

TIRANA LEGAL AID SOCIETY ANNUAL REPORT 2011

The Annual Report 2011 describes the activity of Tirana Legal Aid Society during 2011 and provides an interesting, accurate and informative overview of Tirana Legal Aid Service, TLAS's performance and objectives for the year, staff methodology, students, volunteers and partners, the key achievements, statistical data and real stories. We hope that the information it provides is useful and of assistance to the interested readers.

This Annual Report of Tirana Legal Aid Society covers the time period January-December 2011. This report has been prepared in accordance with the provisions of the Financial Administration and Yearly Audit Report.

Dear TLAS beneficiaries, donors and partners,

I am pleased to present the TLAS Annual Report 2011.

As in previous years, TLAS activities are based on the strategic priorities designed and developed in the middle term plan 2010-2013

During 2011, the provision of the services by TLAS continued to be focused in the legal information and advising as well as in the court and administrative bodies representations; TLAS continued to dedicate special attention to the community legal awareness activities, through “street law” activities, mobile services, workshops and trainings as well as through the cooperation with our partners in the justice system, state administration and NPO’s; TLAS incessantly continued to undertake law improvement initiatives and lobbying and advocacy campaigns

The year 2011 is perceived as the year of the training of the civil status offices employee thorough the country, for the issues derived from the implementation and the informatiation of the amendments of the Law “On Civil Status”; the tranining of the social assistance administrators and lawyers in the country for the proper and efficient implementation of the laws “On Civil Status”, “On Economic Assistance and Social Services and the law “On Legal Aid”.

Furthermore, the year 2011 enriches the collection of the TLAS initiatives on the legislation improvements. TLAS experts were involved in the studying of the Legislation on Taxes and Fees in the Republic of Albania, drafted the respective subsidiary legislation on the Law On Legal Aid, which were adopted by the State Commission of Legal Aid in June 2011.

Through the the Annual Report 2011, we hope to give to the interested readers a useful information on the wrok and performance of TLAS, staff methodology, students, volunteers and partners, statistical data and real stories of the beneficiaries.

I use the occasion to show my gratitude and my appreciation for the procets’ donors of TLAS, direct beneficiaries of TLAS as well as our considerable number of partners.

*Sincerely,
Raimonda BOZO
TLAS Executive*

PART I - INFORMATION ON TIRANA LEGAL AID SOCIETY (TLAS) IN 2011

The year 2011 another successful year of the second decade the activity of TLAS. With the support and assistance of the donors, partners, staff and beneficiaries, TLAS continues to make qualitative steps in the provision of the services, expansion of the awareness activities and in the undertaking of the law improvement initiatives. In virtue of the continuous reorganization to better respond to the needs of the target groups to face the difficulties and challenges, TLAS focused its efforts in the implementation of an efficient fundraising strategy, in order to guarantee the continuity of the organization's activity, meet the mission statement and guarantee the quality of the services provided to the vulnerable categories in Tirana and other districts of Albania.

During 2011, TLAS continued the implementation of its projects in the field of the provision of the legal services for the people in need, organization of the round tables and workshops with the state structures employees; studies and analysis for possible interventions in the legislation with the purpose of the increase of the access of vulnerable individuals and families to social and legal services. Moreover, TLAS developed legal awareness activities of the communities and individuals in need, through *Street Law* activities, organizing visits and meetings in the areas where vulnerable communities and individuals are concentrated.

During 2011, priority of TLAS was the provision of full legal services for the Roma and Egyptian community members, as more marginalized and discriminated categories of the Albanian society. The provision of the legal services consists in the delivery of free legal services for civil registrations for these communities, so they can gain their fundamental legal and social rights.

TLAS continues successfully the implementation of the project: "Increase of access to justice of the vulnerable communities", where all the penitentiary centers in Albania were visited to represent in court all those cases that meet the requirements to benefit from the alternative sentences and satisfy the eligibility criteria of TLAS for the target groups.

The project operated and implemented by TLAS during 2011 are as follows:

Title of the Project	Donor	Amount	Duration	Contact Details
Increasing Access to justice for the vulnerable communities	Vodafone Albania Foundation	2,750.751 ALL	01.04.2011 – 31.03.2012	Mr. Albi Greva + 04 2283267 albigreva@vodafone.com
Enhancing Legal Aid Services for Minorities	CRD	72,000 Euro	01.03.2011 - 31.12.2011	Mrs. Marie Manson + 46 8 545 277 54 marie.manson@civilrightsdefenders.org
Empowering the vulnerable to access the legal services	UNICEF	8,320.434 ALL	15.03.2011 - 15.03.2012	Mirlinda Bushati + 355 692056827 mbushati@unicef.org
Empowering the vulnerable to access the legal services	UNDP	6,053,500 ALL	15.07.2011 – 15.07.2012	Bujar Taho + 355 692082245 Bujar.Taho@undp.org

Improving Legal Aid System in Albania	State Agency for NGO support	338,800 ALL	22.11.2010 – 22.11.2011	Iris Beleraj + 355 694082461 irisi.belereaj@amshc.gov.al
Enhancing Access to Justice of the Vulnerable Groups	(EIDHR) - Delegation of the EU Commission to Albania	147, 000 Euro	17.11.2009 – 30.08.2011	Mrs.Marzia Dalla Vedova EuropeanCommission E-mail: marzia.dalla-vedova@ec.europa.eu

II. MISSION, VISION AND OBJECTIVES OF ACTIVITY OF TLAS

Mission: Fulfillment of the legal and social needs of the people in need, education and raising of the awareness of the Albanian society on the rule of law and human rights; initiatives on the improvement of the legal system, development of the community and strengthening of the democracy in Albania.

TLAS values: Making a difference through trust, respect, service and working with others.

TLAS Vision: An innovative, collaborative legal aid system responding to the needs of low income people throughout Tirana District.

Objectives: Provide full legal and paralegal services for target groups of people in need; Publication of information on important legal and human rights issues; Lobby and advocacy for the law improvement for a better solution of the problems.

Methodology of the Core Service is to offer a continuum of services that includes legal information, education, advice, and representation is composed of:

a. Services

- *Paralegal services* (solution of legal cases through administrative way);
- *Legal services* (solution of legal cases through court procedures);
- *Lawline service* (legal advice through telephone line);
- *Clinics* - enable clients for self-representation before state authorities;
- *Mediation* - alternative dispute resolution;
- *Mobile service*- to reach vulnerable individuals in remote area with resources.

b. “Street Law” activities: Publication, information, education and legal awareness of the community

TLAS organizes visits and meetings through street law activities in the urban and rural areas of Tirana and other cities, publishes various legal publications for such activities written in a simple language for public use. Furthermore, TLAS publishes every four months its newsletter which reflects the legal needs of the community and serves as source of information and education for the target groups

c. Monitoring of the legal system activities

TLAS prepared various monitoring reports: Report on the level of corruption in the Notary Public system; Report on the activity of the Bailiff's Offices in Albania; report on the functioning and work of the Court Administration; Report on the monitoring of the level of satisfaction of the public toward the court services; monitoring of the courts in Albania to measure the satisfaction level of the public for the services provided by the court.

d. Lobbying and advocacy activities

TLAS dedicates special attention to the advocacy and lobbying activities for the undertaking of the legal initiatives, for the improvement of the existing legislation, as well for the drafting of the new legislation, influenced and identified by the problems faced by the people in need.

TLAS is involved in the legal initiative for the amendment of the Law no. 7698, dated 15. 04. 1993 “On the restitution and compensation of the properties”, amendments that were adopted in July 2004.

TLAS prepared the amendment of the Law no. 8950, “On the Civil Status”, amendments that were adopted in July 2008.

TLAS drafted and prepared the Law “On Legal Aid”, which was adopted in December 2008.

Moreover, TLAS prepared the amendments of the legal framework for the court administration staff and was involved in the drafting of the subsidiary legislation for the profession of the advocate in Albania; supported the category of the former military who suffered injuries during their service to benefit from the disability scheme; supported and drafted the subsidiary legislation of the convicted persons during 1945-1990 for ordinary crimes, so the government could recognize their working years for the calculation of the retirement pension, etc.

In 2009, TLAS prepared a study and analysis of the legal framework for the social and economic assistance, analysis which were use for the proper amendment of the legislation on the social and economic services. Such amendments were adopted by the Council of Ministers in March 2011. Through such improvements, TLAS aims to include in the social and economic service scheme, or negatively induce in the exclusion of the families of the Roma community as well as the exclusion of the families that abusively benefit from such scheme and do not meet the necessary criteria.

