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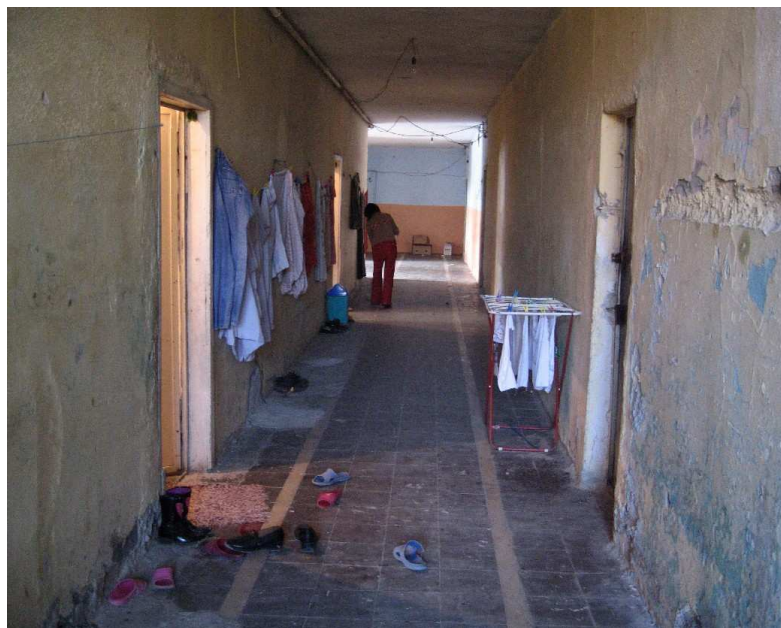
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Albania

“No place to call home” – adult orphans and the right to housing

“The human right to adequate housing ... is of central importance for the enjoyment of all economic, social and cultural rights”.

UN Committee on Economic, Social and Cultural Rights, General Comment 4



Shkodër: Arben Broci industrial school *konvikt* © AI

INTRODUCTION

The right to adequate housing is a right guaranteed in international law; a place to call home is also one of the most urgent physical and emotional human needs, particularly for those who have been deprived of the stability, warmth and practical support of family life generally associated with a home. Orphans in Albania are one such group; in many cases, as they reach adulthood and face a future without secure housing or employment, their particular vulnerability is put to severe test.

Two 18-year-old boys wait outside the city hall in Vlora, a town in southern Albania. It is early June 2007 and they have completed their secondary education. In 10 days they must leave the residence hall where they have lived for the last four years. But they have nowhere to go. These boys were raised in orphanages and there is no family or home to receive them.

They are waiting to see the mayor and ask him to act to realize their legal right to housing. They are informed that the mayor is out of his office. They decide to wait nonetheless and to place their hopes in him.

A derelict building in central Tirana, a former secondary school residence hall (*konvikt* in Albanian), with broken windows and litter stagnating in dirty pools of water at its entrance. Inside, up to 28 people, most between the age of 25 and 40, including a couple with a child, are living up to three to a room. They too were orphaned as children, and had nowhere to go after they finished secondary education. The only solution that the authorities have so far been able to offer is this dilapidated building. Mostly living by casual labour, or unemployed, they cannot afford to buy or rent housing on the open market. Though they have lived for many years in this building or others similar to it, they know they have no security of tenure, and may be evicted. Similar scenes are replicated elsewhere in Albania, in towns such as Shkodër, Korça and Elbasan. Here too, people who grew up in state care, in orphanages, have found themselves at the age of 18 with no parents or family to turn to, and few alternatives but to cling to increasingly decrepit and squalid accommodation in residence halls or other basic shelter, while waiting, without much hope, for access to social housing. There are some 340 adult orphans in this situation throughout the country.¹

In June 2007 a young woman nine months pregnant fell to her death while attempting to lower herself by means of tied sheets from the fourth floor window of a maternity hospital in Tirana. Her unborn child also died in the fall. Press reports indicated that she had been abandoned as a child by her parents and had grown up in orphanages. Several reports also claimed that she had been trafficked abroad into forced prostitution, had recently been abandoned by her husband or partner, and was isolated and severely depressed.² These reports, although their details in some respects conflict, point to a series of problems that beset many orphans on reaching adulthood, and to which *a lack of secure, affordable housing contributes*: isolation, unemployment, poverty, mental illness and vulnerability to sexual exploitation.

Albanian law recognizes the particular vulnerability of orphans, and guarantees them a range of rights, including the right to priority with housing. Yet in reality this right is rarely fulfilled. Albania is one of the poorest countries in Europe,³ with a severe shortage of urban housing, and these circumstances are sometimes cited to explain or justify the denial of adequate housing to adult orphans and other disadvantaged groups. However, the state has an obligation to comply with national law. It is also legally bound by its undertakings under international human rights law. These require it to realize, progressively, the right to adequate housing, according to the maximum of available resources, and to give immediate priority to the poor and disadvantaged. In Amnesty International's view, successive Albanian governments have so far failed to fulfil these obligations.

¹ According to figures provided to Amnesty International by the National Association of Orphans of Albania.

² Reports in the Albanian press, including the newspapers *Shekulli*, *Koha Jonë*, *Gazeta Shqiptare*, *Panorama*, *Tirana Observer* and *Metropol*, on 27 and 28 June 2007.

³ According to government figures, 16.9 per cent of the population live in poverty on less than two USD per person per day (October 2007).

This report examines the ways in which the failure to adequately protect the human rights of orphans in Albania has tended to exacerbate their marginalization as they grow up. It contrasts their right to housing under international law and Albanian law with the deplorable conditions in which they may find themselves living as adults, and shows how the denial of this right has an impact on their access to other rights, driving them deeper into poverty and social exclusion.

This report also looks at housing policy and current social housing programmes. In 2005 the government adopted a programme foreseeing the construction of 4,000 apartments for low-income and vulnerable households throughout the country by 2010. So far progress in implementing this programme has been slow. However, recently the government has secured international funding for the construction of a limited amount of social housing. Amnesty International welcomes all projects which will increase access to adequate housing for the poor and disadvantaged.

Amnesty International's report concludes with a number of recommendations: in particular, the organization appeals to the Albanian central and local authorities, and international donors, to ensure that the construction and allocation of social housing is carried out in a responsible and transparent manner. It calls for the particular vulnerability of adults who were orphaned as children and spent their childhood in institutional care to be adequately reflected in any system used for determining priorities. It calls for urgent and effective action to ensure the fulfilment of their right to adequate housing.



Demonstration calling for housing for orphans
© National Association of Orphans of Albania

In its research for this report, Amnesty International has consulted a number of sources, including relevant international and domestic legislation, studies related to orphans in state care and to housing issues, and the Albanian press. The report is also informed by interviews which Amnesty International delegates carried out in April 2007 in Tirana and Shkodër with people who were placed in state residential care as children and are now living in precarious circumstances.⁴ Amnesty International delegates also met with non-governmental organizations (NGOs) representing orphans and with Albanian

⁴ Not all wished to be identified by name, and Amnesty International has therefore chosen in this report to represent the names of all those interviewed (as well as orphans under 18 years cited in press reports) by a letter which bears no relation to their name.

government and municipal officials with responsibilities related to orphans, social housing and social care. To obtain a fuller picture of other approaches to the preparation of adolescents for adult life, Amnesty International delegates also spoke with directors and staff of several NGOs which, under licence from the Ministry of Labour, Social Affairs and Equal Opportunities (Ministry of Labour and Social Affairs), provide alternative (non-state) residential care to children who are orphaned, or temporarily or permanently deprived of parental care.

It should be noted that definitions of orphans generally refer to children (that is, persons under 18 years). However, in the Albanian language an orphan (*jetim*) is not necessarily under 18 years, but may be an adult. The defining feature is to be without parents, or to have lost one parent, especially the father. (In a society where there is much poverty, and where patriarchal values are dominant, the lack of a father, who is often the family's only breadwinner, is likely to entail not only emotional loss, but also severe economic deprivation.) For the purposes of this report, Amnesty International has generally adopted Albanian practice, and has used the term "adult orphan" to refer to adults who were orphaned as children.

1. CHILDHOOD – THE PATH TO SOCIAL EXCLUSION

Social exclusion is “*A process whereby certain individuals are pushed to the edge of society and prevented from participating fully by virtue of their poverty, or lack of basic competences or lifelong learning opportunities or as a result of discrimination.*”

European Commission (2004) *Joint Report on Social Inclusion*

Amnesty International believes that the failure of the Albanian state to fulfil the orphan’s right to priority with housing contributes to their social exclusion. However, social exclusion is a process. Long before orphans, as adults, are denied the right to housing they may have experienced violations of other human rights, in particular their rights as a child, which may in one way or another hinder their subsequent social integration. Further factors leading to the marginalization of orphans include underlying social attitudes towards orphans.

Albania is bound by its obligations under the United Nations Convention on the Rights of the Child (CRC) which it ratified in 1992. The following brief overview looks at state provision for orphans in orphanages and later, at secondary school. It seeks to identify some of the ways in which the state fails to fully implement the rights set out in the CRC at this stage in their lives, and how this failure may later leave orphans at a severe disadvantage when confronting the challenges of adult life.

1.1. Without family

“It’s very hard when you don’t have the warmth of a father and mother. In Albania people look down on you when you’re an orphan; they look at you differently ...”

B., an adult orphan interviewed by Amnesty International in April 2007

Young people growing up in Albania since the end of communist rule in 1991 have come of age in a time of rapid, often chaotic and sometimes violent transition to a multi-party system and free-market economy. For them the family is crucial as a source of emotional stability and practical support. The family home, even if crowded, provides shelter. The network of parents and relatives is often the route to employment and to patronage, and not infrequently still plays a role in the securing of a marriage partner.

