competences to distinct government levels. To date, for lack of a better definition of specific responsibilities, regional council competences have either been shifted to the prefectures (supposedly temporarily) or continue to be performed by the de-concentrated agencies of the line ministry located in the territory. Nevertheless, in order to avoid competition among authorities and prevent confusion of responsibilities, specific competences of local governments need to be legally defined and implemented urgently.

### 2.1.1 Responsibilities and functions for health, education and social protection

Despite the fact that implementation of the National Strategy for Children is perceived as a legal obligation of structures at the central government level, under the decentralization process local governments are involved in the institutionalization of the rights of children in Albania. Gradually these administrative bodies are undertaking and executing such responsibilities. The responsible structures are the Regional Education Directorates, Directorates of Social Services, Regional Directorates of Policy and the LGUs.

The new legal regulatory framework has created various effects in implementation in terms of shifting of responsibilities. The main purpose was to make a separation and transfer responsibilities rationally, aiming at efficiency in resource allocation and provision of public services.

The process is carried out with consideration of i) amending the organic law by re-assigning those functions of evident national benefit—such as veterinary services, some national health care services and social assistance to the poor (*Ndihma Ekonomike*)—from the shared to the delegated category, and ii) defining the specific competences of local governments in education and health (including operations and maintenance of facilities) and re-assigning them from (the currently interim) delegated functions to definitive shared functions, as authorized by the organic law.

## 2.2 Funds allocation across regions—recent developments and their effects

### 2.2.1 Allocation of funds across regions

In Albania regions lack their own sources of revenues, and are essentially financed by transfers from central and local governments. From central government they receive conditional grants and a share of the unconditional transfers, while from local governments the regional councils are supposed to receive an agreed percentage (in general 4%) of LGU own revenues in the region's jurisdiction, though some municipalities (e.g. Tirana) have been reluctant to contribute their share.

**Maximizing collection of local own revenues** is critical to providing local authorities with the means necessary to fulfil their responsibilities in delivering public services and to alleviating the burdens on the state budget. Meanwhile, there is a need to address regional disparities and inequities in the delivery of these services. Albania has a decentralized system of service delivery that varies in structure from sector to sector. Up until 2007 and 2008, a common problem was a lack of appropriate and (often) objective criteria for allocating resources to local governments, institutions and service providers. Investment allocations to local government entities were also often based on a non-transparent mix of criteria and negotiations with little connection to poverty or growth needs. In many cases, the financing allocations for recurrent spending were based on input or traditional norms and unrelated to intended outcomes, local needs or actual patterns of resource utilization. Neither did they respond to local needs nor did they create appropriate incentives for efficient use of resources. Moreover, once resources were transferred, there was little monitoring and overseeing of local government expenditure.

Funds are allocated based mostly on political importance and population size of each region. Unfortunately such inconsistency in fund allocation has had a negative effect on funding the different sectors. In education, large variations in regional outcomes often can be traced to differences in per capita spending. For example, in general secondary education, the best funded region spends more than three times the amount per student of the least funded region.

### 2.2.2 Recent developments

Albania has shown remarkable progress in designing and implementing transfers and grants mechanisms to compensate for the fiscal imbalances and externalities described above. Since the early 1990s, these mechanisms have evolved from an almost exclusively earmarked system of conditional grants (where local governments essentially performed the role of agents for central government in the delivery of local public services) towards a mixed system of conditional and unconditional transfers—the latter was preceded (between 1999 and 2001) by a “block grant” system, used to allocate (non-labour) operations and maintenance expenditures in the health, education, public works, and culture sectors.