During 2010, TLAS was fully involved in the drafting of the by-laws and subsidiary legislation for the proper implementation of the law “On Legal Aid” in Albania. The initiative was carried out during 2011.

A successful result of the advocacy and lobbying activities of TLAS are the adoption in December 2011 of the Instruction of the Ministry of Interior for the registration of births of abandoned children through administrative procedures and of the Instruction of the Minister of Health for the revision of the Birth Assistance Certificate issued by health institutions.

TLAS concluded a Memorandum of Understanding with the Ministry of Foreign affairs to simplify the registration of births occurred outside the territory of the Republic of Albania;

e. Internship Student Programme

Students from the Faculty of Justice and Social Work are present in TLAS offices, involved in information and awareness activities of street law, in mobile services and in assisting the clients’ case management as well as in other monitoring, surveying, legal initiatives and training activities.

f. Enhancement of the legal capacities of NPO's, representatives of the TLAS target groups through:

registration in court of local associations and training workshops for the strengthening of their legal capacities.

g. Training activities for the state structures employees

- Training workshops for the public administration employees
- Training workshops for the civil status offices employees
- Training workshops for the court staff members

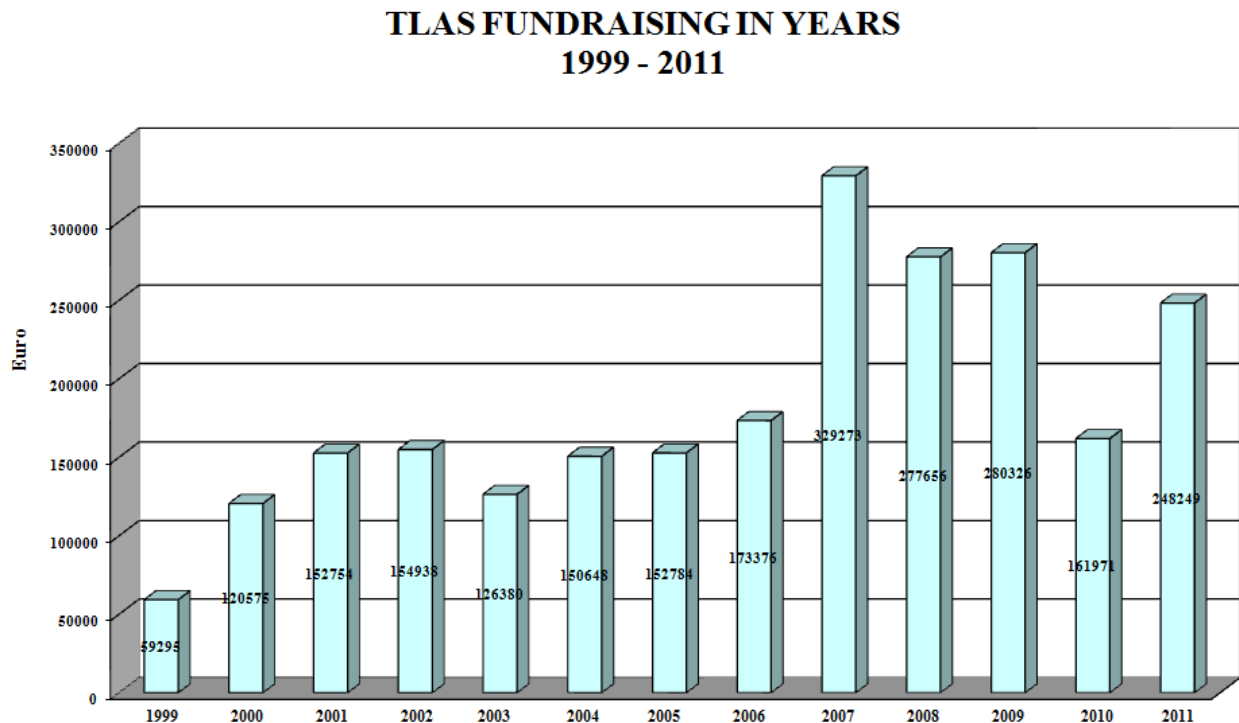
III. DONORS

The TLAS activity during 2011 is made possible thanks to the financing of:

- Delegation of the European Commission in Albania
- Vodafone Albania Foundation
- UNICEF
- Civil Rights Defenders (former Swedish Helsinki Committee for Human Rights)
- UNDP, United Nations Development Programme
- Albanian Agency for the Support of the NPO's

TLAS is an active member of the coalitions Albanian NGO's Coalition against Corruption and the Coalition "All Together Against the Child Trafficking".

TLAS funding in years has been as follows:



IV. TLAS ORGANIZATION DEVELOPMENT

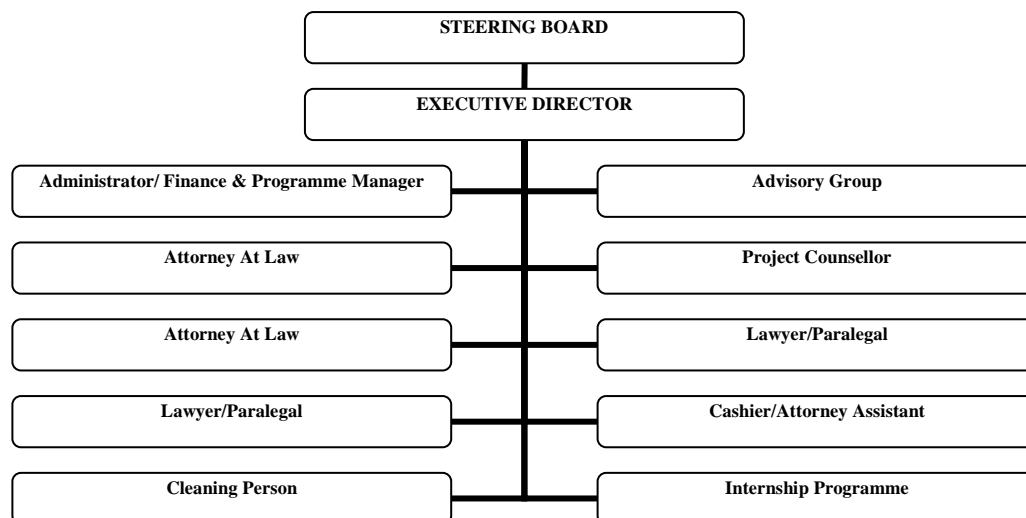
Tirana Legal Aid Society, (TLAS) started its activity in 1999 and has been one of the programs of Cafod Albania till December 18, 2006, date when TLAS was registered as an Albanian independent local not-for-profit organization, in the form of the Center.

TLAS functions and operates based on the Strategic Plan 2011-2013 which provides for the future of TLAS the qualitative sophistication of the methodology for the achievement of the three objectives, provision of services, legal information and improvement of legislation.

Priority of TLAS are the systematic problems of the categories of people in need rather than individual cases, without neglecting the later.

TLAS continues to have a qualified staff for the work with the clients and representation of the advocacy cases, and for the management and leadership of TLAS. The highest decision-making body is the Steering Board composed of 5 members with a long experience in the fields of law, social and management. Presently the staff of TLAS is composed of 8 full time employees and 1 part time employee. In the framework of the Internship Programme with the Faculty of Law, TLAS includes as part of its part time staff students from this Faculty.

The Organization Structure of TLAS is as follows:



V. TLAS DURING 2011

Based on its Operational Plan 2011 and Strategic Plan 2011 - 2013, TLAS aimed to accomplish the following objectives:

1. Provision of the free legal services for civil cases for 1500 individuals in need (Roma, other minorities, disabled, orphans, pensioners and other individuals with insufficient income) in Tirana, Lushnja, Fushe-Kruje, Durresi, Elbasani, Fier, Korçë, Berat, Kukesi, Bulqiza, Peshkopia, Tropoja, Lezhë, etc.
2. Information and improving the awareness of more than 5600 individuals in need in Tirana and other districts of Albania for their legal and social rights and the right to access to justice system.
3. Undertaking of initiatives for the improvement of the legal framework and protection of the human rights

V.1 PROVISION OF LEGAL SERVICES FOR CIVIL CASES

At the end of December 2011, the cumulative number of TLAS clients (served with legal, paralegal services and legal advise from hotline attorney) from its start of activity reached **14691** (8774 paralegal cases and 5917 legal ones)

During 2011, a total of 1628 cases have been filed (900 paralegal and 728 legal cases), including the 87 cases transferred from 2010.