Without this family support, orphans are among the most disadvantaged members of Albanian society. The inherent vulnerability of their situation is liable to be exacerbated by factors such as childhood trauma, institutionalization and inadequate preparation for independent adult life. Orphans’ representatives and government officials agree that in general orphans under-achieve educationally and risk a life in poverty and social exclusion.

Adult orphans interviewed by Amnesty International were very conscious of lacking parental support and love. They also felt that their status as orphans set them apart from society. Although freedom from discrimination is provided for in Albanian law, orphans frequently referred to the “stigma” of being an orphan, manifested in prejudice and negative

stereotypes. As an adult orphan complained: “*We are looked down on, as people without parents and without education, who could get up to anything.*”

In the view of another adult orphan, this stigma was linked to a decline in social solidarity in an increasingly competitive society. In partial confirmation of this view, the director of Shkodër Children’s Home, an orphanage for six to 14 year-olds, informed Amnesty International that in the past it was relatively common for a local family to invite an orphan into its home for regular visits, and in this way lasting bonds were formed. He commented that this was rarer nowadays. The importance of these contacts is shown in the comment by an adult orphan about the family who had befriended him as a child in an orphanage: “*I still visit them. It was from them that I learned about family life and family relationships and social behaviour.*” It is clear that a reduction in such contacts between the orphan and the wider community is likely to hinder the orphan’s socialization and contribute to his or her sense of exclusion.

1.2. Orphans in state care

In Albania there is strong social pressure on relatives to take over the care of children if their parents have died or for other reasons are not able to look after them. In some areas, if the father dies the mother may return to her family, and the children are looked after by their grandparents or other relatives on the father’s side.⁵ As a consequence of this tradition, there are relatively few children in orphanages at present – about 600.⁶ Of these, about 400 are in state-run institutions, under the responsibility of the Ministry of Labour and Social Affairs, and the others in private institutions run by NGOs and foundations. There are nine state orphanages,⁷ caring for children segregated by age (birth to four years; four to six years, and six to 14 years).⁸

However, the rapid changes that Albania has undergone in the last 15 years have had a marked effect on marriage and family solidarity. Poverty, emigration and internal migration, as well as exposure to different social values and roles, have weakened family bonds. Domestic violence is common⁹ and courts report that divorce is on the increase. Measures in the 2003 Family Code which provide, in the case of divorce, for mothers awarded custody of children to remain in the family property, or for fathers to contribute to the care of their children, are not well enforced. If the father is unable or unwilling to support the family, the

⁵ This tradition, with all its positive aspects, nonetheless means that these orphans, brought up by their mothers or grandparents, are often materially less well provided for than children in orphanages, and account for some of the most economically deprived and vulnerable children in Albania. Various estimates put their numbers at between 16,000 and 42,000.

⁶ Figure cited by the Ministry of Labour and Social Affairs, reported in the Albanian press (*Koha Jonë, Metropol*) on 19 May 2007. (The total population of Albania is estimated to be 3.5 million.)

⁷ There are also five centres for the development and rehabilitation of children with disabilities.

⁸ One effect of the segregation of children by age is that siblings can sometimes be separated, a practice now recognized as undesirable.

⁹ See Amnesty International’s report *Albania: Violence against Women in the Family – “It’s not her Shame”*, AI Index: EUR 11/002/2006, 30 March 2006.

mother often cannot alone support her children; state support (economic assistance) is inadequate,¹⁰ and discrimination against women in employment is widespread.

These changes are reflected in the profile of children cared for in orphanages. Formerly, most were so-called “biological” orphans, meaning that both parents were deceased. There are relatively few such orphans in orphanages at present, partly because relatives take over their care, and partly due to adoption. Instead, the great majority of children are “social” orphans. This term includes children born outside marriage whose mothers are unable to raise them, children who have been abandoned by their parents, and children taken into care by court order because their parent or parents are temporarily, or permanently, unable to look after them. In most such cases it is poverty and associated factors such as emigration, marriage breakdown, mental or physical illness, imprisonment or the consequences of domestic violence or blood-feud, that have resulted in these children being placed in state care. Amnesty International is concerned that the number of these “social” orphans is said to be on the increase.

In March 2005 the Committee on the Rights of the Child, the committee of independent experts which monitors compliance with the Convention on the Rights of the Child, stated that it “*remain[ed] concerned that children may be ... placed in institutions by parents in difficult economic situations.*” The Committee recommended that Albania:

“(a) Take effective measures to strengthen support to families by developing a comprehensive child-centred family policy to enable families to care for their children at home;

(b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships.”¹¹

1.3. The right of orphans and other children deprived of their family environment to special protection

Under Article 20 of the CRC:

“A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State”.

Special protection and assistance should be extended to the age of 18 (general international consensus puts the age of majority at 18 years.)¹² This obligation is reflected in the Albanian

¹⁰ In April 2007 a family on social assistance received between 1,500 leks (12 euros) and a maximum of 7,000 leks (57 euros) per month; in practice, depending on local government budgets, families could receive less than these sums.

¹¹ See the Committee’s concluding observations on the initial report submitted by Albania on its implementation of the CRC, *Concluding Observations of the Committee on the Rights of the Child, Albania*, U.N. Doc. CRC/C/15/Add.249 (2005), 31 March 2005, paras. 44 and 45 (a) and (b)

¹² Under Article 1 of the CRC: “For the purposes of the Convention, a child means every human being below the age of 18 unless under the law applicable to the child, majority is attained earlier.”

Constitution which guarantees the right of the child to special protection (Article 54), and declares that it is one of the social goals of the state to provide care and assistance to orphans (Article 59.1e). When a child is placed in the care of an institution, that institution assumes the duties of a guardian (Article 271 of the Albanian Family Code of 2003). Article 224 of the Family Code makes it clear that in such cases the institution exercises parental responsibilities, which are defined in Article 3: responsibility for “*the upbringing, development, well-being, and education*” of the child.

1.4. The orphanage – up to 14/15 years

In 2005 experts of the Social Services Department of the Albanian Ministry of Labour and Social Affairs, in a document setting out the Social Services strategy for the next five years, identified a number of problems related to the care of orphans in state institutions. Some of these related to lack of investment in orphanages (poor quality services, infrastructure and staffing). Others related to matters such as the frequent transfer of children from one orphanage to another because of their segregation by age; the low level of educational achievement of children; the failure to prepare them for independent life and their vulnerability to sexual abuse and exploitation. A greater reliance on family-type care, including foster-care and early adoption, and the decentralization of social services were the main solutions envisaged.¹³

Certain of the problems listed in this document amount to a breach of Albania’s obligation to provide special protection and care to orphans, but also, more specifically, to violations of the right to an education that will develop “*the child’s personality, talents and mental and physical abilities to their fullest potential*” and prepare the child “*for responsible life in a free society*” and of the child’s right to protection from sexual exploitation and abuse.¹⁴ Furthermore, several adult orphans interviewed by Amnesty International alleged that in the past, as children, they had been physically ill-treated by orphanage staff or other children. There seems to be now a greater awareness of the vulnerability of children in orphanages and the need to monitor their conditions and treatment.¹⁵ However, the press has continued to report, from time to time, allegations that orphanage staff have ill-treated children or sexually abused them.¹⁶ Such ill-treatment is a violation of Article 19.1 of the CRC which requires states to “*take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*”

¹³ From *The Strategy of the Social Services 2005 to 2010* : mpcs.gov.al/images/stories/files/strategjia-sherbimeve-sociale.doc

¹⁴ See Article 29 1(a) and (d), and Article 34 of the CRC.

¹⁵ For example, inspections by the Ombudsperson’s Office (in addition to government monitoring); complaints boxes (on 17 May 2007 *Metropol* reported that boxes where children may deposit complaints were to be placed in social care institutions).

¹⁶ The most recent allegations – of the sexual abuse of children – relate to a non-state institution, “His Children”, located in Tirana. The trial of the director of this institution and three other men formally opened in October 2007.

1.5. From orphanage to secondary school (from the age of 14/15 to 18 years)

“States Parties agree that the education of the child shall be directed to: The development of the child's personality, talents and mental and physical abilities to their fullest potential”.

Article 29.1 (a) of the CRC

“Children who are raised in institutions are characterized by a lower level of intellectual development, which is reflected in lower results in class. [Only] a small number succeed in continuing to higher education.

There are no programmes for orphans who do not continue to secondary school and have poor results in class.

The children's wishes are not taken into account in the choice of a school or profession.

There is no exact information providing follow-up on their situation after they leave the institution.

Alternative services are inadequate.”

The Ministry of Labour and Social Affairs, *Strategy of the Social Services 2005 – 2010*, Tirana 2005

At the age of 14 or 15 years orphans have in principle completed compulsory (primary) education and leave the orphanage.¹⁷ For adolescents in their final year of primary education the prospect of leaving their familiar environment, the orphanage, their school, their peers and school and orphanage staff can be very daunting. In September 2006 A., a 14-year-old orphan in the city of Shkodër in northern Albania, praised the care she was receiving at the city's orphanage, but added: *“But now I'm filled with anxiety as to what will happen to me and my friends next year; where will we live, where will we eat, how will we find clothes to wear? ...we appeal to the state to help us, we appeal to the state not to abandon us”.*¹⁸

In practice, most children in state orphanages continue to secondary school, usually a vocational school.¹⁹ Here they are the responsibility of the Ministry of Education, and receive free accommodation in the school's residence hall (*konvikt*), education, meals, 10,000 leks (81 euros) a year for clothes and a minimal monthly personal allowance of 500 leks (4 euros).²⁰ They have little choice in this matter. Almost the only state provision of accommodation for orphans in this age group (14 to 18 years) is in the *konvikt*, where they are accommodated together with other students who do not live locally. For children who do not wish, or are not

¹⁷ Until recently compulsory education (primary school) lasted eight years; since 2007 all children are required to attend nine years of compulsory education.