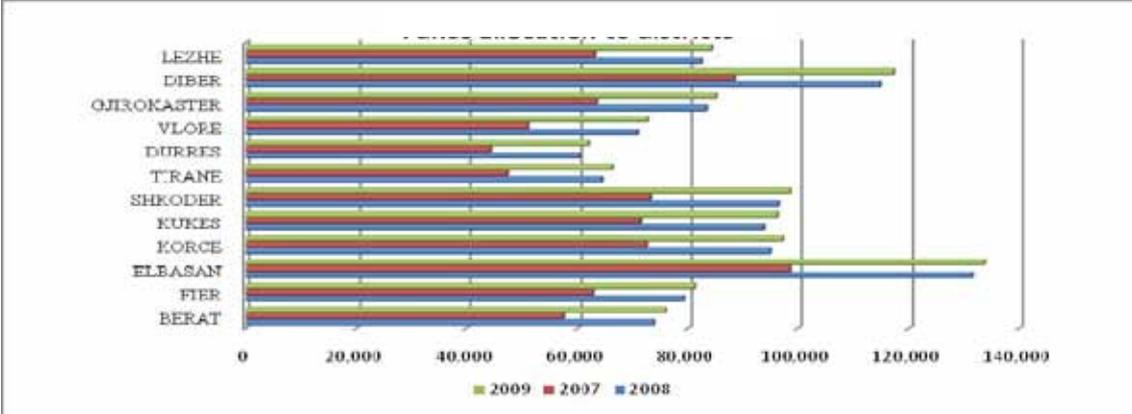
The conditional grant mechanism still keeps its old features of being non-transparent, unpredictable and dependent basically on the bargaining powers of local authorities and the

line ministries. The unconditional grant mechanism was initiated with a provisional formula for distribution based on differential local needs. It is still evolving towards a true equalization transfer.

In 2009, a new positive development occurred in funding allocation with it carried out based upon a new formula that considers the following factors: population size, geographical indicator, road coefficient and a fixed amount.

This new formula considers many factors that attempt to diminish the regional disparities present up to now, and to progress towards equality. Based on the new formula, funds allocated (Figure 3), for example, to Dibër Region amounted to 521 Lekë per inhabitant while Tirana Region received 80 Lekë and Durrës 176 Lekë. In previous years this situation was the reverse, with Tirana receiving most and Dibër least.

**Figure 3:** Funds allocation according to region



### 2.3 Qualitative and quantitative analysis for specific regions

According to the latest allocation of funds (Figure 3) there has been improvement seen towards the principle of equity among regions so that even the poorer regions can benefit and be treated fairly. Two of these regions are analyzed in more detail below.

Kukës Region received just above the average level of funding, while Elbasan received the largest amount. There now follows an assessment of public services provided in these regions and the efficiency of use of the funds allocated.

#### 2.3.1 Kukës Region

Kukës Region has the smallest population size of the twelve regions of Albania, based upon which it used to receive the least funding. But now, with the new formula, the region lies fifth in terms of allocated funds since other criteria, e.g. its geography, etc., are taken into consideration. Given the mountainous topography and condition of infrastructure, it is more difficult and more expensive to provide public services (schools, health care premises, social care centres, etc.) here

than elsewhere in Albania. Thus, we would expect public expenditure per capita to be higher in Kukës than in other regions where the infrastructure is in better condition and the geography is more facilitating.

In Kukës Region there are 30,510 children (approximately  $\frac{1}{4}$  of the population). Some 43 per cent of the population lives with social assistance: this is an exceptionally poor region. Kukës municipality registers 470 children of age group 0–18 years old, of which 350 are exposed to a high risk of trafficking and abuse and 397 to at least average risk. Moreover, in many cases children are encouraged by their parents to work in the market, in agriculture, street vending and even begging. Such child exploitation is not normally considered seriously by the responsible institutions.

Another current issue in this region is seasonal migration of children. Many families from the Roma community, especially in Fushë-Krujë, migrate to and live in the peripheral areas of Kukës with the objective of sending their children to beg in Kosovo. The uncontrolled flow and abuse of children affects negatively their development and not surprisingly their school attendance.

Analysis of indicators for health care in this region finds that the figures are below the overall average for the country, with critical problems in areas of hygiene, periodical health checks and quality of the health care system in general.

Education indicators show progress comparable with that of the country as a whole, but nevertheless, there is a lack of conditions for quality education, poor appropriate infrastructure and few activities that exercise and entertain the children from many areas of Kukës Region.