In addition, during 2011 benefited from the legal advising service through the lawline approximately 518 individuals. This figure does not include the number of the individuals that were advised in the office, from their personal presence in the office, because these cases are considered as legal representation services.

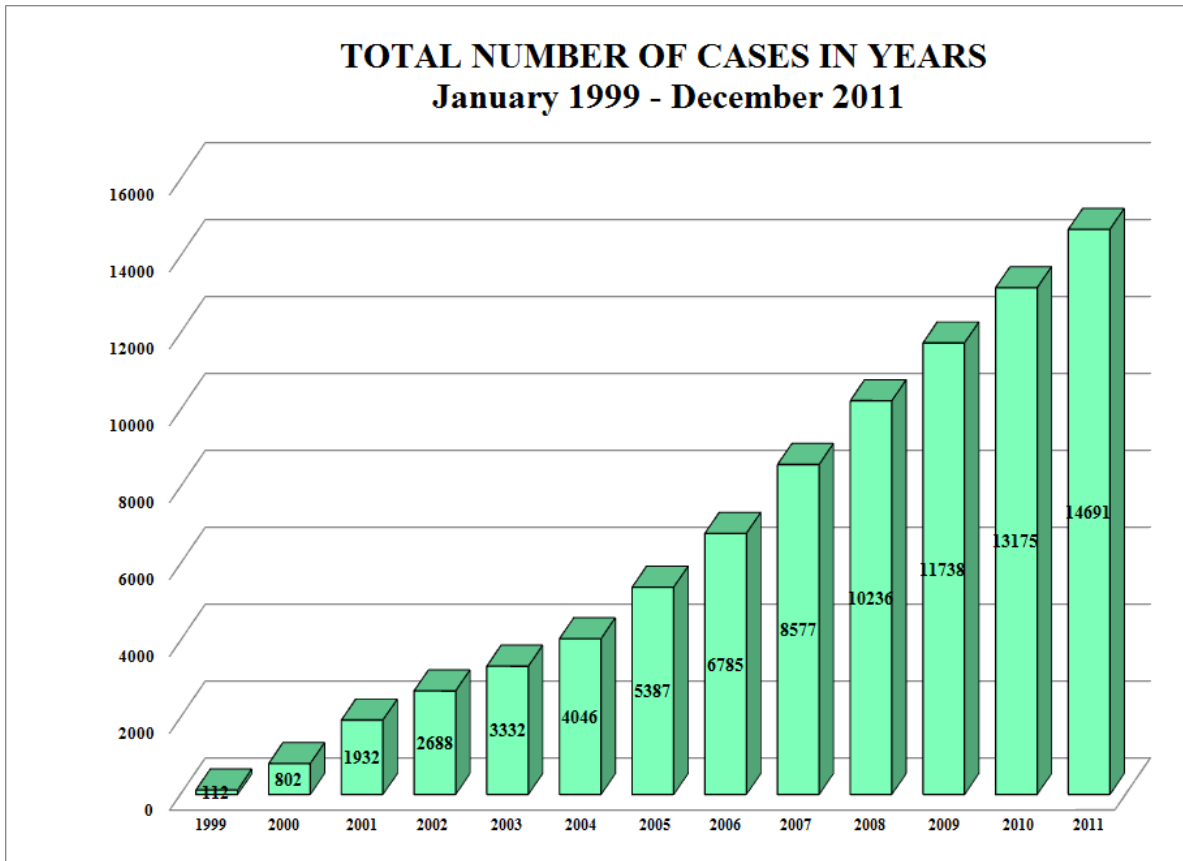
Meanwhile, during 2011 priority was the provision of services to vulnerable communities, suchas Roma and Egyptian communities. The number f the members that benefited from the legal services from these communities was 752. The main cases, TLAS has provided services for these communities were those of civil registrations, such as registration of births, divorces, housing, custody and other administrative cases.

During 2011 were served by clinics service 420 cases.

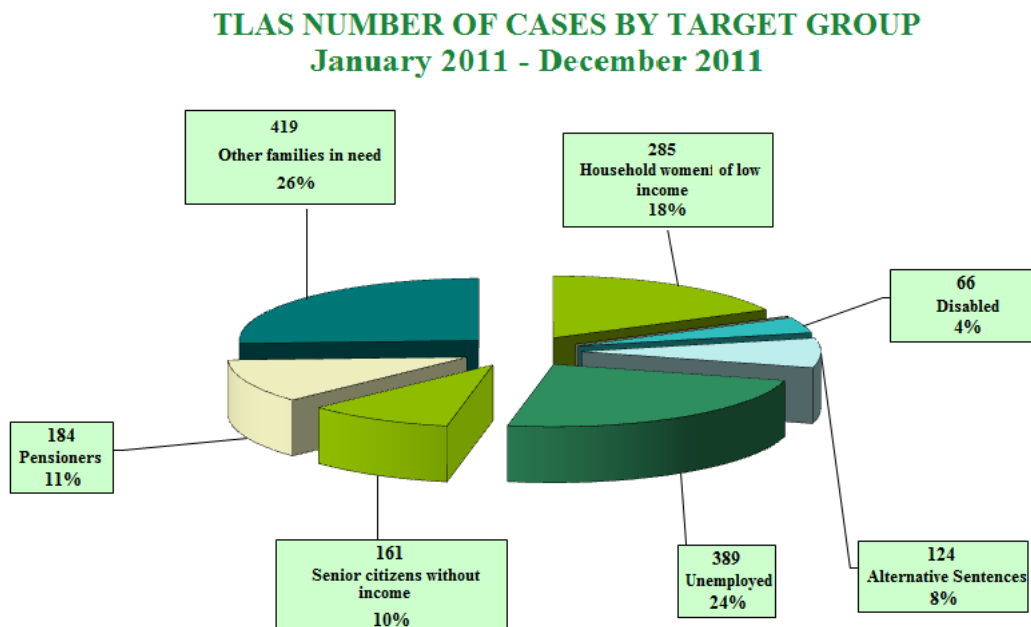
Also, during 2011, priority was the increase of the service quality and the development of information activities for the publication of TLAS at the clients' potential groups.

Statistics

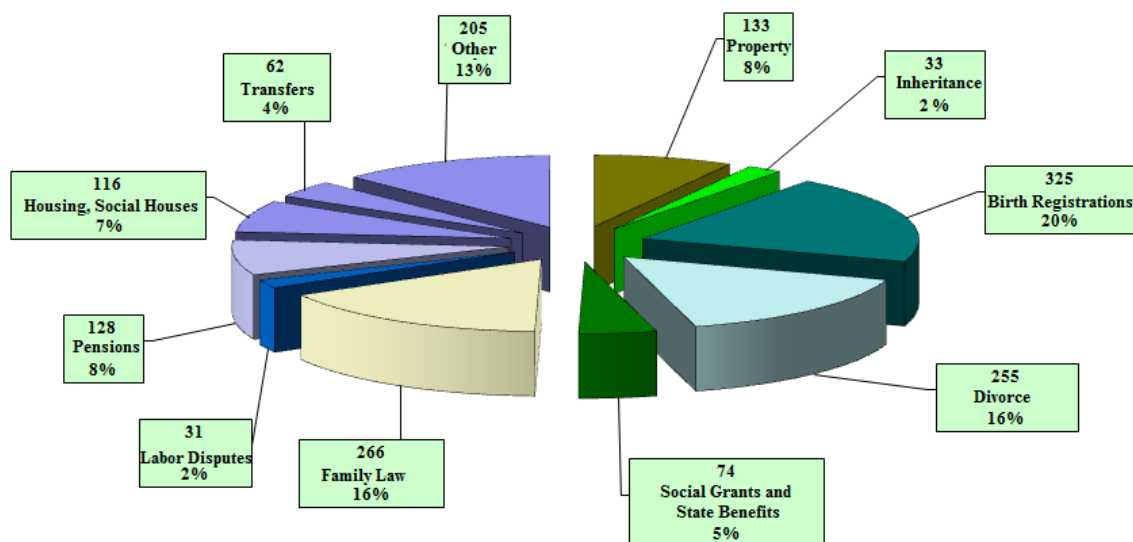
The statistics show the data for the cases TLAS has provided legal and paralegal free service. The total number of cases in years is represented in the following chart.