¹⁸ *Metropol*, 30 September 2006.

¹⁹ The more academic secondary school alternative to vocational school is the “general secondary school”, often referred to as the gymnasium. These do not have their own residence halls. However, foreign donors have assisted two orphanages in Tirana and Shkodër in providing separate accommodation within or near the premises of the orphanage for a limited number of youngsters of secondary school age.

²⁰ Council of Ministers' Decision no.688, of 26 October 2005

able, to attend secondary school, the state makes no provision apart from permitting those who have not yet completed primary education to stay on in orphanages until the age of 17.

The Convention on the Rights of the Child requires state parties to: “*Make educational and vocational information and guidance available and accessible to all children*” and stipulates the right of the child to express his/her views freely in all matters affecting the child, and to have due weight given to those views.²¹ Contrary to these obligations, children in Albanian orphanages are not necessarily properly consulted on the choice of a school. In practice, the choice of school may depend not so much on the child’s abilities and inclinations as on factors such as a link with the orphan’s birthplace or with relatives nearby, and the availability of places in a suitable school and in residence halls.²²

Adult orphans speaking about their experiences of secondary education emphasised the sudden rupture of links with their orphanage and the abrupt transition from the institutionalised, supervised life of an orphanage, where “educators” supervised homework and school attendance. B. remarked: “*When I finished primary school, and came to the residence hall, nobody [from the orphanage] came to visit me, they just came and handed over my documentation...*”

This sense of abandonment may be exacerbated by poor living conditions. Some residence halls are overcrowded and very poorly maintained.²³ C., aged 26, told Amnesty International:

“The conditions at the orphanage are much better than in the residence hall. When you leave the orphanage you feel as though you’ve ended up on the street. In the residence hall there is a supervisor who has to look after all the students, but there is no special supervisor for the orphans. The supervisor has no idea whether you attend school or not. The state gives you a grant, a bed and your meals. Many of my fellow orphans, boys and girls, dropped out of school because they had no support.”

In his own case, he said, he had been encouraged to persist in his studies by cleaners in the residence hall who had taken an interest in him. C.’s account points to the absence of the support and supervision which most adolescents need in order to complete secondary school and embark on adult life successfully. As a result, many orphans drop out of school, or attend their courses only fitfully, undermining their future chances of employment. The importance of such supervision is underlined in the Convention on the Rights of the Child which requires measures to be taken to “*...to encourage regular attendance at schools and the reduction of*

²¹ Articles 28.1(d) and 12.1 CRC.

²² In Shkodër, however, Amnesty International delegates were informed by the orphanage director that children were consulted at the beginning of the year in which they were due to complete primary school, and wherever possible they were sent to secondary schools they preferred, while taking into account a link with birthplace or relatives.

²³ See *Koha Jonë*, 3 June 2007, which describes damaged sewage pipes, unusable toilets, leaking roofs and broken furniture at the residence hall of the Pedagogical School in Gjirokastër; *Korrieri* of 20 January 2007 reported that no new residence halls had been built since the 1980s in Shkodër and that existing halls were over-crowded and in a poor state of repair.

drop-out rates”.²⁴ The Revised European Social Charter of the Council of Europe, ratified by Albania in 2002, similarly stipulates “protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support” and obliges states to encourage regular attendance at school.²⁵

The state's failure to implement these obligations not only undermines the child's chances of successfully completing secondary education, but also exacerbates the sense of isolation that orphans almost inevitably experience. For life as a secondary school student and a resident of a *konvikt* is liable to deepen the orphan's sense of social exclusion, rather than assist in a process of social integration. Whereas other students return to their families in vacations and may visit them at weekends, orphans may spend all year in the *konvikt*, including all, or a good part of the summer vacation. B. commented: “My class mates went off for the long summer vacation, they bought things for themselves. Whereas I stayed in a corner until the bell rang and classes started again.” B. also alleged discrimination in the classroom: “I felt I was looked down on when I was at secondary school. When they learned that I came from the orphanage, the teachers would say things to you, like: ‘That's what you youngsters from the orphanage are like’.”

The Revised European Social Charter specifically requires states to “protect children and young persons against negligence, violence or exploitation” (Article 17.1b). In disregarding this obligation and the constitutional duty to provide “special protection” to orphans, the state leaves them vulnerable to exploitation. Young orphan girls, in particular, are targeted by traffickers, who take advantage of the fact that they do not have parents to care for them. Their immaturity, their need for affection, security and material well-being make them easy prey.²⁶ Other orphans may be drawn into crime. D., a young man, told Amnesty International: “I started secondary school, but I never finished it. I got into drugs and ended up badly; I've been in prison four times... The state doesn't want to know about us. I'm sorry to speak to you like this, but the reality is that there is no state. There are some NGOs which help us a lot.”

The situation of orphans, on the brink of adulthood, is often bleak, as summarized by experts of the Social Services Department of the Ministry of Labour and Social Affairs:

*“The children are unprepared to live independently after the age of 18;
They are not provided with accommodation and employment when they finish schooling.
They are the most vulnerable to sexual abuse, early pregnancy and involvement in trafficking networks.”*²⁷

²⁴ Article 28.1 (e) CRC

²⁵ Articles 17.1(c) and 17.2 of the Revised European Social Charter of 1996. Albania does not currently consider itself bound by Article 17.

²⁶ A recent case reported by the press concerned a 15-year-old girl, said to be from Tirana orphanage, who was detained by police in Fier. A 40-year-old man had reportedly been exploiting her as a prostitute for about a year (see *Metropol*, 12 October 2007)

²⁷ From *The Strategy of the Social Services 2005 to 2010* : mpcs.gov.al/images/stories/files/strategjia-sherbimeve-sociale.doc

1.6. New policies for orphans and other children deprived of parental care

State parties to the Convention on the Rights of the Child recognise the responsibilities of parents and other family members, to provide “appropriate direction and guidance in the exercise by the child of the rights [in the CRC]”²⁸ This has been interpreted by the Committee on the Rights of the Child to mean that states should be reluctant to remove children from the protection of the family environment except where it is in the best interests of the child to do so, and should seek out alternative family environments where possible, including the child’s relatives, foster families and adoptive families.²⁹ The Committee considers that long-term institutional care should be avoided where possible – both the CRC and the UN children’s agency (UNICEF) have considered this should be a last resort³⁰ - due to the obstacles it places on the preparation of the child for independent life.

In general, current policies for children deprived of parental care appear to reflect the strategy outlined by the Ministry of Labour and Social Affairs in 2005 and a shift away from long-term institutional care, as recommended (above) by the Committee on the Rights of the Child. However, these policies are still in the initial phases of implementation.

In July 2007 the Ministry of Labour and Social Affairs announced a policy, elaborated with the support of UNICEF, which is to be tested in Tirana and Shkodër. According to this policy, children are to be placed in orphanages only as a last resort, and where possible temporarily. Instead, the government will encourage adoption, where appropriate, and also foster-care. Where this feasible, it will assist parents or relatives to keep children in the family by providing economic and other support.³¹

In the meantime, the decentralisation of social services provision is under way, and responsibility for orphanages is being transferred to local authorities.³² Recommendations made in 2005 by the Committee on the Rights of the Child point to measures that need to be taken to ensure that current government policies protect the best interests of the child. The Committee called on Albania to:

Strengthen efforts in the area of deinstitutionalization ensuring that parallel structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;

²⁸ Article 5 of the CRC.

²⁹ Recommendations from Day of Discussion on State Violence Against Children, Report on the twenty-fifth session, September/October 2000, CRC/C/100, paras. 688.20-21.

³⁰ See for example, *Implementation Handbook for the Convention on the Rights of the Child*, fully revised edition, UNICEF, 2002, p 285.

³¹ *Koha Jonë*, 14 July 2007; *Shekulli*, 15 July 2007

³² Not all the orphanage staff to whom Amnesty International delegates spoke in April 2007 were entirely confident about this process. There were concerns that it might result in reduced funding for orphanages, staff cuts which might deprive children of carers to whom they are attached, or that local government might wish to take over orphanage buildings for other purposes.

*Establish procedures to ensure that children currently residing in institutions that are being closed down are fully informed and able to participate in deciding on their future placement, and that these children retain their rights to social protection.*³³

1.7. Non-state residential care - alternative strategies

As mentioned earlier, there are some 200 children in residential care managed by NGOs and foundations licensed by the state, which is responsible for monitoring their standards of care. During their visit to Albania in April 2007, Amnesty International delegates had the opportunity to learn about the care provided by several of these institutions in Tirana and Elbasan. The largest, and one of the earliest of these institutions, is the SOS Village, located on the outskirts of Tirana, founded in the early 1990s. Here the children are grouped in “families” of up to seven children of varied ages, living in family-type houses under the care of live-in “mothers”. They attend the SOS Village primary school, which also provides education for the local community more widely. At secondary school age their progress continues to be supported and monitored and arrangements are made to give them work experience with local businesses. Later they are supported in finding employment and accommodation in the private sector. Support continues, but is gradually reduced until the youngster is fully independent. There are somewhat similar projects in Elbasan, such as Tjetër Vizion and the House of Hope Children’s Home. All emphasise the importance of maintaining and encouraging links, where this is possible, between the child and his or her relatives.