### 2.3.2 Elbasan Region

The number of children in Elbasan region is approximately 140,000, of which about 3,200 are considered to be excluded from community life. Across the Region, 1,852 children live with one parent and 175 children live without parental care.

Some 167 children have abandoned school, pushed to live on the street, to work or be rescued from trafficking. In the region there is a large Roma community, which has the largest proportion of children lacking protection. Their living conditions are inappropriate for normal child raising. These children suffer domestic violence, parental abandonment, etc.

Being a region with a large population size, Elbasan has particularly suffered the negative effects of uncontrolled flow of people, resulting in frequent change of residency, non-registration of children at school and inaccurate data on children attending primary education.

Most of the past investments in education were concentrated in reconstructing schools, obviously a very important factor in the teaching process. But concentration on capital investments has pushed back other essential aspects related to quality of teaching: qualification of teachers, administration of schools, and use of resources. Under such conditions, it is very important that a complete study of data accuracy is undertaken for this region based on indicators such as birth rate and other factors that influence school attendance. These data are furthermore important as they are linked with projected capital investments in education including deciding on locations of new schools, on the schools to be extended and those to be reconstructed, on optimal distribution and organization of human resources and what the needs for further qualifications will be, how the funds of local government will be distributed efficiently, etc.

With regard to health education, the most common challenges in this region are more or less the same as those across the country, the most essential being extending primary health care to all rural areas, with health care provided especially for the new born and mothers.

A particular concerning problem in this region is the high mortality rate among new births, mostly related to inadequate living conditions, lack of primary health care in distant, rural areas, etc. Naturally, there is need for more accurate data in terms of population primary health care demands, which have changed with migration of people from rural areas to other rural, or urban, areas, so that proper maps can be drawn to define precisely the new areas that need health care centres and adequate staffing.

## **3. Regional level functions**

### **3.1 Pre-university education**

At the local level, regional administrations are responsible for delivery of basic and secondary education (pre-school, primary and secondary education) in their respective regions and these consist in appointment and transfer of teaching and non-teaching staff, school supervision and inspection, and teacher in-service training. Also included are responsibility for provision of schools with necessary administrative materials (student registers, certificates, etc.), furniture and laboratory equipment, as well as planning and supervising the investments made in education at the regional level, including construction of new, and major rehabilitation of existing, facilities.

MoES defines standards in this area and, in collaboration with the MoF and Ministry of Interior, throughout the year monitors and evaluates implementation of these standards and the investment budget in the field of pre-university education.

### **3.2. Primary health care and public health care**

In accordance with the decentralization policies of the primary health care sector and protection of public health and the budget law, LGUs are responsible for implementation of the conditional grant for the health care objectives.

### **3.3. Social care and poverty reduction**

In the latest developments and legal amendments there has been a gradual shift from knowing about children's rights towards respecting and protecting them. Whereas in the past social policies were not directed towards social inclusion of excluded children, special attention should now be paid to social inclusion of children as a vulnerable group. There are processes under way towards this end, including licensing social services providers, transferring residential institutions to LGUs and shifting further away from institutional residences to family-based services.

Regarding education and health care, local authorities have, de facto, been given some discretion on the operations and maintenance of facilities (e.g. school buildings, clinics, laboratories), but have no decision-making power over personnel or investments. What is clear is that university education and the health insurance system, because of their obvious economies of scale and externality implications, have been kept as exclusive state functions. Social protection and poverty alleviation, although defined by the law as *shared functions*, are in practice implemented as purely *delegated functions*, over which local governments have no relevant discretion and which are performing as mere agents for delivery of a service that is entirely regulated, decided, financed and controlled by central government. As agents, local governments have only provided a list of potential beneficiaries (for central approval) and delivered the payments as established and financed by the centre, and have reported back to it regarding the payments made according to the approved list. Therefore, since functions of social protection and poverty alleviation in Albania are strongly understood to be a national benefit area, they should be better redefined as state-delegated functions.