TLAS has provided the services according to type and target groups as follows:



TLAS NUMBER OF CASES BY TYPE January 2011 - December 2011



Beneficiaries

During January – December 2011, TLAS listed as *direct beneficiaries* the following types of beneficiaries:

- 1628 direct beneficiaries, including 101 clients for the cases transferred from 2009;
- 518 beneficiaries from the lawline;
- 5042 direct beneficiaries from the street law activities in the community
- 747 direct beneficiaries from the training workshop with the members of the community based organizations, employees of the civil status offices, court staff, etc.
- TLAS counts at least 16000 indirect beneficiaries from the TLAS activities during 2011

Considering the difficulties that TLAS faces in the Albanian judiciary and public administration authorities, it can be stated that the quality of service has been satisfactory. During 2011, 88% of cases tried by the judiciary have been successful and 98% of the cases addressed in administrative way have been successful

Regarding the type of the cases, during 2011, more than 20 % deal with registration of births; 13 % to the welfare state benefit system, 16 % family and Civil Status cases; 7% are housing cases; 8% property cases etc

Regarding the target groups in 2011, 26% are families in need; 24% are unemployed; 18% household women of low income; 11% pensioners; 14 % disabled, ex-politically persecuted people and abandoned children; 8% convicted individuals, for the cases of alternative sentences.

Quality of the services

The service quality is considered indispensable to meet the needs and expectations of

the clients and as a criterion for the fulfillment of the objectives and standards approved for this reason. There are some steps that supported the increase of the quality of service during 2011:

- The approval of the Strategic Plan 2011-2013, of the Fundraising Financial Strategy.
- Approval of the Operational Plan of 2011, of the Internal Regulation of TLAS, and of other policies for the organizational development has positively affected the service quality and the work in general.
- It is publicly known that TLAS provides legal advice and legal services for civil cases and the division of the workload among the attorneys based on the type, merits and difficulty level of the case (i.e registration of births, family law disputes, title disputes, labor disputes, social insurance, etc.) have helped in the increase of the quality services.
- Regular staff meetings have helped a lot in improving procedures of the work with clients and with the coordination of the team work of the TLAS staff, which means that the TLAS Counselor, the attorneys, the financial employee and the Internship students divide amongst themselves specific duties in order to solve the case in the specified time limit.
- The implementation of the Policy “Selection of cases with merits” and the Policy “Use of mediation by TLAS” has increased the success rate for the clients’ cases.
- The implementation of Grievance Policy (started in March 2002) enables the clients to complain before TLAS Executive Director for the service quality.
- The **use of the Clients 2000 Database** may be considered as the most accurate and important source of information regarding the clients, the type of cases and the first phase’s assessment on the community legal needs and as a measure in being more effective and consequently increasing the quality of service. It is the most fundamental source for the data used on specific surveys. The TLAS work is well-documented for the first decade activity, because in 2000 TLAS installed the professional computer software “Kemp’s Case Works”, which is used by many Legal Aid Societies all over the world.
- The TLAS activity is regularly evaluated by the external independent consultants from USA and UK. There are six Evaluation Reports in a period of ten years done by external consultants starting with Tony Trott of Legal Aid Society of United Kingdom and Richard Langan, Columbia University; Bruce Perrone and Barbara Bays from West Virginia Legal Aid, Daniel Manning from Greater Boston Legal Aid, Rosemary French and Marie Contreras from Benchmark Institute of San Francisco; representatives of the European Union in the framework of CARDS project. The Consultants’ recommendations are focused mostly in case management, sustainability of the project and in further strategic development of TLAS.
- The TLAS Annual Reports, including the independent financial audit are published each year in printed and electronic form and are distributed to the main stakeholders.
- Significant improvements are reached through the cooperation and case referral to the legal aid institutions and partner offices such as Albanian Ombudsman, Legal Clinic for Minors, Albanian Foundation for Disabled People, Children’s Protection Rights, Center for Legal and Citizens Initiatives (former Women’s

Advocacy Center), Albanian Helsinki Committee that are focused on the support of the people in need. The cooperation with the above-mentioned services consists, not only in the case referral, but also in the implementation of the joint projects. TLAS implemented several joint projects with the Center for Legal and Citizens Initiatives, Terre Des Home, Partners for Children, Center for the Alternative Dispute Resolution, Roma organization such as Amaro-Drom Union, TACT Coalition, etc.

- TLAS has made very positive steps for the strengthening of the relations with the state bodies, especially with the Ministry of Justice and the General Department of Prisons, Ministry of Interior, Ministry of Work, Social Affairs and Equal Chances and the Tirana Municipality.

V.2 INFORMATION AND IMPROVING THE AWARENESS OF THE INDIVIDUALS IN NEED FOR THEIR LEGAL AND SOCIAL RIGHTS AND THE RIGHT TO ACCESS TO JUSTICE

Information and raising of awareness of more than 6000 individuals in need in Tirana and other districts of Albania on the legal and social rights and right of access to justice.

i) Street Law activities



In addition to direct legal services in TLAS offices, beneficiaries have been served by TLAS even with street law activities for the publication and distribution of simple legal information and the direct communication with the beneficiaries.

The main objective of the Street Law activities was the “Information on civil rights”. The number of the volunteering students from the Faculty of Justice and the Faculty of Social Works has been grown constantly. They are very found to their work as regards the preliminary phase of the collection of the leaflets and brochures as well as the identification of the topics of interest for the community.

During 2011, street law teams of TLAS have successfully realized 48 street law activities as visits and planned meetings in the Districts of Tirana, Durrës, Vlorë, Lushnjë, Burrel, Tropojë, Elbasan, Krujë, Fushë-Krujë, Lezhë, Berat, Peqin, Shkodër, Kukës, Gjirokastër, Korçë, Pogradec, Fier, etc

Some of the topics chosen for the Street Law activities include:

- The Civil Status law and its amendments;
- Welfare benefits legislation;
- Access to justice and the basic legal and human rights;
- Rights of vulnerable individuals for housing, education and health care;
- General knowledge of the Law "On Legal Aid",



Visits in the community: These are more informal and involve TLAS staff walking or driving around the community, meeting people on the street and in places where people gather, distributing information such as leaflets and booklets etc as well as identifying the problems of individuals who need legal assistance.



Meetings in the Community”: these are more formal and involve organizing meetings to which local officials as well as potential beneficiaries are invited. In addition to provision of information on legal issues, the meeting helps TLAS to assess the particular problems of the community and their needs and to get feedback on earlier Street law activities.



Often the priorities of the TLAS services are based in the problems identified by the street law meetings. For example starting dealing with the “eligibility” status of the TLAS’ clients registration issue (as residency, or divorces, deaths and births, etc) or starting lobbying efforts for changes in acts of law for inclusion in the welfare schema benefit, or improve the methodology of the TLAS service itself (as using better and efficiently the hotline service or mobile one) , all of these undertaking steps are the result of the presence and meetings in the communities. During Street law activities, the TLAS vehicle is equipped as a “mobile clinic”, with all the necessary papers and equipment (lap top, printer etc) to enable them to begin preparing the necessary documentation on the spot for dealing with the legal problems that individuals present to them.

iii. TLAS periodic newsletter and other publications:

TLAS printed and published 3 numbers of its newsletter (**no. 1/2011, 2/2011 and 3/2011**), financed by Delegation of the European Commission in Albania, UNICEF, and Civil Rights Defenders (CRD). The TLAS newsletter is a simple booklet for the legal education of the community written in a simple language containing sensible topics for the TLAS clients.



Number 1, 2011, contains articles on the TLAS activity to increase the access to justice for vulnerable categories, children and groups in need, disabled, abandoned children, minorities for Roma community; consequences of the divorce for the ex-spouses; seniority pensions, application procedures, administrative and court appeals; protection from discrimination and guarantees provided by the law; real stories.

	<p>Number 2, 2011 contains articles on the registration of children; the principle of the best interest of the children in the family law; seniority pensions, application procedures, administrative and court appeals; appeals against the decisions of the Commission for the Determination of the Work ability (disability pensions); workshops with the civil status office employees; real stories.</p>
	<p>Number 3, 2011 contains articles on the legal aid forum in Balkan; alimony as a divorce effect; Albanian citizenship, how to obtain it, leave it and to restore it; objection of paternity; registration of children born outside Albania; real stories;</p>

In 2011 were published 17000 leaflets and posters, where a considerable part are those regarding the amendments of the Law "On Civil Status; access to justice; Law "On Legal Aid", access to justice, etc. Their distribution was made possible during the Street Law activities; workshops with the target groups, round tables, in all the offices of the civil status in Albania, local structures, health care centres.