It is difficult to assess the success of the methods employed by these institutions as yet, given the limited number of children who have “graduated” through them. However, unlike state orphanages, they aim to provide protection and care to children right through to adulthood. They also take active measures to prepare youngsters for independent life and facilitate their social integration.

Nonetheless, Amnesty International is concerned that these projects, which in effect devolve certain of the state’s responsibilities onto the shoulders of NGOs, have their dangers. NGOs often do excellent work, and have provided useful models and standards. However, initiatives such as these are subject to the support of international assistance, the continuance of which is not assured. It remains the duty of the Albanian state to ensure the rights of the child, irrespective of the provider of services. This implies duties with regard to resource allocation as well as the duty to monitor and regulate services to ensure that they comply with the rights of the child.

³³ *Concluding Observations of the Committee on the Rights of the Child, Albania*, U.N. Doc. CRC/C/15/Add.249 (2005), 31 March 2005, para. 45 (c) and (d).

2. AT THE THRESHOLD OF ADULTHOOD

“The right to live somewhere in security, peace and dignity ...”

UN CESCR, General Comment 4, *The Right to Adequate Housing*, para. 7.

2.1. In search of a place to live

At the end of the year before the orphan completes education, institutions which are responsible for the care of orphans, including schools, are required to send to the Ministry of Labour and Social Affairs and to local social services authorities exact statistics so that arrangements can be made to secure housing and employment for the orphan.³⁴

In reality, the authorities have generally neglected these responsibilities. Eighteen-year-olds graduating from secondary school (and indeed younger orphans, still children, who drop out of school), may find that no provision has been made for their housing. As the following example illustrates, they risk being faced with a choice between accommodation that is squalid and insecure, and the street.

Vasil Stefa and Marsel Guri are two young men aged 18. They were raised in an orphanage in Vlora until the age of 14 and spent the following four years attending the industrial secondary school in Vlora and living in the school’s residence hall. In early June 2007 they completed secondary education, and they plan to continue their studies at university. A press report described their dilemma.



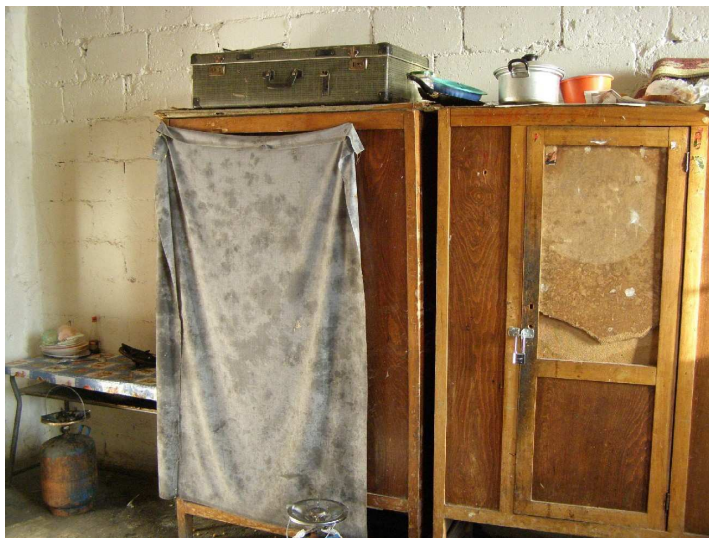
Vlora city hall © AI

“A few days ago, the two boys said farewell to their friends ... But while their class mates returned to their homes, for these boys their final days at school were painful. With no home to go to, they wonder where they will spend the rest of their lives They have to leave the residence hall after 20 June and none of the hall authorities has told them where to go. Yesterday Vasil Stefa and Marsel Guri spent several hours at the main entrance to the city hall, in the hope of a meeting with the mayor ... They are asking the local authorities for accommodation. They very much hope

that the mayor will find a solution for them ... Yesterday the mayor was not in, but the boys decided to wait for him”.

³⁴ Article 4 of Law no.8153, of 31 October 1996 “On the Status of Orphans”.

As one of the boys explained: “We don’t have food either, but it’s accommodation which is absolutely essential. The [state] economic assistance we receive is minimal, but that’s not what is worrying us. All we want is accommodation where we can lay our heads.”³⁵



Vlora: conditions in former *konvikt* of the Commercial School where adult orphans now live
© AI

³⁵ *Shqip*, 9 June 2007

The same press report indicated that the most likely accommodation for the two boys was a room in the former residence hall of the commercial school in Vlora, where six adult orphans were already living, three of them women. This is perhaps confirmed by a later press report in October 2007, according to which eight adult orphans now inhabited the building. One of these is Renato Kalemi, who is disabled and a wheelchair user. The accommodation is squalid and lacks minimum standards of hygiene. The building is infested with mice and smells of drains. Its inhabitants have no privacy (they sleep several to a room). Nor do they have security of tenure. The building is now private property, and the owner has reportedly several times requested the occupants to leave.³⁶ Such conditions effectively reinforce the marginalization of orphans and hinder or block the process of their social integration.

2.2. Sleeping rough

Other adult orphans, in particular those who have not attended secondary school or who have dropped out of school, may end up sleeping rough, or relying on temporary accommodation provided by NGOs. Amnesty International learned that in Shkodër about 10 young adult orphans had until relatively recently been living in temporary shelters wherever they could: in sheds, basements or on the floors of business premises. Most have reportedly found accommodation with the Casa Famiglia project, an Italian NGO. Their past situation is illustrated by the following examples taken from press reports.

In February 2005, Elvis Kalvari, aged 22, who was abandoned as a newborn baby and brought up in orphanages, was reportedly living in a windowless basement under the stairs of a sports stadium in Shkodër. His only furniture consisted of some plastic barrels and wooden boards, and a bed frame without a mattress. The clothes he wore were given to him by townspeople. Unemployed, he was living on state economic assistance of 2,200 leks (18 euros) per month, and the charity of the owner of a nearby petrol station where he helped out with various tasks.³⁷

In April 2005 another adult orphan, Gëzim Handraj, aged 21, was reportedly living in an unused shed. He was trying to make a living by cutting and selling wood (a local businessman had given him a cart). Although it was over a year since he had left the orphanage, he was still not receiving the state economic assistance to which he was entitled. The National Orphans' Association was helping him to prepare the necessary documentation, and had given him some bedding and clothes.³⁸

³⁶ *Gazeta Shqiptare*, 18 October 2007.

³⁷ *Gazeta Shqiptare*, 6 February 2005.

³⁸ *Koha Jonë*, 18 April 2005.

3. THE HUMAN RIGHT TO ADEQUATE HOUSING

“ ... the right to live somewhere in security, peace and dignity ...”³⁹

The UN Committee on Economic, Social and Cultural Rights, General Comment 4

3.1. The right to adequate housing in international law

The right to adequate housing is enshrined in a range of international human rights treaties to which Albania is a party, including the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 11.1),⁴⁰ the Convention on the Rights of the Child (Article 27.3), and Article 31 of the Revised European Social Charter.⁴¹ Under Article 11.1 of ICESCR:

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

In its General Comment 4 on the above article, the Committee on Economic, Social and Cultural Rights (CESCR), which interprets the ICESCR, has emphasised:

*“[T]he right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head ... Rather it should be seen as the right to live somewhere in security, peace and dignity ...”*⁴²

The General Comment also states that individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status, and that enjoyment of this right “*must not be subject to any form of discrimination.*”⁴³ Further, the General Comment stipulates that “*Disadvantaged groups must be accorded full and sustainable access to adequate housing resources*” and that “*States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration*”⁴⁴.

Although international law recognizes that economic, social and cultural rights generally cannot be fully realized immediately, state parties are required to use the maximum

³⁹ UN CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para. 7.

⁴⁰ Ratified by Albania in 1991.

⁴¹ The Revised European Social Charter was ratified by Albania in 2002.

⁴² UN CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para. 7.

⁴³ *Ibid*; para. 6.

⁴⁴ *Ibid*; paras.8 (e) and 11.

of available resources, both domestic resources as well as those available through international assistance and cooperation, to move as expeditiously and effectively as possible towards realising fully these rights, including the right to housing, *independently* of any increase in available resources.⁴⁵

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

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

Albania does not currently consider itself bound by either Articles 30 or 31.

3.2. Albanian law and the right of the orphan to priority with housing

The Albanian Constitution requires the state to aim at achieving a number of social objectives “within its constitutional powers and the means at its disposal, and by supplementing private initiative and responsibility” (Article 59). These include the fulfilment of the housing needs of its citizens (Article 59.1 b), and the provision of “care and assistance for the aged, orphans and the disabled” (Article 59.1 e).

The state’s specific responsibilities with regard to the housing of orphans are laid down in the law “On the Status of Orphans” which defines the criteria for being recognized as an orphan, the rights deriving from this status (including the right to priority with housing) and the procedures for obtaining it.⁴⁶ Under Article 1 of this law orphan status is granted to persons up to the age of 25 years, whether or not they have been raised in state or private residential care, who: a) are born out of wedlock; b) have no living parent; c) whose parents (or parent, if one has died) have been deprived by a final court decision of their parental rights; or d) have been abandoned by their parents whose identities are not known.⁴⁷

Under the terms of the law, recognized orphans enjoy a range of special rights and protections. In particular, Article 17 states that people with orphan status are to be given priority with housing and should benefit from long-term state loans (for the purchase of housing). Article 2 allows recognized orphans to continue to enjoy this status (and thus, it must be assumed the rights derived from it, including the right to priority with housing) even after the age of 25 “*if they have not been granted housing by the state and are in difficult living conditions*”.