## 4. Institutional responsibilities

In the National Strategy for Children establishment of units for protecting children's rights at the local level is emphasized. Within the framework of collaboration among municipalities and various donors, some administrative structures have been established in some municipalities and regions aiming at creation of a national network for protection of children. Meanwhile, the existing legislation should be completed with new by-laws and regulations that facilitate and coordinate the operations of these units and their collaboration with central government.

These structures are to be found in four regions—Elbasan, Vlorë, Kukës and Korçë—and in nine municipalities—Elbasan, Tiranë, Pogradec, Korçë, Fier, Gjirokastër, Kukës, Kuçovë and Durrës. These new structures have been approved by the respective municipal or regional council, and are supported by UNICEF, USAID and some other NGOs (Terre des hommes Foundation, Save the Children, World Vision, Partners for Children, etc.).

In the meantime, there have been attempts, and progress made, in preparing and discussing a manual for procedures to be followed in municipal units for child protection. This manual comprises chapters concerning job description of the civil employee, child protection, identification and management of problematic cases, assessment of the situation through determining the risk level and determining the activities for child protection.

### 4.1 Budget allocation among municipalities

Despite the recent efforts made to effect decentralization in Albania with implementation of a new transfer (grant) formula (including an equalization factor) and assignment of new own sources of revenues, the level of local government expenditure per capita is still low and unevenly distributed among communes and municipalities.

Between 2007 and 2009, the funds coming from LGU own incomes (taxes and tariffs) were slightly higher than those transferred from central government, and even grew slightly in 2008. However, such fluctuation in amounts of funding highlights the difficulty for LGUs to collect and manage their own sources of incomes. The fluctuations can be attributed to disparities in revenue capacity (and, perhaps, regional tax efforts) across LGUs. Such fluctuations should be reduced in order to prevent dependency on funding from central government even through unconditional transfers.

## 4.2 Shared functions

Municipalities (as well as communes) have common functions in the following fields:

- a) elementary and secondary education
- b) primary health care system and protection of public health
- c) social care, poverty reduction and guaranteeing functionality of the respective institutions
- d) public order and civil security
- e) environmental protection
- f) other shared functions as defined by law.

Functions a, b and c are the focus of interest of the present study and are analyzed in more detail below.

Common problems are observed in various areas but most concern special treatment for disabled children, improvement of conditions in schools, proper distribution of economic assistance from municipalities and benefits for orphans, timely execution of court decisions for child maintenance obligations of parents, positioning of orphans in residential centres, improvement of shelter conditions, abuse of children's rights by institutions, etc.

### 4.2.1 Education assessment

Albania's municipalities and communes have limited responsibility for delivery of education services. Under current arrangements, they are responsible for provision of maintenance and operational support for basic and secondary schools, the funding for which is provided by the MoF through unconditional block transfers to each LGU.

The LGUs contribute resources to the schools out of their general budgets. However, as they receive resources without guidelines as to their use, spending on education varies significantly from municipality to municipality and from commune to commune. Similarly, while funds for salaries are always provided in the education budget, funds for supplies and materials, operations and maintenance, and teacher training are among the first to be cut when there is a need to reduce the education budget. These latter budget lines are therefore systematically under funded.

Low funding provided for maintenance purposes negatively affects the quality of education provided in basic and secondary levels, especially in rural and poor districts. In turn this is often reflected in poor enrolment rates in such regions.

## 4.2.2 Health assessment

Based upon the Convention on the Rights of the Child, every child has the undeniable right to life. State and related institutions should take all measures necessary to secure the survival and development of the child, and all state members recognize the right to the child's enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

## 4.2.3 Social assistance assessment

Social assistance includes social services and economic assistance for people and groups in need who are unable to provide for their basic life necessities or develop personal skills and abilities, and sustain their integration, as a result of economic, physical, psychological and social constraints, where one group of the beneficiaries is also children.