The TLAS internet webpage www.tlas.org.al is periodically updated.

During 2011, TLAS prepared and published the collection of legislation on legal aid; legislation on the civil status; the manual for the cases of the registration of the children with the civil status offices.



TLAS Mobile Services

During 2011, Mobile Clinic activity is another type of street law activity, where the TLAS Lawyers & counselors who travel with a vehicle equipped with all the necessary technological equipment (laptop computer, printer, stationery) during which the documentation that is necessary to be filed for legal transfers of residence, birth registrations and similar activities regarding the registered problems are being prepared on the spot in order to accelerate the procedure and filings. The provision of the service directly in field through advising or preparation of the documents aims the expedition of the procedures, avoidance of the delays and excessive expenses of the beneficiaries.



TLAS Internship Programme

During 2011 in the Internship Programme in the TLAS offices were involved more than 20 students from the Faculty of Justice and Social Works. The success of this Programme may be seen in the 48 street law activities organized during 2011, but, also in the fact that the students are considered daily assistants in the work of the TLAS lawyers and counselors. Based on the schedule designed by the students, they participate in the process of the interviewing of the clients, part of the other services provided by TLAS as the filing of the lawsuits with the court, preparation of the simple legal acts, joining of the clients during the notary public procedures, other administrative work in the office, etc.

V.3 UNDERTAKING OF INITIATIVES FOR THE IMPROVEMENT OF THE LEGAL FRAMEWORK AND PROTECTION OF THE HUMAN RIGHTS

TLAS, has been continuously involved in the process of improvement of the Albanian legislation and lobbying and advocacy activities in the protection of the interests of the vulnerable communities and categories.

Below we are ranking a few of the most important initiatives undertaken by TLAS during 2011 and previous years:

1. TLAS was involved in the law initiative for the amendment of the Law No. 7698, dated 15. 04. 1993 "On the Restitution and Compensation of the Properties", amendments that were reflected in the law adopted in July 2004.
2. TLAS prepared law amendments on the Law No. 8950 "On Civil Status", amendments that were adopted in July 2008;
3. TLAS drafted the Albanian Law "On Legal Aid", which was adopted in 22 December 2008;
4. TLAS prepared the amendments of the legal framework on the activity of the court clerks, amending the subsidiary legislation in 2004.
5. TLAS was involved in the preparation of the subsidiary legislation on the profession of advocate in Albania, for the inclusion of the legal aid attorneys in the high ranking attorneys' lists;
6. TLAS supported the categories of the military disabled for the drafting of the legal acts so they could benefit from the disability;
7. TLAS supported the individuals convicted during 1945-1990 for non-political crimes, so the government could recognize their working years during the conviction period for retirement pension purposes;
8. In 2009, TLAS prepared a Study Report, analyzing the legislative framework on the social and economic services, which served as basis for the amendments and improvements of the legislation framework of social assistance and services. Such amendments were adopted in 18 March 2011. TLAS aims to include in the economic and social services scheme, all such categories of families that because of the legal gaps are not included in the scheme, or affect the exclusion from the scheme of families from Roma community;
9. During 2010, TLAS the drafting of the secondary legislation for the implementation of the Law "On Legal Aid". The secondary legislation acts will complete the legal framework for the proper functioning of the legal aid system in Albania. the subsidiary legislation was adopted in June 2011;
10. A successful result of the advocacy and lobbying activities of TLAS are the adoption in December 2011 of the Instruction of the Ministry of Interior for the registration of births of abandoned children through administrative procedures and of the Instruction of the Minister of Health for the revision of the Birth Assistance Certificate issued by health institutions. TLAS concluded a Memorandum of Understanding with the Ministry of Foreign affairs to simplify the registration of births occurred outside the territory of the Republic of Albania.

V.4. Trainings and Information Workshops

Tirana Legal Aid Society (TLAS) has developed and organized training workshops in the framework of the raising of the awareness of the state structures toward the target groups in need; increasing the capacities of the vulnerable communities and their organizations, etc.

During 2011, TLAS developed and organized 28 training workshops and round tables with the employees of the civil status offices for the knowledge and interpretation of the legislation on civil status in terms of informatization and development of the national registry, to empower the Vulnerable Communities for the access to services; improvement of the legislation on the welfare benefits; implementation of the Law “On Legal Aid”, as well as in the framework of the regional cooperation, as follows:

Information and training workshops with the community-based organizations



Tirana, 11. 11. 2011, workshop with the economic assistance administrator and local NPO's on: "Empowering the local communities in need in Albania";



Elbasan, 16. 11. 2011, workshop with local NPO's on: "Empowering the local communities in need in Albania";



Shkodër, 18. 11. 2011, workshop with local NPO's on: "Empowering the local communities in need in Albania";



Fier, 21. 11. 2011, workshop with local NPO's on: "Empowering the local communities in need in Albania";



Durrës, 24. 11. 2011, workshop with local NPO's on: "Empowering the local communities in need in Albania";



Tiranë, 14. 12. 2011, workshop with local NPO's on: "Empowering the local communities in need in Albania";

Information workshops on the improvement and implementation of the legislation on economic assistance with the economic assistance administrators and Ministry of Work, Social Affairs and Equal Chances



Durrës, 02. 06. 2011, workshop with the economic assistance administrators on "Increase of access to justice and legal rights of vulnerable groups".



Elbasan, 03. 06. 2011, workshop with the economic assistance administrators on "Increase of access to justice and legal rights of vulnerable groups";



Shkodër, 07. 06. 2011, workshop with the economic assistance administrators on "Increase of access to justice and legal rights of vulnerable groups";



Fier, 09. 06. 2011, workshop with the economic assistance administrators on "Increase of access to justice and legal rights of vulnerable groups";



Tiranë, 14. 06. 2011, workshop with the economic assistance administrators and representatives of the Ministry of Work, Social Affairs and Equal Chances on “Raising of awareness and increase of access of vulnerable groups to civil rights and services”;

Trainings with the employees of the Civil Status Offices



Elbasan, 26. 03. 2011, training workshop with the civil status offices employees on topic: “Further improvements of the implementation of the amendments of the law “On Civil Status”.



Lezhë, 02. 04. 2011, training workshop with the civil status offices employees on topic: “Further improvements of the implementation of the amendments of the law “On Civil Status”;



Kavajë, 09. 04. 2011, training workshop with the civil status offices employees on topic: “Further improvements of the implementation of the amendments of the law “On Civil Status”;



Fier, 16. 04. 2011, training workshop with the civil status offices employees on topic: “Further improvements of the implementation of the amendments of the law “On Civil Status”;



Peshkopi, 21. 05. 2011, training workshop with the civil status offices employees on topic: “Further improvements of the implementation of the amendments of the law “On Civil Status”;



Kukës, 27. 05. 2011, training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";



Tropojë, 28. 05. 2011, training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";



Krujë, 04. 06. 2011, training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";



Sarandë, 11. 06. 2011, training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";



Tiranë, 16. 06. 2011, training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";



Tiranë, 17. 06. 2011 training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";



Tiranë, 18. 06. 2011, training workshop with the civil status offices employees on topic: "Further improvements of the implementation of the amendments of the law "On Civil Status";

Round tables and workshops on the improvement of the legal aid scheme



Tirana, 06. 04. 2011, workshop on “Improvement of the system of provision of Legal Aid a pre-requisite to increase the access to justice for the individuals and categories in need”;



Vlorë, 23. 09. 2011, workshop on “Improvement of the system of provision of Legal Aid a pre-requisite to increase the access to justice for the individuals and categories in need”;



Shkodër, 30. 09. 2011, workshop on “Improvement of the system of provision of Legal Aid a pre-requisite to increase the access to justice for the individuals and categories in need”;

Round tables on the legal aid and regional cooperation



Tirana, 25 and 26. 05. 2011, round table on: “Legal Aid and Impartiality of the Courts”;



Durrës, 11 - 12. 10. 2011, third regional meeting in the framework of the Ohrid Initiative on Legal Aid;

VI. SUSTAINABILITY AND CONTINUITY

Sustainability

TLAS Project composed of several projects in the function of the provisions of the

services, education and information, as well as of improvement of legislation is designed and accepted as a sustainable program. So far, TLAS is adequately funded by the donors. However, with the establishment of a state and institutional system of the legal aid, it is expected that the possibilities of the funding of TLAS are increased from the state budget. TLAS' goal is to compete with qualified services and with its rich experience from a decade in the field of the services, professional trainings as well as with the efficient model in the financial, organization and management area.

