

2012-06-19

Fråga-svar

Vårdnad av barn i Albanien

Fråga

- Känner ni till vilka kriterier som måste uppfyllas för att en vårdnad skall gå över till en annan person i Albanien?

Svar

Home Office (2012):

24.14

If the father dies, Albanian custom typically awards custody of children to the paternal family, rather than to the mother.

UN Committee on the Rights of the Child (CRC) (2011):

356. In the above-mentioned cases, the child may be entrusted to a family member, a person assigned custody of the child, a foster family, or a foster institution. In these cases, the opinion of social

services“ employees should be sought, in accordance with provisions on custody. If one of the parents is unable to exercise parental responsibility, or when one of the parents is dead, the Family Code provides for parental responsibility to be exercised by the other parent.

Amnesty International (2007):

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.

Family Code of Albania (2004):

Inability to exercise parental responsibility

Article 224 If the parents of a child have died, are incapable of carrying out their parental responsibility due to their incapacity, absence or for particularly grave causes, the child can be trusted to a family member, a person appointed as guardian, a foster family or a child-care institution. When these circumstances exist, the opinion of a social care office shall be obtained, according to the provisions on guardianship. (s. 41)

GUARDIANSHIP OF MINORS

Article 263 - Establishing guardianship

A minor may be placed under guardianship and in the special care of the state when his/her parents are unable to exercise their parental rights, because of the death of both parents or because they are unknown, have been proclaimed as not found, have had their parental terminated or have lost their capacity to act, as well as for any other reason accepted by the court. The competent court to establish guardianship of the minor is the court located in the district where the child resides.

Article 268 - Court notification An employee of the registry office who takes notice of the death of one or both parents survived by a minor child, or of the birth of a child whose parents are unknown and any notary who administers a will, must notify the court within 10 days. Notification to the court can also be made by the relatives of the minor or by other interested

persons. The court, within 30 days from receiving the notification or the request, must designate a guardian for the minor. (s. 48)

Foster family Article

Article 266

A foster family is an alternative family, assigned by the court in order to provide children with a family environment, conditions for good up-bringing, physical care and emotional support. The identification of foster families is the responsibility of the social assistance and services department at the municipality or commune where the minor resides. A family may establish itself as a foster family by signing a declaration of availability. The number of children in the custody of a foster family must be limited, giving priority to children who are siblings.

Article 267

If the parent who has custody of the child did not designate a guardian, the court must give priority for the selection among antecedents, the relatives of the minor, a foster family and, as a last alternative, a public or private institution. Before a judge appoints a guardian, they must hear from the selected person and take into account the opinion of the minor, if they are at least 10 years of age. The court, in any case, should take into consideration the opinion of the social assistance and services department at the municipality or commune where the court proceedings occur, the results of an examination of the personality development of the child in the family, education and social context and the examination of the conditions and compatibility of the child with the proposed guardian, foster family or care institute. The appointment of a guardian should take into consideration the qualities of the guardian, foster family or care institution, pursuant to the third paragraph of this article, and after hearing the opinion of a psychologist, who must be present during the proceedings. (s. 49)

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

FAMILY CODE OF ALBANIA, 2004

<http://www.legislationline.org/documents/id/16424>

Amnesty International, *Albania: Adult orphans and the right to housing*, November 2007

<http://www.unhcr.org/refworld/pdfid/474546432.pdf>

Home Office, *Albania. Country of Origin Information (COI) Report*, 2012-03-30 Lifos 27497

UN Committee on the Rights of the Child (CRC), *Consideration of the reports submitted by States parties under article 44 of the Convention: Combined second, third and fourth periodic reports of States parties due in 2009 - Albania*, 8 December 2011, CRC/C/ALB/2-4, available at:

<http://www.unhcr.org/refworld/docid/4ef1c6992.ht>