*Under the framework of the National Strategy for Children, the state has the obligation to provide to children the conditions for adequate education, provision of information and training, health care services and preparation for employment, and to create opportunities in favour and interest of children to reach the fullest possible social integration and individual development including his or her cultural or spiritual development.*

In order to respond to increasing social needs, it is important to enhance not only the responsibility of LGUs but also that of the whole community, aiming to involve as many actors as possible and to benefit as much as possible resources in social services. The main services included under the framework of social assistance at the local government level include the following:

- provision of economic assistance for families with insufficient incomes: this group has special attention for children rescued from trafficking networks, those not getting proper education and who as a consequence beg on the streets and work
- provision of services for categories in need, i.e. organizations and centres that offer services for street children and orphans
- support for families and children in custody
- facilitation of inclusion of children with limited capabilities and attendance in crèches and kindergartens.

## 4.3 Institutional mechanisms that implement child's rights policies

Ratification of the CRC on 27 February 1992 by the Albanian government, along with approval of related documents, comprises a first step in deep reform of social policies to create a protective environment for children. The word 'environment' here implies family, institutions and society that surround children. According to the CRC, member states have the responsibility to define the resources and identify the needs, as well as to develop the strategies for empowerment of these environments with the focus of respecting and implementing children's rights.

All the progress made up to now is welcomed and provides encouragement for progress to be

made in the process of compliance of the existing legal framework with the CRC and the European Union legislation to empower implementation of the law. Nevertheless, the acknowledged level of children's rights in Albania is lower than in other CEE countries.

On 31 May 2005, with Decision No. 368, the Council of Ministers approved the National Strategy for Children and the Action Plan for the period 2005–2010. These two documents express the strategic objectives of the Albanian government and at the same time the commitment of this country to fulfil the obligations coming from the CRC.

Legislation that protects child rights is not integrated, but built upon sectoral policies (for education, health, social protection) and not upon the rights for education, health, social protection, etc. Such legislation does not cause reduction of exclusion but forecasts only the benefits of service on those that are included. Meanwhile, lack of coordination between the different institutions increases difficulties in identifying the problems, awareness of their scale and analysis of the causes, and furthers the planning of effective intervention in social policies for protection, development and re-integration of children.

On 4 November 2010, the Albanian Parliament adopted Law No. 10,347 *On the protection of the rights of the child*. According to Article 38, item 1, regional units for the Rights of the Child have to be established, under administration of the regional council, as separate units or as part of the social affairs division. The tasks of the unit are to undertake the following:

- a) monitor and evaluate implementation of laws and policies related to protection of the rights of the child in the jurisdiction of the council
- b) identify and coordinate referrals of abuse and violation of the rights of the child in the jurisdictional area
- c) coordinate a multidisciplinary team in identification, assessment and referral of cases of domestic violence in the region
- d) cooperate and exchange information in respect of issues related to the rights of the child with every relevant health, educational, police, local government and civil society entity
- e) hold informational, educational and training events on the rights of the child at the regional level
- f) report to the regional council on progress with implementation of the rights of the child in the jurisdictional area
- g) periodically supply the State Agency for Protection of Child Rights with the statistical data it has produced on the situation of the rights of the child in the region
- h) make periodical reports to the State Agency on Child Rights with regard to the state of implementation of children's rights in the region.

According to Article 38, item 2, multidisciplinary teams have to be established to protect, assess and refer children at risk within the region's territory.

### 4.3.1 Education

The Constitution of the Republic of Albania defines in principle that every individual has the right to education (Article 57). More specifically, in the Law *On pre-university education* equality among citizens in the Republic of Albania to access education at all levels irrespective of social

category, nationality, language, religion, gender or political opinion is defined. The law defines the obligation for children in the age group 6–16 years to attend compulsory 9-year education, and states clearly that parents should send their children of this age to public or private education institutions.

Additionally, there are specifications in the law for a situation in which parents do not send children to school or where children do not attend school without reasonable justification or where they abandon school. In such cases the parents have to pay a penalty. The decision on the penalty is made by the mayor of the municipality or commune according to a proposal of the school director.