Continuity

During 2012 TLAS will continue to provide its services based on its mission and objectives.

Priority remains the fundraising, the improvement of the quality of the services, enhancement of the organization capacities as well as expansion of projects in new areas of legal activities.

TLAS has developed the medium-term Strategic Plan 2011 – 2013, to further define the three-years objectives. Based on the periodic analysis, in the TLAS database and the monitoring of the target groups, the possible strategic objectives will be as follows:

1. Services provided to the clients and increase of the service quality;
2. Increase of the awareness of the community for the access to justice;
3. Lobbying and advocacy campaigns for the implementation of the Law on Legal Aid in Albania;
4. Initiatives for the further improvement of the legislation and social policies;
5. Regional cooperation in the framework of the Ohrid Initiative for the legal aid in the region.
6. Perfectioning of the administration and coordination work;
7. Better planification in the fundraising ambit;

VII. REAL STORIES

Real Story 1



AB, a very poor woman, after have seen the TLAS poster placed at Tirana District Court came to TLAS office asking to resolve the dissolution of marriage with her husband and resolving the consequences in relation to her children. Is a fact that in Albania, especially in Tirana, the phenomena of the divorces, is increased because of abuse and violence used with wife and children, mainly

for economic reasons.

And it was clear that the economic condition of client A.B was quite difficult because she had 3 children with her husband and she wanted to keep them herself even though she was unemployed at the moment.

From both interviews from TLAS paralegal and Attorney was found that:

Spouses were merried in 2004, and from the marriage were born three children. In the first years of marriage, marital relations were relatively good, but over the years they gradually began to be aggravated due to the behavior change of the husband. She has frequently been very violated from the husband, even in the eyes of children by creating a psychological distress for children also. The client A.B was sometimes driven to police stations to denounce the violence of her husband but by them was not taken any restrictive measure against him. About 5 months ago before appeared to TLAS office, the client A.B was removed from the marital residence due to violence by her husband. In these conditions she was again led to the police station and had compiled a protective order to the court, for violence perpetrated by her husband.

Once that was presented to our offices client A.B lived in her parents' home and can not work due to fear of violence that may exert her husband. Also minor children continue living with their violent father who won't allow them to meet their mother.

Under the conditions described above client A.B, require divorce as well the custody of her minor children. From the interview it was found that the client A.B meets the conditions to eligible to benefit the TLAS Legal assistance. We proceeded with gathering necessary documents for the start of the trial which took some time. We provided from the Prosecution Office a copy of the medical act which HEARSAY violence against client A.B from her husband. Also we took at the Tirana District Court a copy of the file for the order of protection. We gather also from the municipality offices necessary certificates for the institution of court. After completion of application documents we drafted the document for commencement of trial.

Thus, under Article 132 of the Family Code which provides that "Each of the spouses may seek dissolution of marriage when, because of constant bickering, maltreatment, serious

offenses, adultery, incurable mental illness, conviction for serious criminal offence or for any other reason that repeatedly violates the obligations arising from marriage, joint life becomes impossible and the marriage has lost its purpose for the plaintiff spouse or both spouses'.

On the basis of the preceding paragraph and based on evidence collected, we requested to the court dissolution of the marriage between client A.B and her husband.

Also in connection with the dissolution of marriage were required under Article 155 of the Family Code, which provides: "Before the court take a temporary or final decision regarding the mode of exercise of parental responsibility, the right of visit or leaving the child one of ex-spouses, shall call a psychologist or social worker, who before giving an opinion, must obtain data for material and moral situation of the family, the conditions in which they live and where is appropriate for the child to live. " In these conditions we claim to the court to appoint a expert psychologist to assess which of the parents accomplish the conditions to create a better life for the children.

Article 138 of the Family Code provides: "The lawsuit for dissolution of marriage may require the obligation of the other spouse to cover expenses for the maintenance and education of children's". According to this article was requested that the parent who will not raise the children's have to pay in favor of them a sum of money necessary for their growth.

We filed the lawsuit in court and we participate in more than 20 hearings. Also by the court were appointed two experts. A psychologist expert and a social worker, who once appreciated all conditions and after interviewing both spouses and minor children concluded that children should continue to live with their mother. The court after a detailed trial because of the existence of three minor children decided in conclusion that the marriage could not continue and set the resolution of the marriage. The court decided that the children's should live with their mother for the fact of their age but also for greater care. The court decided also for the father of the children's the obligation to pay a monthly income according to rules set by the court.

TLAS is sure that this poor woman and her children could live safely and can present any other problem for accessing the social programs with the advice and support of our office.

Real Story 2



On July of 2011 in the office of TLAS was presented a Roma woman called SS, who after was informed about what type of service this office could offer, asked to be represented by TLAS attorney at the judicial process for divorce, which in fact resulted to be a nullity of marriage.

The client represented such a problem by which was caused an error in the register of civil statement and because of which the civil services to her were blocked. During the interview she explained that she had lived with her husband for a long time and had about 10 years that they didn't live together anymore. She had more than 10 years that she had moved from Fier and she lived in Tirana but not managed to transfer her civil registration in Tirana, as far as she resulted married in Fier, and the transfer couldn't be possible without doing the resolution of marriage. Her economic situation was very difficult because she was obliged to live in barracks. Although she physically lived in Tirana, legally she and her children resulted to be inhabitants of Fier, as long as their data appeared in the civil registers in Fier. As a result they could not have access for social or health services in Tirana which usually belonging to a resident of Tirana.

From the TLAS lawyers was proceeded in gathering the necessary documentation for the judicial process of the divorce in Court. During the gathering of the documentation was noted in the answers returned by the Civil Registration Office of Fier, at which the client was registered, that the client resulted as married in registers, but the Civil Registration Office could not issue the marriage certificate which is a necessary document to be presented in the Court in order to prove the existing of marriage between persons. The reason that this certificate could not be issued was for the fact that the client resulted in the civil register as married but there was no Marriage Act taken by the Civil Statement Office between the client and her husband as predicted by the law. Even when the client was interviewed, she confirmed that she and her husband had never gone in the Civil Statement Office to fulfill the procedure of marriage. Also at the moment the civil registers were in process of digitalization, and they have found that for this person, even she resulted married, no Marriage Act was taken in the state office, they stopped to provide services to this family, such as giving certificates etc.

The law requires that "In case of marriage, the future consorts have to declare the marriage which has to be announced 10 days before by the Civil Statement Office, and in the marriage day they have to be personally presented before the civil servant together with two witnesses, in order to declare personally their will and to sign in the Marriage Act". In this case, such procedure was not accomplished. This situation brought to the problem that we couldn't proceed with a lawsuit for divorce, as far as this marriage not performed as the law required, meant a marriage not held before the civil servant, which is a condition for the validity of the marriage as the Family Code expressly requires in Articles 8 and 28 thereof.

As stated by the client, although she had previously tried to perform the marriage settlement through the Court, this process does not have finished successfully because their marriage was not joined through the normal procedure as provided by law, and therefore it cannot proceed

with the suit for divorce because as the law predicts, such a marriage had no legal effect and is considered as never connected.

In such circumstances, the legal mechanism to run the Court to resolve this problem that just came out unforeseen was with a suit request for nullity of marriage. The Family Code in its Article 42 provides that "Marriage which is not publicly performed before the civil servant is not valid. The sue request may be made by the spouses, their parents, by the preborn, by all those who have a direct interest and by the prosecutor."

The procedure in this type of trial is almost similar to that of divorce. The lawsuit was deposited in the court and the parts in the process were the husband called as respondent, and the particular in this case is that it is also called as the third person the Civil Registration Office in which are registered the parties and also because it possesses the acts and may provide explanations for acts that are not held in this particular case.

The client and her husband had born children during their cohabitation. Regarding the consequences in case of invalidity of marriage the Family Code in its Article 49 predicts that "marriage that is declared invalid by a final decision is considered as never connected. For the spouse who did not know the cause of invalidity of marriage, the effects begin after the decision has become final. Children born during a marriage that is declared invalid, are considered as born during a marriage and the relationship between them and their parents are arranged as in the case of divorce.