⁴⁵ See Article 2.1 of the ICESCR and UN CESCR, General Comment No. 3, *The Nature of States’ Parties Obligations*, UN Doc. E/1991/23.

⁴⁶ Law no. 8153 of 31 October 1996.

⁴⁷ To obtain official recognition of this status, the orphan must file an application and present documentation to a Commission of the State Social Services confirming that he/she fulfils the above criteria.

However, the procedure for exercising this right was not fully set out until six years after the law was introduced, in a government decision of 4 July 2002.⁴⁸ This gives homeless orphans, whose status has been recognized, the right to file a request for housing with their local authorities when they reach 18 years. Only those applying for housing for the first time are eligible. The local authorities are required to administer these applications in cooperation with the National Orphans' Association of Albania. Central government, through the National Housing Agency, is required to arrange for necessary funding, in response to the applications of local authorities, so as to give priority to the housing of orphans.

3.3. Government housing policy

Like most, or all, post-communist countries, Albania in 1991 was faced with major legal and practical challenges with regard to housing policy, and the transformation of a system largely based on state ownership of property to one in which private property and the free market dominated. In 1993 the state housing stock (much of it very dilapidated) was privatized, and sold on favourable terms - or given free of charge in the case of smaller properties - to existing occupants. Secondly, legislation was introduced providing for land registration and for the restitution or compensation to owners of property nationalized or confiscated after 1945. The latter two processes, unlike the privatisation of public housing (which was completed rapidly) have proceeded very slowly, and given rise to numerous property disputes and litigation. Meanwhile, with the end of communist rule and the lifting of restrictions on the free movement of people, there followed a mass exodus from the countryside to the larger towns, in search of employment. High demand and limited supply of urban housing led to a rapid rise in house prices. The severe shortage of social or low-cost housing in urban areas in its turn resulted in the growth of informal settlements on the outskirts of towns, some of which have subsequently been legalised.

In 1993, with the aid of a World Bank loan, the government embarked on a programme to complete unfinished public housing, creating nearly 8,600 housing units.⁴⁹ These were sold on favourable terms, mainly on long-term instalments, to certain categories of homeless households, determined less by considerations of poverty and need than by political factors: former political prisoners, people who had lost their housing as a result of restitution, and later, people who had lost their homes as a result of "pyramid" investment schemes in 1997. A study based on analyses carried out in 2000 on the samples of families who benefited from such state-subsidized housing concluded that 90 per cent of those families had above-average incomes for Tirana (where incomes are above the national average).⁵⁰ In other words, in contravention of the state's international obligations, social housing was not allocated to the most disadvantaged – among them adult orphans - for whom the purchase of an apartment, even with subsidized credits, was generally only a distant prospect. Moreover,

⁴⁸ VKM (Decision of the Council of Ministers) no.316 of 4 July 2002, "*On the procedure for the housing of orphans*".

⁴⁹ *Albania: Housing with Social Purpose Project* (FIP 14145), March 2006 (draft), p.5.

⁵⁰ D. Andoni *The Impact of Housing Policy on the Poor in Albania*. December 2000, p. 56, cited in UN Economic Commission for Europe, 2002, *Country Profiles on the Housing Sector, Albania*, p.12.

as a result of the privatization of state property in 1993 there was no state housing for rental, probably the most realistic option for many of Albania's most vulnerable. One effect of these policies is to have created a climate in which private home ownership is the norm, and one to which even the poorest families tend to aspire.

In 2002 a study of the housing sector in Albania commissioned by the United Nations Economic Commission for Europe at the request of the Albanian government noted that the number of homeless families on government waiting lists was constantly increasing. At the time, according to the study, the government had obligations towards 46,000 homeless families registered between 1992 and 1998. These households were classified in six major categories, none of which was related to income or to social criteria.⁵¹ The study observed:

*“Social housing does not seem to be high on the Government’s agenda. Bearing in mind that there is a vast number of people in persistent poverty and deprivation it would be appropriate if the Government took responsibility for providing sheltered homes, social rented accommodation and affordable housing for them.”*⁵²

The study’s recommendations included a recommendation to provide public or social housing for the most needy.

3.4. Legislation to address the housing needs of the poor and vulnerable

On the basis of a National Housing Strategy Action Plan adopted in 2001 and the above recommendations, the government drafted a law “On Social Programmes for the Housing of Inhabitants of Urban Zones” which was adopted in 2004.⁵³ This law defines the categories of people who are to benefit by social housing, the various forms of social housing envisaged, as well as the responsibilities of different central and local authorities.

Families and individuals eligible for this housing include those who do not have an adequate income (as defined in Article 6 of the law) and who fall into the following three groups: 1) are not property owners, 2) have a living space less than the standards specified for families of their socio-economic category; and 3) those left homeless as a result of natural disasters.

Article 5 of this law gives priority to families or individuals who did not benefit from the privatization of public housing in 1993, families where the family head is a widow or divorcee, one-parent families, the elderly, people with disabilities, War invalids and work invalids, families with many children, young couples, families who have moved residence because of work - and orphans, up to the age of 30.

The forms of social housing envisaged include rental housing, with rent subsidies in certain cases (up to 75 per cent of rent, in the case of orphans). Other options are low-cost

⁵¹ UN Economic Commission for Europe, 2002, *Country Profiles on the Housing Sector, Albania*, p.77.

⁵² *Ibid*; p.68.

⁵³ Law no.9232 of 13 May 2004.

housing for purchase on a long-term credit basis, and the sale of sites, together with the necessary infrastructure and building permits, to families who wish to build their own homes.

The selection of applicants to benefit by these programmes is to be made by municipal housing commissions which shall include representatives of registered NGOs who defend the interests of the groups named in Article 5 of the law.⁵⁴ Amnesty International is concerned to observe that in practice it appears that Tirana Municipality housing commission has representatives of only two NGOs (the Albanian Disability Rights Foundation (ADRIF) and the Red Cross), neither of which represents orphans.⁵⁵

These social housing programmes are to be funded by the state budget, contributions from various donors, income received from local taxes on immovable property; and income from profit-making activities of municipalities.

The Ministry of Public Works, together with the Ministries of Finance, of Labour and Social Affairs, and of Decentralisation, and the municipalities are responsible for the implementation of this law. Municipal authorities are required to elaborate a 10-year housing programme for the area they administer and secure necessary funding; they are also responsible for the construction, administration and maintenance of rental social housing. The law additionally provides for the establishment of a National Committee for Housing to advise the relevant ministries on policy.

While this law does not explicitly invalidate the provisions of the Law on the Status of Orphans with regard to the right of orphans to priority with housing, it appears to weaken their position. Orphans now figure as one category among many others to be granted priority with housing, and this right ceases at the age of 30. This appears to conflict with the Law on the Status of Orphans, which allows for an unlimited extension, beyond the age of 25, of orphan status and its associated rights, including the right to housing, if the orphan has not previously been granted housing by the state and is in difficult living conditions.

⁵⁴ VKM (Decision of the Council of Ministers) no.53 of 28 January 2005 setting out “*The necessary documentation, the dead-lines and the procedures for obtaining housing under the programmes for rental social housing*”.

⁵⁵ See *Programi dhjetëvjeçar për strehimin social në qytetin e Tiranës (10-year programme for social housing in Tirana City)*, published by Tirana Municipality, 2006

4. REALITY – THE DENIAL OF THE ADULT ORPHAN’S RIGHT TO HOUSING

In April 2007 the Director of Social Housing of the Ministry of Public Works informed Amnesty International that the law “On Social Programmes for the Housing of Inhabitants of Urban Zones” had not been implemented yet. Most municipalities did not have the funds or the training and capacity yet to carry it out. However, in 2008 municipalities are due to present their projects on the basis of which they will receive a budget. This government official acknowledged that to date housing had been allocated to orphans only on an *ad hoc* basis. She mentioned that some 10 adult orphans in Berat had benefited by social housing.⁵⁶ The President of the National Association of Orphans of Albania informed Amnesty International that prior to 2004, 14 adult orphans had received housing. There are probably other cases, but it is clear that the overwhelming majority of people with orphan status (currently 719 registered⁵⁷) have not enjoyed their legal right to priority with housing.

4.1. From *konvikt* to *konvikt*

*“When I finished secondary school [in Kuçova] in 1990 I couldn’t find work. At that time the rioting started and no one took responsibility for us.⁵⁸ In Kuçova there were only three of us orphans and they didn’t allow us to stay on in the residence hall. So I came to Tirana. They’ve moved us around many residence halls. At first we lived in the Construction School hall, but they moved us out from there. Then they took us to a place near the Writers’ Club, and finally we ended up here [residence hall of the Hoteliery and Tourism secondary school]. **Our whole life has been spent in residence halls and state institutions**” [emphasis added].*

E., aged 35, raised in orphanages in Durrës and Tirana.⁵⁹

The dilemma faced by the two young men in Vlora described earlier is one familiar to a good many adult orphans who have passed through state orphanages. Without the assistance of relatives, even those who have acquired the skills to make them eligible for employment may well have difficulties finding work, given generally high levels of unemployment.⁶⁰ The more fortunate, who have been able to maintain or renew contacts with relatives over the years may find shelter in this way. A small number of others find temporary shelter in housing provided

⁵⁶ Interview with Amnesty International in April 2007.

⁵⁷ Figure cited by the Ministry of Labour and Social Affairs, reported in the Albanian press (*Koha Jonë, Metropoli*) on 19 May 2007.

⁵⁸ Demonstrations in July 1990, when many Albanians sought refuge in foreign embassies in Tirana, escalated later in the year to rioting in many cities, and eventually, in early 1991, to the end of communist party rule and multi-party elections.

⁵⁹ Interview with Amnesty International in April 2007.