Based upon the prerequisites stated by the Law *On pre-university education* and the objectives in strategic documents, the main educational focus for municipalities and communes is the following:

- enhancing the quality of education for children
- providing emotional support and social development
- establishing and managing cultural and social centres that develop educational standards by guaranteeing protection of the rights of the child.

#### 4.3.2 Social assistance

Within the framework of a new law *On social assistance and services* and the Strategy for Social Services there is forecast a complete reform that aims at poverty reduction and establishment of a qualitative system for social services for groups and individuals in need, especially children.

An important place in implementation of this reform is occupied by decentralization of services and enhancement of competencies for LGUs, changes in the role of structures at the central and the local levels, and in civil society organizations, to establish and implement policies that have under their focus the interests of children, de-institutionalization of social services and establishment of new alternative services.

#### 4.4 Assessment of allocation of budgets for child social policies in two municipalities

This part of the study concentrates on details in the Public Expenditure Review at two pilot municipalities—Korça and Kavaja—for budget spending for children in specific sectors. Since there is no direct calculation of the budget spent directly for children at the municipal level (or even at the central level) first of all the part of the central budget that, according to different institutions, is allocated for children is analysed, as follows:

- MoES—basic and high education attended by children from 6–18 years of age
- MoH—primary health care and public health care, even though some of the latter has been transferred from the Institute of Public Health that distributes the funds based on performance of the institutions of primary health care
- MoLSAEQ—social protection and equal opportunities.

The main categories of funds in the municipalities include the following:

- 1) incomes from taxes and tariffs
- 2) unconditional transfer (grants)
- 3) conditional transfer from central government
- 4) competitive grants.

The main expenses categories comprise expenditures for the following:

- 1) own functions (exclusive), which include expenditures for administration, public services (lighting, greening etc.), local sports and culture institutions, road maintenance and local transportation
- 2) delegated functions, which include expenditures for social protection and social care
- 3) common functions, which include expenditures for maintenance and functionality of pre-university education, pre-university dormitories and investments in these areas
- 4) regional development, which includes expenditures for local infrastructure, education, etc.

The analysis is based upon scrutiny of these funds in order to identify the budget allocation for children and the public services financed by these funds.

## 4.5 Common assessment for the two municipalities



### 4.5.1 Education



Analysis of the developments in education in both Korça and Kavaja found that, during the phase of transition, both municipalities suffered from large fluctuations in education indicators, especially in basic and high education. Due to large levels of migration from rural to urban areas city schools were unprepared to handle the flow. Meanwhile, there was inadequate infrastructure, reflected in an increase in the number of students per class, above accepted levels. Many laboratories and libraries were transformed into classrooms, reducing the quality of education.

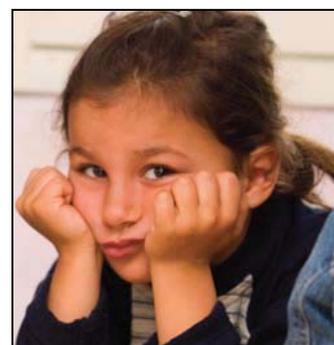
Whereas the number of students increased, the opposite was recorded in the number of teachers as many either emigrated or moved into other sectors of the economy for better paid work and working conditions.

#### 4.5.2 Health



One issue of crucial importance concerns nutrition of children, especially those of age 0–12 months. Many young mothers, due to heavy workload and a relatively quick return to their place of work or taking on a new job, substitute breast-feeding with ready-made products that are less recommended. This is observed particularly in the middle class but is rejected by international standards and by international organizations that recommend extension of feeding with mother's milk for up to at least six months.

The environment is also of considerable concern due to its important influence on the healthy development of children. Children are exposed to many damaging environmental factors including water pollution, waste products, soil pollution, unhealthy living conditions, unsafe transportation, etc. Both municipalities have included these issues in their strategic development plans but the measures taken to ensure a healthy environment should be also supported by budget and concrete projects.



Progressive steps have been taken in this direction, especially in Korça municipality, as it has old traditions in protecting and keeping clean the surrounding environment. Nevertheless, a lot of work remains to be done to raise awareness in the community and in local government to cooperate together for a safer and protective environment according to international standards.