Article 138/1 of the Family Code states: "In the sue request for the declaring of the nullity of the marriage it may also be required the other spouse's obligation to cover expenses for the maintenance and education of children, living expenses for needy spouse, in cases provided in the Family Code."

In the sue request filed in court, in addition to the above, it was also required for the children to be left for raise and education to their mother (client of the office) as they had lived all the time with her and also it was required the father obligation to pay edible obligation for the minor child until he reaches the adulthood.

Upon completion of all procedures, after the presentation of the Civil Statement Officer was heard by the judge, after she explained about this problem created in the register and she admitted that no Marriage Act was ever held by Civil Statement Office, after drafting of the Psychology report by psychologist of the case, after four court séances, the court took the decision to declare the Nullity of the Marriage, and also to resolve the consequences regarding the minor child. The court decided for leaving the children to be raised and educated by their mother, gave to the father's right to periodically meet, and his obligation of paying for the child support until the child reaches adulthood.

Such irregular actions of the civil status offices brought a complex of consequences which at the end affect the lives of the children. Roma individuals also being ignorant about the their actions and about the legislation except to be part of these irregularities in the registers. All these actions have much more costs, which Roma women couldn't afford.

With these court procedures, supported by CRD, the above client problem was legally fixed and now SS has a very clear civil statement. Now SS could perform actions and get services without problems by the Civil Statement office in which she was registered and can access any type of social service.

Real Story 3



R. I. is a Roma woman, she came to TLAS very worried. She explained that her five children weren't registered in the civil registration office. The older (daughter) was **18 years** old and the youngest **5 years** old. And meantime, her older girl of 18 years old gave birth to two children which weren't registered too. Talking with her, we found out that all the family was living in extreme poverty. No one of the children went to school and the older boy, 15 years old had to work, to help the family. The father of the children was working sometimes, when he could find a daily job. They were living in a barrack without electricity and water and in very difficult life conditions.

During the conversation with R. I. we found out that there were a lot of problems to resolve before beginning the procedure of birth registration.

1. R. I. was registered in a very remote commune B. in the north east of Albania. She was registered in the civil registration office as a married woman with S. I. In fact they get married and lived together for some months and didn't had children.

Later R. I. came to live in Tirana with L. L. and they had together five children. Four of the children were born in hospital and one in their home. In the documents prepared in the hospital for the four children (birth certificates from maternity hospital) resulted that the mother's name was R. L. The mother reported the surname of the father of her children, as her surname, which was legally wrong because in the civil registration registries she wasn't known with the surname "L.".

On the other hand, S. I., the man resulted legally married with R. I., lived with another woman in the commune B. and they had five children too. Their children were registered in civil registration office, because their mother gave the right surname in hospital and later the father knew the paternity.

The first thing to do was to begin the divorce procedures in the court of Kukes, where the B. commune belonged. But R. I. couldn't ask the divorce procedures without an ID card

and for her was impossible to travel to the commune and prepare all the documents needed. On the other hand we wanted to gain time.

For that reason, after a lot of work, TLAS contacted her legal husband S. I. He had an ID card and was very interested to have the divorce and accepted our lawyer to prepare the request for divorce. The civil registration office of B. commune helped a lot to contact S. I., to gave to him the request delivered by mail by TLAS and have it signed. The TLAS lawyer followed all the procedures and finally R. I. was divorced and had the surname of her family of origin. She became R. T.

2. The second step was to transfer the documents of R. T. from B. commune to Tirana. For that reason was needed a contract of rent with the person that gave the barrack in rent. After preparing the contract and having some documents from B. commune, R. T. was transferred in Tirana at the same civil registration office of the person she was living from 20 years and which was the father of her children. In this office R. T. applied for the ID card and had it.

3. The third step was preparing all the marriage procedures. R. T. traveled to the B. commune to have firstly the personal certificate for the announcement of the marriage and after 11 days she traveled there to have the personal certificate for the final procedure of marriage. The marriage procedures finished in Tirana, at the civil registration office where the couple was registered. After the marriage the surname of R. T. became R. L. This was the surname reported by her in the hospital that appeared in the birth certifications issued by the maternities where she delivered four of her five children. After the marriage she applied for a new ID card with her new surname, husband's surname.

4. At that point it was not difficult to register the children. R. L. appeared in the civil registration office together with her husband, L. L., who had to know the paternity. Finally their four children were registered, having the possibilities to profit all their rights in the health system, schools, etc. The family was completed now (not totally) and they could apply for state wealth ware, for the housing programs. Their oldest daughter after being registered could continue with the procedures of registration of her own two children.

5. The 15 years old child of R. L. (male) was born in their home and they have not any official document to prove this birth. According to the civil registration law it's up to the court to certify this birth. TLAS began the court procedures for this registration gathering before all the proofs needed in the court. After the registration of the fifth child we can say the life of this family is finally normalized.

Real Story 4



At Tirana Legal Aid Society was presented a woman with initials SB. She was referred to our office by the center for child protection, in the Tirana Municipality.

The old Woman with initials S.B came in the TLAS office as a grandmother to represent the legal needs belonged to the four minor children. In these moments the grandmother was responsible for the four children of her daughter. Three of them were little respectively 14, 11, 10 years old and one was 3 years old, little daughter.

The grandmother started to tell her story: she was the mother of LG, her daughter, married with three boys from the marriage and abandoned from the husband 6 years ago. Mean time the daughter has another child out of the marriage, the little girl. The daughter did the divorce procedures with the help of TLAS some years ago and her health is getting worse and worse, suffering from mental problems.

The little girl is registered in the family status of the mother and the father has recognized only the surname/paternity but he has never been interested on the child.

So because of the mental disability of her daughter health situation, the grandmother must take care for all including the ill daughter continuously.

TLAS started to think about the possibility to take away from the grandmother and put in a residential house at least the biggest boy, for example at SOS Village, because not only for the difficult economic conditions, but also because the first boy was in a very delicate age, and have to be better protected, educated and accommodated. After a range of documents collected and prepared by the TLAS paralegal, **the biggest 14 years old son** is now going very well in the SOS village, in the school and is living under the temporary custody of this institution.

For the three other children TLAS decided to open a custody case in order that grandmother being appointed by the Court as the legal care and taking off the parental responsibilities from both un responsible parents. The grandmother possession of the custody would make possible the three minors access to the proper social services and programs.

It was not at all easy for the TLAS attorney to present the evidences in the court because both parents were not collaborative in favor of the interest of their children. The father didn't appear at all for signing the necessary documents, and never answered to court invitations or came in the sessions to confirm his opinion. The mother was not mentally responsible to take care for the children and TLAS needed some time to collect the proper medical documents to prove with proper evidences her health situation before the court.

Referring to Family Code, article 263, states that *"minor children placed in foster care and enjoy special protection by the state when their parents are unable to exercise parental responsibility, because both parents have died or are not recognized, are declared to be*

missing, parental responsibility has been removed or is deprived of the ability to act, and for any other reason accepted by the court.

Competent court for placement in foster care the minor is the residence or domicile of the minor "

Also in the article section 269 is stated: *"For the children who are brothers and sisters only a custodian is appointed, except when special circumstances dictate the need for requiring more than one custodian".*

So the above legal base made the case of the three minors eligible for the grandmother to be the only custodian appointed by the court for her three grandchildren.

Very collaborative in the trial sessions was the Sector for Assistance and Social Services near Municipality of Tirana, they prepared and presented a very detailed evaluation report based on the very poor social and economic conditions were children are living. Also, the court-appointed psychologist was efficient producing the psychological evaluation report for the level of relationship of the children with Grandmother, mother and father.

It was proved that the all circumstances were talking that the grandmother was the only person who could give the best on the interests of the children, and is declared by the court as the only legal Custodian.

With this decision, the children are saved, are not confused any more by the parents which use to be appear to them only once a month when wanted to use or benefit on their names the welfare rate as the unemployed or as head family persons.

Real Story 5



In our office was presented the client with the initials F.K. to find solution for her problem. This client was living with her older brother, who suffered from a severe mental retardation for many years. F.K. was interested to require the legal custody for her brother. In the same time for all this years she had been in fact the only person who had cared for him.

In these conditions TLAS Lawyer began the work by gathering the evidences and presenting the case in the court.