⁶⁰ In May 2007, the Ministry of Labour and Social Affairs stated that 13.6 per cent of the population was registered as unemployed, but that the actual figure – including those who had not registered – was higher. (Unemployment figures vary widely according to region, with the highest levels in Kukës and Shkodër districts, and the lowest in Tirana.)

by NGOs or foundations. Others still join the ranks of Albanians who emigrate to Greece or Italy, often illegally, to find work.

The least likely solution is that envisaged by Albanian law: that they will be accorded their rights as orphans and granted priority with housing.

As a result, many orphans are denied access to adequate housing, and failing something better, they cling to what they have – the residence hall, or semi-derelect areas of these halls. According to the National Association of Orphans of Albania, there are altogether some 340 adult orphans, mostly aged between 25 and 40 years, living in such residence halls or other inadequate or temporary housing. In residence halls they live two to four to a room, generally in conditions of misery, sharing a sordid communal shower and toilet areas.

Although the adult orphans interviewed by Amnesty International did not pay for rent, electricity or water, they live in poverty. With few qualifications, often living from hand to mouth by casual labour in the informal economy, they were generally receiving state economic assistance ranging from 1,700 leks (14 euros) to 3,000 leks (24 euros) per month. (According to World Bank statistics of 2003, less than 3,047 leks a month amounts to “extreme poverty”.⁶¹) State neglect is partially alleviated by food and clothes donated by NGOs, and the compassion of those directly involved in managing the halls (who sometimes pass on leftovers from the student canteen, and offer a few individuals employment as cleaners or caretakers). However, the possibility of their eviction is always in the air.

4.2. Inadequate housing - conditions in residence halls inhabited by orphans

As seen above, Article 11.1 of the ICESCR provides for the right to “adequate housing”. In defining what constitutes adequate housing, the Committee in its General Comment 4 notes:

*“As both the Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000 have stated: ‘Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost’.”*⁶²

With this as its starting point, the Committee proceeds to identify more closely certain criteria or aspects that define adequacy in terms of housing: *a) legal security of tenure; b) availability of services, materials, facilities and infrastructure; c) affordability; d) habitability; e) accessibility; f) location and g) cultural adequacy.*

⁶¹ See World Bank report of June 28, 2003: *Albania: Poverty Assessment*. According to this report, “the food poverty line (or extreme poverty line) is estimated at 3,047 Leks per capita per month. The full poverty line, estimated with allowances for basic non-food items, is estimated to be 4,891 Leks per capita per month.”

⁶² UN CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para.7.



Tirana: room in former *konvikt* of School of Hoteliery and Tourism © AI

In Amnesty International's view, the situation in which adult orphans accommodated in residence halls are living represents a grave failure to meet several of these criteria, in particular those of accessibility, habitability, affordability and security of tenure. Firstly, the requirement of *accessibility*, as set out by the Committee is not met: "*Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources.*"⁶³

With regard to *affordability*, it should be noted that because of the shortage of housing in urban centres (where most employment is to be found)

the cost of housing in the private sector is relatively high. Renting in the private sector is also problematic due to the lack of legislation regulating and protecting the rights of tenants and of landlords. As the government has acknowledged: "*Many families registered on the houseless lists, as a result of the rise of interest rates for housing, cannot afford the repayment of loans, and many other families on these lists have no access to affordable houses, either by ownership or for rent.*"⁶⁴

Further, the conditions in which adult orphans are currently living in residence halls fall well below the standards set for *habitability* defined by the Committee:

"Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors".⁶⁵

The buildings themselves are generally in a ruinous state of disrepair.⁶⁶ The rooms, often marked by damp patches, often contain little furniture apart from worn beds and broken cupboards. They do not offer privacy – several people occupy a room. The communal corridors with their peeling, begrimed walls are dank and cold in winter, while the communal

⁶³ UN CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para.8 (e)

⁶⁴ Albania's initial report (5 January 2005) submitted to the CESCR on its implementation of the ICESCR.

⁶⁵ UN CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para.8 (d).

⁶⁶ The conditions in which female adult orphans live in the Safet Spahiu residence hall in Shkodër are a partial exception to this general picture. In April 2007 seven of them, aged between 25 and 30 years, were living in two rooms in an annexe which had been renovated with foreign funding, equipped with its own bathroom and kitchen, and was scrupulously clean. While these conditions are far better than the conditions of other adult orphans in residence halls visited by Amnesty International delegates in Shkodër and Tirana, they do not offer individual privacy or security of tenure, and the hall authorities and students have petitioned local authorities to find an alternative solution to the housing of these young women.

shower and toilet areas, squalid at all times, give off a pervasive stench in the summer and may be considered to be a health hazard, particularly for children.

Finally, adult orphans living in halls do not have *legal security of tenure*. The Committee, while recognizing that tenure can take a variety of forms, states:

*“Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups”.*⁶⁷

Residence halls are the property of the Ministry of Education, and are needed for their original purpose – to accommodate secondary school students. To bring these buildings up to an acceptable standard, the Ministry would have to carry out major reconstruction work and evict the occupants. In Tirana, Shkodër, Korça and Vlora adult orphans have at one time or another been threatened with eviction. In the case of Korça, this threat has since 2006 been hanging over some 15 adult orphans – mostly young women aged between 20 and 35 – living in the residence hall of the Demir Progri secondary school. They originally came from different regions of Albania to study at the school. As they were not allocated housing after completing their studies, they stayed on in six rooms, located on two floors of the building. Most are reportedly unemployed or working for low wages as dressmakers. The building, in effect their home – in some cases for the last 15 years – is described as looking like a “*complete ruin*”. In June 2006 the Regional Education Department notified the occupants that the building was to be renovated for use by students, and ordered them to vacate the premises by 15 June 2006. Albina Nazifi, aged 21, asked: “*I’ve been living with three other girls in one of the rooms for the last five years. They want us to leave now, but where are we to go?*”⁶⁸

The then mayor of Korça, in apparent ignorance of the state’s legal responsibilities towards orphans, reportedly remarked that they were now adults and should find their own solution to their housing problems.⁶⁹

The orphans’ resistance to eviction led to delays in starting the building works. However, at the end of May 2007 the authorities again gave the orphans notice to leave the building, and warned them that if they did not do so within 48 hours they would be forcibly evicted.⁷⁰ The current mayor of Korça, Niko Peleshi, promised that invalids and orphans would be given priority when a social housing project, comprising 80 apartments, is completed in December 2007. He reportedly stated that a two-party working group would select beneficiaries by a transparent process, based on a points system. However, no solution was offered to the orphans’ immediate housing problem.

⁶⁷ UN CESCR, General Comment 4, *The Right to Adequate Housing*, UN Doc.E/1992/23, para.8 (a).

⁶⁸ *Panorama*, 29 June 2006.

⁶⁹ *Ibid.*

⁷⁰ On 31 May 2007 Amnesty International appealed to Korça city authorities not to proceed with evictions and to ensure the right to adequate housing of these orphans: *Albania: Fifteen in Korça threatened with eviction and homelessness* (AI Index: EUR 11/001/2007).

On 2 June the press reported that following demonstrations by the orphans outside the City Hall, the Prefecture and the Regional Education Department, the municipal authorities had decided to find temporary accommodation for the orphans and to pay their rent. However, the orphans themselves were reportedly not directly informed of this decision and remained wary of broken promises.

In the event, the orphans gained a further reprieve. Works on the building came to a halt later in June 2007, when the firm entrusted with renovation works was deprived of its licence following an industrial accident at another residence hall, in Tirana, for which it was held responsible. It remains to be seen whether the promise to give these orphans priority with housing in December is fulfilled.

4.3. State reluctance to fulfil its legal obligations

The failure of the state to take effective action to comply with its obligations with respect to the right to housing of orphans in Korça is characteristic of broader failures in this area. In July 2005 a press article described the situation of B., an adult orphan, who was living in Tirana in a “one-room” home in the residence hall of the Hotelery-Tourism School (formerly the Technological school), together with her husband (also an adult orphan) and small daughter. Some 30 adult orphans were reportedly living in part of this building at the time. B. remarked:

“A lot of funds have been given for housing people like us with orphan status and we have filled in lots of forms over the years but so far we haven’t been given an apartment. So I continue to live here, together with my family.”⁷¹

However, the building had become so dilapidated that major reconstruction work was required, and it appeared that this family and the other adult orphans would be obliged to move out shortly. The authorities had provided temporary accommodation at the residence hall of the Electrical School, but only for 11 orphans who were still secondary school students.

Meanwhile, the authorities argued over who should shoulder responsibility for the remaining occupants, who refused to leave until alternative accommodation was provided for them. According to the press report, the director of the residence hall explained that 50 to 60 orphans, many of them former students, had lived for years in the residence hall. She commented:

“This is an educational establishment and it can’t be used to solve housing problems. Yet at the same time these people are in need and can’t be thrown into the street. The state should solve their problems as soon as possible, because they are taking up a lot of space which properly belongs to the school students ...The Municipal Council [says] that the occupants should complete housing application forms...We understand that it can’t do more, but filing applications takes time, whereas this problem needs to be solved promptly... The Social Services told us to place the

⁷¹ Shekulli, 28 July 2005.

families in another residence hall, temporarily, until the renovation of the Hoteliery-Tourism residence hall is completed and then to bring them back, until proper accommodation is found for them. But that's not right. The residence hall is an educational institution, not a housing one. It's not the job of the Education Department to deal with housing problems".⁷²



Tirana: room in former *konvikt* of the Hoteliery and Tourism School © AI

The following day, the Director of Social Services responded that the housing of people with orphan status was the responsibility of local government.