#### 4.5.3. Social assistance and protection



Both Korça and Kavaja have suffered from common negative effects of the transition period, as has the rest of the country. These effects are reflected in different areas of community life, especially among more vulnerable groups such as children, the elderly, minorities, people with disabilities, etc.

One common problem that creates difficulties in analysis of data for budget allocations for children is a lack of accurate information regarding numbers of children. Due to high levels of migration from rural to urban

areas many procedures, e.g. registration of births, have been neglected even though this is an obligation by law. According to Law No. 8950, dated 10.10.2002 *On civil registration*, parents are obliged by law to register their children within 45 days following birth, giving the name and surname of the child. Violation of this law creates difficulties in accurate identification of children that should attend schools and that should benefit from other services. This problem is more evident in poor families or those in the Roma communities.

In general, there is a lack of proper procedures to be implemented for the children target groups in terms of benefits and proper daily care centres to fulfil their needs.

## ► CLOSING REMARKS

Following ratification of the United Nations Convention on the Rights of the Child, children's rights in Albania have increasingly become part of an agenda for development of national policies and a legal and institutional framework. Both the government's and society's perception of children's rights have changed in a profound way. The responsibilities of institutions, families and communities with regard to protecting children's rights have increased. Analysis of policies, respective budgets and distribution of institutional responsibilities, presented in this report, shows the gradual progress made towards realization of the rights of all children in Albania. However, apart from achievements, the report throws light on issues that have considerable impact on realization of the rights of the child; therefore these issues have to be analysed responsibly by those who make policies.

The Government of Albania has increasingly demonstrated its commitment to improve children's living standards. Law No. 10,347 *On the protection of the rights of the child* was approved by Parliament on November 4, 2010. Based on this law, the National Agency for the Protection of the Rights of the Child has been established. This achievement is seen as the highest responsibility ever shouldered by a post-communist Albanian government. Combined with decentralization policies, this paves the way for crucial changes in priorities and activities.

Reduction of poverty and inequality is an objective that can and should be reached within any country. Each society that includes children that are nourished, sheltered, protected, educated, healthy and developed is one that protects the present and invests for the future because the otherwise double burden of exclusion is transformed into a double profit for all members of society.

The Social Inclusion Strategy, as a component of the National Strategy for Development and Integration aims to influence a reduction in child poverty and exclusion. This strategy pays special attention to the problems of children, especially for those whose rights are denied and those who are excluded or at risk of exclusion.

The report *Children's social inclusion policies and their financing in Albania*, in the format in which it is presented, addresses issues of particular importance, grouped into three categories.

**The first part** analyses the social inclusion policies for children and emphasises that the following:

Improving data collection and analysis is essential to establish a system that helps to analyse data and information in line with the global indicators for

assessment of realization of child rights. Such a mechanism can serve to assess children's social exclusion as a baseline to design holistic and inclusive social policies.

Social policies that address the rights of the child have to be harmonized and integrated. Provision of childhood and motherhood services should be integrated into the primary health care system. In addition, access to and quality of services for mother and child should be included at all levels, especially in rural areas.

Current social assistance provides only economic but no social benefits. The vast majority (92%) of recipients of EA have up to several children. Child welfare does not change for those receiving social assistance (attending school, better health, adequate housing, etc.). The multi-dimensionality of poverty (and especially child poverty) is not addressed by the current social assistance scheme.

**The second part** is devoted to the cost of children's social inclusive policies and addresses the following:

Planning of financial resources should be based upon an analysis of needs, especially with regard to social policies that aim to protect the most vulnerable groups of children. Financial resources should be guaranteed not only at the central level but also at the regional and local levels.

There should be a fair allocation of funds to diminish disparities among LGUs. Funds allocation has to improve effectiveness and predictability, transparency and accountability. These could enable a possible division between central and local government of a joint basis for fiscal revenues from income and profit taxes.

