

UNHCR HLS on Statelessness

Statement of Albania, as prepared for delivery by Ms. Rovena Voda, Deputy Minister of Interior  
Geneva, 8 October 2019

Mr. Chairperson, High Commissioner, Excellencies, Ladies and Gentlemen,

It is an honor to represent the Republic of Albania in this High Level Segment on Statelessness. I would like to focus on the advances that Albania has made in the last two years, and to outline the pledges that my country commits to fulfill in the coming two years.

Albania has increased the pace and undertook concrete steps to reduce the risk of statelessness. In late 2017 and early 2018, a consortium of public institutions and Ministries, civil society organizations and UNHCR, undertook a mapping and assessment of the situation in the country, which we published in June 2018. The results included the identification -in only three months- of 1,031 persons, of which 97% children at risk of statelessness. This number was obtained as an initial baseline through a time-bound three-month mapping, but in reality the number is unfortunately higher. Just to give you an idea, in the month after we closed the mapping, some 400 additional children at risk were identified.

The mapping report also included data and analysis on the obstacles to register Albanian children, particularly two groups: children from our Roma and Egyptian community, and children born abroad of Albanian parents, who we sometimes refer to as our children of the diaspora.

It was very useful to have granular information about the specific aspects of birth registration that were challenging and identify steps –at legislative, administrative and practical levels- to overcome these challenges.

Through the mapping, we realized the magnitude and depth of risk of statelessness among the children born outside Albania from Albanian parents. In these cases, in reality we refer to obstacles to confirmation of nationality with regards to Albania. We saw that the incompatibilities in documentation required to register their birth between the countries in which they are born and Albania, represent a clear challenge. We furthermore saw that many of these children would not be able to obtain the nationality of the countries in which they were born, and were able to map the complexity, length and cost of the judicial and administrative procedures to get their births registered in Albania.

The response from State structures was, I am glad to report, swift and comprehensive. With UNHCR's support and that of a specialized NGO -the Tirana Legal Aid Society- the Albanian Parliament took a decision to advance to address the identified legislative challenges. We gathered, under the leadership of the Speaker of the Parliament, in the Parliamentary Group of Friends of Children, which has been constituted with UNICEF's support. By October 2018, in only four months after publishing the mapping, the Parliament had approved a set of comprehensive legal amendments to the Law on Civil Status.

Allow me, Mr. Chairperson, to share a personal experience to illustrate the situation of children born of Albanian parents outside Albania. My older son was born outside Albania at a time where my husband and I lived abroad. My son could not obtain the citizenship of the country where he was born and the birth certificate issued there was incompatible with the requirements of Albanian law to register him as Albanian. Upon our return to Albania, and as I am a lawyer, I undertook the judicial and administrative procedures to have him registered. Then, I understood first-hand the challenges faced by other compatriots who are not familiar with the judicial and administrative requirements or who lack sufficient economic resources to pay for the various stages of procedures, and who spent long months or years in costly processes.

I am happy to inform that after the legal amendments of October last year, it took only five months to approve six bylaws, five of which by the Ministry of Interior, to fully implement the legal amendments. We see now how the situation is beginning to change, with simplified judicial and administrative requirements and with lower costs for those involved. We begin to see the results in terms of children registered, and this is encouraging. Our next step, as you will see in one of our pledges, is to strengthen implementation of the legislative changes, including in the Albanian Consulates.

The perspective we have used to address the challenges identified in the mapping and in previous exercises, has been that the state structures need to be proactive, rather than reactive. Let me give you two examples that show this change of perspective, which reflects the policy of a government to the service of citizens. One of the amendments to the Law on Civil Status establishes that if the parents of a child born in Albania do not register the child at the Civil Status office in 60 days, the Child Protection Unit of the Municipality where the birth took place has the obligation to register the birth. This will reduce the risk of statelessness particularly among our Roma and Egyptian

Communities. At the same time, with UNHCR's support, we have introduced an informatics tool in our Civil Status Office system whereby the attempt to register a birth which cannot be completed because of lack of necessary documentation or any other reason, is registered and remains active and pending in the system, and the system alerts periodically the Civil Status Officer of the need to complete the registration, thereby calling for active follow-up.

These developments, Mr. Chairperson, were necessary but are not sufficient. Through the three pledges that Albania has put forward, we are optimistic, and I would say confident, that the country will close remaining gaps to meet our joint objective of ending statelessness by 2024.

First, by 2021, we commit to continue implementing commits to fully implement the 2018 legislative amendments that improve access to birth registration procedures for children of Roma and Egyptian communities, and for children born outside the territory of the Republic of Albania whose parents are nationals of the Republic of Albania. We are in the right path: by the end of 2019, all 660 civil status officers will complete their training in tools to reduce statelessness; civil society organizations are monitoring the streamlined judicial and legislative procedures and will report to the Ministry and to the Parliament; we are also training our Consular Offices on the abbreviated requisites and procedures to register children outside Albania.

Second, we are currently aligning our Law on Citizenship, to effectively reduce the risk of statelessness in accordance with the key provisions of the 1961 Convention on the Reduction of Statelessness, and of the 1954 Convention relating to the Status of Stateless Persons regarding the naturalization of stateless persons. This process should be completed before the end of year, as the draft law is now at the Parliament. The current draft is generally aligned with the two Statelessness Conventions, remaining issues are now being analyzed and discussed, including with UNHCR that is providing its views and advice in the alignment process.

Third, by year 2020 Albania will establish by law, and implement, a dedicated statelessness determination procedure, which includes basic procedural safeguards, and the rights and obligations (legal status) of stateless persons in line with the provisions of the 1954 Convention relating to the Status of Stateless Persons. We intend to fulfill this commitment, through the Law on Asylum, currently undergoing review at administrative level, or through the Law on Aliens, that is due for review in 2020. We are currently analyzing the convenience of placing the statelessness determination procedure in either of the laws. Our efforts to strengthen the

implementation of the Refugee Status Determination procedure, which shall be one of our pledges at the Global Refugee Forum, will be a basis, because of the similarities of both procedures, to strengthen the implementation of the Statelessness Determination Procedure. We count on UNHCR's support in these processes.

Mr. Chairperson, Albania is progressively meeting its overall commitment to end Statelessness by 2024 in a concrete, yet ambitious way. We believe that by fulfilling the three pledges made in this High Level Segment, our country will positively contribute to our global goal.

Thank you very much.