Two years later, when Amnesty International visited the residence hall in April 2007, little had changed. Building works had still not started and B., her husband, E., and their four-year-old daughter were still living in one room on the second floor of a decrepit section of the hall.

The officials from the Ministry of Labour and Social Affairs, the State Social Services and Tirana Municipal Council whom Amnesty International delegates met in April 2007 did not deny that the conditions of the adult orphans living in residence halls were unacceptable, or that the state was failing in its legal obligations to them, but gave little hope of a solution in the near future. The director of State Social Services readily conceded that the housing of orphans after they complete secondary school was a “weak point”. While some officials were sympathetic to the plight of homeless adult orphans, Amnesty International also met with counter-arguments. At Tirana Municipal Council, the director of Social Services told Amnesty International:

“The orphans at the Technological school [School of Hoteliery and Tourism] are not registered as homeless, and they want to privatize the residence hall. For them it is easier and more favourable to stay in the residence hall than to rent accommodation. In the residence halls they don't pay for electricity, water or rent. In a kind of way, they like to live like this.”

This attitude implicitly suggests that adult orphans living in residence halls are in some way exploiting the state – a charge which clearly does not stand in view of the state's failure to respect, protect and fulfil the right of orphans to adequate housing. It also implies that orphans are largely responsible for their living conditions because they have not complied with the formal requirements for obtaining housing.

⁷² Shekulli, 28 July 2005.



Tirana: Unhygienic conditions in the former *konvikt* of the School of Hoteliery-Tourism © AI

It is true that not all of the adult orphans whom Amnesty International delegates met in Tirana and Shkodër had completed the required procedures for applying for social housing. Their main explanation, not unreasonable in view of housing policy to date, was that they had little confidence that their applications would be successful. For example, three young women in Shkodër told Amnesty International that they had orphan status but had not applied for housing, adding: “*They won’t give it, anyway*”. However, another decisive factor was their fear that their low earnings were not sufficient to cover the purchase of low-cost social housing, even on a long-term credit basis (the only option till then available), in addition to utilities bills and other living expenses. Some mentioned that even filing an application involved some expense which they could ill afford, as well as considerable paperwork.

When discussing with Amnesty International the issue of the adult orphans accommodated in degrading conditions in residence halls, the Director of the Social Services Department of the Ministry of Labour and Social Affairs described this problem as largely “historical”. In his view this problem was a relic of the early years of transition, and the generation of orphans most affected by this period in which the relation of the state to its citizens changed so suddenly. It is true that some of the adult orphans interviewed by Amnesty International had grown up in an era when they could expect with some confidence that the state which had so far looked after them would continue to do so. It is also the case that at least two adult orphans whom Amnesty International met had received housing or shared housing prior to 1991, but had lost it by selling up unwisely or in the “pyramid”

investment schemes of 1996 to 1997. The end of communist rule found adult orphans, like many of their compatriots, ill-equipped to deal with new conditions, including a poorly regulated market economy. These facts do not, however, negate the continuing obligation of the Albanian state to fulfil its legal obligations with regard to the housing of orphans and other vulnerable groups.

Nor is it the case that orphans completing secondary school no longer risk homelessness, as the example of Vasil Stefa and Marsel Gura (see above) shows. The fact that there are fewer adult orphans seeking accommodation in residence halls does not necessarily point to a successful solution of their problems. In the absence of a system which would support and follow-up orphans as, and after, they reach adulthood, it is not possible to know their fate.

Nonetheless, Amnesty International delegates noted that the adult orphans they met in the residence halls in Tirana and Shkodër were over 20 years old. A list of 52 orphans living in residence halls or in temporary rented accommodation in Shkodër compiled in 2005 by the Shkodër branch of the National Association of Orphans shows that only one was under 20 years at the time, and most were aged 25 and upwards. From information gathered by Amnesty International, it appears that this is due in part to the work of certain NGOs which offer temporary accommodation or training and employment programmes, which in some cases enable orphans and other young people at risk eventually to earn enough to rent on the open market.⁷³ In addition, orphanages now encourage contact between “social” orphans and their relatives, and in this way some orphans may be reunited with their families. However, adult orphans and orphans’ activists with whom Amnesty International delegates spoke tended to express some scepticism about the success of this policy, pointing out that the circumstances which led to the child originally being placed in care often still obtain later. Reintegration with the family, although desirable, is not always possible. Orphans are aware of the risks of rejection, as expressed by this orphan, aged 17:

*“I’m scared of looking for my parents, maybe they’ve died, they’ve never contacted me. Several times I wanted to go and meet them, but I changed my mind. It’s better that they come and look for me. A mate of mine left no stone unturned to trace his parents, and when he found them, his step-mother wouldn’t receive him in the house. She said that if he ever came again, she would wipe him out.”*⁷⁴

Another orphan reportedly remarked: *“I don’t like visiting my relatives. Nowadays not even brothers love each other - a distant relative is not going to want you”*.⁷⁵ C., an adult orphan living in a residence hall in Shkodër, told Amnesty International that he had succeeded in tracing his mother, but she had not welcomed him.

⁷³ One example is the Youth Albania Professional Services (YAPS) project – a UNICEF-supported scheme in Tirana which trains young people at risk for various services, including courier services and home repairs.

⁷⁴ *Shekulli*, 8 August 2003

⁷⁵ *Ibid.*

4.4. Pushed to the margins – the consequences of the violation of the right to adequate housing

“We’re refugees in our own country.”

G., an adult orphan interviewed by Amnesty International

By its failure to fulfil its legal obligation to ensure adult orphans adequate housing, the Albanian state also undermines their ability to access other human rights, such as the right to family life, to work, to dignity and personal integrity. It thereby exposes them to a vicious circle of poverty and social exclusion.

As has been seen, the adult orphans in residence halls in Tirana, Shkodër, Korça and Vlora are in effect living in orphan “ghettos”, an environment which can only aggravate their isolation and hinder their social integration.

This process was well described by F., an adult orphan in his 40s, who has been employed as a caretaker at the residence hall of the Music School (a secondary school) in



Shkodër: industrial school *konvikt* washing area © AI

Shkodër since 1993. Part of this building is inhabited by 13 adult male orphans, aged between 24 and 36, most of whom were moved there after studying at the Veterinary or Construction Secondary Schools. F.told Amnesty International:

“It’s difficult having the adult orphans here; they live a completely different life from the students. They go out to work, keep different hours, come home late. They live on the ground floor where all the students pass by. They smoke and drink alcohol. They have no prospects in life. They live from day to day, on the little that the state gives them, and whatever casual labour they find ... [They]

don’t have even the most basic conditions; in one small room there are two, three or four of them living together. No home and no work. A home is life, stability. For how long will they be able to live in the residence hall? And where will they end up afterwards? It’s tough even for a student who spends four years here and goes home to his parents two or three times a month. But for someone who lives in the residence hall for 20 years ...When orphans find work, because they are orphans and have nobody responsible for them and to support them, the boss employs them for two or three weeks, and then fires them. So what stability is there in their lives? ...I tell them to find a job, a secure one. They are badly paid and exploited on the black market, and as a result they lose their motivation to work. They have not been prepared

to survive under capitalism – they have been institutionalized; nothing is waiting for them out there.”⁷⁶

According to F.’s own account, in 1988 he and six other orphans were given an apartment by the state; four of them later married and moved out. The others persuaded him to agree to selling the apartment in 1997 and dividing up the proceeds of the sale. He could not afford to buy them out, and moved into the Music School residence hall, where he has his own sparsely furnished room. He reflected: *“I lost a lot by selling the apartment. I could have been married and had grown-up children by now ... I do my best to fill my life. When I do various jobs around the residence hall, I feel as though I’m looking after my own home. I feel as though the students are my children.”* He envisages a bleak future for himself in his single room, and later in an old people’s home. Yet he considers himself fortunate to be in state employment, with pension rights and medical health insurance.



Shkodër: industrial school *konvikt* @ AI

C., also living at the Music School residence hall, remarked: *“Housing is very important; [the adult orphans here] have got a crust of bread to eat, but they continue to live in this bad situation. In this way, some of them accept the situation, and don’t try to change it. There are others who want to have a family and a stable life, but it’s impossible without a place to live. If they were given housing, it would take them away from here and give them a motive to work and find new opportunities. If you give someone housing, you oblige them to do something for a living. Many foreign NGOs have offered various kinds of training, but most [adult orphans] don’t accept, because they don’t get paid while they’re on the course. They prefer to do any kind of small job and earn a few leks to spending time on training.”*

⁷⁶ Interview with Amnesty International in April 2007.



Shkodër: industrial school *konvikt* – possessions © AI

F. and C. touch on a frequent theme – that the denial of access to adequate housing adversely affects the right to family life. Adult orphans on a number of occasions spoke with pessimism of their chances of finding a stable partner and creating a family. They stated that as orphans, without secure housing and employment, and without the support of relatives, they were regarded by potential partners and partners' relatives as a burden. As one orphan said: *“Even if you get to know a girl who has a family, it is very difficult to get her interested in you. She’ll say: ‘You’re an orphan, you don’t have anywhere to take me and to keep me.’”* Several young women simply stated: *“No one wants us”*.