The solution of such cases has a specific importance because we are not only dealing with the custody over a person, but also removing the ability to act, which means a kind of civil extinction for the person, that makes him unable to enjoy rights and assume obligations.

Based on the determination of the Civil Procedure Act, Article 382 states that: *"the removal or restriction of ability to act is done at the request of a spouse, close gender, the prosecutor and persons who have a legitimate interest of this fact.*

The request is submitted to the court of the place where the person resides which is required to be removed or restricted the ability to act ".

So, we were under the conditions specified by the law to establish the claim, because the client F.K. legitimized as a claimant.

The judgment process of these cases has several stages and is based on Article 383 of Civil Procedure Act which states: "... *the court decides on the request, after asking the person on which is requested the removal or restriction of ability to act, people of his close gender, a doctor who has treated him or after having received the opinion of other expert doctors, and other evidences that would appreciate necessary ...* ".

After obtaining all the necessary evidences for the trial, we proceeded with the drafting of the request and sending the issue to the court.

To this point the case presented no difficulty, so we proceeded with great efficiency.

At the trial stage, due to the prediction that the law does, the trial had several stages. Initially the Court proceeded by asking the person to whom the request was made.

Asking other people, relatives of the person it was difficult because the client F.K. had no contacts with her sisters and brothers. For family reasons they had created distance with each other. Despite the efforts made by us and by the court, they were not available at the trial. For this reason we proceeded by inviting in the quality of witness the neighbour of the client which was presented at trial to answer our questions and the court questions regarding the issue.

Another problem that emerged during the trial was calling the doctor who cured the person for years. At this moment, we faced resistance from the doctor who refused to come to trial despite the systematic invitations made by the court.

This situation caused the trial to be postponed several times and also made it difficult our defence because, in case of default of the person's doctor, the court was forced to invite other expert doctor, and these experts should be paid by the person that makes the request before court. In this case it would be impossible for the client and for our office too, to afford these costs.

For this reason, our staff attempted to find a solution within all the opportunities offered by Tirana Legal Aid Society. Therefore we found the ways to contact several times with the doctor who had treated the brother of the client.

After many efforts she agreed to come to testify as a witness at trial.

After this phase, the trial received the proper efficiency. After collecting all the evidences and testimony by adding the opinion of the Department of Social Services at the Municipality of Tirana who were invited as a third party interested in the trial, to give an

opinion regarding to the custody. After all the evidences were administered, the Court finally withdrew to give its decision. At the end it accepted our request, by removing the ability to act of the person and by assigning our client as his legal custodian.

Real Story 6



K. C. gave birth to a girl in a hospital in Greece, but she left with only a Health Book of the child and nothing else. When she went to the civil registration office to register the daughter they said to her that the book wasn't an official document to certify the birth. Her daughter was now 7 years old and was not registered yet in the civil registration service. TLAS helped her firstly to register the daughter to school creating the possibility to attend classes. But K. C. was aware that the registration in the civil registration service was very important to create the possibility of the identification of her daughter and to ensure all the constitutional rights as any other Albanian citizen.

TLAS began the difficult and long procedures of fulfillment of legal requests that ensures the birth registrations of children born abroad. The steps followed were:

1. Translation of the data of Health Book of the child, to verify the name reported by the mother and other data such as birth date, the name of the hospital and the name of the city.
2. Helped the mother to apply and have the ID card.
3. Received a power of attorney from the mother where the TLAS was authorized to pick up the birth certificate from the maternity in Greece and follow all the procedures of legalization of the certificate.
4. Followed the procedures of the legalization of the power of attorney in the Albanian Ministry of Foreign Affairs.
5. Followed the procedures of further legalization of the power of attorney in the Embassy of Greece in Albania.
6. Later the procedures followed in Greece. As the first step was the translation of the power of attorney from Albanian to Greek and notarization in an authorized office from the Greek State.
7. As a second step was the request to provide the birth certificate of the child in the maternity where K. C. gave birth to the child. This was realized through fulfillment of a form where the data of the person authorized and the data of the mother were requested.

8. After some days the birth certificate was ready.
9. The birth certificate issued from the maternity was certified in the Greek Ministry of Health and the Greek Ministry of Foreign Affairs.
10. The last step was the legalization of the certificate in the Albanian Consulate in Athens.

This legalized certificate was the document needed to register the child. K. C. finally registered her daughter enabling her to profit all the rights as Albanian citizen.

Real Story 7



At our office was presented a client of the city of Elbasan with initials L.R. She knew about our office through continuous contacts by students studying for justice providing a program of Legal Aid in the community through activities in the field. She was seeking the registration of the birth of her two children.

We contacted her several times in the city of Elbasan and Tirana and after several meetings because the client constantly stayed in Tirana to work and had civil state registration in the city of Elbasan.

From the interviews it was found that the client L.R. had two children born from the marriage with the citizen F.R. The births occurred outside institutions recognized by law and were not declared to the registry of civil state. Also from the interview with the client L.R. was found that one of the reasons that had prevented the registration of her children was just the fact that the client had the registry of civil state in Elbasan and she lived and worked in Tirana. Also due to ignorance of the law she had not made any declaration of the birth of children except that their immunizations were performed. Also her husband was in jail so she could not have performed by herself the registration of her children.

The case was presented at the next meeting of the Office and after the discussions it was concluded to follow judicial procedures for the registration of her children.

It was decided to proceed with the registration of children at the civil registry office of Elbasan. Given that client L.R. had problems because she can not break away from work relationships, was thought to be drafted a power of attorney where it authorizes one of the lawyers of the office to implement all necessary procedures for registration of two of her children. After being drafted the power of attorney, attorney's office went to the city of Elbasan and gathered all the documents that prove the fact of birth of children of the client L.R. in the city of Elbasan and in Tirana simultaneously.

All these documents were deposited in District Court of Elbasan residence belonging to the applicant and being accompanied by a request from her to make possible the registration of her two children.

We proceeded with the trial following the registration of children and ended with the court's decision to give the applicant L.R the right in its search for the registration of her two children. The decision of the court was presented along with the client L.R in civil registry offices and court documents came to make possible the registration of the children in family sheet of their mother, client L.R.

So these children can enjoy and benefit all the rights that the law gives to them. It is worth mentioning that the problems we encountered while working with the Roma population are quite complicated, but despite these obstacles the Tirana Legal Aid Office has made all necessary efforts to come to the aid not only the Roma community in Tirana but also the community that residing in other cities of Albania.

Real story 8



A present perturbing phenomenon is the existence of deceased people who continue to be registered in civil status registers and appear to be alive.

This problem is considered to be very important because these people who have died and continue to be registered in the civil statement register, have created many problems associated with other issues such as problems of ownership, inheritance, voter lists, etc..

Article 52/3 of the Law "On Civil Status" provides: "The declaration of death has to be done within 10 days of occurrence of death or the found of the corpse and within 60 days, when death has occurred abroad".

Such case was presented in our office; the client I.B. required the certification of the fact of his son's death in 1992 in a car accident. Article 52/1 of the Law "On Civil Status" provides: Declaration of death is made by any family member or close relative and, in their absence or for the persons who are lonely, the special authorized person of the municipality or the commune where the dead person has lived or was found.

The basic document that serves in these cases is "Certificate of death" issued by the medical personnel who has ascertained this fact. This requirement is expressly provided by Article 51/1 of the Law "On Civil Status": The citizen is estimated to have died in fact, when verified by a medical report, in which are specified the identity, the fact, time, place and cause of his death.

But in the case presented in our Office, the client I.B. did not dispose of the "Certificate of death" issued by the competent body. The only document that the client provided was a prosecutor's decision for the dismissal of the case in charge of the driver who caused the crash, which describe the circumstances of the event, and where even mentioning the name of the victim (son of our client) and also the fact of loss of life.

But in order the case to be more persuasive for the court and in order to decide in favor of the client, the client was directed to the possibility of presenting witnesses who knew about the event and also a certificate issued by local governments that have under management the cemetery of the region. After discussion with the attorneys of the Office was decided to present this case to the court with subject "The certification of the fact of death" under Article 388 of the Civil Procedure Code.

After the documents were gathered it was compiled the request and it was deposited in the District Court of Tirana.

After some court séances held, the Court concluded that finds right and based in law the request made by the client by giving to I.B. right to his research.

In these conditions was achieved the result required by the client and was evaluated the work done by the Office to resolve this issue.