**The third part** targets local government budgets as a social inclusion mechanism for children in critical need and emphasizes the following:

There is a necessity to strengthen institutions of regional and local government. This includes improvement of their administrative structures; clarification and specification of the relations between councils, chairmen and the corresponding administrations; simplification and transparency in the corresponding structures; and increasing the quality of local government employees through extension of the coverage of the civil service law, including those in the commune administrations.

There should be strengthening of administrative structures in charge of monitoring and reporting on the realization of the rights of the child. At the same time these will ensure inter-institutional cooperation at central, regional and local levels, necessary to implement social policies for the realization of the rights of the child.

## ► RECOMMENDATIONS

Social policies involving children's rights often address acute problems created by lack of opportunities in the law. Changes proposed by these policies are indispensable in order to complete a legal framework for children, and these should encompass national and international laws. It is desirable that these policies and legislative initiatives contain long-term and sustainable provisions. It should be pointed out that addressing children in primary and secondary laws is an indicator of mainstreaming children's rights in national legislation. The laws and social policies specifically addressing children are characterized by basic CRC principles, in particular the principle of the best interest of the child.

Positive developments are noted in the social policies, such as, for example, the creation of a legal basis for alternative services and relevant documents. The Strategic Custody Document and the supplementing document National Strategy on the Fight against Child Trafficking and Protection of Children who Have Fallen Victim to Trafficking are examples of the progressively forecasting character of these instruments. Social policies should be considered in the background of decentralization processes, whose impacts on social service delivery should be examined on a case-by-case basis.

The implementation of social policies for children necessitates the creation of relevant institutions and infrastructure. This is required both when separate institutions are needed, as well as when children's rights are encompassed inside other institutions. In the latter case, these institutions should be sustainable and evolve in accordance with the needs of the children. These aspects should be the object of legal and financial arrangements, but also of coordination and interaction measures at the central, regional and local levels.

Meanwhile, the formalization of the operations of child supporting structures such as the Child Rights Units and the Children's Protection Units and their incorporation in a system that avoids fragmentation is an indicator of sustainability. Referral and protection mechanisms should be made part of the system implementing the policies. This would enable the standardization of their activity and would influence the unification of procedures and protocols in the field. In the future, the specification and delineation of responsibilities would be an important measure towards their implementation. In addition, lines of subordination and the matching of responsibilities with capacities should occupy central place.

The design of policies within the framework of a new National Strategy for Children is of particular importance to guarantee and realize all the rights of the children. National policies (social, health, educational, housing and other policies) on children's well-being should aim to promote and protect

children's rights. These policies should give priority to reduction of poverty, marginalization and inequality. They should provide support to the families, foster tolerance and social cohesion, create an enabling environment for social inclusion and interaction of the various actors at all levels of government.

Special attention should be paid to protection of vulnerable children such as disabled children, abandoned children, children in foster care, minority children, working or street children, unaccompanied children, children living in poverty or in extreme poverty, children in conflict with the law, etc. The policies designed to support these groups, based on studies of the Albanian reality or the experiences of these children themselves, should be effective in preventing, discovering and addressing the various forms of violence and exclusion to which children are exposed.

Despite the importance of adoption of Law No. 10,347 date 04.11.2010, further improvements in the legal framework have to be made. Government and non-government commitments vis-à-vis the rights of the child require strategic interventions in the following directions:

- 1) Decentralization of the functions of regional and local governments, combined with financial decentralization, is a powerful mechanism that contributes to making effective regional policies aimed at children's welfare.
- 2) Child Rights Units at the regional level have to be strengthened to facilitate coordination and implementation of well targeted child's rights policies.
- 3) Objectives of child welfare have to be at the core of strategies for regional development, associated with respective financial resources.

Strengthening collaboration among representatives of government at both central and local levels contributes to reinforcement of monitoring and reporting institutions with respect to implementation of child's rights public policies. However, it is of utmost importance to acknowledge that policy makers, policy executions, civil society, citizens and children themselves have to coordinate and harmonize their efforts to exercise their power because "children's welfare issues are society's issues".

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