4.5. The vulnerability of young women denied access to adequate housing

An adult orphan in Shkodër told Amnesty International delegates that in his view, orphan girls were the most unfortunate of all: *“They are completely abandoned – their situation is the worst: passed from one hand to the next.”* In April 2005 the Executive Director of the Institute for the Integration of Orphans expressed his alarm at the situation of orphans, many of them young women, living in residence halls in Tirana. *“They marry amongst themselves, some have children outside marriage, and they are increasingly at risk from trafficking networks which target exactly this category of abandoned young women”*. He added: *“None of the Social Services offices has any statistics of how many orphans aged 14 and upwards are wandering around residence halls, how many are the victims of trafficking, of prostitution or resort to stealing; nobody knows what their situation is.”*⁷⁷

The link between the denial of the right to adequate, secure and affordable housing and the vulnerability of young women to sexual exploitation and abuse is illustrated by the following example. In 2001 a young woman who had returned to Korça after six years abroad reportedly explained:

“[The traffickers] told me that within a year I would earn enough from prostitution to be able to buy not just an apartment but a house. That dream didn’t come true in a

⁷⁷ *Korrieri*, 15 April 2005

year, not even after six years' prostitution. My money filled the pockets of the trafficking bosses. They beat me, they pushed me into a bath with cold water, and when I hid some money in my clothes they left me this as a reminder (pointing to a scar on her thigh); they rubbed salt into the knife wound.”⁷⁸

In 2001 Mirash Zefi, president of the Association of Orphans in Korça, attempted to alert the public to the fact that 15 orphans, girls and young women, had gone missing in the previous seven years, and to the likelihood that at least some of them had been trafficked for forced prostitution. At the time, 22 girls were reportedly living in appalling conditions in three rooms in a residence hall, surviving on a quite inadequate monthly state assistance. Three of the girls had gone missing in the previous three years; one of them, a 15-year-old, had apparently been seduced by a young man with promises of marriage only to be sold into forced prostitution in Greece. Other girls in the residence hall who had notified the authorities were reportedly threatened by traffickers: “*We won't take you by force, but if you're smart you'll keep your mouths shut, or we'll shut them for you.*” Although two deputy directors of the residence hall reported the missing girls to the police, the local authorities allegedly dismissed the matter, arguing that the girls had left the residence hall voluntarily.⁷⁹

In December 2006 the Albanian TV station News24 which runs a regular program “In Search of a Life” helping people to trace members of their families, publicized the cases of 11 adult orphans, nearly all young women, who had gone missing in the previous 10 years from the Demir Progri school residence hall in Korça. The most recent was a 20-year-old woman, who in October 2006 had disappeared together with her 18-month-old child without leaving any address. Their disappearance would have been ignored had not Mirash Zefi contacted the TV station. As a press article commented:

“This phenomenon in itself shows the reality of the orphans' existence. The state takes charge of bringing them up until they go to secondary school, and then they are forgotten, left to face a reality which is harsh even for adolescents who have parents and a healthy family environment.”⁸⁰

News24 subsequently informed Amnesty International that it had been able to trace only two of these women, who were both living in western Europe. Their present circumstances were unclear but appeared to confirm fears that they had been subjected to sexual exploitation.

In Tirana, at the residence hall of the School of Hoteliery and Tourism, E. concluded:

“A home is very important... Especially for children, I don't want them to grow up as we did and to take the wrong path. Many of the orphan girls who used to live in this residence hall don't live here any more. They went to Italy and Greece, because they saw that there was no future for them here – especially with the stigma of being an orphan ...”

⁷⁸ *Koha Jonë*, 29 January 2001

⁷⁹ *Ibid*, 29 January 2001

⁸⁰ *Gazeta Shqiptare*, 19 December 2006.

5. SOCIAL HOUSING PLANS – HOPE FOR THE FUTURE?

In 2006 the number of registered ‘homeless’ families throughout Albania was over 45,000.⁸¹ In 2005 the government adopted a programme for the construction of 4,000 apartments for low-income and vulnerable households throughout the country by 2010. So far progress in implementing this programme has been slow. According to press reports, some 400 apartments for the homeless were due to be completed in 2005, a further 250 were built in 2006, and a similar number was planned for 2007.⁸² Few, if any, orphans have benefited. For example, in 2006 Tirana housing department reportedly granted 30 apartments to people made homeless by “pyramid” investment schemes in 1997; none was allocated to adult orphans⁸³.

In June 2007 the government approved an agreement with the Council of Europe Development Bank (CEB), for a 15 million euro subsidized loan, to cover 60 per cent of the cost of a project to construct 1,100 apartments to house 4,500 people. These apartments, which should be completed by the end of 2009, are to be built in Tirana and Durrës and seven other municipalities, for rental by homeless low-income families. The remaining 40 per cent of construction costs are to be born by local government, the owner of these properties, which under the terms of the agreement, may not sell them within the next 10 years.⁸⁴ A draft feasibility study prepared by the Albanian authorities with CEB technical assistance in March 2006, concluded that the project would have “an important learning and innovation role for the future provision of social housing in the country, in accordance with the Law On Social Programmes for the Housing of Inhabitants of Urban Zones of 2004.”⁸⁵

A number of municipalities have additional social housing programmes. For example, Tirana Municipality, with some 3,000 registered homeless families, has announced plans to build 680 apartments.⁸⁶ However, there appears to be some resistance to the notion of rental housing among potential beneficiaries. The great majority of applicants have reportedly expressed a preference for the purchase of an apartment on subsidized credit terms, although few of them earn enough to be eligible for a subsidized credit.⁸⁷ While the scale of these investments in social housing does not raise expectations that the housing needs of the poorest and most vulnerable sectors of Albanian society will be expeditiously met, they do reflect an acknowledgment that these needs can no longer be ignored. It remains to be seen to what extent the legal rights of adult orphans to priority with housing, to “*the right to live*

⁸¹ *Albania: Housing with Social Purpose Project* (FIP 14145), March 2006 (draft), p.5.

⁸² *Korrieri*, 20 April 2007.

⁸³ From interview with the Director of Social Housing of the Ministry of Public Works, April 2007.

⁸⁴ *Gazetare Shqiptare*, 21 June 2007.

⁸⁵ *Albania: Housing with Social Purpose Project* (FIP 14145), March 2006 (draft), page 3.

⁸⁶ The registered population of Tirana at the end of 2006 was 586,000; the real population was estimated to be probably some 200,000 higher.

⁸⁷ See *Programi dhjetëveçar për strehimin social në qytetin e Tiranës (10-year programme for social housing in Tirana City)*, published by Tirana Municipality, 2006.

somewhere in security, peace and dignity”, will be honoured.



Shkodër: the Music School *konvikt* – looking to the future © AI

6. RECOMMENDATIONS

1. With regard to the right of adult orphans to adequate housing

Amnesty International urges the Albanian government:

- to take prompt and effective measures to ensure that adult orphans are granted their right to adequate housing, in accordance with national law and international human rights treaties to which Albania is party;
- to devise strategies and take measures for the progressive fulfilment of the right to adequate housing of all disadvantaged groups, including by allocating funding, in accordance with the requirement of Article 2.1 of the ICESCR, to the maximum of available resources, in cooperation with international partners, where necessary;
- to support by funding, training and monitoring, the capacity of municipal councils to implement social housing programmes, in accordance with government decentralization policy;
- to declare that Albania considers itself bound by Articles 16 (The right of the family to social, legal and economic protection), 30 (the right to protection against poverty and social exclusion) and 31 (the right to housing) of the Revised European Social Charter.

Amnesty International calls on municipal councils

- to take all necessary steps to draw up and effectively implement social housing programmes, and to ensure that adult orphans are given priority with social housing, in compliance with the law “On the Status of Orphans “ (Law no. 8153 of 31.10.96) and the law “On Social Programmes for the Housing of Inhabitants of Urban Zones” (Law no. 9232 of 13.05. 2004);
- to work closely with local orphans’ representatives so as to ensure that all adult orphans who may be eligible, and wish to apply for, social housing are fully informed about various social housing programmes available, and are assisted, where necessary, with completing applications and providing relevant documentation;
- to ensure that orphans’ representatives are included on municipal housing commissions, as required by government decision (Decision no.53 of 28.01.2005), and that the vulnerability of adult orphans is adequately reflected in any points system for allocating social housing;
- to ensure maximum transparency and fairness in the allocation of housing;
- to ensure that social housing is built to a good standard, bearing in mind the criteria for “adequate housing” set out by the Committee on Economic, Social and Cultural

Rights, in its General Comment 4 on Article 11.1 of the International Covenant on Economic, Social and Cultural Rights.

Amnesty International calls on international donors

Amnesty International calls on international financial institutions, including the Council of Europe Development Bank and the World Bank, as well as other donors:

- to assist the Albanian central and local authorities in fulfilling their obligations to guarantee adult orphans the right to adequate housing, both by promoting social housing programmes through financial and technical assistance, and by monitoring that in the allocation of social housing the particular vulnerability of orphans is recognized and addressed.

2. With regard to the rights of orphans, and other children deprived of parental care, to special protection

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

- to enable families to care for their children at home - except where this is not in the child's best interests - by providing, where necessary, financial and other measures of support, in accordance with the recommendations of the UN Committee on the Rights of the Child in 2005;
- to fulfil the rights of orphans to "special protection" throughout their childhood (that is, up to age of 18), as well as their other rights, including their rights to education, and to protection from neglect, ill-treatment and sexual abuse or exploitation, as set out in the Convention on the Rights of the Child.
- In order to guarantee their right to education orphan children should be informed about educational choices available to them, and be consulted about their wishes. They should be given support and supervision to encourage their regular attendance throughout their schooling, including during secondary education. Measures should be taken to ensure that they gain the education and practical skills necessary for independent living. Appropriate continuing services should be available to young adults who may require them.
- To provide adequate funding and training at municipal level so as to ensure that government policies providing for the decentralization of social services and the de-institutionalization of child care effectively guarantee the child's best interests, in compliance with Article 3.1 of the Convention on the Rights of the Child.