

LAW
Nr. 8153, dated 31 October 1996

ON THE STATUS OF ORPHANS

In reliance on article 16 of law nr. 7491, dated 29 April 1991, "On the major Constitutional provisions", on the proposal of the Council of Ministers,

THE PEOPLE'S ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

Article 1

The status of the orphans is granted to persons aged 0-25 who have or have not been placed in state or private social care institutions and meet the following criteria:

- a) have been born out of wedlock;
- b) do not have either parent living;
- c) both parents' parental right have been revoked by a final court decisions or the parental rights of one parent have been revoked and the other parent not alive;
- d) have been abandoned by both parents and their identity is unknown.

Article 2

Persons who meet the criteria determined in article 1 benefit from this status even after reaching the age of 25 if they have not been provided by the state with accommodation and they live under difficult conditions.

The criteria for their treatment as well as the deadlines are to be established by a decision of the Council of Ministers.

Article 3

The accommodation of orphan children in state or private social care institutions is done according to criteria set by the Council of Ministers.

Article 4

Institutions caring for orphans, including educational institutions, are obligated to send accurate statistics to the Ministry of Labour and Social Affairs, as well as to the offices of social assistance and care in municipalities and communes, upon completion of the penultimate school year, in order for measures to be taken for providing them with employment and accommodation according to the rules established by the Council of Ministers.

Article 5

1. Orphans in state or private social care institutions are kept there until they reach the age of 14. In cases when a child has not been to complete primary education by that age, he

or she is kept in the orphanage until the age of 17. After that age, article 6 shall be applied to those who are granted the status of orphans.

2. Upon the completion of primary school school, the directorate of the social care institution, in co-operation with the Ministry of Education and the local government units, arranges for admission to further education on the basis of the child's talents and skills. These persons are given a full scholarship by the state according to the criteria established by secondary legislation.

Article 6

Scholarships and clothing for the years of secondary and higher education are determined by a decision of the Council of Ministers.

Article 7

For orphans who complete secondary or higher education and live in dormitories, the expenses for food are to be covered until they are employed by the offices social assistance and care in municipalities and communes.

Article 8

Orphans who attend secondary or higher education during the summer holidays are given a supplementary payment determined by the Council of Ministers.

Article 9

Health services, dental services and medication for orphans who are not employed are provided without payment by the state. For this purpose, the Ministry of Health and Environmental Protection is to issue the respective secondary legislation.

Article 10

The transportation of orphans who are not employed by state-owned or private transportation shall be done free of charge.

The Ministry of Industry, Transport and Trade is to issue the respective secondary legislation for this purpose.

Article 11

For orphans placed in social care institutions, entrance to shows, spectacles, sporting events, etc., shall be provided for 50 per cent of the ticket price.

For this purpose, the Ministry of Culture, Youth and Sports is to issue the respective secondary legislation.

Article 12

Orphans are given priority in employment by offices of social assistance and care.

Article 13

Employed orphans are to be given priority treatment by their employer, making it possible for them to stay in their jobs during the process of downsizing.

Article 14

Orphans are to be given priority treatment in emigration organised by the state. In such cases they are excluded from fees.

Article 15

Persons who are granted this status and carry out their compulsory military service are given a supplementary payment by the state which is to be determined by a decision of the Council of Ministers.

Article 16

Male orphans who complete their military service are to be placed in accommodation and provided employment by the municipalities and communes based on a request made 6 months in advance by the board of the orphans association. Otherwise, they are to be placed in dormitories. Expenses for food are to be covered by offices of social care and assistance until they are employed.

Article 17

Persons who benefit from this status are given priority in accommodation and in long-term state credits according to the criteria established by law nr. 8030, dated 15 November 1995 "On state contributions to homeless families", as well as the respective secondary legislation. The Council of Ministers is to issue the respective secondary legislation.

Article 18

1. The state funds the activities of the Albanian Orphans Association on the basis of the financial capacity planned for this purpose.
2. Any humanitarian aid for orphans, both in funds and in materials, is to be delivered through the Ministry of Labour and Social Affairs in co-operation with the Orphans Associations.
3. The premises that the state makes available to the Orphans Association for conducting its activity are given for use free of charge.

Article 19

A representative of the Orphans Association participates on the Albanian Committee for Adoptions.

Article 20

The Council of Ministers assigns responsibility for the implementation of this law to the relevant ministry in co-operation with the central committee that is to be established at this ministry.

The manner of establishment and functioning of the central committee shall be regulated by a decision of the Council of Ministers.

Article 21

Any provision contrary to this law is abrogated.

Article 22

This law enters into force 15 days after its publication in the Official Journal.

Promulgated by decree no. 1634, dated 11 November 1996, of the President of the Republic, Sali Berisha.